A

DIGEST

OF

The Statute Law.

VOL. II.

The Doctrine of

OF

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DIGEST

OF

The Statute Law,

BEING

An ABRIDGMENT

OF ALL THE PUBLIC ACTS OF PARLIAMENT

NOW IN FORCE, AND OF GENERAL USE,

FROM

Magna Charta, in the Ninth Year of King Henry III.

TO THE

Thirtieth Year of his preſent Majeſty King George III.

INCLUSIVE.

By THOMAS WALTER WILLIAMS,

OF THE INNER TEMPLE,

BARRISTER AT LAW.

IN TWO VOLUMES.

VOL. II.

LONDON:

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FOR G. G. J. & J. ROBINSONS, PATER-NOSTER-ROW;

AND C. & G. KEARSLEY, FLEET-STREET.

1791.

DIGEST

OF THE

Statute Law.

IN

ABRIDGMENT

OF ALL THE PUBLIC ACTS OF PARLIAMENT

NOW IN FORCE AND OF GENERAL USE,

MVSEVM
BRITAN
NICVM

From the Beginning of the Reign of King Henry III.

TO THE

Thirtieth Year of his present Majesty King George III.

INCLUSIVE.

BY THOMAS WALTER WILLIAMS,

OF THE INNER TEMPLE,

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VOL. II.

LONDON:

1791.

Labourers.

By 5 *Eliz. c.* 4.

NO perſon ſhall hire, or be hired, to work for leſs than one year, in the arts of clothiers, woollen cloth weavers, tuckers, fullers, clothworkers, ſheermen, dyers, hoſiers, taylors, ſhoemakers, tanners, pewterers, bakers, brewers, glovers, cutlers, ſmiths, farriers, curriers, ſadlers, ſpurriers, turners, cappers, hatmakers or feltmakers, bowyers, fletchers, arrowhead makers, butchers, cooks or millers. *ſ.* 3.

Every perſon unmarried, and under the age of thirty, having been brought up in the ſaid arts, or that hath uſed any of them three years, and not having lands, copyhold, freehold, or for life, of the yearly value of 40 *s.* nor being worth 10 *l.* and ſo allowed by two juſtices, or by the mayor or head officers of the city, or where ſuch perſon hath dwelt one year, and two aldermen (or other diſcreet burgeſſes if there be no aldermen), under their hands and ſeals, nor being retained in huſbandry or in any art, nor in houſehold or office with any other, nor have a convenient holding in tillage, whereupon he may imploy his labour, ſhall upon requeſt made by any perſon uſing the art wherein the perſon required hath been exerciſed, be retained. *ſ.* 4.

No perſon ſhall put away his ſervant, and no perſon retained ſhall depart before the end of his term, unleſs for reaſonable cauſe, or allowed before a juſtice or mayor, *&c.* to whom the parties grieved ſhall complain. *ſ.* 5.

No maſter ſhall put away ſuch ſervant at the end of his term, or any ſervant depart, without one quarter's warning. *ſ.* 6.

Every perſon between twelve years and ſixty, not retained, nor apprentice with any fiſherman or mariner, nor being in ſervice with any kidder or carrier of corn or meal for the city of *London*, nor with any huſbandman, nor in any city, *&c.* in any of the arts limited by this ſtatute to take apprentices, not being retained by the year, or half the year, for digging or working of ſilver, tin, lead, iron, copper, ſtone, ſea-coal, ſtone-coal, moor-coal or cherk-coal, nor being occupied in making glaſs, nor being a gentleman, nor ſcholar in the univerſities or any ſchool, nor having lands for life, *&c.* of the yearly value of 40 *s.* nor being worth 10 *l.* nor having a father or mother living, or other anceſtor, whoſe heir apparent he is, having lands of the yearly value of 10 *l.* or goods of the value of 40 *l.* nor being officer or ſervant, nor having a farm, *&c.* nor being otherwiſe retained, ſhall be compelled to ſerve in huſbandry by the year, where required. *ſ.* 7.

If any perſon ſhall put away the ſervant before the end of his term, unleſs for cauſe to be allowed as aforeſaid, or without one quarter's warning; ſuch maſter, unleſs he prove by two witneſſes ſuch cauſe, or warning, before the juſtices of *oyer* and *terminer*, juſtices of aſſize, juſtices in quarter ſeſſions, or before the mayor, *&c.* ſhall forfeit 40 *s.* *ſ.* 8.

If any ſervant retained, *&c.* depart before the end of his term, unleſs for cauſe, *&c.* or at the end of his term without a quarter's warning before two witneſſes; or if any perſon bound to ſerve in huſbandry, *&c.* refuſe to ſerve for the wages limited, or promiſe and do not ſerve; ſuch ſervant upon complaint to two juſtices, or to the mayor, *&c.* the juſtices, *&c.* may commit him to ward until he be bound to the party, to ſerve for the wages limited, and to be diſcharged without fee to the gaoler. *ſ.* 9.

No retained perſons in huſbandry, *&c.* ſhall depart forth of one city or pariſh to another, nor out of the hundred, nor out of the county, to ſerve in any other city, *&c.* unleſs he have a teſtimonial under ſeal of the city, *&c.* or of the conſtables or other head officers and two houſeholders of the city or pariſh; which teſtimonial ſhall be delivered to the ſervant, and regiſtered by the parſon of the pariſh, taking 2 *d.* *ſ.* 10. And the form ſhall be as followeth, *viz.*

> Memorandum, *That* A. B. *ſervant to* C. D. *of* E. *huſbandman* or *taylor*, &c. *in the county*, &c. *is licenſed to depart from his ſaid maſter, and is at his liberty to ſerve elſewhere according to the ſtatute in that caſe made and provided. In witneſs whereof*, &c. *Dated the* day, *&c.* of the making.

No perſon that ſhall depart out of a ſervice ſhall be retained into any other, without ſhewing ſuch teſtimonial to the chief officer of the town, and in every other place to the conſtable, curate, church-warden or other head officer, where he ſhall be retained, upon pain that ſuch ſervant ſhall be impriſoned until he procure a teſtimonial, which if he cannot do within twenty-one days, he ſhall be whipped and uſed as a vagabond. And every perſon retaining ſuch ſervant without teſtimonial ſhall forfeit 5 *l.* And if ſuch perſon be taken with a forged teſtimonial, then to be whipped, *&c.* *ſ.* 11.

All artificers and labourers, being hired by the day or week, ſhall betwixt the midſt of *March* and *September* be at their work at five in the morning, and continue until betwixt ſeven and eight at night; except the time of breakfaſt, dinner, or drinking, which ſhall not exceed two hours and a half, *viz.* at drinking one half hour, for his dinner one hour, and for his ſleep when he is allowed to ſleep, which is from the midſt of *May* to the midſt of *Auguſt*, half an hour, and at every breakfaſt one half hour. And the ſaid artificers and labourers, between the midſt of *September* and the midſt of *March* ſhall be at work from the ſpring of day until night, except in time for breakfaſt and dinner, upon pain to forfeit 1 *d.* for every hour's abſence, to be deducted out of his wages. *ſ.* 12.

Every artificer and labourer retained in building or repairing any church, houſe, ſhip, mill or other work taken in great, ſhall continue and not depart, unleſs it be for not paying of wages, or taken to ſerve the queen, or for other lawful cauſe, or without licence of the owner, before finiſhing the work; upon pain of impriſonment one month, and 5 *l.* to the party, for which he may have his action, *&c.* beſides coſts. *ſ.* 13.

No artificer or labourer retained to work with the queen, or any other, ſhall depart, until the work be finiſhed, if the perſon retaining ſo long will have him, and pay him his wages, upon pain of impriſonment one month. *ſ.* 14.

The juſtices of peace, *&c.* and the ſheriff if he conveniently may, and every mayor or other head officer within

within any city or town corporate, ſhall yearly at every general ſeſſions firſt after *Eaſter*, or within ſix weeks next following the feaſt of *Eaſter*, aſſemble, and calling unto them ſuch perſons as they think meet, *may* limit the wages of all labourers, workmen, or apprentices, and ſhall yearly before 12 *Jul.* certify the ſame ingroſſed in parchment, with the cauſes thereof, into chancery, whereupon the lord chancellor, upon declaration thereof to the queen, or to the privy council, may cauſe to be printed and ſent before 1 *Sept.* into every county to the ſheriff and juſtices, and to the mayor, *&c.* ten or twelve proclamations, containing the rates appointed, with commandment to obſerve the ſame; upon receipt whereof the ſheriffs, *&c.* ſhall cauſe the ſame to be entered by the clerk of the peace; and ſhall in open markets, upon the market days before *Michaelmas*, cauſe the ſame to be proclaimed, and fixed in ſome convenient place. *ſ.* 15.

If the ſheriffs, juſtices, *&c.* ſhall think convenient to keep for the year to come the rates certified the year before, or to change them, they ſhall before the 12 *July* certify into chancery their determinations therein; and if there be no alteration, the proclamations for the year paſt ſhall remain until new proclamations be ſent down. *ſ.* 16.

If all the juſtices of peace, mayors, *&c.* do not yearly aſſemble and limit the wages, or be negligent in the certificate thereof, every juſtice, mayor, *&c.* in whom ſuch default ſhall be found, not having good excuſe, to be allowed by the juſtices upon oath, ſhall forfeit to the queen 10 *l.* *ſ.* 17.

If any perſon ſhall retain any ſervant or labourer, or give greater wages, contrary to this ſtatute, every perſon thereof convicted before the juſtices, *&c.* ſhall ſuffer impriſonment ten days, and forfeit 5 *l.* *ſ.* 18.

Every perſon ſo retained that ſhall take wages contrary to this ſtatute, and be convicted before the juſtices, *&c.* ſhall ſuffer impriſonment 21 days. *ſ.* 19.

Every retainer, promiſe or payment of wages, contrary to this ſtatute, and every writing for that purpoſe, ſhall be void. *ſ.* 20.

If any ſervant or labourer ſhall wilfully or maliciouſly make any aſſault or affray upon his maſter, or upon any that have the overſight of ſuch ſervant, and being thereof convicted before two juſtices, *&c.* by confeſſion, or oath of two men; ſuch offender ſhall ſuffer impriſonment one year, or leſs, by the diſcretion of two juſtices, *&c.* and receive other open puniſhment, ſo as it extend not to life or limb, as the juſtices in ſeſſions, *&c.* ſhall think convenient. *ſ.* 21.

In time of hay or corn-harveſt, the juſtices, and alſo the conſtable or other head officer of every townſhip, upon requeſt, may cauſe all ſuch perſons as be meet to labour, to ſerve by the day, for mowing, reaping, ſhearing, getting or inning of corn and hay; and none ſhall refuſe, upon pain to ſuffer impriſonment in the ſtocks two days and one night: and the conſtable, upon complaint, ſhall have authority to ſet the offender in the ſtocks, upon pain of 40 *s.* *ſ.* 22.

All perſons of the counties where they have accuſtomed to go into other ſhires for harveſt-work, and having no harveſt-work ſufficient in the county where they dwelt in the winter paſt, bringing with them a teſtimonial of one juſtice or other head officer, for which he ſhall pay not above 1 *d.* (other than perſons retained in ſervice), may repair into any other county for harveſt works. *ſ.* 23.

Two juſtices, *&c.* may appoint any woman of the age of 12 years, and under 40 years, and unmarried, and forth of ſervice, meet to ſerve, to be retained by the year, week or day, for ſuch wages as they ſhall think meet; and if ſhe refuſe to ſerve, the juſtices, *&c.* may commit ſuch woman to ward, until ſhe be bound to ſerve. *ſ.* 24.

See the other clauſes under title APPRENTICES.

The juſtices dividing themſelves into ſeveral limits, and every mayor, *&c.* of any city, *&c.* ſhall yearly between *Saint Michael* and the nativity of our Lord, and between the annunciation and *St. John Baptiſt*, make diligent inquiry of the articles of this ſtatute, and of the execution of the ſame, and where they find any defaults to ſee the ſame corrected. *ſ.* 37.

Every juſtice, mayor, *&c.* for every day that he ſhall ſit about the execution of this ſtatute ſhall have 5 *s.* of the fines and forfeitures due unto the queen by this ſtatute, in ſuch manner as the juſtices have been paid for their charges at the quarter ſeſſions, ſo that the ſitting be not at one time above three days. *ſ.* 38.

One half of all penalties, other than ſuch as are otherwiſe appointed, ſhall be to the queen, and the other to him that ſhall ſue for the ſame by action of debt, *&c.* and the juſtices, or two of them (1 *Qu.*), and the ſaid mayors or other head officers of cities or towns corporate, may hear and determine all offences againſt this ſtatute, as well upon indictment in ſeſſions, as upon information, action of debt or bill of complaint, and ſhall yearly in *Michaelmas* term certify by eſtreat the fines and forfeitures into the exchequer. *ſ.* 39.

The inhabitants of *Godalming* in the county of *Surrey*, within the limits of the watch of the ſaid town, may uſe ſuch occupations, and take apprentices, as the inhabitants within market towns by this ſtatute. *ſ.* 44.

All forfeitures within any city or town corporate ſhall be levied to the uſe of the ſame city, *&c.* as other forfeitures have been. *ſ.* 45.

If any ſervant or apprentice of huſbandry, or of any occupation aforeſaid, unlawfully depart into any other ſhire, the juſtices and the mayors, *&c.* of cities, *&c.* may grant writs of *capias*, directed to the ſheriffs or other head officers, to take their bodies, returnable before them, ſo that if they come by ſuch proceſs, they be put in priſon till they find ſurety to ſerve their maſters. *ſ.* 47.

High conſtables of hundreds may hold petty ſeſſions, called ſtatute ſeſſions, where ſuch have been uſed. *ſ.* 48.

By 1 *Jac.* 1. *c.* 6.; The ſtatute 5 *Eliz.* *c.* 4. and the authority by the ſame given for aſſeſſing of wages, ſhall be conſtrued to rate wages of any labourers, weavers, ſpinſters, and workmen or workwomen whatſoever. *ſ.* 3.

The juſtices reſiant in any ſhire, *&c.* where ſeſſions by diviſions have been uſually kept, may at any general ſeſſions, or at ſuch time of rating of wages as is limited by the ſaid act, rate all manner of wages within ſuch diviſion as if the ſame were done in the general ſeſſions for the county. *ſ.* 5.

After the rates made for wages and engroſſed, the ſheriff, or the mayor, *&c.* may cauſe proclamation to be made of the rates, as if the ſame had been ſent down printed by the lord chancellor. *ſ.* 6.

If any clothier or other ſhall refuſe to obey the order of wages, and ſhall not pay ſo much to their workmen, every perſon ſo offending ſhall forfeit to the party grieved 10 *s.* and if the offence ſhall be confeſſed or proved by two witneſſes before the juſtices of aſſize, or two juſtices (1 *Qu.*), ſuch perſon ſhall ſtand convicted; which forfeiture of 10 *s.* ſhall be levied by diſtreſs and ſale of goods by warrant from the juſtices. *ſ.* 7.

No

No perſon ſhall incur any penalty for not making certificate unto the chancery of any rates of wages, ſo as the ſame be proclaimed according to this law; but the rates ingroſſed in parchment and ſealed ſhall be kept by the *cuſtos rotulorum*, and in any city or town corporate, amongſt the records. *ſ.* 8.

No clothier being a juſtice ſhall be rater of wages for any weaver, tucker, ſpinſter or other artiſan, that dependeth upon the making of cloth; and in caſe there be not above two juſtices within ſuch precinct but ſuch as are clothiers, the wages ſhall be rated by the common council of ſuch precinct, and ſuch juſtices (if any be) as are not clothiers. *ſ.* 10.

Continued indefinitely by 3 Car. 1. c. 4. 16 Car. 1. c. 4.

By 20 *Geo.* 2. *c.* 19. All complaints and diſputes between maſters or miſtreſſes, and ſervants in huſbandry, hired for one year or longer, or between maſters and miſtreſſes, and artificers, handicraftſmen, miners, colliers, keelmen, pitmen, glaſſmen, potters, and other labourers employed for any certain time, or in any other manner, ſhall be heard and determined by a juſtice, although no rate of wages has been made that year; which juſtice may examine upon oath any ſuch ſervant, *&c.* or any witneſs, and make ſuch order for payment of ſo much wages as ſeems juſt; provided the ſum in queſtion do not exceed 10*l.* with regard to any ſervant, nor 5*l.* with regard to any artificer, handicraftſman, *&c.*; and in caſe of refuſal or non-payment for 21 days after ſuch determination, ſuch juſtice ſhall iſſue his warrant to levy the ſame by diſtreſs and ſale of the goods of ſuch maſter or miſtreſs, or perſon employing ſuch artificer, handicraftſman, *&c.* rendering the overplus to the owner after payment of the charges of diſtreſs and ſale. *ſ.* 1.

It ſhall be lawful for ſuch juſtice upon complaint made upon oath, by any maſter, miſtreſs, or employer, againſt any ſuch ſervant, artificer, handicraftſman, miner, collier, keelman, pitman, glaſſman, potter, or labourer, concerning any ill-behaviour, to determine the ſame; and to puniſh the offender by commitment to the houſe of correction, there to be corrected and held to hard labour for a reaſonable time not exceeding one month, or by abating ſome part of his wages, or by diſcharging him from his ſervice: in like manner it ſhall be lawful for ſuch juſtice upon any complaint upon oath, by any ſuch ſervant, artificer, *&c.* againſt ſuch maſter, *&c.* concerning any miſuſage, refuſal of neceſſary proviſion, cruelty, or ill-treatment, to ſummon ſuch maſter, *&c.* and whether he appear or not (proof being made upon oath of his being ſummoned) and upon proof of the complaint upon oath, to diſcharge ſuch ſervant, artificer, *&c.* which diſcharge ſhall be given under the hand and ſeal of ſuch juſtice *gratis*. *ſ.* 2.

If any perſon think himſelf aggrieved by the determination or warrant of ſuch juſtice (except any order of commitment) he may appeal to the next general quarter ſeſſions; which ſeſſions is finally to determine the ſame, and to award ſuch coſts to the appellant or reſpondent, as they judge reaſonable, not exceeding 40*s.* to be levied by diſtreſs and ſale. *ſ.* 5.

No *certiorari*, or other proceſs, ſhall iſſue to remove any proceedings into any court of record at *Weſtminſter*. *ſ.* 6.

By 31 *Geo.* 2. *c.* 11. *ſ.* 3. The 20 *Geo.* 2. *c.* 19. ſhall extend to all ſervants employed in huſbandry, though hired for a leſs time than one year.

By 6 *Geo.* 3. *c.* 25. If any artificer, callicoe printer, handicraftſman, miner, collier, keelman, pitman, glaſſman, potter, labourer, or other perſon, ſhall contract with any perſon whomſoever, for any time whatſoever, and ſhall abſent himſelf from ſervice before the term ſhall be completed, or be guilty of any other miſdemeanor; then any juſtice where ſuch artificer, *&c.* ſhall be found, upon complaint thereof made upon oath to him by the perſon with whom ſuch artificer, *&c.* ſhall have ſo contracted, or by his ſteward or agent, may iſſue his warrant for apprehending every ſuch artificer, *&c.* and examine into the complaint; and if it ſhall appear to ſuch juſtice that any ſuch artificer, *&c.* ſhall not have fulfilled ſuch contract, or hath been guilty of any miſdemeanor, ſuch juſtice may commit ſuch perſon to the houſe of correction, not exceeding three months, nor leſs than one month. *ſ.* 4.

Any perſon aggrieved by ſuch determination, order, or warrant, of any juſtice, except an order of commitment, may appeal to the next general quarter ſeſſions, giving ſix days notice of ſuch appeal, and of the cauſe and matter thereof, to ſuch juſtice and the parties concerned, and entering into a recognizance within three days after ſuch notice, before ſome juſtice, to try ſuch appeal, and abide the order, and pay ſuch coſts as ſhall be awarded by the quarter ſeſſions; which ſaid ſeſſions, upon due proof of ſuch notice and recognizances, ſhall determine ſuch appeals; and ſhall give ſuch relief and coſts to the parties, as they ſhall judge proper, and their judgments ſhall be concluſive to all parties concerned. *ſ.* 5.

Nothing in this act ſhall extend to the ſtannaries in *Devon* and *Cornwall*. *ſ.* 6.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 6. All officers, mariners, ſoldiers, and marines, who have been at any time employed in the ſervice of his preſent majeſty, ſince the 1 *April* 1763, and have not ſince deſerted, and alſo the wives and children of ſuch officers, *&c.* may exerciſe ſuch trades as they are apt and able for, in any town or place within this kingdom, without any moleſtation; nor ſhall ſuch officers, *&c.* or their wives or children, during the time they ſhall exerciſe ſuch trades, be removable from ſuch place, to their laſt legal place of ſettlement, until actually chargeable to ſuch pariſh; and if any ſuch perſons ſhall be ſued, or indicted, for uſing ſuch trades, then *upon* making it appear to the court, that they have ſerved his preſent majeſty as aforeſaid, or that they are the wives or children of ſuch officers, *&c.* who ſhall have ſo ſerved his preſent majeſty, ſhall, upon the general iſſue pleaded, be found Not guilty; and ſuch perſons who, notwithſtanding this act, ſhall proſecute the ſaid ſuit, and have a verdict paſs againſt him, or become nonſuit, or diſcontinue, ſhall pay double coſts. *ſ.* 1.

Two juſtices *may* cauſe ſuch officer, mariner, ſoldier, or marine, to be ſummoned before them in the place where *he* ſhall ſet up and exerciſe ſuch trade as aforeſaid, in order to make oath of the place of his laſt legal ſettlement; and ſuch officers, *&c.* are to obey ſuch ſummons, and make oath accordingly; and ſuch juſtices are to give an atteſted copy of ſuch affidavit, to the perſon making the ſame, that he may produce it when required; which atteſted copy ſhall at any time be admitted as evidence, as to ſuch laſt legal ſettlement, before any juſtices at any general or quarter ſeſſions. *ſ.* 2.

In caſe any ſuch officer, *&c.* ſhall again be ſummoned to make oath as aforeſaid, then, on ſuch atteſted copy of the oath by him formerly taken being produced, he ſhall not be obliged to take any further oath with regard to his ſettlement, but ſhall leave a copy of ſuch atteſted copy of his examination, if required. *ſ.* 3.

This act ſhall extend to all officers and ſoldiers who have been drawn by ballot, and have perſonally ſerved in the militia, or any of the fencible regiments, from the 1 *Apr.* 1763, for three years, and have been honourably diſcharged. *ſ.* 4.

Leaſes.

By 32 *Hen.* 8. *c.* 28. All leaſes made of any manors, lands, *&c.* by writing indented for term of years or life by perſons of full age, having any eſtate or inheritance either in fee-ſimple or in fee-tail, in their own right or in the right of their churches or wives, or jointly with their wives, ſhall be good in law. *ſ.* 1.

This act ſhall not extend to any leaſes to be made of any manors, lands, *&c.* being in the hands of any farmers by virtue of an old leaſe, unleſs the ſame old leaſe be expired, ſurrendered, or ended, within one year after the making of the new leaſe; nor ſhall extend to any grant of any reverſion, nor to any leaſe of lands which have not moſt commonly been letten to farm by the ſpace of twenty years next before ſuch leaſe made, nor to any leaſe to be made without impeachment of waſte, nor to any leaſe to be made above the number of twenty-one years, or three lives, from the day of making; and upon ſuch leaſe there ſhall be reſerved yearly ſo much rent, or more, as hath been moſt accuſtomably paid for the lands ſo letten within twenty years next before: and every perſon, to whom the reverſion ſhall appertain after the deaths of ſuch leſſors, ſhall have like remedy againſt the leſſees as the leſſor might have had. *ſ.* 2.

Provided that the wife be made party to every ſuch leaſe made by her huſband of any lands being the inheritance of the wife, and that every ſuch leaſe be made by indenture in the name of the huſband and his wife, and ſhe to ſeal the ſame, and that the rent be reſerved to the huſband and wife, and to the heirs of the wife, according to her eſtate; and that the huſband ſhall not alien the rent longer than during the coverture, without it be by fine levied by the huſband and wife. *ſ.* 3.

This act ſhall not give power to any perſon to take more farms than he might have done, nor give power to any parſon or vicar to make any leaſe of any of their meſſuages, lands, tithes, *&c.* belonging to their churches or vicarages, otherwiſe than they might have done. *ſ.* 4.

No fine or other act done by the huſband only, of the inheritance or freehold of his wife, ſhall be any diſcontinuance thereof, or prejudicial to the wife or her heirs, but they may enter according to their rights; fines whereunto the wife is party and privy only except. *ſ.* 6.

This clauſe ſhall not give liberty to ſuch wife or her heirs to avoid any leaſe made of any inheritance of the wife according to this act. *ſ.* 7.

By 1 *Eliz. c.* 19. *ſ.* 5. All grants made by any archbiſhop or biſhop of any honours, lands, *&c.* parcel of the poſſeſſions of his biſhoprick, to any perſon (other than to the queen) whereby any eſtate ſhould paſs, other than for twenty-one years, or three lives, and whereupon the old rent or more ſhall be payable yearly, ſhall be void.

By 13 *Eliz. c.* 10. All leaſes, conveyances or eſtates, to be made by any maſter and fellows of any college, dean and chapter of any church, maſter, or guardian of any hoſpital, parſon, vicar, or any other having eccleſiaſtical living, of any hereditaments, being parcel of the poſſeſſions of ſuch ſpiritual promotion, other than for one and twenty years or three lives, whereupon the accuſtomed yearly rent or more ſhall be payable yearly during the term, ſhall be void. *ſ.* 3.

This act ſhall not make good any leaſe to be made by any college for more years than are limited by the private ſtatutes of the college. *ſ.* 4.

This act ſhall not extend to any leaſe to be made upon ſurrender of any leaſe heretofore made, or by reaſon of any covenant contained in any leaſe now continuing, ſo that the leaſe to be made do not contain more years than the reſidue of the years of the former leaſe, nor leſs rent than is reſerved in the ſaid former leaſe. *ſ.* 5.

By 13 *Eliz. c.* 20. made perpetual by 3 *Car.* 1. *c.* 4. No leaſe to be made of any benefice or eccleſiaſtical promotion with cure, or any part thereof, not impropriated, ſhall endure longer than while the leſſor ſhall be ordinarily reſident, and ſerving the cure of ſuch benefice without abſence above fourſcore days in any one year; but every ſuch leaſe immediately upon ſuch abſence ſhall ceaſe; and the incumbent ſo offending ſhall loſe one year's profit of his benefice, to be diſtributed by the ordinary among the poor of the pariſh. [*And* by 18 Eliz. c. 11. *ſ.* 7. *After complaint to the ordinary, and ſentence given upon any offence committed by the incumbent, whereby he ought to loſe one year's profit of his benefice, the ordinary within two months after requeſt by the churchwardens, ſhall grant the ſequeſtration to ſuch inhabitants as to him ſhall ſeem meet; and upon default by the ordinary every pariſhioner may retain his tithes, and the churchwardens may take the profits of the glebe lands and other duties of ſuch benefice to be employed to the uſe of the poor, until ſequeſtration ſhall be committed; and they to whom ſequeſtration ſhall be committed ſhall employ the profits as by the ſtatute is appointed; upon pain of double value, to be recovered in the eccleſiaſtical court by the poor.*] And all chargings of ſuch benefices with cure, with any penſion, or with any profit out of the ſame, other than rents to be reſerved upon leaſes according to this act, ſhall be void. *ſ.* 1.

Provided that every parſon allowed to have two benefices may demiſe one of them, upon which he ſhall not be reſident, to his curate only; but ſuch leaſe ſhall endure no longer than during ſuch curate's reſidence without abſence above forty days in any one year. *ſ.* 2.

By 14 *Eliz. c.* 11. All bonds, contracts, promiſes, and covenants, to be made for ſuffering any perſon to enjoy any benefice or eccleſiaſtical promotion with cure, or to take the profits thereof, other than ſuch bonds and covenants as ſhall be made for aſſurance of leaſes heretofore made, ſhall be of ſuch force, and not otherwiſe, as leaſes by the ſame perſons made of ſuch benefices and eccleſiaſtical promotions with cure. *ſ.* 15.

All leaſes, bonds, promiſes and covenants, concerning benefices and eccleſiaſtical livings with cure, to be made by any curate, ſhall be of no other force, than if the ſame had been made by the beneficed parſon himſelf, that demiſed the ſame to ſuch curate. *ſ.* 16.

The 13 *Eliz. c.* 10. ſhall not extend to any leaſe of houſes in any market-town, ſo that ſuch houſe be not the dwelling-houſe uſed for the habitation of the perſons in that act mentioned, nor have ground to the ſame belonging above ten acres. *ſ.* 17.

No leaſe ſhall be made in reverſion, nor without reſerving the accuſtomed yearly rent at the leaſt, nor without charging the leſſee with the reparation, nor for longer than forty years; nor any houſes ſhall be permitted to be aliened, unleſs in recompence thereof there ſhall be aſ-

ſurance

ſurance made in fee-ſimple to ſuch colleges of lands of as great yearly value. *ſ.* 19.

By 14 *Eliz. c.* 14. *ſ.* 2. The words [maſter or guardian of any hoſpital] in 13 *Eliz. c.* 10. *ſ.* 3. were intended of all hoſpitals, *maiſon dieus*, bead houſes, and other houſes for relief of the poor.

By 18 *Eliz. c.* 6. No maſter, provoſt, preſident, warden, dean, governor, rector or chief ruler, of any college, cathedral church, hall or houſe of learning, in the univerſities, nor any provoſt, warden, or other head officer of the colleges of *Wincheſter* or *Eaton*, nor the corporation of any of them, ſhall make any leaſe for life or years of their lands or other hereditaments to the which any tithes, arable land, meadow, or paſture, ſhall appertain, except one third of the old rent be reſerved in corn, *viz.* in good wheat, after 6*s.* 8*d.* the quarter, or under, and good malt at 5*s.* the quarter, or under, to be delivered yearly at the ſaid colleges, *&c.* and for default thereof, to pay to the ſaid colleges, *&c.* in ready money, at the election of the leſſees, after the rate of the beſt wheat and malt in the market of *Cambridge*, for the rents there; and in the market of *Oxford*, for the rents there; and in the market of *Wincheſter*, for the rents there; and in the market of *Windſor*, for the rents to be paid to the houſes at *Eaton*; the next market day before the rent ſhall be due, without fraud. And all leaſes otherwiſe to be made, and all collateral bonds or aſſurances to the contrary, ſhall be void. The ſame wheat, malt, or money, to be expended to the relief of the commons and diet of the colleges, *&c.* only; and by no fraud let or ſold away from the profit of the ſaid colleges, *&c.* and the fellows and ſcholars in the ſame, and the uſe aforeſaid; upon pain of deprivation of the governor and chief rulers of the ſaid colleges, *&c.* and all other conſenting. *ſ.* 1.

This act ſhall not extend to any leaſe to be made by the preſident and ſcholars of the college of St. *John Baptiſt* in *Oxford*, to any heir male of Sir *Thomas White*, late knight, and alderman of *London*, founder of the ſaid college, which leaſe ſhall be made according to the meaning of the foundation and ſtatutes of the ſaid college of the manor of *Fifield*, and no other hereditaments. *ſ.* 3.

By 18 *Eliz. c.* 11. All leaſes to be made of eccleſiaſtical hereditaments, whereof any former leaſe for years is in being, not to be ſurrendered or ended within three years, ſhall be void. *ſ.* 2.

Every bond and covenant for renewing of any leaſe contrary to this act, or 13 *Eliz. c.* 10. ſhall be void. *ſ.* 3.

By 43 *Eliz. c.* 9. *ſ.* 8. All judgments to enjoy any leaſe contrary to 13 *Eliz. c.* 20. 14 *Eliz. c.* 11. and 18 *Eliz. c.* 6. ſhall be void.

By 29 *Geo.* 2. *c.* 31. Where any perſon under the age of twenty-one, or any lunatic, or feme covert, is intereſted in, or intitled to, any leaſe for lives, or years either abſolute, or determinable upon death, or otherwiſe, ſuch perſon under age, or his guardian, or other perſon on his behalf, and ſuch lunatic, or his guardian or committee, or other perſon on his behalf, and ſuch feme covert or any perſon on her behalf, may apply to the court of chancery of *Great Britain*, the court of exchequer, the courts of equity of *Cheſter*, *Lancaſter*, and *Durham*, or the courts of great ſeſſion of *Wales*, by petition or motion in a ſummary way; and by the order of the ſaid courts made upon hearing all parties, ſuch perſon under age, and ſuch lunatic or perſon appointed by the ſaid courts, and ſuch feme covert, by deed only, without levying any fine, ſhall be enabled to ſurrender ſuch leaſe, and accept in the name and for the benefit of ſuch perſon under age, lunatic, or feme covert, new leaſes of the premiſes ſurrendered, for ſuch lives, or term determinable upon lives, or term abſolute, as was mentioned in ſuch leaſe ſo ſurrendered, at the making thereof, or otherwiſe, as the ſaid courts ſhall direct. *ſ.* 1.

All money and other conſideration advanced by ſuch guardian or perſon, as a fine for renewal of ſuch leaſe, and all reaſonable charges, ſhall be paid out of the effects of the infant or lunatic for whoſe benefit the leaſe is renewed, or ſhall be a charge upon the leaſehold premiſes, with intereſt as the courts direct; and concerning leaſes to be made upon ſurrenders by femes covert, unleſs the fine and charges be otherwiſe paid or ſecured, the ſame with intereſt ſhall be a charge upon ſuch leaſehold premiſes, for the uſe of ſuch perſon who advances the ſame. *ſ.* 2.

The leaſes renewed ſhall be to the ſame uſes, and liable to the ſame truſts, charges, diſpoſitions, deviſes, and conditions, as the leaſes ſurrendered. *ſ.* 3.

Every ſurrender, and leaſe granted thereupon, ſhall be as valid as if made by a perſon of full age, ſane mind, or not married. *ſ.* 4.

By 5 *Geo.* 3. *c.* 17. All leaſes for one, two, or three lives, or twenty-one years, made or granted of any tithes, tolls, or other incorporeal hereditaments, ſolely, and without any lands or corporeal hereditaments, by any archbiſhop or biſhop, maſter and fellows, or other head and members of colleges or halls, deans and chapters, precentors, prebendaries, maſters and guardians of hoſpitals, and every other perſon and perſons, who are enabled to make leaſes of any lands, tenements, or other corporeal hereditaments, ſhall be as good and effectual in law againſt ſuch archbiſhop and other perſons, as leaſes of any lands or other corporeal hereditaments, by 32 *Hen.* 8. *c.* 28.

Nothing herein ſhall enable any maſter and fellows, or other head and members of colleges or halls, deans and chapters, precentors, prebendaries, maſters and guardians of hoſpitals, or other eccleſiaſtical perſons as aforeſaid, to grant leaſes for any other terms than, by the local ſtatutes of their ſeveral foundations, they are now enabled to do. *ſ.* 2.

In caſe the rent reſerved by leaſes, in purſuance of the ſeveral acts already in being, or by this preſent act, ſhall be unpaid by the ſpace of twenty-eight days after the days whereon payable; then it ſhall be lawful for ſuch archbiſhop and other perſons, or their executors, adminiſtrators, and ſucceſſors reſpectively, to bring actions of debt againſt the leſſees or their heirs, executors, adminiſtrators, or aſſigns, for recovering the rent in arrear. *ſ.* 3.

Leets.

By *Stat. for view of frankpledge*, 18 *Edw.* 2. Firſt you ſhall tell us, if all the ſuitors that owe ſuit to this court be come, and which be not. And if all the chief pledges be come with their deceners, and which be not. And if all the deceners be in the aſſiſe of the king, and which be not, and who received them. Of cuſtoms and ſervices due to this court withdrawn, how, and by whom. Of purpreſtures made in lands, woods and waters, to annoyance. Of walls, houſes, dikes, and hedges, ſet up, or beaten down, to annoyance. Of bounds taken away. Of ways opened or ſtopped. Of waters turned

turned or ſtopped. Of breakers of houſes and their receivers. Of common thieves and their receivers. Of petty thieves, as of geeſe, hens, or ſheaves of corn. Of thieves that ſteal cloths out of windows. Of ſuch as go in meſſage for thieves. Of hue and cry levied and not purſued. Of bloodſhed and of frays. Of eſcapes of thieves or felons. Of perſons outlawed and returned not having the king's warrant. Of women raviſhed not preſented before the coroner. Of clippers and forgers of money. Of treaſure found. Of the aſſiſe of bread and ale broken. Of falſe meaſures. Of falſe balances. Of ſuch as have a double meaſure, and buy by the greater and ſell by the leſs. Of ſuch as haunt taverns, and no man knoweth whereon they live. Of ſuch as ſleep by day and watch by night, and fare well and have nothing. Of cloth-ſellers and curriers of leather dwelling out of market-towns. Of perſons impriſoned and let go without warrant. Of ſuch as take doves in winter by doorfalls or engines.

By 1 *Jac.* 1. *c.* 5. No ſteward of any court leets or court barons ſhall take benefit to his own uſe in money, goods or other thing, to the value of 12*d.* by colour of any grant to be made of the profits of ſuch courts; upon pain to forfeit 40*l.* and be diſabled to be ſteward of ſuch court or of any other; half to the King, the other to any ſubjects that ſhall complain in any courts of record by action of debt, *&c.*

Liberties and Rights.

By *Magna Charta*, 9 *Hen.* 3. *c.* 9. The city of *London* ſhall have all her ancient liberties and cuſtoms; and all other cities, boroughs and towns, and the barons of the five ports, and all ports, ſhall have all their liberties and free cuſtoms.

By *Magna Charta*, 9 *Hen.* 3. *c.* 29. No freeman ſhall be taken or impriſoned, or diſſeiſed of his freehold, or of his liberties or free cuſtoms, or be outlawed, baniſhed or otherwiſe deſtroyed, nor ſhall the king paſs or ſend upon him, but by the lawful judgment of his peers, or by the law of the land. The king ſhall ſell to none, or deny or delay to none, right or juſtice. *See* 25 Edw. 3. ſtat. 5. c. 4. *and* 42 Edw. 3. c. 3.

By *Stat. Marleb.* 52 *Hen.* 3. *c.* 22. None may diſtrain his freeholders to anſwer of their freehold, or of any thing thereunto appertaining, nor make them ſwear againſt their will, without the king's command.

By *Stat. confirm. chart.* 25 *Edw.* 1. *c.* 2. If any judgment be given contrary to the great charters, it ſhall be undone and holden for nought.

By *Stat. confirm. chart.* 25 *Edw.* 1. *c.* 3. The ſame charters ſhall be ſent under ſeal to the cathedral churches, and ſhall be read before the people two times by the year.

By *Stat. confirm. chart.* 25 *Edw.* 1. *c.* 4. All archbiſhops and biſhops ſhall pronounce ſentence of excommunication againſt thoſe that by word, deed or counſel, do contrary to the ſaid charters, or that in any point break them; and the ſaid curſes ſhall be twice a year denounced; and if the prelates be remiſs in the denunciation of the ſentences, the archbiſhops of *Canterbury* and *York* ſhall compel them to the execution of their duties.

By *Stat. confirm. chart.* 25 *Edw.* 1. *c.* 5. The aids and taſks which the people have given of their own good will ſhall not be drawn into cuſtom.

By *Stat. confirm. chart.* 25 *Edw.* 1. *c.* 6. The king ſhall not take ſuch aids or taſks but by the common aſſent of the realm, and for the common profit thereof, ſaving the ancient aids and priſes.

By *Artic. ſuper chart.* 28 *Edw.* 1. *ſtat.* 3. *c.* 1. The great charter of liberties, and the charter of the foreſt, ſhall be delivered to every ſheriff to be read four times in the year before the people in full county, *viz.* the next county after the feaſt of St. *Michael*, and the next after *Chriſtmas*, and at the next after *Eaſter*, and the next county after the feaſt of St. *John*. And there ſhall be choſen in every ſhire-court by the commonalty three ſubſtantial men, knights or other, which ſhall be juſtices ſworn and aſſigned by the king's letters patent to hear and determine (without any other writ but their commiſſion) ſuch plaints as ſhall be made upon thoſe that offend againſt any point in the charters, and to hear the plaints from day to day without the delays allowed by the common law; and the ſame knights ſhall have power to puniſh all ſuch as ſhall be attainted of any treſpaſs done contrary to the charters (where no remedy was by the common law) by impriſonment, or by ranſom or amercement; nevertheleſs the knights ſhall not hold plea where there hath been remedy provided after the courſe of the common law by writ, nor ſhall any prejudice be done to the common law, nor to the charters aforeſaid; and if all three cannot attend to do their office, two of them ſhall do it; and the king's ſheriffs and bailiffs ſhall be attendant to do the commandments of the ſaid juſtices.

By *Stat. de tallag. non concedend.* 34 *Edw.* 1. *ſtat.* 4. *c.* 1. No tallage or aid ſhall be taken without the aſſent of archbiſhops, biſhops, earls, barons, knights, burgeſſes and other freemen of the land.

By 34 *Edw.* 1. *ſtat.* 4. *c.* 4. All clerks and laymen ſhall have their laws, liberties and free cuſtoms, as they have uſed to have the ſame at any time when they had them beſt; and if any ſtatutes have been made, or any cuſtoms brought in, contrary to them, ſuch ſtatutes and cuſtoms ſhall be void.

By 34 *Edw.* 1. *ſtat.* 4. *c.* 6. All archbiſhops and biſhops for ever ſhall read this charter in their cathedral churches twice in the year, and in their pariſh churches ſhall openly denounce accurſed all thoſe that willingly procure to be done any thing contrary to this charter.

By 1 *Edw.* 3. *ſtat.* 2. *c.* 9. Cities, boroughs, and franchiſed towns, ſhall enjoy their franchiſes, cuſtoms and uſages.

By 2 *Edw.* 3. *c.* 8. It ſhall not be commanded by the great ſeal or the little ſeal, to diſturb or delay common right; and though ſuch commandments come, the juſtices ſhall not ceaſe to do right.

By 5 *Edw.* 3. *c.* 9. No man ſhall be attached by any accuſation, nor forejudged of life or limb, nor ſhall his lands or goods be ſeized into the king's hand, againſt the great charter and the law of the land.

By 14 *Edw.* 3. *ſtat.* 1. *c.* 1. Holy church ſhall have her liberties in quietneſs; and the city of *London*, and all other cities and boroughs, ſhall have all their franchiſes and cuſtoms which they have reaſonably uſed in time paſt.

By 14 *Edw.* 3. *ſtat.* 2. *c.* 1. The ſubſidy given to the king ſhall not be had in example, nor ſhall the prelates, earls, barons and commons, citizens, burgeſſes and merchants, be charged to make any aid, if it be not by the common aſſent of the great men and commons in parliament.

By 14 *Edw.* 3. *ſtat.* 5. The realm of *England* ſhall not be put in ſubjection of the king, his heirs or ſucceſſors, as kings of *France*.

By 25 *Edw.* 3. *ſtat.* 5. *c.* 4. None ſhall be taken by petition or ſuggeſtion made to the king or his council, unleſs

it be by indictment of lawful people of the neighbourhood, or by proceſs made by writ original at the common law. And none ſhall be put out of his franchiſes or freehold, unleſs he be duly brought to anſwer, and forejudged by courſe of law; and if any thing be done to the contrary, it ſhall be redreſſed and holden for none.

By 28 *Edw.* 3. *c.* 3. No man ſhall be put out of land, nor taken, nor impriſoned, nor diſherited, nor put to death, without being brought in anſwer by due proceſs of law.

By 42 *Edw.* 3. *c.* 3. No man ſhall be put to anſwer without preſentment before juſtices, or matter of record of due proceſs or writ original, according to the ancient law of the land. And if any thing be done to the contrary, it ſhall be void in law, and held for error.

By 1 *Ric.* 2. *c.* 2. Peace ſhall be firmly kept, ſo that all loyal ſubjects may ſafely go, come and abide, according to the laws and uſages of the realm; and good juſtice and equal right ſhall be done to every one.

By 11 *Ric.* 2. *c.* 10. Letters of the ſignet or privy ſeal ſhall not be ſent in prejudice of the realm or diſturbance of the law.

By 15 *Ric.* 2. *c.* 12. None of the king's ſubjects ſhall be conſtrained to appear before the council of any lord, to anſwer for his freehold, nor any other thing real or perſonal which belongeth to the law of the land; and if any find himſelf grieved contrary to this ordinance, he ſhall ſue to the chancellor, who ſhall give remedy.

By 16 *Ric.* 2. *c.* 2. If any lord, or other the king's ſubject, do contrary to the ſtatute 15 *Ric.* 2. *c.* 12. he ſhall incur the pain of 20*l.* to the king.

By 2 *Hen.* 4. *c.* 1. Holy church ſhall have her rights and liberties; and all the lords ſpiritual and temporal, and all cities, boroughs and towns enfranchiſed, ſhall enjoy all their liberties which they have duly uſed; and all the lieges may in ſafe protection of the King go and come to his courts; and full juſtice and right ſhall be done, as well to the poor as the rich, in the ſaid courts.

Petition of right, 3 *Car.* 1. *c.* 1. No man ſhall be compelled to yield any gift, loan, benevolence, tax or ſuch like charge, without common conſent by act of parliament; and none ſhall be called to make anſwer, or take oath, or to give attendance, or be confined, or otherwiſe diſquieted concerning the ſame, or for refuſal thereof; and no freeman ſhall be impriſoned or detained without cauſe ſhewn, to which he may make anſwer according to law; and the people ſhall not be burthened, to ſuffer ſoldiers and mariners to ſojourn in their houſes againſt their wills; and no commiſſions ſhall iſſue, to proceed within the land according to martial law.

The late proceedings in the premiſes ſhall not be drawn into conſequence; and all the king's officers ſhall ſerve him according to the laws of the realm, as they tender the honour of his majeſty, and the proſperity of the kingdom. *ſ.* 11.

By 16 *Car.* 1. *cap.* 10. The court called the ſtar-chamber ſhall be diſſolved, and neither the lord chancellor, lord treaſurer, keeper of the privy ſeal or preſident of the council, nor any biſhop, temporal lord, privy counſellor or judge, ſhall have power to hear or determine any matter in the ſtar-chamber, or to do any judicial or miniſterial act in the ſaid court; and all acts of parliament, by which any juriſdiction is given to the ſtar-chamber, ſhall, for ſo much, be repealed. *ſ.* 3.

The like juriſdiction uſed in the court before the preſident and council in the marches of *Wales*, and in the court before the preſident and council in the northern parts, and alſo in the court of the duchy of *Lancaſter*, and in the court of exchequer of the county palatine of *Cheſter*, held before the chamberlain and council of that court, ſhall be alſo repealed; and no court or place of judicature ſhall be erected within *England* or *Wales*, which ſhall have the like juriſdiction as hath been uſed in the ſtar-chamber. *ſ.* 4.

Neither his majeſty, nor his privy council, have any juriſdiction, power or authority, by *Engliſh* bill, petition, articles, libel, or any other arbitrary way whatſoever, to examine, or draw into queſtion, determine or diſpoſe of, the lands or goods of any ſubjects of this kingdom; but the ſame ought to be tried and determined in the ordinary courts of juſtice, and by courſe of law. *ſ.* 5.

If any lord chancellor, lord treaſurer, keeper of the privy ſeal, preſident of the council, biſhop, temporal lord, privy counſellor, judge or juſtice, ſhall offend contrary to this law, they ſhall forfeit 500*l.* unto any party grieved, his executors or adminiſtrators, who ſhall proſecute for the ſame, and firſt obtain judgment, to be recovered in any court of record at *Weſtminſter*; and if any perſon, againſt whom any ſuch recovery ſhall be had, ſhall offend again in the ſame, he ſhall forfeit 1000*l.* unto any party grieved, who ſhall proſecute, *&c.* and if any perſon, againſt whom ſuch ſecond recovery ſhall be had, ſhall offend again in the ſame kind, and ſhall be convicted by indictment, information, or any other lawful way, ſuch perſon ſhall be incapable to bear his office, and ſhall be likewiſe diſabled to make any gift or diſpoſition of his lands or goods, or to take any gift or legacy to his own uſe. *ſ.* 6.

Every perſon ſo offending ſhall likewiſe forfeit unto the party grieved his treble damages, to be recovered in any of his majeſty's courts at *Weſtminſter*. *ſ.* 7.

If any perſon ſhall be reſtrained of his liberty by order or decree of any ſuch court, as afore, or by command of the king's majeſty in perſon, or by warrant of the council-board, or of any of his majeſty's privy council, every perſon ſo reſtrained, upon demand or motion made unto the judges of the king's bench or common pleas, in open court, ſhall without delay have a *habeas corpus* directed generally unto all and every ſheriffs, gaoler, miniſter, officer or other perſon, in whoſe cuſtody the party ſhall be; and the ſheriffs or other perſon ſhall at the return of the writ (upon due notice given, at the charge of the party who procureth ſuch writ, and upon ſecurity by his own bond, to pay the charge of carrying back the priſoner, if he ſhall be remanded, ſuch charges to be ordered by the court, if any difference ſhall ariſe) bring the body of the party before the judges in open court, and ſhall certify the cauſe of his detainer, and thereupon the court, within three court-days after ſuch return made, ſhall proceed to determine whether the cauſe of commitment be juſt, and ſhall thereupon do what to juſtice ſhall appertain. And if any thing ſhall be wilfully done or omitted by any judge, officer, *&c.* contrary to the direction hereof, ſuch perſon offending ſhall forfeit to the party grieved his treble damages, to be recovered as aforeſaid. *ſ.* 8.

This act ſhall extend only to the court of ſtar-chamber, and to the ſaid courts holden before the preſident and council in the marches of *Wales*, and before the preſident and council in the northern parts, and to the court of the duchy of *Lancaſter*, and the court of exchequer of the county palatine of *Cheſter*, and all courts of like juriſdiction to be hereafter erected, and to the warrants and directions of the council board, and to the commitments of any perſons made by the king in perſon, or by the privy council. *ſ.* 9.

No

No perſon ſhall be moleſted for any offence againſt this act, unleſs he be impleaded within two years after the offence committed. *ſ.* 10.

By **the Bill of rights**, 1 *Will. & Mar. ſtat.* 2. *c.* 2. *ſ.* 1. Whereas the lords ſpiritual and temporal and commons aſſembled at *Weſtminſter*, repreſenting all the eſtates of the people of this realm, did upon the 13th of *February* 1688, preſent unto their majeſties, then prince and princeſs of *Orange*, a declaration, containing that

The ſaid lords ſpiritual and temporal, and commons, being aſſembled in a full and free repreſentative of this nation, for the vindicating their ancient rights and liberties, declare;

That the pretended power of ſuſpending of laws, or the execution of laws, by regal authority, without conſent of parliament, is illegal.

That the pretended power of diſpenſing with laws, or the execution of laws, by regal authority, as it hath been aſſumed and exerciſed of late, is illegal.

That the commiſſion for erecting the late court of commiſſioners for eccleſiaſtical cauſes, and all other commiſſions and courts of like nature, are illegal and pernicious.

The levying money for or to the uſe of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the ſame is or ſhall be granted, is illegal.

That it is the right of the ſubjects to petition the king, and all commitments and proſecutions for ſuch petitioning are illegal.

That the raiſing or keeping a ſtanding army within the kingdom in time of peace, unleſs it be with conſent of parliament, is againſt law.

That the ſubjects which are proteſtants may have arms for their defence, ſuitable to their conditions, as allowed by law.

That election of members of parliament ought to be free.

That the freedom of ſpeech, and debates or proceedings in parliament, ought not to be impeached or queſtioned in any court or place out of parliament.

That exceſſive bail ought not to be required, nor exceſſive fines impoſed, nor cruel and unuſual puniſhments inflicted.

That jurors ought to be duly impanelled and returned, and jurors which paſs upon men in trials for high treaſon ought to be freeholders.

That all grants and promiſes of fines and forfeitures of particular perſons before conviction, are illegal and void.

And that for redreſs of all grievances, and for the amending, ſtrengthening, and preſerving of the laws, parliaments ought to be held frequently.

And they do claim, demand and inſiſt upon, all and ſingular the premiſes, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the ſaid premiſes, ought in any wiſe to be drawn hereafter into conſequence or example.

All and ſingular the rights and liberties aſſerted and claimed in the ſaid declaration are the true, ancient and indubitable rights and liberties of the people of this kingdom, and ſo ſhall be eſteemed, allowed, adjudged and taken to be; and all the particulars aforeſaid ſhall be firmly holden as they are expreſſed in the ſaid declaration; and all officers ſhall ſerve their majeſties according to the ſame in all times to come. *ſ.* 6.

No diſpenſation by *non obſtante* of any ſtatute ſhall be allowed, but the ſame ſhall be void, except a diſpenſation be allowed of in ſuch ſtatute; and except in ſuch caſes as ſhall be ſpecially provided for during this ſeſſion of parliament. *ſ.* 12.

No charter granted before the 23d of *October* 1689, ſhall be invalidated by this act, but ſhall remain of the ſame force as if this act had never been made. *ſ.* 13.

By 12 & 13 *Will.* 3. *c.* 2. *ſ.* 3. Whereas it is neceſſary that further proviſion be made for ſecuring our religion, laws and liberties, after the death of his majeſty and the princeſs *Anne* of *Denmark*, and in default of iſſue of the body of the ſaid princeſs, and of his majeſty reſpectively; it is enacted,

That whoſoever ſhall hereafter come to the poſſeſſion of this crown, ſhall join in communion with the church of England, *as by law eſtabliſhed.*

That in caſe the crown and imperial dignity of this realm ſhall hereafter come to any perſon, not being a native of this kingdom of England, *this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the crown of* England, *without conſent of parliament.*

That from the time that the further limitation by this act (ſee title King, &c.) ſhall take effect, no perſon born out of the kingdoms of England, Scotland, *or* Ireland, *or the dominions thereunto belonging, although he be naturaliſed or made a denizen (except ſuch as are born of* Engliſh *parents), ſhall be capable to be of the privy council, or a member of either houſe of parliament, or to enjoy any office or place of truſt, either civil or military, or to have any grant of lands, tenements or hereditaments from the crown to himſelf, or to any other in truſt for him.* See 1 Geo. 1. *c.* 4. title Naturalization.

That after the ſaid limitation ſhall take effect, judges commiſſions be made quamdiu ſe bene geſſerint, *and their ſalaries aſcertained and eſtabliſhed; but upon the addreſs of both houſes of parliament, it may be lawful to remove them.*

That no pardon under the great ſeal of England *be pleadable to an impeachment by the commons in parliament.*

Whereas the laws of *England* are the birth-right of the people thereof, and all the kings and queens who ſhall aſcend the throne of this realm ought to adminiſter the government of the ſame according to the ſaid laws, and all their officers and miniſters ought to ſerve them according to the ſame; all the laws and ſtatutes of this realm for ſecuring the eſtabliſhed religion, and the rights and liberties of the people, and all other laws and ſtatutes now in force, are by his majeſty, with the advice and conſent of the lords ſpiritual and temporal, and commons, ratified and confirmed. *ſ.* 4.

See Habeas corpus, King, &c.

Libraries parochial.

By 7 *Ann. c.* 14. In every pariſh or place where a library is erected, the ſame ſhall be preſerved for ſuch uſes as the ſame ſhall be given, and the rules of the founders of ſuch libraries ſhall be obſerved. *ſ.* 1.

Every incumbent or curate of a pariſh, before he be permitted to uſe ſuch library, ſhall enter into ſuch ſecurity for preſervation of ſuch library, and due obſervance of the rules belonging to the ſame, as the ordinaries ſhall think fit; and in caſe any books belonging to the library ſhall be taken away, the incumbent or curate, or any other perſon, may bring an action of trover in the name of the ordinary,

dinary, whereupon treble damages ſhall be given with coſts, as if the ſame were their proper books; which damages ſhall be applied to the uſe of the library. *ſ.* 2.

The ordinary or his commiſſary, or the archdeacon, or by his direction his official (if the archdeacon be not the incumbent of the place), in their viſitation, may inquire into the condition of the ſaid libraries, and amend defects; and the ordinary may appoint perſons to view the condition of ſuch libraries. *ſ.* 3.

Where any library is appropriated to the uſe of the miniſter, every miniſter or curate, within ſix months after his induction or admiſſion, ſhall make a new catalogue, and ſhall ſign the ſame; which catalogue ſhall be delivered to the ordinary within the time aforeſaid, to be regiſtered in his court, without fee. *ſ.* 4.

Where any library ſhall be given to the uſe of any pariſh or place, where there ſhall be a miniſter or curate, ſuch miniſter or curate ſhall make a catalogue, and deliver the ſame, as aforeſaid, within ſix months after he ſhall receive ſuch library. *ſ.* 5.

Immediately after the death or removal of any miniſter or curate, the library belonging to ſuch place ſhall be ſhut up and ſecured by the churchwardens, or by ſuch perſons as ſhall be appointed by the ordinary or archdeacon, ſo that the ſame ſhall not be opened till a new miniſter or curate be inducted. *ſ.* 6.

In caſe the place where ſuch library is kept ſhall be uſed for any public occaſion, the place ſhall be made uſe of as formerly, and after ſuch buſineſs diſpatched, ſhall be locked up as before. *ſ.* 7.

A book ſhall be kept within the library for the regiſtering of all benefactions, and the miniſter or curate ſhall enter ſuch benefactions. *ſ.* 8.

The ordinary (with the donor of ſuch benefaction, if living) may make rules concerning the ſame, which ſhall be entered in the book. *ſ.* 9.

None of the books ſhall be alienable, nor any book that ſhall be given by any benefactor ſhall be alienated, without the conſent of the ordinary, and then only when there is a duplicate of ſuch book; and in caſe any books be taken or loſt out of the library, any juſtice may grant his warrant to ſearch for the ſame; and if found, ſuch books ſhall immediately, by order of ſuch juſtice, be reſtored to the library. *ſ.* 10.

Nothing in this act ſhall extend to a public library lately erected in the pariſh of *Ryegate* in *Surrey*, for the uſe of the freeholders, vicar, and inhabitants, and of the gentlemen and clergymen inhabiting in parts adjacent. *ſ.* 11.

Life Eſtates.

By 19 *Car.* 2. *c.* 6. If ſuch perſons, for whoſe life any eſtates ſhall be granted, ſhall abſent themſelves ſeven years, and no proof be made of the lives of ſuch perſons; in any action commenced for recovery of ſuch tenements by the leſſors or reverſioners, the perſons, upon whoſe lives ſuch eſtate depended, ſhall be accounted as dead; and the judges ſhall direct the jury to give their verdict, as if the perſon abſenting himſelf were dead. *ſ.* 2.

In any action wherein the life or death of ſuch perſon ſhall come in queſtion between the reverſioner and the tenant in poſſeſſion, the reverſioner may take exception to any of the jurors, that the greateſt part of the real eſtate of ſuch jurors is held by leaſe or copy for lives. *ſ.* 3.

If any perſon ſhall be evicted out of any lands by virtue of this act, and afterwards ſuch perſon upon whoſe life ſuch eſtates depend ſhall return again, or ſhall, on proof in any action to be brought for recovery of the ſame, be made appear to have been living, the leſſee may re-enter and enjoy the lands in his former eſtate ſo long as the ſaid perſon ſhall be living, and alſo ſhall recover for damages the profits of the land, with intereſt for the time that they were outed. *ſ.* 5.

By 29 *Car.* 2. *c.* 3. any eſtate *pur auter vie* ſhall be deviſable by will in writing, ſigned by the party, or by ſome other perſon in his preſence and by his expreſs directions, ſubſcribed in the preſence of the deviſor by three witneſſes; and if no ſuch deviſe be made, the ſame ſhall be chargeable in the hands of the heir, if it ſhall come to him by reaſon of a ſpecial occupancy, as aſſets by deſcent; and in caſe there be no ſpecial occupant, it ſhall go to the executors, and be aſſets in their hands. *ſ.* 12. *See* 14 *Geo.* 2. *c.* 20.

By 6 *Ann. c.* 18. Any perſon who ſhall have any claim to any remainder, reverſion or expectancy, in any eſtate after the death of any perſon within age, married woman or any other perſon, upon affidavit made in chancery by the perſons claiming ſuch eſtate, of his title, and that he hath cauſe to believe that ſuch minor, married woman or other perſon, is dead, and that the death is concealed, may once a year move the lord chancellor to order ſuch guardian, truſtee, huſband, or other perſon, ſuſpected to conceal ſuch perſon, to produce to ſuch perſons (not exceeding two) as ſhall in ſuch order be named by the party proſecuting, ſuch minor, married woman or other perſon; and if ſuch guardian or other perſon ſhall neglect to produce ſuch infant, *&c.* on whoſe life ſuch eſtate doth depend, according to the directions of the order, the court of chancery is required to order ſuch guardian, *&c.* to produce ſuch minor, *&c.* in court, or before commiſſioners, as the court ſhall direct, two of which commiſſioners ſhall be nominated by the party proſecuting; and in caſe ſuch guardian, *&c.* ſhall neglect to produce ſuch infant, *&c.* in court or before ſuch commiſſioners, whereof return ſhall be made by ſuch commiſſioners, and that return filed in the petty bag office, the ſaid minor, *&c.* ſo concealed ſhall be taken to be dead, and it ſhall be lawful for any perſon claiming title after the death of ſuch infant, *&c.* to enter upon ſuch lands as if ſuch infant, *&c.* were dead. *ſ.* 1.

If it ſhall appear to the court by affidavit that ſuch minor, *&c.* for whoſe life ſuch eſtate is holden, is at ſome certain place beyond the ſeas, it ſhall be lawful for the party proſecuting ſuch order, to ſend over the perſons appointed by the ſaid order to view ſuch minor, *&c.* and in caſe ſuch guardian, *&c.* ſhall neglect to produce to ſuch perſons a perſonal view of ſuch infant, *&c.* ſuch perſons are required to make return of ſuch neglect, which return ſhall be filed in the petty-bag, and thereupon ſuch minor, *&c.* ſhall be taken to be dead. *ſ.* 2.

If it ſhall afterwards appear upon proof in any action that ſuch infant, *&c.* were alive at the time of ſuch order made, ſuch infant, *&c.* or other perſon having any eſtate determinable upon ſuch life, *may* re-enter upon the ſaid lands, and maintain an action againſt thoſe who received the profits, or their executors or adminiſtrators, and therein recover damages for the profits received. *ſ.* 3.

If any ſuch guardian, *&c.* having any eſtate determinable upon the life of any other perſon, ſhall to the ſatisfaction of the court make appear, that they have uſed their utmoſt

endeavours to procure ſuch infant, &c. to appear in court, or elſewhere, according to the order; and that they cannot procure ſuch infant, &c. to appear, and that ſuch infant, &c. were living at the time of ſuch return made and filed; ſuch perſon may continue in poſſeſſion of ſuch eſtate. ſ. 4.

Every perſon who as guardian or truſtee for any infant, and every huſband ſeiſed in right of his wife, and every other perſon having any eſtate determinable upon any life, who after the determinantion of ſuch particular eſtates, without the expreſs conſent of them who are next entitled upon the determination of ſuch particular eſtates, ſhall hold over and continue in poſſeſſion of any lands, ſhall be adjudged treſpaſſers; and every perſon, his executors and adminiſtrators, who ſhall be entitled to ſuch lands upon the determination of ſuch particular eſtates, ſhall recover in damages againſt every perſon ſo holding over, and againſt his executors or adminiſtrators, the value of the profits received during ſuch wrongful poſſeſſion. ſ. 5.

By 14 *Geo.* 2. *c.* 20. Eſtates *pur autre vie*, in caſe there be no ſpecial occupant thereof, of which no deviſe ſhall have been made, according to 29 *Car.* 2. *c.* 3. or ſo much thereof as ſhall not have been ſo deviſed, ſhall be diſtributed in the ſame manner as the perſonal eſtate of the teſtator or inteſtate. ſ. 9.

Limitations.

By *Stat. Weſtm.* 1. 3 *Edw.* 1. *c.* 39. In conveying a deſcent in a writ of right, none ſhall declare of the ſeiſin of his anceſtor beyond the time of king *Richard*.

By 32 *Hen.* 8. *c.* 2. No perſon ſhall have any writ of right, or make any preſcription, title or claim, to any lands or hereditaments of the poſſeſſion of his anceſtor or predeceſſor, and declare any further ſeiſin of his anceſtor, &c. but within threeſcore years before the *teſte* of the writ, or before the preſcription, title or claim, had. ſ. 1.

No perſon ſhall have any aſſiſe of *mortdanceſtor*, *coſinage*, *aiel*, writ of entry upon diſſeiſin done to any of his anceſtors, &c. or any other action poſſeſſory upon the poſſeſſion of his anceſtors, &c. of any further ſeiſin, but only of the ſeiſin of his anceſtor, &c. within fifty years before the *teſte* of the writ. ſ. 2.

No perſon ſhall have any action for lands upon his own ſeiſin above thirty years before the *teſte* of the writ. ſ. 3.

No perſon ſhall make avowry or cognizance for any rent, ſuit or ſervice, and alledge any ſeiſin of his anceſtors, &c. or in his own poſſeſſion, or in the poſſeſſion of any other whoſe eſtate he ſhall claim to have, above fifty years before the making of the avowry or cognizance. ſ. 4.

All formedons in reverter, formedons in remainder, and *ſcire facias* upon fines, ſhall be ſued within fifty years after the title fallen. ſ. 5. *See* 21 *Jac.* 1. *c.* 16. ſ. 1.

If any perſon ſue any of the ſaid writs, or make any avowry, cognizance, title or claim, for any rent, ſuit, ſervice, or other hereditaments, and cannot prove that he or his anceſtors, &c. were in actual poſſeſſion or ſeiſin of the ſame lands, &c. within the years before limited, if the ſame be traverſed by the party, after trial therein had, ſuch perſons ſhall be barred for ever. ſ. 6.

If any falſe verdict be given in any of the ſaid actions or claims, the party grieved ſhall have his attaint in like manner as heretofore. ſ. 11.

By 1 *Mar. ſtat.* 2. *c.* 5. The act 32 *Hen.* 8. *c.* 2. ſhall not extend to any writ of right of advowſon, *quare impedit*, or aſſiſe of *darrein preſentment*, nor *jure patronatus*. ſ. 4.

By 21 *Jac.* 1. *c.* 16. All writs of *formedon in deſcender*, *in remainder* and *in reverter*, ſhall be ſued within twenty years after the title and cauſe of action firſt fallen; and no perſon ſhall make any entry into lands but within twenty years after his right or title ſhall firſt accrue. ſ. 1.

If any perſon that ſhall be entitled to ſuch writs, or ſhall have ſuch right or title of entry, be at the time of the ſaid right or title firſt accrued within the age of 21 years, *feme covert*, *non compos mentis*, impriſoned or beyond the ſeas; ſuch perſon and his heirs may bring action, or make entry, within ten years after their full age, diſcoverture, coming of ſound mind, enlargement out of priſon, or coming into this realm, or death. ſ. 2.

All actions of treſpaſs *quare clauſum fregit*, all actions of treſpaſs, detinue, action *ſur trover* and replevin, all actions of account, and upon the caſe, other than ſuch accounts as concern the trade of merchandize between merchant and merchant, their factors or ſervants, all actions of debt grounded upon any lending or contract without ſpecialty, all actions of debt for arrearages of rent, and all actions of aſſault, menace, battery, wounding and impriſonment, ſhall be ſued within the time hereafter expreſſed, *viz.* the ſaid actions upon the caſe (other than for ſlander), and the ſaid actions for account, and the ſaid actions for treſpaſs, debt, detinue and replevin, and the ſaid action of treſpaſs *quare clauſum fregit*, within ſix years after the cauſe of action; and the ſaid actions of treſpaſs of aſſault, battery, wounding or impriſonment, within four years after the cauſe of action; and the ſaid actions upon the caſe for words within two years after the words ſpoken. ſ. 3.

If in any of the ſaid actions judgment be given for the plaintiff, and the ſame be reverſed by error, or a verdict paſs for the plaintiff, and upon matter alledged in arreſt of judgment the judgment be given againſt the plaintiff, that he take nothing by his writ or bill; or if any the ſaid actions be brought by original, and the defendant therein be outlawed, and ſhall after reverſe the outlawry; the plaintiff may commence a new action within a year after ſuch judgment reverſed or given againſt the plaintiff, or outlawry reverſed. ſ. 4.

In all actions of treſpaſs *quare clauſum fregit*, wherein the defendant ſhall diſclaim any title to the land, and the treſpaſs be by negligence or involuntary, the defendant ſhall be admitted to plead a diſclaimer, and that the treſpaſs was by negligence or involuntary, and a tender of ſufficient amends before the action brought; and if the iſſue be found for the defendant, or the plaintiff be nonſuited, the plaintiff ſhall be barred from the ſaid action, and all other ſuit concerning the ſame. ſ. 5.

If any perſon entitled to any ſuch action of treſpaſs, detinue, action *ſur trover*, replevin, actions of accounts, actions of debt, actions of treſpaſs for aſſault, menace, battery, wounding or impriſonment, actions upon the caſe for words, ſhall be at the time of ſuch cauſe of action accrued within the age of 21 years, *feme covert*, *non compos mentis*, impriſoned or beyond the ſeas, ſuch perſon ſhall be at liberty to bring the ſame actions within ſuch times as are before limited after their being of full age, diſcovert, of *ſane* memory, at large, and returned from beyond the ſeas. ſ. 7.

By 10 *Will.* 3. *c.* 14. No fine or common recovery, nor any judgment in any real or perſonal action, ſhall be reverſed or avoided for error, unleſs the writ of error, or ſuit for the reverſing ſuch fine, recovery or judgment, be brought and proſecuted with effect within twenty years after

after ſuch fine levied, or ſuch recovery ſuffered, or judgment ſigned or entered of record. *ſ.* 1.

If any perſon entitled to ſuch writ of error ſhall at the time of ſuch title accrued be within the age of 21 years, or covert, *non compos mentis*, impriſoned or beyond the ſeas, ſuch perſon, his or her heirs, executors or adminiſtrators, may bring their writ of error within five years after full age, diſcoverture, coming of ſound mind, enlargement out of priſon, or returning from beyond the ſeas, or death. *ſ.* 2.

By 4 *Ann. c.* 16. No claim or entry to be made upon any lands ſhall be of force to avoid any fine levied with proclamations, or ſhall be a ſufficient entry or claim within the ſtatute 21 *Jac.* 1. *c.* 16. *for limitation of actions*, unleſs an action ſhall be commenced within one year after the making of ſuch entry or claim, and proſecuted with effect. *ſ.* 16.

All ſuits in the admiralty for ſeamen's wages ſhall be commenced within ſix years after the cauſe of ſuch ſuits ſhall accrue. *ſ.* 17.

If any perſon entitled to ſuch ſuit for ſeamen's wages be within the age of 21 years, *feme covert*, *non compos mentis*, impriſoned, or beyond the ſeas, ſuch perſons ſhall be at liberty to bring the ſame actions, ſo as they take the ſame within ſix years after their being of full age, diſcovert, of *ſane* memory, at large, and returned from beyond the ſeas. *ſ.* 18.

If any perſon againſt whom there ſhall be any ſuch cauſe of action for ſeamen's wages, or againſt whom there ſhall be any cauſe of action of treſpaſs, detinue, action *ſur trover* or replevin, or of action of account, or upon the caſe, or of debt grounded upon any lending or contract without ſpecialty, debt for arrearages of rent, or aſſault, menace, battery, wounding and impriſonment, be, at the time of any ſuch cauſe of action accrued, beyond the ſeas, ſuch perſon who is entitled to ſuch action ſhall be at liberty to bring the ſaid actions againſt ſuch perſons after their return from beyond the ſeas, ſo as they take the ſame after their return from beyond the ſeas within ſuch times as are limited for the bringing of the ſaid actions by this act, and by the act 21 *Jac.* 1. *c.* 16.—*ſ.* 19.

By 9 *Geo.* 3. *c.* 16. The king ſhall not ſue, impeach, queſtion, or implead, any perſon or perſons, bodies politick or corporate, for any manors, lands, tenements, rents, tythes, or hereditaments whatſoever (other than liberties or franchiſes), or in any wiſe concerning the revenues, iſſues, or profits thereof, or make any title, claim, challenge, or demand, of, in, or to the ſame, by reaſon of any right or title which hath not firſt accrued within ſixty years next before the commencing of ſuch action, bill, plaint, information, commiſſion, or other ſuit, for recovering the ſame, unleſs his majeſty, or ſome of his progenitors, heirs or ſucceſſors, or ſome other perſon, under whom his majeſty, his heirs, or ſucceſſors, claimeth, have or ſhall have been anſwered by force of any ſuch right or title to the ſame, the rents, revenues, iſſues, or profits thereof, or the rents, iſſues, or profits of any honour, manor, or other hereditament, whereof the premiſes in queſtion ſhall be part, within the ſaid ſpace of ſixty years; or that the ſame have been duly in charge; or have ſtood *inſuper* of record within the ſaid ſpace of ſixty years: and all perſons, and all claiming under them, according to their eſtates, ſhall, at all times hereafter, quietly hold and enjoy, againſt his majeſty, his heirs and ſucceſſors, claiming by any title which hath not firſt accrued within the ſaid ſpace of ſixty years, all manors, *&c.* (except liberties and franchiſes), which they, or thoſe under whom they claim, have enjoyed, or taken the rents or profits of, by the ſpace of ſixty years next before the commencing ſuch ſuit for recovering the ſame; unleſs his majeſty, his progenitors, heirs or ſucceſſors, or ſome other perſon, under whom his majeſty, his heirs, or ſucceſſors claim, have been anſwered, by virtue of ſuch title, the rents, iſſues, or profits thereof, within the ſaid ſpace of ſixty years; or that the ſame have been duly in charge, or ſtood *inſuper* of record as aforeſaid, within the ſaid ſpace of ſixty years: and furthermore, all perſons, and all claiming under them, according to their ſeveral eſtates and intereſts, ſhall, for ever hereafter, quietly hold and enjoy all ſuch manors, *&c.* (except liberties and franchiſes), as they now or hereafter ſhall or may have, claim, or enjoy (whereof his majeſty, his anceſtors, heirs, or ſucceſſors, or they under whom his majeſty, his heirs, or ſucceſſors, ſhall claim, by force of ſome title to the ſame, have not been anſwered, the rents or profits thereof, within ſixty years next before the commencing of ſuch ſuit for recovering the ſame, nor the ſame have been duly in charge, or ſtood *inſuper* of record as aforeſaid, within ſixty years), againſt all perſons claiming to have any eſtate, right, title, intereſt, claim, or demand whatſoever, of, in, or to the ſame, by letters patents or grants, upon ſuggeſtion of concealment or wrongful detaining, or not being in charge, or defective titles, or under any patentees, or grantees, or any letters patents or grants, upon ſuggeſtion of concealment or wrongful detaining, or not being in charge, or defective titles, of or for which ſaid manors, *&c.* no verdict, judgment, decree, judicial order upon hearing, or ſentence of any court now ſtanding in force, hath or ſhall hereafter be had or given, in any courts at *Weſtminſter*, within ſixty years next before the commencing of ſuch ſuit for recovering the ſame. *ſ.* 1.

Where the rents, iſſues, or profits of any manors, *&c.* are in charge, by, to, or with any auditor, or other proper officer of the revenue, ſuch rents and profits ſhall be deemed to be duly in charge within this act. *ſ.* 2.

This act ſhall not extend to bar his majeſty, his heirs or ſucceſſors, of any manors, *&c.* whereof any reverſion or remainder now is in his majeſty; nor of any reverſion or remainder, or poſſibility of reverſion or remainder, in any of his majeſty's progenitors, or predeceſſors, or anceſtors, which by the determination of any limited eſtate of fee-ſimple, fee-tail, or other particular eſtate, hath fallen or ſhall hereafter fall or come in poſſeſſion, within ſixty years next before the commencing of any ſuit for recovering the ſame; nor of any right or title firſt accrued to his majeſty, his anceſtors, heirs, or ſucceſſors, of any manors, *&c.* within ſixty years next before the commencing of any ſuit for recovering the ſame. *ſ.* 3.

This act ſhall not extend to any manors, *&c.* mentioned to be granted by any of his majeſty's anceſtors, or by any other under whom his majeſty claimeth, to any perſon, of any limited eſtate in fee-ſimple, any eſtate in tail, or other particular eſtate, which ſeveral eſtates (if good in law) have or ought to have firſt fallen or become in poſſeſſion, or will or ought firſt to fall or come in poſſeſſion, within ſixty years next before the commencing of any ſuit for recovering the ſame; nor to any manors, *&c.* mentioned to be granted by any of his majeſty's anceſtors, or by any other under whom his majeſty claimeth, to any perſon in fee-tail, or other particular eſtate, whereof the reverſion or inheritance (if ſuch eſtate tail, or other particular eſtate, had been good in law), ſhould have continued in his majeſty, or any of his anceſtors,

ceſtors, or ſhould or ought hereafter to be and continue in his majeſty, his heirs or ſucceſſors, at any time within ſixty years next before the commencing any ſuit for recovering the ſame. *ſ.* 4.

All the ſaid manors, lands, tenements, and hereditaments, ſhall hereafter be holden of his majeſty, his heirs and ſucceſſors, and of other perſons, by the ſame tenures, ſervices, fee-farms, chief rents, heriots, and other duties, as the ſame ought of right to have been holden, if the eſtates, rights, and intereſts eſtabliſhed by this act, had been before firm, good, and effectual in law. *ſ.* 5.

Saving to every perſon, bodies politick and corporate, their heirs and ſucceſſors (other than his majeſty, his heirs and ſucceſſors, and other than all patentees or grantees of concealments, or defective titles, and all perſons claiming under them), all ſuch rights, title, intereſt, eſtate, rents, commons, cuſtoms, duties, profits, and other claims and demands whatſoever, in, to, or out of the ſaid manors, *&c.* as they had or ought to have had before this act. *ſ.* 6.

Where any fee farm rent, or other rent, has been paid to the king, his predeceſſors, heirs, or ſucceſſors, within ſixty years next before ſuit ſhall hereafter be commenced, for recovering the ſame, out of any manors, *&c.* of which the eſtates, rights, or intereſts, being defective, are eſtabliſhed by this act, the king, his heirs, and ſucceſſors, ſhall from henceforth for ever have and enjoy the ſaid rents, and arrearages, as amply as the ſame are or were enjoyed at any time within the ſaid ſpace of ſixty years. *ſ.* 7.

Nothing in this act ſhall extend to the right, title, or claim, of any perſon, in or to any manors, tenements, or hereditaments, under any grants, or letters patents, from any of his majeſty's predeceſſors, or under any grants or letters patents, from his majeſty, paſſed before 1 *Jan.* one thouſand ſeven hundred and ſixty-nine; ſo as ſuch right, title, or claim, be proſecuted with effect, in ſome of his majeſty's courts of record at *Weſtminſter*, within one year from 1 *Jan.* one thouſand ſeven hundred and ſixty-nine. *ſ.* 8.

Nothing in this act ſhall extend or be prejudicial to any right, title, or claim, which his majeſty now hath to any lands, tenements, or hereditaments, within the manor of *Eaſt Greenwich*, in *Kent*; or to any meſſuages, lands, tenements, or hereditaments, within *The Savoy*, in *Middleſex*; or to any the manors, meſſuages, advowſons, buildings, lands, tenements, hereditaments, and appurtenances, being the eſtate and poſſeſſion of the late hoſpital of the *Savoy*, or of the maſter and chaplains of the ſaid hoſpital; ſo as ſuch title be proſecuted with effect in ſome of his majeſty's courts of record at *Weſtminſter*, within two years from 1 *Jan.* 1769. *ſ.* 9. *Enlarged as to the* Savoy *to two years from* 1 Jan. 1771, 11 Geo. 3. c. 4.

No putting in charge, nor ſtanding *inſuper*, nor taking or anſwering the farm rents, revenues, or profits of any of the ſaid manors, lands, tenements, or hereditaments, by force, or pretexts of any letters patent or grants of concealments, or defective titles, or of manors, *&c.* out of charge, or by pretext of any inquiſitions, preſentments, by reaſon of any commiſſion to find out concealments, defective titles, or lands, out of charge, ſhall be deemed to be a putting in charge, ſtanding *inſuper*, or anſwering the farm rents, revenues, or profits by or to his majeſty, his predeceſſors, heirs or ſucceſſors; unleſs thereupon ſuch manors, *&c.* have been or ſhall be upon verdict or demurrer in law adjudged, or upon a hearing, decreed for his majeſty, his predeceſſors, heirs or ſucceſſors, within ſixty years next before the commencing ſuit. 9 *Geo.* 3. *c.* 16. *ſ.* 10.

By 27 *Geo.* 3. *c.* 44. No ſuit for defamatory words ſhall be commenced in any of the eccleſiaſtical courts within *England*, *Wales*, or *Berwick upon Tweed*, unleſs the ſame ſhall be commenced within ſix months from the time when ſuch words ſhall have been uttered. *ſ.* 1.

No ſuit ſhall be commenced in any eccleſiaſtical court, for fornication or incontinence, or for ſtriking or brawling in any church or church-yard, after the expiration of eight months from the time when ſuch offence ſhall have been committed, nor ſhall any proſecution be commenced or carried on for fornication after the parties offending ſhall have intermarried. *ſ.* 2.

London.

Statutes reſpecting the City of London *in general.*

By *Magna Charta*, 9 *Hen.* 3. *c.* 9. The city of *London* ſhall have all her ancient liberties and cuſtoms. *Confirmed by* 14 Ed. 3. ſtat. 1. c. 1.

By *ſtat. civ. London*, 13 *Ed.* 1. *ſtat.* 5. None ſhall be found walking the ſtreets of the city, after curfew rung at *St. Martins le Grand*, with ſpear or buckler, or other arms, unleſs he be a lord, or other man of known worth, or their meſſenger, for whom they will warrant; and if any man be found walking to the contrary, he ſhall be taken by the keepers of the peace, and the morrow he ſhall be carried before the mayor and aldermen. None ſhall keep a tavern open of wine or of ale after curfew; and none ſhall receive any in his houſe for whom he will not anſwer to the king's peace; and if any taverner do otherwiſe, he ſhall be attached by good pledge, and be amerced 40*d.* and for the ſecond offence he ſhall be amerced half a mark, and the third time 10*s.* and the fourth time 20*s.* and the fifth time he ſhall be forejudged the trade for ever. None ſhall keep ſchool or teach to fence with buckler within the city, on pain of impriſonment of 40 days. None that is arreſted for treſpaſs or other miſdemeanour againſt the king's peace, or for evil ſuſpicion, ſhall be delivered by the ſheriff without the award of the warden or of the mayor and aldermen, unleſs the treſpaſs be very ſmall, and then good bail ſhall be taken, that he appear before the warden, or the mayor and aldermen. And every alderman in his wardmote ſhall inquire of ſuch miſdoers, and if any be found by indictment or evil ſuſpicion, they ſhall be attached, and brought before the warden, or the mayor and aldermen; and if they cannot acquit themſelves, they ſhall be puniſhed by impriſonment or otherwiſe. *ſ.* 1.

No man ſhall keep an inn, or harbour others, within the city, unleſs he be a freeman, and have good teſtimony from whence he came, and find good pledges to the bailiffs of the city. And no broker ſhall be within the city, but thoſe who are received and ſworn before the warden, or the mayor and aldermen. *(See Brokers, poſt.)* And if any other inn-keeper or broker be found within the city, or any other of whom there is evil ſuſpicion, he ſhall be arreſted by the warden or mayor, or the ſheriffs, or the alderman of the ward, and puniſhed, *viz.* inn-keepers and

brokers

brokers ſhall be incapable of the freedom and adjudged to priſon, and the others ſhall be puniſhed by impriſonment or otherwiſe. And the officers ſhall not be ſued for any puniſhment of miſdoers or ſuſpicious perſons, unleſs it be done by open malice. *ſ.* 2.

By 7 *Ric.* 2. *c.* 11. All vintners and victuallers, as well fiſhers as others, coming with their victuals to *London*, ſhall be under the rule of the mayor and aldermen.

By 1 *Hen.* 4. *c.* 16. The merchants of *London* ſhall be as free to pack their cloths as other merchants within the city, or within other cities and boroughs.

By 3 *Hen.* 7. *c.* 9. Every freeman and citizen of *London* may go with his victual or merchandize to any fair or market within this realm; and the ordinance made in *London* to the contrary ſhall be void: and if any perſon be prejudiced by occaſion of the ſame, he that putteth any perſon to ſuch prejudice ſhall forfeit to the king 40*l.* and he that will ſue for ſuch forfeiture ſhall have therefore an action of debt; the king to have execution of the one half, and he that ſueth the other half.

By 19 *Car.* 2. *c.* 3. The ſecond day of *September* (unleſs the ſame be *Sunday*, and then the next day) ſhall be for ever obſerved as a day of public faſting and humiliation within the ſaid city. *ſ.* 28.

By 2 *Will. & Mar. ſtat.* 1. *c.* 8. The mayor, commonalty, and citizens of the city of *London*, ſhall for ever hereafter be, and preſcribe to be, a body corporate and politick, without any ſeizure or forejudger of the ſaid franchiſe for any pretence of forfeiture or miſdemeanour hereafter to be committed; and the ſaid mayor and commonalty ſhall enjoy all their rights, franchiſes, cuſtoms, immunities, markets, duties, tolls, lands and hereditaments. *ſ.* 3.

Aldermen.

By 17 *Ric.* 2. *c.* 11. The aldermen of *London* ſhall not be elected yearly, but remain until they be put out for reaſonable cauſe.

Aliens.

See general title Aliens, Part I. *page* 16.

Aſſizes.

By *Stat. Glouceſt.* 6 *Edw.* 1. *c.* 14. Whereas thoſe who were diſſeiſed of freehold in *London* could not recover their damages before the coming of the juſtices to the *Tower*, from henceforth they ſhall have their damages by recognizance of the aſſiſe whereby they recover their tenement. And the diſſeiſors ſhall be amerced before two barons of the exchequer, who once a year ſhall come into the city to do it.

Attaint.

By 11 *Hen.* 7. *c.* 21. *ſ.* 2. An attaint may be ſued by bill in the huſtings of *London*, upon any falſe verdict given in any of the courts of that city; and thereupon the mayor ſhall award a precept to every alderman, or his deputy, to preſent unto the ſaid mayor, at the next huſtings, the names of four indifferent and diſcreet citizens out of each of their wards, each of them worth in eſtate 100*l.* at leaſt; out of which the mayor and ſix aldermen, or more, ſhall impanel forty-eight, whom the mayor ſhall cauſe to be ſummoned, together with the tenants or defendants in the attaint, to appear at the next huſtings: and if upon default of appearance, or otherwiſe, there ſhall need a *tales*, the panel ſhall be ſupplied out of the reſt preſented, or by other ſuch citizens, at the diſcretion of the mayor and ſix aldermen. And all pleas in ſuch attaints ſhall be tried there by inqueſts of the ſame city, and not elſewhere. And in an attaint there, no challenge ſhall be for lack of ſufficiency in eſtate. Provided that the judgment in ſuch attaint ſhall not extend to lands or tenements, nor to other puniſhment of the petty jury, or other proceſſes, than ſuch as are limited by this act. And in ſuch an attaint, if the petty jury be attainted, judgment ſhall be againſt the defendant, as at the common law; and againſt the petty jury, to forfeit each of them 20*l.* or more, at the diſcretion of the court, to ſuch uſe as other penalties forfeited before them, and to ſuffer ſix months impriſonment, or leſs, at the like diſcretion of the court, and to be for ever diſabled to be a juror. But if the verdict be affirmed, the grand jury ſhall inquire into the corruption of the petty jurors; and if any of them be found to have taken any reward, *&c.* he ſhall forfeit ten times the value thereof to the plaintiff, and ſhall ſuffer impriſonment, and diſability to be a juror, as aforeſaid. The like forfeitures alſo, and impriſonment, ſhall be inflicted on the tenant or defendant that ſhall give ſuch reward or promiſe. And if a debt, coſts or damages, are recovered in the firſt action (whereupon the attaint is brought) and that verdict found falſe, the plaintiff in ſuch attaint may ſue an action of debt for reſtitution of ſuch debts, coſts and damages, by writ, bill or plaint, in any of the king's courts. And in ſuch attaint, if the plaintiff be nonſuit, or the firſt verdict affirmed, the plaintiff ſhall be impriſoned, and make fine (to the uſe of the city) at the diſcretion of the court. And where there are two or more plaintiffs, if any of them die, or be nonſuit, and albeit all the tenants or defendants, and ſome of the petty jury die, yet ſhall not the attaint abate, ſo that two of that jury remain in life. And the grand jurors that make default, ſhall forfeit for the firſt default 40*s.* for the ſecond 5*l.* and for every other afterwards 10*l.* And like proceſs ſhall be made againſt the jurors and parties in this attaint, as is uſually made in attaints at the common law, and ſhall be returnable at every huſtings. And the attaint ſhall not remain to be taken after the firſt ſummons returned, for the default of the tenant or defendant, or any of the petty jury; neither ſhall any protection or eſſoign be allowed in the ſame. Provided that on attaints in the ſaid city upon any record wherein the trial was *per medietatem linguæ*, the mayor and aldermen ſhall impanel half ſtrangers, worth 100*l.* a-piece.

By 37 *Hen.* 8. *c.* 5. *ſ.* 3. Citizens of *London*, being worth four hundred marks in goods, may be impanelled and returned by the ſheriffs of *London* upon attaints there. And the juſtices ſhall hereafter ſit upon attaints in *London* at *Guildhall*, or ſome other convenient place in that city, and not elſewhere; neither ſhall the citizens there be compellable to appear upon any ſuch attaint in any other place, notwithſtanding 23 *Hen.* 8. *c.* 3. (*See general title Attaint, Part* I. *page* 40.)

Ballaſtage.

By 6 *Geo.* 2. *c.* 29. (amended by 32 *Geo.* 2. *c.* 16. and continued until *June* 24, 1794, by 23 *Geo.* 3. *c.* 8.) All maſters of ſhips lying in the river *Thames* ſhall pay to the *Trinity Houſe*, for all ballaſt demanded and entered at the ballaſt-office, the rates following, *viz.* for every tun conſiſting

conſiſting of twenty hundred weight, carried to any ſhip employed in the coal trade, 12 *d.* and for every tun carried to any other *Britiſh* ſhip, 15 *d.* and for every tun carried to any foreign ſhip, 19 *d.* and the corporation of *Trinity-houſe* ſhall pay for the raiſing and carrying every tun of ballaſt, 9 *d.* whereof 6 *d.* ſhall be paid to the two ballaſt men, and 3 *d.* for the uſe of the lighters. *ſ.* 1.

Nothing in this act ſhall alter the price of waſhed ballaſt. *ſ.* 2.

If any ballaſt man ſhall deliver any ballaſt, which ſhall fall ſhort of quantity; or ſhall neglect to deliver to any ſhip ſuch quantity as the rulers of the ballaſt office ſhall by their uſual tickets direct; or ſhall deliver more or other ballaſt than ſhall be directed: every ballaſt man ſo offending, and oath being made of the fact within ten days after the offence, or within ten days after the next return of ſuch ſhip by the maſter or other officer of any ſuch ſhip, before any ſuperviſor of the ballaſt office, being an elder brother, ſhall for every tun which ſhall appear to fall ſhort, and for every tun directed by the ballaſt rulers, which ſuch ballaſt man ſhall neglect to deliver, and for every tun delivered contrary to the directions of the ſaid rulers, forfeit 2 *s.* 6 *d.* *ſ.* 3.

The ſaid maſter wardens and aſſiſtants ſhall make good to the maſter of ſuch ſhip the quantity or value of the ballaſt which ſhall be found deficient; and in caſe ſuch recompenſe ſhall not be made within ten days after the ſame ſhall be demanded, the corporation ſhall forfeit 50 *l.* one moiety to the poor of the pariſh where ſuch offence ſhall be committed, the other moiety to the perſon who ſhall ſue for the ſame; which recompenſe the corporation are impowered to ſtop out of the wages due to ſuch ballaſt men, over and above the penalties. *ſ.* 4.

No perſon ſhall oblige any ballaſt man to deliver ballaſt which ſhall be directed by the rulers of the office to be carried to any other ſhip: and if any perſon ſhall fraudulently receive any greater quantity of ballaſt than they ſhall enter and pay for at the office, every perſon ſo offending, and being thereof convicted upon oath of one witneſs before a juſtice of peace for the city of *London*, or the counties of *Middleſex*, *Eſſex*, *Kent* or *Surrey*, within their reſpective juriſdictions, ſhall for every tun of ballaſt forfeit 2 *s.* 6 *d.* *ſ.* 5.

If any ballaſt man ſhall refuſe to work for the wages herein mentioned, or having contracted to ſerve for any term ſhall quit ſuch ſervice, or ſhall depart from the ſervice of the corporation without giving three months notice in writing to the ſuperviſors of the ballaſt office, or ſhall refuſe to work, or ſhall not work in ſuch ſtations in the river *Thames* as the corporation ſhall appoint, or ſhall work in any ſtation contrary to the orders of the rulers of the office given in writing; or ſhall join in any combination to raiſe wages, or obſtruct the ſervice of the corporation, or the navigation of the river; every perſon ſo offending, being convicted as aforeſaid, ſhall forfeit 5 *l.* *ſ.* 6.

The corporation of *Trinity-houſe* ſhall cauſe marks to be ſet on the ſtem and ſtern of every lighter between every two gauge marks now placed on the ſtem and ſtern, that the tunnage of every ſuch lighter may be diſtinguiſhed by a gradual progreſſion of two tuns and a half. *ſ.* 7.

It ſhall be lawful for the maſters of ſhips taking ballaſt, to meet in the ſquare at *Billingſgate* on the 3d *Monday* in *June* in every year, and to adjourn as the majority of them ſhall think fit, and, by writing under the hands and ſeals of the major part of them, to appoint perſons, having been maſters or mates of ſhips, to inſpect the ballaſt lighters; which perſons are impowered to examine the marks; and in caſe ſuch perſons ſhall ſuſpect that any of the marks have been altered, and ſhall at the ballaſt office require the ſame lighter to be re-weighed, the corporation ſhall within ten working days after ſuch requeſt cauſe ſuch lighter to be re-weighed; and in caſe the ſame ſhall be found to be of as great tunnage as by the marks ſhall be noted, the charge of ſuch re-weighing ſhall be paid by the perſons requiring the ſame; and in caſe ſuch perſons ſhall not pay the charge within ten days after ſuch re-weighing, they ſhall forfeit 5 *l.* but if ſuch lighter ſhall be found of leſs tunnage than the marks denote, the charge of ſuch re-weighing ſhall be born by the corporation; who ſhall cauſe the marks on the ſtem and ſtern of ſuch lighter to be placed in ſuch manner as to denote the true tunnage; and in caſe the corporation ſhall neglect to have ſuch lighter re-weighed, or to mark the ſame according to this act, the corporation ſhall forfeit 50 *l.* one moiety to the poor of the pariſh where the offence ſhall be committed, the other moiety to the perſon who ſhall ſue for the ſame. *ſ.* 8.

No more than two lighters ſhall be required to be re-weighed in any one week. *ſ.* 9.

Any maſter of a ſhip may appoint two perſons belonging to ſuch ſhip (whereof the mate to be one), to go on board any lighter bringing ballaſt to ſuch ſhip, to inſpect the marks at which ſuch lighter ſwims, before and after the delivery of ſuch ballaſt; and every ballaſt man ſhall immediately before the delivery of ballaſt to any ſhip trim ſuch lighter, ſo as to make the ſame ſwim at equal marks at the ſtem and ſtern, and pump all the water out; and if any perſon working on board ſuch lighter ſhall hinder any perſon ſo appointed from going on board ſuch lighter, or ſhall begin to deliver the ballaſt before ſuch lighter ſhall be trimmed to ſwim at equal marks, and the water pumped out, every perſon ſo offending ſhall forfeit 5 *l.* *ſ.* 10.

If any ballaſt man ſhall work or deliver ballaſt in any lighter not weighed, marked, numbered and allowed by the corporation, or ſhall alter or counterfeit the gauge marks, or the number of ſuch lighter, he ſhall forfeit 10 *l.* *ſ.* 11.

If any ballaſt man ſhall demand and receive from any maſter or officer of any ſhip, any money on account of ballaſt, or the delivery of the ſame, every ballaſt man ſo offending, ſhall forfeit 40 *s.* *ſ.* 12.

The ballaſt men employed in the ſervice of the corporation ſhall be ſubject to the regulations of the corporation, provided ſuch regulations do not extend to the lowering the wages. *ſ.* 13.

Any maſter of a ſhip may carry as ballaſt from *London*, or any part of the river *Thames*, any dung, chalk, ſoap-aſhes, flints, clay, or other goods now claimed to be furniſhed as ballaſt, ſubject to the reſtrictions herein after mentioned. *ſ.* 14.

The maſter of every ſuch ſhip ſhall firſt make entry at the ballaſt office, or with the officer of the ſaid corporation at *Graveſend*, of the ſaid goods, and the name of ſuch ſhip, and of the maſter. *ſ.* 15.

At the time of ſuch entry the maſter of ſuch ſhip ſhall pay for ſuch licence to the corporation, 1 *d.* for every tun of the ſaid goods. *ſ.* 16.

If any maſter of any ſhip ſhall put on board any of the ſaid goods before ſuch entry and payment, or ſhall ſhip any greater quantity than ſhall be ſo entered and paid for, every perſon ſo offending, and convicted before one juſtice, ſhall forfeit

forfeit 5 *l.* one moiety to the poor of the corporation, and the other to the perſon who ſhall inform for the ſame. *ſ.* 17.

Provided that the whole quantity of dung and compoſt licenſed to be ſhipped for the uſe of the coaſters and colliers do not exceed three thouſand tons in any one year, to commence from the firſt of *June*; and that the whole quantity of chalk and chalk rubbiſh do not exceed three thouſand tons; and that the quantity of ſoap-aſhes, and all other commodities herein licenſed, do not exceed two thouſand tons in any one year. *ſ.* 18. (See 32 *Geo.* 2. *c.* 16. *ſ.* 2.)

All entries of the goods ſo licenſed, which ſhall be ſhipped in the laſt ſeven days of *May*, ſhall be made at the *Trinity-houſe* in *London*, and not at *Graveſend*. *ſ.* 19.

Any maſter of any ſhip may carry as ballaſt from any part of the river *Thames*, any bricks, tiles or lime, or other merchandizable commodity, without paying any thing to the corporation. *ſ.* 20. (See 32 *Geo.* 2. *c.* 16. *ſ.* 5.)

The pecuniary forfeitures impoſed by this act ſhall be applied in the firſt place for the paying the loſſes that the corporation ſhall ſuſtain by ſhort or fraudulent tunnage, or by reaſon of ſuch ſhips being not ſupplied with the ballaſt directed, and afterwards for the benefit of the poor of the corporation. *ſ.* 21.

Two juſtices of peace for the city of *London*, or any of the four counties above mentioned (not being members of the corporation) may hear and determine the offences puniſhable by pecuniary penalties by this act, except ſuch as are particularly directed to be otherwiſe determined; and ſuch juſtices are required, upon information within ten days after ſuch offence committed, to ſummon the party accuſed and the witneſſes, and after oath made of the facts, to iſſue a warrant for apprehending the party offending, and to proceed to the examination of witneſſes, and to give judgment accordingly; and where the party ſhall be convicted, to iſſue warrants for levying the penalties on the goods of the offender, and to cauſe ſale to be made, in caſe they ſhall not be redeemed in five days; and where goods cannot be found, to commit ſuch offender to the houſe of correction, to be kept to hard labour for three months, or until ſuch penalties ſhall be paid. *ſ.* 22.

Such juſtices may mitigate the penalties, one moiety. *ſ.* 23.

Any perſon may appeal to the next quarter ſeſſions. *ſ.* 24.

Any ſuit brought for any thing done in purſuance of this act ſhall be commenced within three months after the fact, and ſhall be laid in the county where the cauſe of action ariſes: and the defendant may plead the general iſſue; and if judgment ſhall be given againſt the plaintiff, the defendant ſhall have treble coſts. *ſ.* 25.

By 32 *Geo.* 2. *c.* 16. for amending 6 *Geo.* 2. *c.* 29. Any maſter or owners of any ſhip may ſhip and carry in his ſhip as ballaſt, from *London*, or any part of the *Thames*, any dung, compoſt, earth, or ſoil, or any chalk rubbiſh, ſope aſhes, ſope waſte, flints, tobacco pipe clay, or other clay, or any other goods claimed to be furniſhed as ballaſt by the corporation of *Trinity-houſe* (ſubject to the payment of the rates and under the reſtrictions after mentioned), ſo that the whole quantity allowed to be ſhipped for ballaſt, doth not exceed in one year, to be computed from the 1ſt of *June* inclusive in every year, 3000 tons, beſides 2000 tons of dung, compoſt, earth, or ſoil, allowed to be ſhipped in any coaſting ſhips in the *Thames*, by the leſſees or occupiers of the lay-ſtalls of the city of *London*; and ſo that the whole quantity of chalk and chalk rubbiſh ſhipped as ballaſt, for the uſe of coaſters and colliers in the *Thames*, doth not exceed 3000 tons in one year; and ſo that the whole quantity of ſope aſhes, and all other commodities claimed to be furniſhed as ballaſt by the ſaid corporation, and licenſed by this act to be ſhipped as ballaſt for the uſe of coaſters and colliers in the ſaid river, doth not exceed 2000 tons in one year. *ſ.* 2.

Before the maſter or owners of any ſhip permit any of the ſaid commodities claimed to be furniſhed as ballaſt by the ſaid corporation to be ſhipped, every ſuch maſter or owners ſhall make a due entry at the ballaſt office of the *Trinity-houſe* in *London*, or with the officer of the ſaid *Trinity-houſe* at *Graveſend* (unleſs any of the ſaid commodities be ſhipped in the laſt ſeven days of *May* in any year, and then every entry thereof ſhall be made at the office of the *Trinity-houſe* in *London*) of all commodities ſhipped as ballaſt, and of the name of the ſhip or veſſel, and of the maſter, and at the time of making ſuch entry, ſhall pay to the ſaid corporation for ſuch licence one penny for every ton ſo entered. *ſ.* 3.

If any maſter or owners or officer of any ſhip, ſuffer to be ſhipped any of the commodities before-mentioned, before ſuch entry and payment, or ſhip any greater quantity than ſo entered and paid for, every perſon ſo offending and convicted, ſhall forfeit 5*l.* *ſ.* 4.

Any maſter or owner of any ſhip, may ſhip as ballaſt, from *London*, or any part of the *Thames*, any quantity of bricks, tyles, or lime, or any other merchandizable commodities, except ſuch as are before enumerated, without paying any thing to the ſaid corporation for the ſame. *ſ.* 5.

No lighter or veſſel ſhall be employed for carrying any dung, compoſt, earth, or ſoil, on board any ſhip in the *Thames*, for the uſe of coaſters or colliers there, until ſuch lighter, *&c.* be firſt weighed, marked, and numbered, by the corporation of the *Trinity-houſe*, and at their coſts, or by ſome agent appointed by them; and the ſaid corporation or their agent is in the day-time to weigh every ſuch lighter, *&c.* employed in the *Thames* for the carrying any dung, *&c.* on board any coaſter or collier in the ſaid river; and to affix a gauge mark in ſome conſpicuous place at the ſtem and ſtern of every ſuch lighter, *&c.* higher than the ſame ſinks into the water when loaded, denoting the tonnage; and the number of every ſuch lighter, *&c.* in large white capital letters and figures: and if any one offend in the premiſſes, or remove, alter, deface, or counterfeit, any gauge mark or number affixed by the ſaid corporation, he ſhall forfeit 5*l.* *ſ.* 6.

In caſe the ſaid corporation ſuſpect that the gauge mark of any lighter, *&c.* hath been removed or altered, the ſaid corporation or their agent in the day-time, and at the coſts of the ſaid corporation, may reweigh any ſuch lighter, *&c.* (ſo as no more than one lighter, *&c.* be reweighed in any week) and in caſe upon reweighing the ſame be found of greater tonnage than by the mark, the perſon to whom it belongs ſhall, on being convicted, forfeit 5*l.* *ſ.* 7.

If any ſhip or veſſel come into the *Thames* with any ballaſt, no part of ſuch ballaſt ſhall be unloaded into the ſaid river, but all ſuch ballaſt ſhall be laid at the expence of the owners or maſter of ſuch ſhip, on ſome common wharf near the river, or on ſome ground above high water mark; or otherwiſe ſhall be unloaded at the coſts of the owners or maſter of ſuch ſhip, *&c.* into lighters belonging to the ſaid corporation, which the ſaid corporation are required to furniſh and ſend, on demand made or left in writing at the ſaid ballaſt office; and in caſe the ſaid corporation neglect to ſend ſufficient lighters within three days after ſuch application, they ſhall forfeit 50*l.* unleſs ſuch neglect be occaſioned by

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froſty or tempeſtuous weather preventing ſuch lighters from being navigated; to be recovered by action of debt, &c. in any court of record at *Weſtminſter*; one moiety to the uſe of the poor of the pariſh where the offence is committed, and the other moiety to the perſon who ſhall ſue. *ſ.* 8.

The owners or maſter of every ſhip out of which any ballaſt is taken by any lighter belonging to the ſaid corporation, ſhall pay to the ſaid corporation 6*d. per* ton, for every ton of ballaſt received by the ſaid corporation out of ſuch ſhip, within 24 hours after ſuch ballaſt is carried away; which money ſhall be for the uſe of the poor of the ſaid corporation; and in caſe of nonpayment the ſame may be recovered by action of debt in any court of record at *Weſtminſter*, in the name of the ſaid corporation, againſt any ſuch owners or maſter. *ſ.* 9.

If any ballaſt be unloaded into the *Thames*, or laid on any place below the high water mark, the maſter of ſuch ſhip being convicted ſhall forfeit 5*l.* *ſ.* 10.

If any perſon unload or throw into the *Thames*, any rubbiſh, earth, aſhes, dirt, or ſoil, from any wharf or bank adjoining to the *Thames*, or out of any barge or lighter; being convicted he ſhall forfeit 40*s.* *ſ.* 11.

No dung, compoſt, earth, or ſoil, ſhall be put on board any coaſter or collier immediately from any place on ſhore, adjoining to the *Thames*; and all dung, &c. put on board any coaſter or collier for ballaſt, ſhall be taken from the layſtall or place on ſhore, whereon the ſame lies, and therefrom be carried to ſuch coaſter or collier, in ſome lighter or veſſel marked as by this act is directed, and ſhall be put on board ſuch coaſter or collier from ſuch marked lighter or veſſel only: and if any perſon offend in the premiſſes, being convicted, he ſhall forfeit 5*l.* one moiety to the informer, and the other moiety to the treaſurer of the corporation of the *Trinity-houſe*, for the uſe of the poor of the ſaid corporation. *ſ.* 12.

No perſon ſhall put any rubbiſh, earth, ſand, aſhes, dirt, filth, or ſoil, in any ſtreet or paſſage within the city of *London*, or the liberties thereof, or in the ſuburbs thereof in the county of *Middleſex*; or in any ſtreet or paſſage, in the city of *Weſtminſter*, or the liberties thereof; or in ſuch part of the duchy of *Lancaſter*, as lies in *Middleſex*; other than ſuch as is allowed by law to be laid to drain, ready for the ſcavengers to carry away; or ſweep or put any rubbiſh, &c. into any kennel in *London* or *Weſtminſter*, or ſuch part of the duchy of *Lancaſter*, other than ſuch as is ſwept away by the inhabitants before their reſpective habitations: and if any one offend in the premiſes, and be convicted, he ſhall forfeit 10*s.* *ſ.* 13.

Nothing in this act ſhall prevent any inhabitant within the limits before-mentioned from ſweeping immediately after ſnow, thaw, or rain, into any kennel, any ice, ſnow, dirt, or ſoil, which by means of ſuch ſnow, thaw, or rain, is before his houſe (except rubbiſh caſt out, in any ſtreet or paſſage, within the limits aforeſaid, from repaired or decayed buildings, or otherwiſe), or to inflict any penalty on ſuch inhabitant, or his ſervant, in reſpect of ſo doing. *ſ.* 14.

The leſſees or occupiers of the layſtalls of the city of *London* ſhall, either in perſon or by ſome ſervant at their charges, inſpect the ſtreets and common paſſages in the city of *London*, and the liberties thereof, every day (*Sundays* excepted), and give information to the mayor, or ſome alderman, of every perſon offending in the premiſes. *ſ.* 15.

And in caſe ſuch leſſees or occupiers, or their ſervant, duly make the inſpection hereby directed, and give information againſt the perſons offending, ſuch leſſees or occupiers may beween the firſt of *June* 1759, and the firſt of *June* 1760, ſhip from any layſtall of the city of *London* as ballaſt, but on no other account, on board any collier, or coaſting ſhip in the river, any quantity of dung, compoſt, earth, or ſoil, not exceeding 2000 tons in the whole; and after the ſaid firſt of *June* 1760, may yearly ſhip from any layſtall of the city of *London*, for ballaſt, but on no other account, on board any collier or coaſting ſhip, any quantity of dung, &c. not exceeding 2000 tons. *ſ.* 16.

Provided that ſuch leſſees or occupiers of the ſaid layſtalls, or the inſpectors employed by them, yearly, after the firſt of *June* 1760, before the ſhipping of any part of the ſaid additional 2000 tons of dung, &c. obtain a certificate thereof, under the hand of the mayor of *London*, and deliver ſuch certificate at the ballaſt office of the maſter, wardens, and aſſiſtants of the *Trinity-houſe*, before the firſt of *June* in every year, which additional 2000 tons of dung, &c. ſhall be excluſive of the 3000 tons allowed by 6 *Geo.* 2. *c.* 29. *ſ.* 18. but ſuch 2000 additional tons ſhall be ſubject to the like penalties and regulations as by the ſaid act are enacted, other than ſuch as are altered by this act. *ſ.* 17.

Any juſtice of peace of the county or place in which any offence for unloading ballaſt into the *Thames*, or throwing into the *Thames* any rubbiſh, &c. or putting any rubbiſh, &c. in any ſtreet in *London* or *Weſtminſter*, or ſuch part of the duchy of *Lancaſter* in *Middleſex*, except as before is excepted, or ſweeping the ſame into any kennel in *London*, &c. except as before is excepted, whereby the ſame may be carried down ſuch kennel into the *Thames*, is committed, or wherein any ſuch offender is found, ſuch juſtice (not being a member of the corporation of the *Trinity-houſe*) is required to convict ſuch offender on the proper knowledge or view of ſuch juſtice; and every ſuch juſtice is to hear all the offences puniſhable by this act by pecuniary penalties, other than ſuch as are directed to be recovered in the courts at *Weſtminſter*; and upon an information exhibited, or complaint, ſo that ſuch information or complaint be exhibited upon oath before ſuch juſtice within ſeven days after ſuch offence committed, ſuch juſtice is to iſſue warrants for the apprehending the party accuſed, and bringing him before any juſtice within his juriſdiction, to anſwer the complaint; which warrants the perſons to whom the ſame are directed are to execute upon the *Thames*, or on any ſhore adjoining; and for that purpoſe they are required, in the day-time, to go on board any veſſel in the ſaid river; and on ſuch offender being apprehended, he ſhall be carried before ſome juſtice having juriſdiction in the premiſes; and ſuch juſtice within his juriſdiction is to ſummon witneſſes as deſired on either ſide, and examine them on oath, and to give judgment: and in caſe the party accuſed be convicted, upon the proper knowledge or view of the juſtice, or upon the oath of any witneſs, or by confeſſion, and the penalty be not immediately paid, the ſame ſhall be levied by diſtreſs and ſale, as penalties incurred by the 6 *Geo.* 2. *cap.* 29. and in caſe ſufficient diſtreſs cannot be found, ſuch juſtice ſhall by warrant commit the perſon convicted to the houſe of correction of the county or place where apprehended, to be kept to hard labour for any time not exceeding one month, or until payment of the penalties or compoſition for the ſame. *ſ.* 18.

Any inhabitant of the pariſh in which any offence is committed, ſhall be a competent witneſs. *ſ.* 19.

If any perſon ſummoned as a witneſs before any juſtice neglect to appear, and no juſt cauſe be offered for ſuch neglect; then (after proof on oath of ſuch ſummons having been ſerved) every ſuch juſtice is to iſſue his warrant, to bring ſuch witneſs before any juſtice; and if ſuch witneſs on his appearance, or on being brought before any juſtice, refuſe

to

to be examined on oath, without offering ſome juſt excuſe, ſuch juſtice may by warrant commit any perſon ſo refuſing to be examined, to the houſe of correction of the county or place where apprehended, for any time not exceeding one month nor leſs than one week. *ſ.* 20.

Every perſon ſummoned to appear and give evidence concerning any offence cognizable by this act, and neglecting to appear, or appearing and refuſing to give evidence, without juſt cauſe to be allowed of by ſuch juſtice, ſhall, being convicted by ſuch juſtice, forfeit 40*s.* to be levied by diſtreſs and ſale of goods as any other penalty under this act; and all money ſo forfeited ſhall be applied for the uſe of the poor of the pariſh or place in which ſuch neglect or refuſal is made; but no warrant ſhall be ſigned by a juſtice of the peace for committing to any houſe of correction any perſon convicted of ſuch neglect or refuſal, until it be proved by oath that the money forfeited by ſuch neglect or refuſal hath not been paid; and that no ſufficient diſtreſs can be found, within the juriſdiction of ſuch juſtice, whereon it may be levied. *ſ.* 21.

In caſe any perſon againſt whom a warrant is iſſued by any juſtice before or after conviction for any offence againſt this act, eſcape or be in any other county or place out of the juriſdiction of ſuch perſon granting ſuch warrant; or if the goods of any offender be in a different county, *&c.* than where the ſaid party was convicted, or warrant of diſtreſs granted; it ſhall be lawful for any juſtice of the county, *&c.* into which ſuch perſon eſcapes, before or after conviction, or where his goods are after conviction, and they are required, upon proof upon oath of the hand writing of any juſtice granting ſuch warrant, to indorſe their name on ſuch warrant; and the ſame, when ſo indorſed, ſhall be a ſufficient authority to all peace officers to execute ſuch warrant in ſuch other county, *&c.* out of the juriſdiction of the perſon granting the ſaid warrant; and any juſtice, on the offender being brought before him, may determine the complaint as if it had originally aroſe within his juriſdiction, or may direct the offender to be carried to the juſtice who granted the original warrant. *ſ.* 22.

The juſtice before whom any perſon ſhall be convicted, ſhall cauſe ſuch conviction to be drawn up in the form or to the effect following: *ſ.* 23.

'To wit, *Be it remembered, That on the* ——— *day of* '——— *in the* ——— *year of his preſent majeſty's* 'reign, A. B. *is convicted before* ——— *of his majeſty's* 'juſtices of the peace for the county of ——— *or for the* 'city of ——— (as the caſe ſhall be) *for* ——— 'and ——— *do adjudge him, her, or them* (as the caſe 'ſhall be) *to pay and forfeit for the ſame the ſum of* ———

'*Given under* *the day and year*
'*aforeſaid.*'

No *certiorari* or other proceſs for removal of any ſuch conviction, or any proceedings thereon, into any court of record at *Weſtminſter*, ſhall be allowed; and no perſon proſecuted under this act, and convicted, ſhall be proſecuted or convicted for ſuch offence by any other law. *ſ.* 24.

All pecuniary penalties payable under this act (the application whereof is not before directed) ſhall be applied in manner following, *viz.* Where any perſon is convicted under this act, on the view of any juſtice, the whole money forfeited ſhall go to the poor of the pariſh or place; and where any perſon is convicted by the oath of witneſſes, or confeſſion, for any offence not done on the *Thames*, one moiety of the penalty ſhall go to the poor of the pariſh where ſuch offence is committed, and the other moiety to the perſon on whoſe information ſuch offender is convicted; and where any party is convicted for any offence on the *Thames*, one moiety of the penalty ſhall go to the poor of the corporation of *Trinity-houſe*, and the other moiety to the perſon on whoſe information any perſon is convicted. *ſ.* 25.

Any juſtice who convicts any offender, may mitigate the penalties, one moiety. *ſ.* 26.

If any perſon remain unſatisfied in the determination of any juſtice, ſuch perſon may appeal to the juſtices of peace at the next general quarter ſeſſions for the county or place wherein ſuch offence is committed, who are to ſummon and examine witneſſes upon oath, and to determine ſuch appeal; which determination ſhall be final, and not be removable by *certiorari*, or otherwiſe, into any other court; and in caſe of conviction, to iſſue a warrant for levying the penalties and charges on ſuch appeal, if ſuch charges at ſuch ſeſſions be awarded; and in caſe of nonpayment, to commit the offender on whoſe goods no ſufficient diſtreſs can be made, to the houſe of correction of the county or place where apprehended, to be kept to hard labour for any time not exceeding one month, or until payment or compoſition for ſuch penalty and charges. *ſ.* 27.

Suit for any thing done in purſuance of this act, ſhall be commenced within ſix months, and ſhall be brought in the county where the cauſe of action ariſes; and the defendant may plead the general iſſue: and if the plaintiff ſhall be nonſuited, *&c.* the defendant ſhall have treble coſts. *ſ.* 29.

[See 27 *Hen.* 8. *c.* 18. under the preſent title *(Thames)*.]

Blackwell-hall.

By 8 & 9 *W.* 3. *c.* 9. The governors of *Blackwell-hall*, and their deputies, ſhall ſtrictly keep the following times and rules, *viz.* the public market of *Blackwell-hall* ſhall be held every *Thurſday*, *Friday* and *Saturday*, from eight of clock in the forenoon till twelve, and from two in the afternoon till five. The ſaid hours of beginning and ending the ſaid market ſhall be known by ringing the market bell in the hall; the ſame to be continued weekly through the year, except days of humiliation or thankſgiving; and the keepers of the hall ſhall not permit any buying or ſelling of any woollen cloth at the hall upon any other days or hours, upon the penalty of 100 *l.* *ſ.* 1.

The ſaid governors, *&c.* ſhall appoint to the country clothiers the moſt convenient room in the hall for the ſale of their cloth, and warehouſe-room for keeping the ſame, paying the ancient duties of the hall. *ſ.* 2.

No factor, or other perſon, other than the owner of the cloth, ſhall ſell or expoſe to ſale, out of the ſaid market of *Blackwell-hall*, any cloth directed to be brought to the ſaid market, or to any factor there, upon penalty of 5 *l.* for every cloth ſo ſold. *ſ.* 3.

The hall-keepers, clerks, and maſter-porters, ſhall take care that the rules and orders appointed by this act be put in execution, and ſhall diligently keep their books and weekly regiſters of all the cloths bought and ſold there; in which books they ſhall enter the names and habitations of the owners, buyers and ſellers, and times of ſale, and factor, or other perſon, buying or ſelling of every cloth; to which books it ſhall be lawful for the clothiers, their agents or ſervants, at all convenient times, to have recourſe without fee. And any hall-keeper, clerk, or maſter-porter, neglecting his duty herein, ſhall, for every offence, forfeit 10*l.*; and if any perſon buy any cloth of any perſon (except the owner) otherwiſe than for ready money, the perſon ſelling ſhall, within twelve days after ſale and delivery of the ſame, take

or demand of the buyer a note, teſtifying under the buyer's hand the cloth ſold, and the ſum of money ſold for, payable to the owner, and ſhall deliver ſuch note on demand, with notice of the buyer's place of abode thereon ſubſcribed, to the owner, or any perſon authoriſed by him to receive the ſame, on pain to forfeit to the owner of the cloth ſold, double the value thereof, for every neglect of ſo doing. And if any woollen-draper, or perſon trading in the woollen manufacture, buying woollen cloth upon truſt, ſhall refuſe or neglect to give ſuch note upon requeſt at any time next after eight days, after ſale and delivery, he ſhall forfeit 20 *s.* for every cloth ſo ſold, to the owner; and every piece of cloth not returned within eight days after delivery of the ſame, ſhall be deemed to be paſſed and approved of by the buyer as a merchantable cloth; and all contracts for allowing a longer time for the paſſing of any cloth ſhall be void. *ſ.* 4.

All penalties impoſed by this act may be ſued for by action of debt, *&c.* in any of his majeſty's courts of record; and if not otherwiſe herein before diſpoſed of, one moiety to the king, and the other to the informer. *ſ.* 5.

If the owner of the cloth neglect to ſue for any of the penalties by the ſpace of ſix months, then any other perſon may ſue for the ſame, and one moiety ſhall be to the king, and the other to the informer. *ſ.* 6.

[See alſo 4 *&* 5 *Philip* and *Mary*, *c.* 5. *ſ.* 26. 39 *Eliz. c.* 20. *ſ.* 12. and 1 *Geo.* 1. *c.* 15. under title MANUFACTURES § *Woollen.*]

Bowyers.

By 8 *Eliz. c.* 10. Continued indefinitely by 3 *Car.* 1. *c.* 4. and 16 *Car.* 1. *c.* 4. Every bowyer within *London*, *&c.* ſhall have fifty bows of elm, witch-haſel, or aſh, upon pain that every bowyer, which by twenty days ſhall not have ſuch number, ſhall for every bow lacking forfeit 10 *s.* the one moiety to the queen, and the other to any armourer, fletcher, or maker of bow-ſtrings, that will ſue for the ſame. *ſ.* 7.

If any bowyer ſell any bow, being outlandiſh yew, of the beſt ſort, above the price of 6 *s.* 8 *d.* or ſell any bows of the ſecond ſort, above the price of 3 *s.* 4 *d.* or ſell any bows of the coarſe ſort called livery bows, above the price of 2 *s.* or ſhall ſell any bows being *Engliſh* yew, above the price of 2 *s.* the ſeller ſhall forfeit for every bow ſo ſold 40 *s.* The one moiety to the queen, and the other moiety to the armourer, fletcher, or maker of bow-ſtrings, that will ſue for the ſame. *ſ.* 8.

Braziers and Pewterers.

See 19 *Hen.* 7. *c.* 6. *ſ.* 3. and 4 *Hen.* 8. *c.* 7. under the general title Braziers and Pewterers.

Bread.

See the general title BREAD.

Bridges.

By 29 *Geo.* 2. *c.* 40. If any perſon wilfully or maliciouſly break, throw down or extinguiſh any lamp ſet up to light *London* bridge, or wilfully damage the poſts, irons, or furniture thereof, being convicted by the oath of one witneſs before a juſtice of peace for the city of *London* or borough of *Southwark*, or county of *Surry*, as the caſe may happen, he ſhall be ſubject to ſuch pains and penalties as are inflicted by 17 *Geo.* 2. *c.* 29. *ſ.* 29. *(an act ſince repealed)* viz. *for the firſt offence* 40 *s. for each lamp broken, for the ſecond offence* 2 *l.* 10 *s. and for the third offence* 3 *l.*

No houſe or other building ſhall be erected on the ſaid bridge (except ſuch gates and toll-houſes as are herein directed) and all carriages paſſing over the ſaid bridge from *London* ſhall go on the eaſt ſide, and all carriages paſſing to *London* ſhall go on the weſt ſide; and no one ſhall ſtand for hire with any coach or other carriage upon the ſaid bridge, or leave any empty coach or carriage there; and no carman or driver of any carriage ſhall wilfully remain with any cart or carriage on the ſaid bridge, longer than ſhall be neceſſary for going over the ſame, or leave any empty cart upon the ſaid bridge; and no perſon ſhall put any filth or rubbiſh on the ſaid bridge, or do any act which may be an annoyance there; and if any coachman or driver offend herein, or any perſon annoy any part of the ſaid bridge, any perſon may take ſuch perſon offending before the mayor of *London*, or ſome other juſtice for the ſaid city, or before ſome juſtice for *Southwark*, or *Surry*; and ſuch offender being convicted by the oath of one witneſs, or by confeſſion, ſhall forfeit not exceeding 20 *s.* nor leſs than 2 *s.* 6 *d.* to be applied between the parties informing againſt and apprehending ſuch offender, as the mayor or juſtice ſhall direct; and in default of immediate payment, the offender ſhall be committed, if in *London*, to the *London* workhouſe, and if in *Surry*, to a houſe of correction for the ſaid county, to hard labour for not exceeding three days, or until he pay the money directed to be paid. *ſ.* 17.

Immediately after the pulling down any tenements on or contiguous to the ſaid bridge, in the pariſh of Saint *Magnus*, or Saint *Olave Southwark*, all tithes and cuſtomary payments in lieu of tithes now payable to the rector of the ſaid pariſhes, from ſuch tenements or the occupiers thereof, ſhall for ever be charged upon the lands and hereditaments belonging to or in the account of the bridge-houſe eſtate of the city of *London*; and ſhall be paid to the rectors of the ſaid pariſhes for ever, clear of all taxes, *&c.* by the ſaid mayor, commonalty and citizens of *London*, or ſuch perſon as the common council ſhall appoint, out of the rents of the ſaid bridge-houſe eſtates, at *Lady-day* and *Michaelmas* by equal payments in every year. *ſ.* 18.

Such ſhare which any houſe (now on the bridge, or contiguous thereto, which ſhall be pulled down) uſed to contribute towards the land-tax, ſhall be paid by the mayor, commonalty and citizens of *London*, out of the revenues belonging to the ſaid bridge; and there ſhall likewiſe be paid out of the ſaid revenues to the overſeers of the poor of the ſaid pariſhes of Saint *Magnus* and Saint *Olave*'s, all ſuch ſums as the ſaid pariſhes ſhall be chargeable with on account of any perſons who have gained or ſhall gain any ſettlement, or become chargeable in either of the ſaid pariſhes, on account of ſuch part of the ſaid pariſhes wherein the houſes which ſhall be pulled down now ſtand. *ſ.* 19.

No order made by any juſtice, or other proceedings touching the conviction of any offender, ſhall be quaſhed for want of form only; or be removed by *certiorari*. *ſ.* 39.

In caſe any perſon think himſelf aggrieved by any orders or proceedings of any juſtices, ſuch perſon may appeal to the next general quarter-ſeſſions; and ſuch ſeſſions are finally to determine ſuch appeal, and award to the party for whom ſuch appeal is determined reaſonable coſts, and levy by their order or warrant ſuch coſts by diſtreſs and ſale of goods. *ſ.* 40.

If any action be brought for any thing done in purſuance of this act, ſuch action ſhall be brought within ſix months in the

the city of *London* or county of *Surry*; and the defendant may plead the general iſſue, and if the plaintiff be non-ſuited, *&c.* the defendant ſhall have treble coſts. *ſ.* 43. (See *Tolls, poſt.*)

Brokers.

By 1 *Jac.* 1. *c.* 21. The ſale of goods wrongfully taken to any broker or pawn-taker in *London*, *Weſtminſter*, *Southwark*, or within two miles of *London*, ſhall not alter the property. *ſ.* 5.

If a broker having received ſuch goods ſhall not upon requeſt of the owner diſcover them, how and when he came by them, and to whom they are conveyed, he ſhall forfeit the double value thereof to the ſaid owner, to be recovered by action of debt, *&c.* in any of the king's courts of record at *Weſtminſter*, or within *London*. *ſ.* 7.

This act ſhall not prejudice the ancient trade of brokers in *London* between merchants and traders, being ſelected and ſworn for that purpoſe. *ſ.* 8.

By 6 *Ann. c.* 16. All brokers within *London* ſhall be admitted by the court of mayor and aldermen under ſuch reſtrictions for their good behaviour as the court ſhall think fit; and ſhall upon their admiſſion pay to the chamberlain 40 *s.* and ſhall alſo yearly pay 40 *s.* upon the twenty-ninth of *September* for the uſe of the mayor and commonalty and citizens of the city of *London*. *ſ.* 4.

If any perſon ſhall act as a broker, or employ any under him to act as ſuch within the ſaid city, not being admitted: every ſuch perſon ſhall forfeit to the mayor and commonalty, *&c.* for every offence 25 *l.* to be recovered by action of debt in the name of the chamberlain in any of her majeſty's courts of record. *ſ.* 5.

Buildings.

By 14 *Geo.* 3. *c.* 78. All buildings whatſoever heretofore built, or which ſhall hereafter be begun or built, within *London* and *Weſtminſter*, *the Bills of Mortality*, and *the Pariſhes of St. Mary-le-bone*, *Paddington*, *Pancras*, and *Chelſea*, ſhall be diſtinguiſhed by, and divided into ſeven rates or claſſes herein after deſcribed. *ſ.* 1.

I. Every church, chapel, meeting-houſe, and other place of public worſhip; and every building for diſtilling and brewing of liquors for ſale; for making of ſoap; melting of tallow; dying; boiling or diſtilling turpentine; caſting braſs or iron; refining of ſugar; making of glaſs for chymical works for ſale, of what dimenſion ſoever, and alſo every warehouſe and other building not being a dwelling-houſe (except buildings of the fifth, ſixth, or ſeventh rate), which ſhall exceed three clear ſtories above ground, excluſive of rooms in the roof, or of the height of thirty-one feet from the ſurface of the pavement, ground, or way, above the area before either of the fronts to the top of the blocking-courſe or coping on the parapet; and every dwelling-houſe, which, with the offices thereto belonging and adjoining, or connected otherwiſe than by a fence or fence-wall, or covered paſſage, open on one or both ſides, when finiſhed, ſhall exceed the value of eight hundred and fifty pounds; and alſo every dwelling-houſe, which ſhall exceed nine ſquares of building on the ground floor, each ſquare containing one hundred ſuperficial feet, ſhall be the firſt rate or claſs of building. *ſ.* 2.

Every external wall (not being a party-wall) which ſhall be built to any firſt rate building, or to any addition thereto, ſhall be built at the foundation of the thickneſs of two bricks and an half in length, or one foot nine inches and an half at the leaſt; and ſhall from thence gradually diminiſh on each ſide of the wall two inches and a quarter to the top of the footing, except any adjoining building will not admit of ſuch footing being made on the ſide of ſuch wall next ſuch adjoining building; in which caſe ſuch footing ſhall be made as near to the dimenſions as the caſe will admit; which footing ſhall be nine inches high, and wholly below the upper ſurface of the pavement and flooring-boards of the cellar ſtory two inches at the leaſt; and every ſuch wall ſhall, from the top of ſuch footing, be of the thickneſs of two bricks in length, or one foot five inches and an half up to the under ſide of the one pair of ſtairs floor; and from thence one brick and an half in length, or thirteen inches at the leaſt, up to the under ſide of the plate under the roof or gutter; and from thence one brick in length, or eight inches and an half at the leaſt, up to the under ſide of the blocking-courſe or coping on the parapet; except ſuch parts of every ſuch wall as ſhall be wholly of ſtone, which ſhall be of the thickneſs of fourteen inches below the ground-floor, and nine inches above the ground-floor; and except all receſſes above the ground-floor in the walls, which ſhall be arched over in every ſtory, ſo as the arch, and the back of ſuch receſs, ſhall be of the thickneſs of one brick in length, or eight inches and an half. *ſ.* 3.

Every party-wall which ſhall be built to any firſt rate building, or to any addition thereto, ſhall be built, and remain at the foundation, of the thickneſs of three bricks and an half in length, or two feet ſix inches and an half; and ſhall, from thence, gradually diminiſh on each ſide four inches and an half to the top of the footing of every ſuch wall, which footing ſhall be one foot high, and wholly below the upper ſurface of the pavement and flooring-boards of the cellar ſtory two inches at the leaſt; and every ſuch party-wall ſhall, from the top of ſuch footing, be of the thickneſs of two bricks and an half in length, or one foot nine inches and an half up to the under ſide of the ground-floor; and from thence two bricks in length, or one foot five inches and an half up to the under ſide of the floor of the rooms (if any) in the roof of the higheſt building adjoining; and from thence of one brick and an half in length, or thirteen inches up to the top of ſuch party-wall. *ſ.* 4.

II. Every warehouſe, ſtable, and other building, not a dwelling-houſe, except ſuch as are declared to be of the firſt, fifth, ſixth, or ſeventh rate, which ſhall exceed two clear ſtories, and contain more than three above ground, excluſive of rooms in the roof, or which ſhall be of the height of twenty-two feet, and not thirty-one feet from the ſurface of the pavement, *&c.* above the area before either of the fronts, to the top of the blocking courſe or coping; and every dwelling-houſe, which, with the offices thereto belonging, ſhall exceed the value of three hundred pounds, and not amount to more than eight hundred and fifty pounds; and alſo every dwelling-houſe, which ſhall exceed five ſquares of building on the ground plan, and not amount to more than nine ſquares, ſhall be the ſecond rate. *ſ.* 5.

Every external wall (not a party-wall) which ſhall be built to any ſecond rate building, ſhall be at the foundation of the thickneſs of two bricks in length, or one foot five inches and an half, and ſhall from thence gradually diminiſh on each ſide of the wall two inches and a quarter to the top of the footing; which footing ſhall be nine inches high, and wholly below the upper ſurface of the pavement and flooring of the cellar ſtory two inches at the leaſt; and every ſuch wall ſhall, from the top of ſuch footing, be of the thickneſs of one brick and an half in length, or thirteen inches, up to the under ſide of the one

pair of ſtairs floor; and from thence one brick in length, or eight inches and an half, up to the under ſide of the blocking-courſe or the coping; except ſuch parts of every ſuch wall, above the ground-floor, as ſhall be wholly of ſtone, which ſhall be of the thickneſs of nine inches; and except all receſſes above the ground-floor in the walls, which ſhall be arched over, ſo as the arch, and the back of each receſs, ſhall be of the thickneſs of one brick in length, or eight inches and an half. *ſ.* 6.

Every party-wall which ſhall be built to any ſecond rate building, ſhall be at the foundation of the thickneſs of three bricks and an half in length, or two feet ſix inches and an half, and ſhall from thence gradually diminiſh on each ſide four inches and an half to the top of the footing, which ſhall be nine inches high, and wholly below the upper ſurface of the floor of the cellar ſtory two inches; and every ſuch party-wall ſhall, from the top of ſuch footing, be of the thickneſs of two bricks and an half in length, or one foot nine inches and an half, up to the under ſide of the ground floor; and from thence two bricks in length, or one foot five inches and an half, up to the under ſide of the floor of the two pair of ſtairs ſtory; and from thence one brick and an half in length, or thirteen inches, up to the top of every ſuch party-wall. *ſ.* 7.

III. Every warehouſe, ſtable, and other building, not a dwelling-houſe, except buildings of the firſt, fifth, ſixth, or ſeventh rate, which ſhall exceed one clear ſtory, and contain more than two above ground, excluſive of rooms in the roof, or which ſhall be of the height of more than thirteen feet, and not twenty-two feet from the ſurface of the pavement, *&c.* above the area before either of the fronts, to the top of the blocking-courſe or coping; and every dwelling-houſe, which, with the offices, *&c.* ſhall exceed the value of one hundred and fifty pounds, and not amount to more than three hundred pounds; and alſo every dwelling-houſe, which ſhall exceed three ſquares and an half on the ground plan, and not amount to more than five ſquares, ſhall be the third rate. *ſ.* 8.

Every external wall (not being a party-wall) which ſhall be built to any third rate building, ſhall be at the foundation of the thickneſs of two bricks in length, or one foot five inches and an half, and ſhall from thence diminiſh on each ſide two inches and a quarter, to the top of the footing, which ſhall be ſix inches high, and wholly below the upper ſurface of the pavement and flooring boards of the cellar ſtory two inches; and every ſuch wall ſhall, from the top of ſuch footing, be of the thickneſs of one brick and an half in length, or thirteen inches up to the under ſide of the ground-floor; and from thence one brick in length, or eight inches and an half, up to the under ſide of the blocking-courſe or coping. *ſ.* 9.

Every party-wall to any third rate building ſhall be at the foundation of the thickneſs of three bricks in length, or two feet two inches, and ſhall from thence diminiſh on each ſide, four inches and an half to the top of the footing, which ſhall be nine inches high, and wholly below the upper ſurface of the pavement, *&c.* of the cellar ſtory two inches; and ſuch party-wall ſhall, from the top of ſuch footing, be of the thickneſs of two bricks in length, or one foot five inches and an half, up to the under ſide of the ground-floor, and from thence one brick and an half, or thirteen inches, up to the top of ſuch party-wall. *ſ.* 10.

IV. Every warehouſe, ſtable, and other building, not a dwelling-houſe, except of the firſt, fifth, ſixth, or ſeventh rate, which ſhall not exceed one clear ſtory above ground, excluſive of rooms in the roof, or which ſhall not be of the height of more than thirteen feet from the ſurface of the ground, above the area before either of the fronts, to the top of the blocking-courſe or coping on the parapet; and every dwelling-houſe, which, with the offices, *&c.* ſhall not exceed the value of one hundred and fifty pounds; and alſo every dwelling-houſe which ſhall not exceed three ſquares and an half of building on the ground plan thereof, ſhall be the fourth rate. *ſ.* 11.

Every external wall which ſhall be built to any fourth rate building, ſhall be at the foundation of the thickneſs of two bricks in length, or one foot five inches and an half, and ſhall from thence gradually diminiſh on each ſide of the wall two inches and a quarter to the top of the footing of ſuch wall, which footing ſhall be ſix inches high, and wholly below the upper ſurface of the pavement, *&c.* of the cellar ſtory two inches; and ſuch wall ſhall, from the top of ſuch footing, be of the thickneſs of one brick and an half in length, or thirteen inches, up to the under ſide of the ground-floor; and from thence one brick in length, or eight inches and an half, up to the under ſide of the blocking-courſe, *&c.* *ſ.* 12.

Every party-wall built to any fourth rate building ſhall be at the foundation of the thickneſs of two bricks in length, or one foot five inches and an half; and ſhall from thence gradually diminiſh on each ſide of the wall two inches and a quarter to the top of the footing; which footing ſhall be nine inches high, and wholly below the upper ſurface of the pavement, *&c.* of the cellar ſtory two inches; and ſuch party-wall ſhall, from the top of ſuch footing, be of the thickneſs of one brick and an half in length, or thirteen inches, up to the under ſide of the ground-floor; and from thence one brick in length, or eight inches and an half, up to the top of ſuch party-wall. *ſ.* 13.

Every houſe or building to be built of the firſt, ſecond, third, or fourth rate, and not having each a ſeparate ſide-wall on the part where they ſhall be contiguous, ſhall have party-walls between houſe and houſe, *&c.* as ſhall not reſpectively have ſuch ſeparate walls; and ſuch party-walls ſhall extend to the outer ſurfaces of the external incloſures of each of the adjoining houſes, *&c.*: and all party-walls, chimneys, and chimney-ſhafts, hereafter to be built, ſhall be built wholly of bricks or ſtone, or of bricks and ſtone together, except timber, wood, lead, or iron work, laid therein, according to the directions herein-after contained, and alſo except piling, bridging, or planking, neceſſary for the foundation, and ſuch party-wall ſhall be coped with ſtone, tile, or brick, and ſhall be of the dimenſions herein-before directed; and one half of ſuch party-wall between houſe and houſe, *&c.* ſhall be built on the ground of one of the adjoining houſes, and the other half on the ground of the other; and the firſt builder of ſuch party-wall, and the workmen employed, may enter upon the ground adjoining thereto to build ſuch party-wall. *ſ.* 14.

Every party-wall which ſhall be built to any dwelling-houſe, exceeding four ſtories in height from the foundation, excluſive of rooms in the roof of either of the buildings adjoining thereto, ſhall be built according to the directions herein-before contained with reſpect to party-walls of the firſt rate, though ſuch houſe ſhall not be of the firſt rate; and every party-wall which ſhall be built to any dwelling-houſe containing four ſtories in height from the foundation, excluſive of rooms in the roof of either of the buildings adjoining thereto, ſhall be built according to the directions with reſpect to party-walls of the third rate, though ſuch houſe ſhall be of the fourth rate. *ſ.* 15.

Every

Every internal incloſure to be made for ſeparating any building of the firſt, ſecond, third, or fourth rate from any other building where ſuch buildings ſhall be in ſeparate occupations, and every addition to ſuch internal incloſure, ſhall be of brick or ſtone, or artificial ſtone or ſtucco, or of brick and ſtone, or artificial ſtone and ſtucco together; except timber, wood, lead, or iron work laid therein, according to the directions hereinafter contained for external incloſures to ſuch firſt, ſecond, third, or fourth rate or claſs of building, and alſo except ſuch piling, bridging, or planking, as may be neceſſary for the foundation. *ſ.* 16.

In valuing the buildings of the firſt, ſecond, third, or fourth rate, for the purpoſe of aſcertaining the rate, ſuch valuation to be made by the ſurveyor for the diſtrict; and ſuch building ſhall, notwithſtanding any decay, be valued as if the materials were ſound, and the work new; and ſhall be eſtimated at the prices the like materials and workmanſhip ſhall be worth at the time ſuch valuation ſhall be made; but neither the ſoil whereon any building ſtands, nor any fence or fence-wall (except the railing to areas, and ſteps before or behind, made for incloſing the building, with the offices, *&c.* thereto belonging, from any neighbouring ground), nor any brick or ſtone arched vault, under ground, either before or behind ſuch building, nor any lead, covering, or pavements over ſuch vaults, nor ſuch parts of the party-wall as ſtand upon ground not belonging to ſuch houſe, ſhall be included in ſuch valuation; and in aſcertaining the ſquares contained in ſuch building, being a dwelling-houſe, the ſame ſhall be taken by the ſurveyor on the level of the floor, at the principal entrance to ſuch dwelling-houſe, and no more than ſuch parts of the party-walls as belong to ſuch dwelling-houſe ſhall be included in ſuch admeaſurement: and in caſe the owner, or other perſon intereſted, ſhall apprehend himſelf to be injured by the admeaſurement or valuation, he may apply to the mayor, or any two juſtices for the city of *London*, if ſuch building, or any part thereof, is within the city, or otherwiſe to any two juſtices within whoſe juriſdiction the ſame is; and the ſaid mayor or juſtices ſhall inquire into the matter, and, by order, declare ſuch building to be of ſuch rate as the ſame ſhall appear to be of, according to the deſcription of the rates herein before contained; and any of the parties between whom ſuch order ſhall be made *may* appeal to the general quarter ſeſſions of the peace, whoſe determination ſhall be concluſive. *ſ.* 17.

V. Every dwelling-houſe, warehouſe, ſtable, and other building (except buildings, not being dwelling-houſes, of the firſt or ſeventh rate), which is or ſhall be at the diſtance of four, and not eight feet, from any public road, ſtreet, or cauſeway, and is, or ſhall be, detached from any other building not in the ſame poſſeſſion therewith, ſixteen, and not thirty feet, or connected with any other building only by a fence or fence-wall, ſhall be of the fifth rate, and may be built of any dimenſions whatever. *ſ.* 18.

VI. Every dwelling-houſe, warehouſe, ſtable, and other building (except buildings, not dwelling-houſes, of the firſt rate), which is or ſhall be at the diſtance of eight feet from any public road, ſtreet, or cauſeway, and is, or ſhall be, detached from any other building not in the ſame poſſeſſion therewith, at leaſt thirty feet, or connected with any other building only by a fence, or fence-wall, ſhall be of the ſixth rate, and may be built of any dimenſions, and with any materials whatever. *ſ.* 19.

VII. Every cranehouſe, now built, or hereafter to be built, on any wharf or quay, and every ſhamble, windmill or watermill, and alſo every building which is or ſhall be ſituated without *London* and *Weſtminſter*, and the liberties thereof, uſed for workſhops or drying-places for tanners, fell-mongers, glue-makers, ſize-makers, callico printers, whitſters, whiting-makers, curriers, leather-dreſſers, buckram-ſtiffners, oil-cloth painters, wool-ſtaplers, throwſters, parchment-makers, and paper-makers, ſo long as they are uſed for thoſe purpoſes, and no longer, ſhall be the ſeventh rate, and may be built of any dimenſions whatever. *ſ.* 20.

Such cranehouſe erected after 24 *June*, and every addition to any cranehouſe already built, or hereafter to be built, and every new external incloſure thereof, ſhall be of ſtone, brick, ſlate, tile, oak, elm, ſteel, iron, or braſs; but every other building of the ſeventh rate may be erected of any materials whatever; and no cranehouſe or other building of the ſeventh rate, or any external part thereof, ſhall, after 24 *June*, be covered with pitch, tar, or any other inflammable compoſition, or be converted to any other uſe than as aforeſaid. *ſ.* 21.

Every office which ſhall be entirely detached from the building to which the ſame belongs, or connected therewith only by a fence or fence-wall, or covered paſſage open on one or both ſides, ſhall be of the rate ſuch office would be of, if it did not appertain to any dwelling-houſe. *ſ.* 22.

Every wall may remain as a party-wall until both the buildings to which it belongs, or the remaining houſe, where one has been already rebuilt, ſhall be rebuilt (if ſuch wall ſhall ſo long continue ſound), and no longer: and in caſe either of the houſes to which ſuch party-wall does belong has been, or ſhall hereafter be rebuilt with a wall againſt ſuch party-wall (without making uſe of ſuch party-wall) of the heights and thickneſſes before preſcribed, the proprietor of ſuch remaining houſe, *&c.* ſhall not, when ſuch remaining houſe, *&c.* or when ſuch old party-wall ſhall be taken down, be entitled to more than one half of the materials of ſuch old party-wall, nor to more than one half of the ground on which ſuch old party-wall was erected; nor ſhall ſuch proprietor build on more than one half of the ſaid ground, unleſs he ſhall have ſatisfied the owner of ſuch adjoining rebuilt houſe for the other half; and in caſe the parties cannot agree concerning the ſame, and both or either of them ſhall be deſirous of buying or ſelling; the price, and the matters in difference, ſhall be ſettled by a jury, to be ſummoned, returned, and impannelled as hereafter mentioned concerning mixed property: but if ſuch remaining houſe, *&c.* be of the firſt, ſecond, or third rate, or four ſtories high from the foundation, excluſive of rooms in the roof, and if in that caſe ſuch old party-wall ſhall not be of the thickneſs of two bricks in length, or one foot five inches and an half, from the foundation to the under ſide of the ground-floor, and from thence upwards to the top, of the thickneſs of one brick and an half in length, or thirteen inches; then ſuch old party-wall ſhall, when either of the houſes, *&c.* to which the ſame belongs ſhall be rebuilt, be conſidered as if the ſame had been condemned, or adjudged ruinous, purſuant to the directions herein-after contained; or if ſuch old party-wall ſhall have any timber of any adjoining building lying through the ſame, and if, when either of the houſes, *&c.* to which the ſame belongs ſhall be rebuilt, the owner of ſuch adjoining or remaining houſe, *&c.* will not permit ſo much of ſuch timber to be cut off as ſhall leave full ſix inches of clear brick work beyond the end of ſuch timber, then ſuch wall ſhall be conſidered as if the ſame had been condemned, or adjudged ruinous, purſuant to this act, and the ſame ſhall be taken down and rebuilt,

as

as herein-after directed concerning party-walls condemned, &c. ſ. 23.

Every timber partition may remain until one of the adjoining houſes to which the ſame belongs ſhall be rebuilt, or ſhall have one of the fronts which ſhall abutt on ſuch timber partition, or two third parts of one of ſuch fronts, taken down to the breſſummer or one pair of ſtairs floor, and rebuilt, or until ſuch timber partition ſhall be condemned, &c. ſ. 24.

No wall of the firſt, ſecond, third, or fourth rate of building, which ſhall not be a party-wall on 24 *June* 1774, ſhall ever become a party-wall, unleſs the ſame ſhall be of the heights and thickneſſes above the footings, and of the materials herein-before directed. ſ. 25.

Every party-wall which ſhall be built after 24 *June*, and every addition to any party-wall then built, or thereafter to be built, ſhall be one foot ſix inches above the roof of the higheſt building which ſhall gable againſt, or adjoin to ſuch party-wall, in every part, meaſuring at a right angle with the back of the rafters of ſuch roof; and ſuch party-wall ſhall be one foot above the gutters of the higheſt of ſuch buildings, except the height of ſuch party-wall, where ſo carried up, ſhall exceed the height of the blocking-courſe or parapet of either of the fronts abutting on the ſame of the higheſt building adjoining thereto, in which caſe, the end only of every ſuch party-wall next ſuch blocking-courſe or parapet may be leſs than one foot above the gutter, for the diſtance of two feet ſix inches from the front of ſuch blocking-courſe or parapet; and in caſe any dormer or other erection is in the flat or roof of any building, within four feet of any party-wall, then ſuch party-wall ſhall be carried up againſt every ſuch dormer or other erection, and ſhall extend for the breadth of at leaſt two feet wider, and to the full height of every part of ſuch dormer or other erection as ſhall be within four feet of ſuch party-wall: and no receſs ſhall be made in any party-wall hereafter to be built to any building of the firſt, ſecond, third, or fourth rate (except for chimnies, flues, girders, and beams, and other timbers, and for the ends of walls or piers, as after directed), ſo as to reduce ſuch wall in any part thereof under the thickneſs required: and there ſhall not be any opening whatever made in any party-wall, except for communication from one ſtack of warehouſes to another, and from one ſtable building to another; all which communications ſhall have thereto iron doors, in ſuch manner as is after directed; and alſo except ſuch paſſages or ways on the ground for foot paſſengers, cattle, or carriages as may be neceſſary; all which paſſages or ways ſhall be arched over with brick or ſtone, or brick and ſtone together, throughout, of the thickneſs of thirteen inches in every building of the firſt and ſecond rate, and eight inches and an half of the third or fourth rate: and if there be any cellar or vacuity under ſuch paſſage, ſuch cellar, &c. ſhall be arched over throughout with brick or ſtone, or brick and ſtone together, as the paſſage over ſuch cellar is directed to be arched, ſ. 26.

No timbers ſhall, after 24 *June*, be laid into any party-arch, except for bond, nor into any party-wall, other than ſuch templets, chains, and bond-timbers, as ſhall be neceſſary, and other than the ends of girders, beams, purlings, and of binding or trimming joiſts, or of other principal timbers; all which timbers ſhall have eight inches and an half of ſolid brickwork between the ends and ſides of every piece of timber and the timber of any building adjoining thereto; and the end of every girder, &c. and of every other piece of principal timber, may be laid beyond the centre of any party-wall, ſo as there be left eight inches and an half of ſolid brick or ſtone work at the end of ſuch piece of timber, except in places where any part of the ends of ſuch timber ſhall lie oppoſite to and level with any part of the ends of any timber of any adjoining building; in which caſe, no part of ſuch timbers ſhall approach nearer than four inches to the centre of the wall. ſ. 27.

No perſon ſhall cut any party-arch, nor the ſhaft of any chimney built on any party-wall, for any purpoſe whatſoever: and no perſon ſhall cut any party-wall, other than for the purpoſes and in the manner after mentioned; *viz.* when the front or back wall of any houſe, &c. being in a line with the front or back wall of the houſe or building adjoining thereto, ſhall at any time hereafter be built, it ſhall be lawful to cut a break not more than nine inches deep from the external face of ſuch front or back wall, and to the centre of ſuch party-wall, for the purpoſe of inſerting therein the end of ſuch new front or back wall; and in every ſuch caſe where a breſſummer and ſtory-poſts ſhall be fixed in the ground-ſtory of ſuch new front or back wall, ſuch break may be cut from the foundation of ſuch new front or back wall to the top of ſuch breſſummer, fourteen inches deep from the external face of ſuch front or back wall, and the ſame may be four inches wide in the cellar ſtory, and two inches wide in the ground ſtory, for the purpoſe of placing therein ſuch ſtory-poſts and breſſummers, agreeable to the directions of this act: and it ſhall be lawful to cut into any party-wall for the purpoſe of tailing in ſtone ſteps, or ſtone landings, or for placing in ſuch party-wall timber for bearers to wood ſtairs, ſo as no timber bearer be laid into any party-wall nearer than eight inches and an half to any chimney or flue, or to any timber of the adjoining houſe, or nearer than four inches to the internal finiſhing of ſuch adjoining houſe, and for the purpoſe of laying therein ſtone corbels, for the ſupport of chimney jambs, girders, beams, purlings, binding or trimming joiſts, or of other principal timbers; and it ſhall alſo be lawful to cut perpendicular receſſes into any party-wall, not being leſs than thirteen inches thick, for the purpoſe of inſerting walls and piers therein, ſo as no ſuch receſs be more than fifteen inches wide, or more than four inches deep, and no ſuch receſs be nearer than ten feet to any other receſs; and it ſhall be lawful to cut off the footing on the ſide of any party-wall where either of the adjoining buildings ſhall be rebuilt with a wall againſt ſuch party-wall; but every perſon who ſhall cut into any party-wall for any of the purpoſes aforeſaid, ſhall immediately make good, and effectually pin up, with brick, ſtone, ſlate, tile, ſhell, or iron, bedded in mortar, every defect which ſhall be occaſioned by the cutting of ſuch party-wall: and no party-wall ſhall be cut for any of the purpoſes aforeſaid, if the cutting thereof will injure, diſplace, or endanger the timbers, chimnies, flues, or internal finiſhings of the adjoining buildings. ſ. 28.

The back of every chimney in every party-wall, ſhall be thirteen inches thick in the cellar ſtory, and eight inches and an half in every other ſtory from the hearth to the height of twelve inches above the mantle, and no chimney which ſhall be built in any party-wall where either of the buildings adjoining is of the firſt rate, ſhall be built with the back againſt the back of any other chimney, unleſs the back of each in the cellar ſtory be eight inches and an half, and in the upper ſtories four inches

inches and a quarter from the centre of ſuch party-wall: and no chimney built in any party-wall, where either of the buildings adjoining is of the ſecond, third, or fourth rate, ſhall be built with the back againſt the back of any other chimney, unleſs the back of each in the cellar ſtory be ſix inches and an half, and in the upper ſtories four inches and a quarter from the centre of ſuch wall: and no flue ſhall be built oppoſite to another flue in any party-wall, unleſs the back of each be two inches from the centre of ſuch party-wall: the breaſt of every flue which ſhall be built, whether ſuch flue be in a party-wall or not, ſhall be of brick or ſtone eight inches and an half thick in every cellar ſtory, and four inches thick in every other ſtory: all the withs or partitions between any flues which ſhall be built, ſhall be of brick or ſtone, and half a brick thick: and every breaſt and back of every chimney, and every breaſt, back, and with or partition of any flue, ſhall be rendered or pargetted within and without, except the outſide thereof which ſhall be next to vacant ground, in which caſe, the back of every chimney and flue next ſuch vacant ground ſhall be by lime, or in ſome durable manner, marked, except in a fore-front, back-front, or ſide-front of any building not likely hereafter to be built againſt; and every back of ſuch chimney and flue ſo being againſt ſuch vacant ground ſhall be rendered or pargetted as ſoon as any building ſhall be erected to ſuch wall. *ſ.* 29.

If any perſon poſſeſſed of, or entitled unto, any part of the ground whereon a party-wall is intended to be built, ſhall be deſirous of having chimney-jambs, breaſts, and flues of chimnies, made in ſuch party-wall on his part thereof, or ſhall be deſirous of having a receſs left in the ſaid party-wall, of the breadths and depths by this act allowed, or for any purpoſe allowed by this act, and of ſuch deſire ſhall give notice in writing under his hand, particularly deſcribing ſuch chimney-jamb, breaſt, and flue, and receſs, to the builder of ſuch party-wall, before ſuch party-wall ſhall be begun to be built; then ſuch builder of ſuch party-wall ſhall, after ſuch notice, erect ſo many chimney-jambs, *&c.* in all ſuch parts of ſuch party-wall as ſhall be, by the perſon giving notice, required; and ſhall alſo leave ſuch receſſes in ſuch party-wall, not being in any reſpect contrary to the rules in this act; and, after erecting ſuch jambs, breaſts, and flues, the perſon giving notice, ſhall be deemed to have made uſe of ſuch party-wall, and ſhall be liable to pay the whole expence of erecting ſuch jambs, *&c.* erected in purſuance of ſuch notice, and alſo ſuch proportional part of the expence of erecting ſuch wall, as herein-after directed concerning party-walls to be built after 24 *June*, to be recovered, in caſe of non-payment, with coſts, as any proportion of any party-wall is by this act made recoverable by the builder thereof, from any other perſon liable to contribute thereto. *ſ.* 30.

When any houſe, *&c.* except as after excepted, built, in any part, over a public way or any houſe, *&c.* except as after excepted, having any rooms the property of different perſons and intermixed without being ſeparated by any party-wall, ſhall be rebuilt, there ſhall be a party-wall for the higheſt rate of building adjoining, with a party-arch of the thickneſs of one brick and an half in length, or thirteen inches in every building of the firſt and ſecond rate, and of one brick, or eight inches and an half, in every building of the third and fourth rate, between houſe and houſe, or between the different rooms or floors, ſo being the property of different perſons. *ſ.* 31.

The laſt-mentioned clauſe ſhall not extend to chambers in *Serjeant's Inn* in *Chancery Lane*, or in any of the four inns of court, or to any of the inns of Chancery, or any other inns ſet apart for the ſtudy or practice of the law; ſave that the walls or diviſions between the chambers in ſuch inns, belonging to, and communicating with each ſeparate ſtaircaſe, ſhall be deemed to be party-walls within this act, and ſhall be ſubject to the regulations. *ſ.* 32.

When any owner of any houſe or building within the limits, built over any public way, or intermixed as aforeſaid, ſhall be deſirous of rebuilding ſuch houſe, *&c.* and the owner of the adjoining building, or other parts of ſuch intermixed building, ſhall not be willing, or ſhall not, by reaſon of ſome legal diſability, or otherwiſe, be able to join in ſuch rebuilding, then the party deſirous of rebuilding ſhall give notice, in writing, to the owner of ſuch adjoining buildings, *&c.* that he, ſo intending to rebuild, will apply to the court of mayor and aldermen of the city of *London*, when ſuch building is within the ſaid city or liberties, or to the juſtices for the county of *Middleſex*, *Surrey*, *Weſtminſter*, or the liberty of the *Tower of London* reſpectively, within whoſe juriſdiction ſuch building is ſituated, in their reſpective general or quarter ſeſſions to be next holden after fourteen days from the delivery of ſuch notice, in order to obtain the determination of the ſaid court of mayor and aldermen, or of the ſaid court of ſeſſions (as the caſe may be), touching the rebuilding ſuch buildings, or ſuch party-walls or arches, to be deſcribed in ſuch notice, and for aſcertaining the ſcite of a party-wall, or the ſituation of any party arches to be built according to this Act, by delivering a true copy of ſuch notice to the owner of ſuch adjoining buildings; or in caſe ſuch owner ſhall be under the diſability of coverture, infancy, idiocy, or lunacy, then to the huſband, guardians, truſtees, or committees of ſuch owners being under *ſuch* diſability, or by leaving the ſame at his laſt or uſual place of abode, or by delivering a true copy of ſuch notice to the tenant in poſſeſſion of ſuch adjoining buildings, or in caſe ſuch building ſhall be uninhabited, then by fixing ſuch copy upon the door, or ſome notorious part of ſuch building; and in every ſuch caſe, the ſaid court of mayor and aldermen, and the ſaid ſeſſions reſpectively, upon application to them by the party deſirous to rebuild, and upon proof of ſuch notice, may iſſue their warrant or precept to the ſheriffs of *London*, or to the ſheriff of *Middleſex*, *Surrey*, or ſheriff or bailiff of the liberty of the *Tower*, requiring them reſpectively to impanel and return a competent number of perſons, qualified to ſerve on juries, not leſs than twenty-four, nor more than thirty-ſix; and out of ſuch perſons ſo impanelled, ſummoned, and returned, a jury of twelve perſons ſhall be drawn by ſome perſon by the ſaid court of mayor and aldermen, or ſeſſions, appointed, in ſuch manner as juries are directed to be drawn by 3 *Geo.* 2. *c.* 25. *(ſee title Juries)* which perſons ſo impanelled, ſummoned, and returned, are to appear before the court of mayor and aldermen, or before the ſeſſions for *Middleſex*, *Surrey*, *Weſtminſter*, or the liberty of the *Tower of London*, at ſuch time and place as in ſuch warrant or precept, ſhall be appointed, and there to attend from day to day, until diſcharged by the court; and all parties may have their lawful challenges againſt any of the jury, but ſhall not challenge the array; and the court of mayor and aldermen, and any of the ſaid courts of ſeſſions, are by precept to call before them all perſons neceſſary to be examined as witneſſes before them, on oath; and either of the ſaid courts, may likewiſe authoriſe the jury to view the place in queſtion, and ſhall have power to command ſuch

ſuch jury and all ſuch witneſſes and parties as ſhall be neceſſary to attend, until all affairs for which they are ſummoned ſhall be concluded; and the ſaid jury, upon their oaths (which oaths, as alſo the oaths to the evidence, the ſaid courts are to adminiſter), ſhall inquire and determine by their verdict, whether the premiſes ought to be rebuilt or not; and if the ſame ought to be rebuilt, ſhall determine the ſcite of a party-wall, and alſo what party-arches may be neceſſary over or under any rooms of ſuch buildings intended to be rebuilt, or ſhall aſcertain the quantity of the ſoil or ground, or other parts of the premiſes (if any), neceſſary to be laid to or taken from the houſe of the perſon deſirous to rebuild, permitting ſuch perſon to erect a party-wall or party-arch; and ſhall award what (if any) compenſation ſhould be made, by either of the parties in difference to the other, in lieu of the leſſening either of the ſaid buildings by ſuch party-wall, *&c.* or as a ſatisfaction for ſuch other injury as ſhall be occaſioned thereby to either of the parties; and ſhall alſo aſcertain what proportion of the expence of building ſuch party-wall, *&c.* ſhall, when built, be repaid by either of the parties to the perſon ſo rebuilding: and the ſaid court of mayor and aldermen, and the ſaid court of ſeſſions reſpectively, ſhall give judgment according to ſuch verdict, and (if they ſee fit) award to either of the parties coſts; which verdict, and judgment thereupon, ſhall be concluſive againſt all perſons whomſoever; and all verdicts, judgments, and other proceedings of the ſaid court of mayor and aldermen, and court of ſeſſions, ſhall be, by the town clerk of the city of *London*, or by the clerk of the peace for *Middleſex*, *Surrey*, or *Weſtminſter*, or the proper officer of the liberty of the *Tower* (as the caſe may be) filed as of record of the ſaid court; for the filing whereof, and for every order of court, and copy thereof, the ſaid town clerk, *&c.* ſhall be paid after the rate of twelve pence for every one hundred words; and the ſaid town clerk, *&c.* is to make and deliver to any perſon requiring the ſame, an exemplification, under his hand and ſeal, of any ſuch verdict, judgment, *&c.* being paid twelve pence for every one hundred words; and ſuch exemplification ſhall be evidence in all courts of law and equity: and after the expiration of fourteen days after obtaining ſuch judgment, and payment, or tender, as after directed, of the money awarded, or, where no money ſhall be awarded, after the expiration of fourteen days after obtaining judgment, the perſon who ſhall have obtained ſuch judgment, may pull down his building, and rebuild the ſame, *&c.* in the manner aſcertained by ſuch judgment; and to that end may, in the preſence of a conſtable, or other officer of the peace, enter upon the ſcite of the ground ſo aſcertained for a party-wall or party-arch, and into the building adjoining to the houſe or party-wall or party-arch, intended to be rebuilt, between ſix in the morning and ſeven in the afternoon (*Sundays* excepted); and if the outer door of ſuch building be ſhut, and the occupier refuſe to open the ſame, being thereunto required, or if ſuch building be empty, may break open ſuch outer door, and remove to ſome other part of the ſame premiſes, or in caſe there be no room on the premiſes ſufficient for that purpoſe, to any other place any goods, furniture, ſhelves, or other thing obſtructing the building of ſuch intended party-wall or party-arch, or the pulling down any wall, partition, or other thing neceſſary to be pulled down and removed, in order to the building ſuch intended party-wall, *&c.* and after ſuch entry, and at all uſual times of working, the builder, and all others employed by him, *may* enter upon the premiſes, and abide therein the uſual times of working for the ſhoring up the ſaid building ſo broke into, and for taking down and removing any party-wall, partition, wainſcot, or other thing neceſſary to be taken down and removed for the purpoſe aforeſaid, and build ſuch intended party-wall, *&c.*: and if any owner, occupier, or other perſon, ſhall in any manner obſtruct any workman, or wilfully damage the works, ſuch perſon ſhall forfeit ten pounds. *ſ.* 33.

Within ten days after ſuch party-wall or arch ſhall be built, the perſon who ſhall have rebuilt the ſame, ſhall leave a true account in writing of the expence of building the ſame with the party awarded by the jury to contribute to the expence thereof, or at his or their laſt or uſual place of abode; who ſhall pay to the perſon who ſhall have rebuilt ſuch party-wall or arch, the proportion of the expence of building the ſame ſo awarded by the ſaid jury, within twenty-one days after demand thereof; or, in caſe the ſame be not ſo paid, the tenant of the building chargeable therewith, may pay the ſame, and deduct the money ſo paid out of the next rent which ſhall become due to the owner of ſuch building; or the ſame may be recovered from the party by action, *&c.* in any of the courts of record at *Weſtminſter*, with double coſts. *ſ.* 34.

All the powers and authorities by this act veſted in the court of mayor and aldermen, may be exerciſed by the court of mayor and aldermen, to be holden in the outer chamber of the Guildhall of the ſaid city. *ſ.* 35.

Upon every application to the general quarter ſeſſions of the peace for *Surrey*, concerning any matter to be by ſuch ſeſſions done, in purſuance of this act, the jury (if any) to be impanelled, and all parties required to attend the quarter ſeſſions for the ſaid county, purſuant to ſuch application, ſhall be impanelled and required to attend at ſome general or ſpecial adjournment of the ſaid quarter ſeſſions, within ſix weeks next after ſuch application, at ſome place in the borough of *Southwark*, to be appointed by the ſaid ſeſſions; and every further meeting ſhall be within three weeks from the laſt meeting; which adjournments the juſtices are empowered to make, as there ſhall be occaſion. *ſ.* 36.

The court of mayor and aldermen, and either of the aforeſaid courts of ſeſſions, may impoſe any reaſonable fine on any of the ſheriffs, or their deputies, making default in the premiſes, and on any perſons who, ſummoned and returned on ſuch jury, ſhall not appear, or, appearing, ſhall refuſe to be ſworn, or give their verdict, or in any manner wilfully neglect their duty therein, contrary to this act; and on any of the perſons having notice to attend to give evidence, who ſhall not attend, or attending ſhall refuſe to be ſworn, and give evidence; and in default of payment thereof on demand, *may* levy ſuch fine as other fines ſet by the ſaid courts have been uſually levied; ſo that no fine ſhall exceed ten pounds upon one perſon for one offence; and ſuch fines, when recovered, ſhall be applied to the uſe of the perſon applying to the ſaid court; and if ſuch perſon having notice to attend and give evidence, ſhall not attend and give evidence accordingly, having had ten days previous notice in writing thereof, and having been tendered his reaſonable expences for attendance, he ſhall be liable to an action on the caſe, to be brought againſt him by the party on whoſe behalf ſuch notice ſhall have been given; in which the plaintiff ſhall recover the damages occaſioned by ſuch non-attendance, with coſts; and ſuch excuſe ſhall be allowed for non-attendance, as is allowable in any of the courts of record

at

at *Weſtminſter*: provided, the court where ſuch witneſs ſhall appear may (if they ſhall think fit) order ſuch further ſum to be paid to ſuch witneſs for attendance, as to them ſhall ſeem reaſonable; and ſuch witneſs ſhall not be compelled to give evidence before ſuch further ſum ſhall be paid. *ſ.* 37.

Every owner of any building within the limits, who ſhall think it neceſſary to repair, pull down, or rebuild any party-wall or party fence-wall, or any part thereof, between any ſuch building, or the ground thereto adjoining, and the next adjoining building, or the ground thereto adjoining, ſhall (in caſe the owner of ſuch adjoining building, or ground, will not, or by reaſon of any legal diſability, or otherwiſe, cannot agree, touching the ſame) give three months notice in writing to the owner, if he is known, and can be met with, or if ſuch owner be under coverture, to her huſband, or if under the diſability of infancy, idiocy, or lunacy, to the guardian, truſtee, or committee, or otherwiſe, to the occupier of ſuch adjoining building, of ſuch his intention to repair, *&c.* by delivering a copy of ſuch notice to ſuch owner or occupier, or by leaving the ſame at his laſt or uſual place of abode, or, if ſuch adjoining building be unoccupied, by fixing a copy of ſuch notice on the door of ſuch laſt-mentioned building; which notice ſhall be in the form or to the effect following:

'*Apprehending the party-wall, party-arch, or party fence-wall, or ſome part thereof* (as the caſe ſhall be), *between the houſe or building, or ground* (as the caſe ſhall be) *thereto adjoining, ſituate* —— *inhabited or occupied by* —— *and my houſe or building, or ground* (as the caſe ſhall be), *adjoining thereto, to be ſo far out of repair as to render it neceſſary to repair or pull down and rebuild the ſame, or ſome part thereof: take notice, that I intend to have the ſaid party-wall, party-arch, or party fence-wall* (as the caſe ſhall be), *ſurveyed, purſuant to an act of parliament made in the fourteenth year of the reign of king* George *the third; and that I have appointed* —— *of* —— *and* —— *of* —— *my ſurveyors, to meet at* —— *in* —— (being at ſome place within the limits aforeſaid), *on my behalf, on the* —— *day of* —— *next, at* —— *of the clock in the* —— *of the ſame day* (being between the hours of ſix in the morning and ſix in the afternoon): *and I do hereby require and call upon you to appoint two other ſurveyors or able workmen on your part, to meet them at the time and place aforeſaid, to view the ſaid party-wall, party-arch, or party fence-wall* (as the caſe ſhall be), *and to certify the ſtate and condition thereof, and whether the ſame, or any part thereof, ought to be repaired or pulled down and rebuilt. Dated this* —— *day of* ——

And ſuch perſons as aforeſaid, or the occupier to whom ſuch notice ſhall be given, ſhall appoint two ſurveyors or able workmen to meet at the time and place in ſuch notice mentioned; and they, together with the two ſurveyors, *&c.* named by the party giving notice, and whoſe names ſhall be expreſſed in ſuch notice, may view ſuch party-wall, *&c.* and certify the condition thereof, and whether the ſame, or any part thereof, ought to be repaired, or pulled down and rebuilt; and ſuch ſurveyors, ſo named, or, in caſe the owner or occupier of ſuch adjoining building, or other perſons aforeſaid, having notice, ſhall refuſe or neglect to name two ſurveyors, *&c.* then the two ſurveyors, *&c.* named in ſuch notice, together with two other ſurveyors, *&c.* alſo to be named by the party giving notice, ſhall, within ſix days after the time appointed in the notice, view the party-wall, *&c.*; and ſhall certify, in writing, under their hands, to the court of mayor and aldermen, or to the ſaid juſtices, in their next ſeſſions, the condition of ſuch party-wall, and whether the ſame, or any part, ought to be repaired, *&c.*: and in caſe the major part of the ſurveyors, *&c.* ſhall not, within one month next after ſuch appointment, ſign ſuch certificate in writing; then one juſtice for *London*, *Middleſex*, *Surrey*, or *Weſtminſter*, or the liberty of the *Tower of London*, may, and ſuch juſtice is required, upon application to him for that purpoſe by the party giving notice, to appoint one other able ſurveyor to be added to the ſurveyors, *&c.* appointed; and all the ſaid ſurveyors ſo appointed, or the major part of them, ſhall meet (ſix days notice having been given to each) and ſhall view the party-wall, *&c.*: and, in caſe the major part of ſuch ſurveyors, *&c.* ſhall certify, in writing, under their hands, that *the ſame*, or any part thereof, is decayed and ruinous, or not ſufficiently ſecure againſt fire, if any ſhould happen, and that the ſame ought to be repaired or pulled down; then, within three days next after ſuch certificate, a copy thereof ſhall be delivered to the owner or occupiers of, or left at ſuch adjoining building, or fixed on the door thereof, *if* unoccupied; and ſuch certificate ſhall be immediately filed with the clerk of the peace, paying ſuch clerk one ſhilling for filing thereof: and ſuch laſt-mentioned owner or occupier may (if he think fit) appeal from ſuch certificate to the next ſeſſions, and the juſtices, at the ſaid ſeſſions, ſhall ſummon before them one or more of ſuch ſurveyors, *&c.* and ſuch other perſons as they think fit, and ſhall examine the matter upon oath; and upon ſuch examination, the ſaid juſtices are to make ſuch orders as they think juſt; which orders ſhall be filed of record by the clerk of the peace, in like manner as the judgments of any court of ſeſſions concerning intermixed property are before directed to be filed of record; and the determination of the ſaid juſtices ſhall be concluſive to all parties, without any appeal from the ſame: and, on default of appealing to ſuch next ſeſſions; or if, upon any appeal, there be no order made to the contrary; then the party intending to repair, *&c.* after the expiration of fourteen days after delivering or leaving the copy of ſuch certificate, as aforeſaid; or after the determination of ſuch appeal, may cauſe ſuch party-wall, *&c.* or any parts thereof, to be repaired or pulled down, and may exerciſe the like power of entry into the adjoining buildings, or of breaking open the ſame, in the preſence of a peace officer, in caſe the ſame be unoccupied, or refuſed to be opened, and of removing wainſcot, ſhelves, furniture, and other things, and of ſhoring up the ſaid adjoining buildings, as is allowed to the owners of intermixed buildings by this act; and may erect a new party-wall, *&c.* or any part thereof, in manner by this act preſcribed. *ſ.* 38.

If the owner of any houſe or building of the firſt, ſecond, or third rate, to which any old party-wall belongs, ſhall be deſirous of pulling down and rebuilding ſuch building, or ſo much thereof as *ſhall ſubject the ſame to the regulations of this act*; and ſhall give three months notice, in writing, to the owner or occupier of the next adjoining building of his intention, in three months from the date thereof, to pull down ſuch party-wall, and inſtead thereof, to build a party-wall agreeable to this act; then, after the expiration of the three months expreſſed in ſuch notice, the owner *may* pull down the ſaid party-wall, and exerciſe the like power of entering into the adjoining building, or of breaking open the ſame, in the preſence of a peace

officer, in caſe the ſame be unoccupied, or refuſed to be opened, and of removing any wainſcot, &c. and of ſhoring up the ſaid adjoining building, as by this act is given to the owners of intermixed buildings; and may, in the place of ſuch old party-wall, build a new party-wall, in manner by this act preſcribed. *ſ.* 29.

If the owner of any houſe or building to which any timber or wood partition, or wooden fence belongs, ſhall be deſirous of pulling down and rebuilding ſuch building, or ſo much thereof as *may ſubject the ſame to the regulations in this act*; and ſhall give three months notice to the owner or occupier of the next adjoining building, of his intention to pull down ſuch partition after the end of three months after the date of ſuch notice, and inſtead thereof to build a party-wall, agreeable to this act; then, after the expiration of the three months expreſſed in ſuch notice, the owner may pull down the ſaid partition, and the walls under or over the ſame, if any ſuch there be, and the ſaid wooden fence, and may exerciſe the like power of entry into the adjoining building and ground, or of breaking open the ſame in the preſence of a peace officer, *if* unoccupied, or refuſed to be opened, and of removing any wainſcot, &c. and of ſhoring up the adjoining building; and ſhall and may, in the place of ſuch partitions, and of the walls under or over the ſame, or of ſuch wooden fences, build a new party-wall, &c. *ſ.* 40.

The perſon at whoſe expence any party-wall or party-arch ſhall be built agreeably to the directions of this act, ſhall be reimburſed by the owner, who ſhall be entitled to the improved rent of the adjoining building or ground, and who ſhall, at any time, make uſe of ſuch party-wall, &c. a part of the expence of building the ſame, in the proportion after mentioned; *viz.* if the adjoining building be of the ſame rate as, or ſuperior to, the building belonging to the perſon at whoſe expence the ſaid party-wall was built, then the owner or occupier of ſuch adjoining building or ground ſhall pay one moiety of the expence of building ſo much of the ſaid party-wall or arch, as ſuch owner or occupier ſhall make uſe of; and if of an inferior rate, then a ſum of money equal to one moiety of the expence of building a party-wall or party-arch, of the thickneſs by this act required for the rate whereof ſuch adjoining building ſhall be, and of the height and breadth of ſo much of the ſaid party-wall or party-arch as ſuch owner or occupier ſhall make uſe of: and, in the mean time, the ſole property of ſuch whole party-wall or party-arch, and of the whole ground whereon the ſaid party-wall ſhall ſtand, ſhall be veſted in the perſon at whoſe expence the ſame ſhall be built: and ſuch moiety, or other part of the expence of building ſuch party-wall, &c. ſhall be paid to the perſon at whoſe expence the ſame ſhall be built, or in whom the property thereof ſhall be veſted at the times herein-after mentioned, *viz.* in reſpect of every ſuch party-wall to any building whereunto, at the time of building the ſame, no other building was adjoining, ſo ſoon as ſuch party-wall ſhall be firſt cut into or made uſe of; and in reſpect of ſuch party-wall, &c. as ſhall be built againſt, or adjoining to, any other building, ſo ſoon as ſuch party-wall or party-arch ſhall be finiſhed: and in reſpect of ſuch laſt-mentioned party-wall, &c. the owner or occupier of ſuch adjoining building ſhall, together with ſuch proportional part of the expence of building, alſo pay a like proportional part of all other expences which ſhall be neceſſary to the pulling down the old party-wall, or timber or wood partition, and the whole of all the reaſonable expences of ſhoring and of removing any goods, &c. and of pulling down any wainſcot or partition, and alſo all ſuch coſts, as may have been awarded by the court of mayor and aldermen, or ſeſſions; but not any part of the expence of pulling down and clearing away any ſuch old party-wall or party-arch, or old partition, if any ſuch there was: and the expence of building ſuch party-wall or party-arch ſhall be eſtimated after the rate of ſeven pounds fifteen ſhillings by the rod, for the new brick-work, deducting thereout after the rate of twenty-eight ſhillings by the rod for the materials (if any) of ſo much of the old wall or arch as did belong to ſuch adjoining building or ground, and alſo after the rate of twopence by the cubical foot for the materials (if any) of ſo much of the old timber partition as did belong to ſuch adjoining building or ground: and within ten days after ſuch party-wall, &c. ſhall be ſo built, or ſo ſoon after as convenient, ſuch firſt builder ſhall leave, at ſuch adjoining building, a true account, in writing, of the number of rods in ſuch party-wall, &c. for which the owner of ſuch adjoining building or ground ſhall be liable to pay, and of the deduction thereout, on account of ſuch materials, and alſo an account of ſuch other expences and coſts as aforeſaid; whereupon the tenant or occupier may pay one moiety, or ſuch proportional part, to ſuch firſt builder, and alſo for ſhoring, &c. and for all other expences herein directed to be paid by the owner, and may deduct the ſame out of the rent which ſhall become due from him to ſuch owner, under whom he holds the ſame, until he ſhall be reimburſed: and if not paid within twenty-one days next after demand thereof, then the ſame may be recovered, with coſts, from ſuch owner, by action in any courts of record at *Weſtminſter*: and if the plaintiff in ſuch action ſhall, three months before the commencement thereof, give notice in writing to the perſon againſt whom ſuch action is intended to be brought, of his intention to bring the ſame, or leave the ſame at his abode, and ſhall in ſuch notice ſpecify the ſum for which it is to be brought, and alſo annex a bill of the expences; then ſuch plaintiff, if he recover the full ſum ſpecified in ſuch notice, ſhall alſo recover double coſts. *ſ.* 41.

Every party-wall, and addition thereto, ſhall be built agreeable to the directions concerning the party-wall of the higheſt rate to which ſuch party-wall ſhall adjoin, when ſuch additions are completed; and no party-wall ſhall, after the ſame and the buildings adjoining thereto are completed, be raiſed, unleſs the ſame, when raiſed, be of the full thickneſs ſuch party-wall is of in the ſtory next under the roof of the higheſt adjoining building; nor ſhall any party-wall hereafter be raiſed, unleſs the ſame can be done with ſafety to ſuch wall, and the ſeveral buildings adjoining thereto; but all ſuch party-walls as will, when raiſed, be of the materials, heights, and thickneſſes herein-before required, or as can be ſafely raiſed, may, together with the ſhaft, be raiſed at the expence of the proprietor or occupier of any building to which the ſame belong, to any height he ſhall think proper; but if the proprietor or occupier of any building adjoining, ſhall make uſe of any part of ſuch party-wall and chimney-ſhaft, other than the uſe he makes of the chimney flues therein, which ſhall be ſo raiſed, then ſuch perſon, for the part uſed, ſhall be chargeable with a proportionable ſhare of the expence of raiſing ſuch party-wall and chimney-ſhafts; and in computing ſuch charge, the ſame ſhall be rated in manner herein-before mentioned, and the proportion ſuch perſon ſhall be liable to pay ſhall be recovered as is before declared concerning the firſt building of a party-wall. *ſ.* 42.

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Any party fence-wall may be raiſed by and at the expence of the proprietor or occupier of the ground on either ſide adjoining thereto; but no party fence-wall ſhall hereafter be built upon, or againſt, or uſed as a party-wall, unleſs the ſame be of the materials, height, and thickneſs, herein-before directed for party-walls, to the rate of building ſo to be erected againſt or upon the ſame: and in caſe of the inſufficiency of ſuch wall for the purpoſes aforeſaid, or if inſtead of ſuch party fence-wall, there be only a wooden fence, the proprietor or occupier of either of the adjoining premiſes may, at his own expence, take down ſuch wall or fence, and erect a new party-wall in lieu thereof, making good every damage that may accrue to the adjoining premiſes by ſuch rebuilding, ſo nevertheleſs as that ſuch new party-wall ſhall not extend on the ſurface of ſuch adjoining ground more than ſeven inches beyond the centre line of ſuch party fence-wall or fence; but no proprietor or occupier of ſuch adjoining premiſes ſhall make uſe of ſuch party-wall, otherwiſe than as a party fence-wall, unleſs he pay a proportionable ſhare of the whole expence of erecting ſuch parts of ſuch wall, according to the uſe he ſhall make of the ſame, at the rates aforeſaid. *ſ.* 43.

In caſe ſuch party-wall ſhall extend further upon the ground of the party building the ſame than the party fence-wall did, yet the party rebuilding the ſame ſhall not thereby loſe any part of the ſoil whereon ſuch party-wall ſhall be built; nor ſhall the owner of the other part of ſuch party-wall be entitled to any right of ſoil, more than what he was before entitled to. *ſ.* 44.

If the fore-front and back-front of any building now built, ſhall be rebuilt as low as the breſſummer, or one pair of ſtairs floor, within five years from each other, the party-walls of ſuch building ſhall be ſubject to the regulations concerning party-walls: and for the further prevention of fire, the back of every chimney to be built in any building of the firſt rate, not being in a party-wall, ſhall be in the cellar ſtory thirteen inches thick from the hearth, to the height of twelve inches above the mantle; and eight inches and an half thick from the hearth to the height of twelve inches above the mantle in every other ſtory, except where ſuch chimney ſhall be built againſt a wall, in which caſe the back may be half a brick thinner: and the back of every chimney of the ſecond, third, or fourth rate, not in a party-wall, ſhall be in every ſtory eight inches and an half thick, from the hearth to the height of twelve inches above the mantle, except where ſuch chimney ſhall be built againſt a wall, in which caſe the back may be half a brick thinner: and there ſhall be no timber whatever over the opening of any chimney, for ſupporting the breaſt; but there ſhall be an arch of brick or ſtone, or an iron bar over the opening: and no timber ſhall be laid in any wall under the hearth of any chimney, unleſs the ſame ſhall be in every part eighteen inches lower than the ſurface of ſuch hearth; and the hearth ſhall be laid wholly on brick or ſtone, except the ſame be in a cellar or ground ſtory, and be laid on the ſolid earth; and ſuch chimney ſhall have a ſlab, or foot paces before the ſame, of tile, ſtone, marble, or iron, at leaſt eighteen inches broad, and one foot longer than the opening; and ſuch ſlab or foot paces, ſhall be laid on brick or ſtone trimmers, at leaſt eighteen inches broad from the opening of ſuch chimney, or from the perpendicular face of the arch over the opening which ſupports the breaſt, except the ſame be in a cellar or ground-floor, and be laid on the ſolid earth: and no timber or wood-work whatever ſhall be laid in the brick-work of any oven, ſtove, copper, ſtill, boiler, or furnace, nor within two feet of the inſide of any ſuch oven, *&c.*; nor ſhall any timber whatever be laid in the brick-work of any chimney, nearer than nine inches to the opening, or five inches to the inſide of the flue of any chimney, oven, *&c.* or than nine inches to the inſide of the flue of any ſuch oven, *&c.* where ſuch timber ſhall lie nearer than five feet above the mouth of the ſame: and no wood-work whatever ſhall be affixed to the front of any jamb or mantle, or to the front or back of any chimney or flue, except affixed by iron nails or holdfaſts, or other iron faſtenings; and no iron nail, holdfaſt, or other iron faſtening, ſhall be drove more than three inches into the wall againſt ſuch chimney or flue, or nearer than four inches to the inſide of the opening: and no chimney ſhall be erected on any timber-work whatever, except on ſuch piling, bridging, or planking, as may be neceſſary below the foundation; but every chimney ſhall be erected on ſuch piling, bridging, or planking, or on ſolid ground, or on a brick or ſtone foundation, or ſhall be ſet upon brick or ſtone corbles, or iron brackets, or upon iron ſhores, ſupported by brick or ſtone foundations. *ſ.* 45.

Every external wall of every building of the firſt, ſecond, third, fourth, or fifth rate, and of every addition or enlargement to be made to *ſuch* building, ſhall be of brick, ſtone, artificial ſtone, lead, copper, tin, ſlate, tile, or iron, or of brick, ſtone, and ſuch artificial ſtone, lead, copper, tin, ſlate, tile, and iron together, except the neceſſary piling, bridging, and planking, for the foundation, and alſo the neceſſary templets, chains, bond-timbers, and alſo except the doors, ſaſhes, window-ſhutters, and door and window-frames to ſuch buildings, and the tiers or ſtories of door-caſes and doors to all ſuch warehouſes as are or ſhall be of the firſt, ſecond, third, or fourth rate; all which window-frames and door-frames ſhall be ſet in reveals, and receſſed four inches from the front of the building; and alſo except the breſſummers, ſtory-poſts, and plates, which may be made on the ground-ſtory only; and alſo except all ſtall-boards for the conveniency of any ſhop on the ground-ſtory only; which breſſummers, ſtory-poſts, and plates, and the tiers or ſtories or door-caſes and doors to ſuch warehouſes, are not required to be fixed in reveals; but no ſtory-poſt or breſſummer ſhall be fixed more than two inches deep in any party-wall, or be placed in any front nearer than ſeven inches to the centre line of the party-wall of ſuch building, if ſuch party-wall be of the thickneſs of two bricks, or nearer than four inches and an half to the centre, if ſuch party-wall ſhall not exceed one brick and an half in thickneſs; but no timber-work whatever, other than ſuch breſſummer, ſtory-poſts, and plates, and ſuch tiers or ſtories of door-caſes and doors, ſhall be laid in ſuch external wall nearer than four inches to the external ſurface; and ſuch ſtory-poſt which ſhall be fixed as a ſupport to two fronts, being the corner of any ſtreets, ſquare, place, court, or way, ſhall be of oak or ſtone, and at leaſt twelve inches ſquare. *ſ.* 46.

Every flat, gutter, and roof, of the firſt, ſecond, third, fourth, or fifth rate, which ſhall be built *hereafter*, and every turret, dormer, and lanthorn light, or other erection, which ſhall be placed in the flat or roof of ſuch building, and every external part of any flat, gutter, roof, turret, dormer, and lanthorn, in ſuch rate of building, now built, and which ſhall hereafter be ripped or uncovered, ſhall be covered with glaſs, copper, lead, tin, ſlate, tile, or artificial ſtone; except the doors, door-frames, windows, and window-frames, *&c.* *ſ.* 47.

Every coping, cornice, facia, window-dreſſing, portico,

balcony, baluſtrade, or other external decoration or projection whatſoever, to any building of the firſt, ſecond, third, or fourth rate; and alſo every frontiſpiece to any building of the firſt rate, or to any addition or enlargement of ſuch building, ſhall externally be of brick, ſtone, burnt clay, or artificial ſtone, ſtucco, lead, or iron; except the cornices and dreſſings to ſhop-windows; and alſo except ſuch covered ways as may hereafter be made to any building, ſo as the ſaid covered way ſhall not extend beyond the original line of the houſes in the ſtreet where erected; and ſuch covered way ſhall be covered with ſtone, lead, copper, ſlate, tile, or tin; and neither the ſaid covered way, nor the cornice or dreſſings to ſhop-windows, nor the roof of any ſuch portico, ſhall be higher than the under ſide of the ſill of the window-frame of the one pair of ſtairs window of the builing to which the ſame belongs: and no water ſhall drip next to any public ſtreet, ſquare, place, court, or way, from the roof of any firſt, ſecond, third, or fourth rate building, except from the roofs of porticoes or entrances; but all water from ſuch roofs ſhall be conveyed by lead, copper, tin, or iron gutters or pipes, or by wooden trunks, or brick or ſtone funnels, to the drains or channel ſtones, on or below the ſurface of the ground, or to ſome ciſtern or reſervoir, or to any front of ſuch building not abutting upon any public ſtreet or way; and no ſuch brick or ſtone funnel ſhall hereafter be made unleſs the ſame ſhall be in every part thereof below the ſurface of the foot pavement before the ſame, nor ſhall ſuch wooden trunk hereafter be fixed, unleſs the ſame be below the tops of the windows of the ground ſtory. *ſ.* 48.

No bow-window or other projection ſhall hereafter be built with, or added to, any firſt, ſecond, third, or fourth rate building, next to any public ſtreet, *&c.* ſo as to extend beyond the general line of the fronts of the houſes; except ſuch projections as may be neceſſary for copings, cornices, facias, door and window dreſſings, or for open porticoes, ſteps, or iron palliſades; and alſo except ſuch window to any ſhop on the ground-floor ſtory, the ſtall-boards of which ſhall not, in any ſtreet thirty feet wide, project above ten inches, nor in any ſtreet leſs than thirty feet wide, above five inches from the upright line of the building: and no cornice or covering thereof to ſuch ſhop-window ſhall, in any ſtreet thirty feet wide, project more than eighteen inches, nor in any ſtreet leſs than thirty feet wide, more than thirteen inches from the upright line of the building: and no bow-window or other projection, except as before, ſhall hereafter be built with, or added to, the front of any firſt, ſecond, third, or fourth rate building, unleſs built of the materials directed to be uſed in external walls. *ſ.* 49.

Nothing herein contained ſhall prejudice the powers granted to any commiſſioners for paving any ſtreets within the limits, by act of parliament, or to the commiſſioners of ſewers for *London*. *ſ.* 50.

Every external wall, or incloſure to any building, built, or begun to be built, not being of the materials by this act required for external walls, hereafter to be built, may be at all times repaired with the ſame ſort of materials as of which ſuch wall is erected (except the external incloſures of roofs, flats, gutters, and of the dormers, turrets, and lanthorn lights or other erections on the ſame, which ſhall be repaired with the materials before directed); but in caſe ſuch wall be taken down, or otherwiſe demoliſhed to the breſſummer or one pair of ſtairs floor, or the place where the breſſummer is uſually fixed, then the ſame, not being built of the materials by this act required for external walls, ſhall be taken down, and entirely rebuilt of ſuch materials, and in ſuch manner, as by this act required for external walls, according to the rate of building to which ſuch wall belongs. *ſ.* 51.

No bow-window, or other projection, ſhall be rebuilt, except ſuch as are by this act allowed, unleſs the ſame was built at the time the houſe was built, or unleſs it be within the original line of the ſtreet, *&c.* *ſ.* 52.

No ſtack of warehouſes to be erected hereafter (*the warehouſes belonging to the Eaſt India Company are diſcharged from theſe regulations, by* 27 *Geo.* 3. *c.* 48.) ſhall contain more than thirty-five ſquare of building on the ground plan, including all external, internal and party-walls; and no enlargement ſhall be made, ſo as to increaſe the ſame beyond the ſaid thirty-five ſquares, except ſuch ſtack of warehouſes be ſeparated by party-walls (built according to the directions herein) into diviſions of not more than thirty-five ſquares each; and no ſtack of warehouſes ſhall communicate with any other warehouſe or building through a party-wall, unleſs the door-caſe and ſill of ſuch communication be of ſtone, and unleſs there be to ſuch communication a door of wrought iron, of the thickneſs of a quarter of an inch in the pannels; and no timber, bond, or lintel, ſhall be laid into the brick-work of any wall in ſuch warehouſes nearer than eighteen inches to the opening of ſuch communication. *ſ.* 53.

No building for ſtables ſhall contain more than twenty-five ſquares, including all walls; and no enlargement ſhall be made thereto, ſo as to increaſe the ſame beyond the twenty-five ſquares, including walls, except ſuch building be ſeparated by party-walls (built according to the directions herein) into diviſions of not more than twenty-five ſquares each, including walls: and no ſuch building ſhall communicate through a party-wall with any other ſtables or building, unleſs the door-caſe and ſill of ſuch communication be of ſtone, and unleſs there be to ſuch communication a door of wrought iron, of the thickneſs of a quarter of an inch in the pannels; and no timber, bond, or lintel, ſhall be laid into the brick-work nearer than eighteen inches to the opening of ſuch communication. *ſ.* 54.

If any firſt, ſecond, third, or fourth rate building (except in the Inns of Court or Chancery, the *Royal Exchange*, Companies Halls, and except warehouſes and dwelling-houſes let at a rack rent for not more than twenty-five pounds by the year), be hereafter converted into two or more dwelling-houſes, work-ſhops, ſtables, or other buildings, which ſhall be in diſtinct tenures on the ground-floor thereof, then each ſuch tenement ſhall be conſidered as a ſeparate building, and the ſame ſhall be divided from each other by a party-wall, and ſuch party-wall ſhall be of the materials, height, and thickneſs, and under the regulations reſpecting party-walls. *ſ.* 55.

This ſhall not prevent any proprietor or leaſeholder of any ſtack of warehouſes, from dividing the ſaid warehouſes into diviſions for the convenience of letting the ſame to under-tenants; ſo that the ſame be ſeparated by party-walls into diviſions of not more than thirty-five ſquares each, as before directed. *ſ.* 56.

Nor ſhall it prevent the proprietor or leaſeholder of any ſtable yard, or livery ſtables, from dividing the ſaid ſtables, ſo that the ſame be ſeparated by party-walls into diviſions of not more than twenty-five ſquares each, as before directed. *ſ.* 57.

If any fifth or ſixth rate building be hereafter divided into two or more diſtinct tenures, and the ſeveral parts in ſuch ſeparate tenures be not at the diſtances from each other herein-before directed for every fifth or ſixth rate building; then ſuch ſeveral part in ſuch diſtinct tenure, being nearer to each other than the ſaid diſtances, ſhall be deemed a pub-

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lic nuiſance, and ſhall be immediately taken down as ſuch. *ſ.* 58.

No iron, tin, copper, or other pipe or funnel for conveying ſmoak or ſteam, ſhall be fixed next any public ſtreet, or on the front of any firſt, ſecond, third, or fourth rate building; nor on the inſide of ſuch building nearer than fourteen inches to any timber, or other combuſtible material whatever; nor ſhall any brick funnel be built or placed on the outſide of any front next to any public ſtreet, *&c.* ſo as to extend beyond the general line of houſes. *ſ.* 59.

Every church, chapel, meeting-houſe, dwelling-houſe, or other building, and every party and other wall which ſhall be built within the limits of this act, ſhall be built purſuant to ſuch regulations, and with ſuch materials, as are herein appointed; and if any perſon preſume to build, or to begin building, or to alter any building in any reſpect contrary thereunto, and be thereof convicted by the oaths of two witneſſes before the mayor of *London*, or any two juſtices of *London*, or counties of *Middleſex* or *Surrey*, *Weſtminſter*, or liberty of *The Tower of London* reſpectively, then the ſaid houſe, building, or wall, ſo irregularly built, or begun to be built or altered, ſhall be deemed a common nuiſance, and the builder and the owner thereof, or one of them, as the ſaid mayor, *&c.* ſhall require, ſhall enter into a recognizance in ſuch ſum as the mayor, *&c.* ſhall appoint, for demoliſhing the ſame; or otherwiſe to amend the ſame according to the regulations herein: and in default of entering into ſuch recognizance, the perſon ſo making default ſhall be committed to the common gaol, until he ſhall have demoliſhed or amended the ſame; or until ſuch irregular building ſhall be abated or demoliſhed by order of ſuch mayor, *&c.* which order the ſaid mayor, *&c.* are to make; provided that ſuch conviction be had within three months after ſuch building ſhall be finiſhed. *ſ.* 60.

It ſhall be lawful for the mayor of *London*, or two juſtices for *London*, *Middleſex*, *Surrey*, *Weſtminſter*, or the liberty of *The Tower of London* reſpectively, where any building contrary to the regulations ſhall be ſituated, to order every houſe or building ſo irregularly built, begun to be built, or altered, as is by this act declared to be a common nuiſance, to be taken down, and to order the perſon authoriſed to take down the ſame, to ſell the materials, and thereout to pay the charges of taking down; and to pay the ſurplus (if any) to the owner of ſuch materials; and if the monies ariſing by ſuch ſale be not ſufficient to pay ſuch charges, the deficiency ſhall be made good by ſuch owner, and may be levied as is directed concerning the expence of taking down ruinous buildings, and putting up hoards for the ſafety of paſſengers. *ſ.* 61.

The mayor and aldermen of *London* ſhall appoint ſo many perſons, ſkilled in building, as they think fit, to be, *during their will and pleaſure*, the ſurveyors to ſee the regulations obſerved throughout *London*, and the liberties thereof: and the ſaid mayor and aldermen in their court of aldermen, are to adminiſter to the ſaid ſurveyors an oath for the true and impartial execution of their office; and to appoint the diſtricts which ſhall be under their ſurveys: and the juſtices for *Middleſex*, *Surrey*, *Weſtminſter*, and the liberty of *The Tower of London*, in their general quarter ſeſſions reſpectively, are to appoint ſo many perſons ſkilled in building, as the ſaid quarter ſeſſions think fit, to be, *during their will and pleaſure*, the ſurveyors to ſee the regulations obſerved throughout *Weſtminſter*, and the ſeveral pariſhes, precincts, and places aforeſaid: and the ſaid juſtices, in their reſpective quarter ſeſſions, ſhall adminiſter to the ſaid ſurveyors an oath for the impartial execution of their office, and ſhall appoint the diſtricts which ſhall be under their ſurveys; which oath ſhall be in the form following:

'*I* A. B. *being one of the ſurveyors or ſuperviſors appointed in purſuance of an act of parliament, paſſed in the fourteenth year of the reign of king* George *the third, for the further and better regulation of buildings and party-walls; and for the more effectually preventing miſchiefs by fire within the cities of* London *and* Weſtminſter, *and the liberties thereof, and other the pariſhes, precincts, and places within the weekly bills of mortality, the pariſhes of* Saint Mary-le-bone, Paddington, Saint Pancras, *and* Saint Luke *at* Chelſea, *in the county of* Middleſex; *and for indemnifying, under certain conditions, builders, and other perſons, againſt the penalties to which they are or may be liable for erecting buildings within the limits aforeſaid, contrary to law, do ſwear, that, upon receiving notice of any building or wall to be built, or other builder's work to be done, within the diſtrict under my inſpection, not being by illneſs or otherwiſe lawfully prevented, I will, diligently and faithfully, ſurvey the ſame, and, to the utmoſt of my abilities, endeavour to cauſe the rules and regulations in the ſaid act preſcribed, to be ſtrictly obſerved; and that without favour or affection, prejudice or malice.*

'*So help me* GOD.'

And ſuch ſurveyor ſhall leave notice in writing with the clerk of the peace, in his diſtrict, of the place of his uſual abode. *ſ.* 62.

Before any building or any wall, on new or old foundations, or on foundations partly new and partly old, within the limits of this act, ſhall be begun to be built, the maſter workman, or perſon cauſing ſuch building to be built, ſhall give twenty-four hours notice thereof to the ſurveyor within whoſe diſtrict the ſame ſhall be; and ſuch ſurveyor ſhall view the ſaid building, and ſee that all the regulations are obſerved; and ſuch ſurveyor, for his trouble therein, ſhall be paid by ſuch maſter workman, or perſon cauſing ſuch building to be built, ſuch ſum of money as a ſatisfaction for his trouble therein, as two juſtices ſhall, by any writing under their hands, order, not exceeding

	l.	*s.*	*d.*
For every new building of the firſt rate,	3	10	0
Any alteration or addition thereto,	1	15	0
Second rate new building,	3	3	0
Any alteration or addition thereto,	1	10	0
Third rate new building,	2	10	0
Any alteration or addition thereto,	1	5	0
Fourth rate new building,	2	2	0
Any alteration or addition thereto,	1	1	0
Fifth rate new building,	1	10	0
Any alteration or addition thereto,	0	15	0
Sixth rate new building,	1	1	0
Any alteration or addition thereto,	0	10	6
Seventh rate new building,	0	10	6
Any alteration or addition thereto,	0	5	0

And, in default of payment of the ſaid ſeveral ſums, or ſuch other ſums as the ſaid juſtices ſhall appoint, the ſame ſhall, by warrant of one juſtice, be levied by diſtreſs and ſale of the goods and chattels of ſuch maſter workman, or other perſon, together with the coſts of diſtreſs. *ſ.* 63.

If any perſon ſhall begin ſuch building, or wall, or cut into any party-wall, without firſt giving notice to the ſurveyor, or ſhall refuſe ſuch ſurveyor admittance at reaſonable hours, for the purpoſe of viewing the ſame; then, every perſon

perſon ſo neglecting or refuſing admittance, ſhall forfeit to the ſurveyor treble the ſatisfaction which ſuch ſurveyor would have been intitled to for viewing ſuch building, and ſeeing the regulations of this act obſerved, in caſe notice had been given; and ſhall alſo forfeit twenty pounds, to be recovered by any action, *&c.* in any courts of record at *Weſtminſter*, by any perſon who ſhall ſue for the ſame; and ſuch building, if not built agreeably to the regulations, ſhall be demoliſhed or amended by order of the ſaid mayor, or two juſtices, in manner before directed. *ſ.* 64.

In caſe the workmen employed in building ſuch building or wall, or in the cutting into ſuch party-wall, ſhall not obſerve the rules in this act, and conform thereto, the ſurveyor ſhall give information thereof to the mayor, or to two juſtices, who thereupon ſhall hear the matter, and if any breach of this act is found to have been committed, they ſhall cauſe ſuch irregular building or wall to be demoliſhed or amended. *ſ.* 65.

If any workmen, or ſervants to any maſter workman, or other perſon cauſing ſuch building to be erected within the limits of this act, ſhall wilfully or negligently, and without the direction or conſent of ſuch maſter workman, do any thing about ſuch building contrary to this act, ſuch workman or ſervant upon conviction before the mayor of *London*, or other juſtice for the city of *London*, or before one juſtice for *Middleſex*, *Surrey*, *Weſtminſter*, or the liberty of *The Tower of London*, upon the oath of one witneſs, or his own confeſſion, ſhall forfeit fifty ſhillings, one moiety to the overſeers of the poor, for the uſe of the poor only, and the other moiety to the informer; and if not paid upon conviction, the offender ſhall, by warrant under the hand and ſeal of ſuch mayor or juſtice, be committed to the houſe of correction not exceeding three months, nor leſs than one month. *ſ.* 66.

Every maſter workman, or other perſon, who ſhall build any houſe or building, or any addition thereto, or any party or other wall, or who ſhall be employed to cut into any party-wall, ſhall, within fourteen days after ſuch building is covered in, or ſuch wall finiſhed, or the cutting into any party-wall made good, cauſe the ſame to be ſurveyed by the ſurveyor; and in caſe he ſhall refuſe, neglect, or ſhall, by illneſs, *&c.* be prevented ſurveying, then the ſame ſhall be ſurveyed by any other ſurveyor appointed and ſworn within the city, county, or liberty, wherein the ſaid building, *&c.* is ſituated; and if ſuch ſurveyor ſhall, upon ſuch ſurvey, find that the ſame is built, or made good, agreeably to this act, then ſuch ſurveyor ſhall, within fourteen days after, make oath thereof, by affidavit in writing, before the mayor of *London*, or ſome juſtice for the ſaid city, or for *Middleſex*, *Surrey*, *Weſtminſter*, or the liberty of *The Tower of London*: and the ſaid affidavit ſhall be filed with the clerk of the peace for the county, *&c.* within ten days after the making thereof; and the ſaid clerk of the peace ſhall, for his trouble therein, receive one ſhilling; and if any maſter workman, or other perſon cauſing ſuch building, *&c.* make default in the premiſes, by neglecting to cauſe ſuch ſurvey to be made, or ſuch affidavit to be made and filed, he ſhall forfeit ten pounds; and if not made and filed within one month next after the recovery of ſuch penalty, ſuch maſter workman, or other perſon as aforeſaid, ſhall forfeit ten pounds further, and ſo *toties quoties* for every month, until ſuch affidavit ſhall be made and filed; and each of the ſaid penalties ſhall be recovered and applied as the penalty herein after inflicted on perſons diſtilling or boiling turpentine. *ſ.* 67. *viz. with treble coſts by action*, &c. *in any of the courts of record at* Weſtminſter, *and to be applied one moiety to the poor, and the other to the informer, ſ.* 72*.

If any ſurveyor ſhall wilfully neglect his duty, or behave negligently or unfaithfully in the diſcharge thereof, and the ſame being, upon complaint thereof, made appear to the mayor and aldermen, or to the court of ſeſſions by whom he was appointed; ſuch ſurveyor ſhall be forthwith diſcharged, and for ever afterwards be incapable of being again appointed a ſurveyor. *ſ.* 68.

Nothing in this act ſhall extend to any of his majeſty's royal palaces, or to any building in the poſſeſſion of his majeſty, his heirs and ſucceſſors, or employed for his uſe or ſervice; or to her majeſty's palace, or to any building in the poſſeſſion of her majeſty, or employed for her uſe or ſervice. *ſ.* 69.

If any preſentment ſhall be made by an inqueſt or grand jury in *London*, or by any annoyance jury within *Weſtminſter*, or by the jury ſworn at the court leet held by the ſheriff in his turn, or by any other jury or inqueſt ſworn within any other part of the limits aforeſaid, that any building or part thereof, is in a ruinous condition, it ſhall be lawful for the court of mayor and aldermen within *London*, and the liberties thereof, or for the churchwardens or overſeers of the poor (not in *London*, or the liberties) and the ſaid court, and ſuch churchwarden and overſeer are, on notice of ſuch preſentment being made, and a copy thereof being laid before them, to cauſe a ſufficient hoard to be put up for the ſafety of all paſſengers paſſing thereby, and to cauſe notice in writing to be given to the owner, if he can be found; and if not, to cauſe ſuch notice in writing to be affixed to the door, or other notorious part of ſuch building, to repair or pull down the ſame, as the caſe may require, within fourteen days then next enſuing: and if ſuch owner do not begin to repair or take down the ſame, within the ſaid fourteen days after ſuch notice, and complete ſuch repairs, or take down the ſame as ſoon as the caſe will admit; then, oath being made before the ſaid mayor, or a juſtice of the peace, of ſuch notice having been given, or affixed, the ſaid court of mayor and aldermen, out of the caſh in the chamber of *London*, and ſuch churchwarden and overſeer, out of the monies in his hands, are to order and cauſe ſuch building, or ſo much thereof as the ſaid court, or the ſaid churchwardens or overſeers, find neceſſary for the ſafety of paſſengers, to be taken down and ſecured; and to ſell ſuch of the materials as the ſaid court, or churchwardens or overſeers, ſhall judge neceſſary; and out of the monies ariſing by the ſale to reimburſe themſelves all the charges of putting up ſuch hoard, and of taking down and ſecuring ſuch building, and of ſelling the ſaid materials, or ſo much thereof as the monies ariſing by ſuch ſale will extend to pay; and ſhall pay the ſurplus to the owner, upon perſonal demand thereof made by ſuch owner; and if no ſuch demand be made of any ſuch overſeer before another be appointed, then ſuch overplus ſhall be added to the rates made for the relief of the poor, and accounted for as ſuch. *ſ.* 70.

But ſuch owner may, at any time within ſix years afterwards, be entitled to receive ſuch overplus from the churchwardens or overſeers, within ten days after demand thereof perſonally; and ſuch churchwarden or overſeer is to pay the ſame out of the poor rates, and ſhall be allowed the payment thereof in his account: and if the monies ariſing by ſuch ſale, are deficient to repay all ſuch charges,

* Section 72 was repealed and amended by 25 *Geo.* 3. *c.* 77. which act is abridged under title *Fire and Fireworks*.

then

then ſuch deficiency ſhall be paid by the owner of ſuch building, if known; and if he, on demand thereof, neglect or refuſe to pay the ſame, then ſuch deficiency may be levied by warrant under the hand and ſeal of the mayor, or any other juſtice for *London*; or under the hands and ſeals of two juſtices for *Middleſex*, *Surrey*, *Weſtminſter*, or the liberty of *The Tower of London*, by diſtreſs and ſale of the goods of ſuch owner: and if no ſuch owner can be met with, or ſhall not on demand pay the deficiency, and no ſufficient diſtreſs can be met with, then the perſon who ſhall at any time then after occupy ſuch building, or the ground where the ſame ſtood, is to pay and deduct the ſame out of the rent thereof; and if he neglect or refuſe to pay ſuch deficiency of charges, then the ſame ſhall, by warrant under the hand and ſeal of the ſaid mayor, or any other juſtice for *London*, or under the hands and ſeals of two juſtices as aforeſaid, be levied by diſtreſs and ſale of his goods, together with the coſts of ſuch diſtreſs; and the owner is to allow to ſuch occupier ſuch deficiencies and charges which he ſhall ſo pay, or which ſhall be recovered by diſtreſs, *&c.* out of any rent which ſhall become due for the premiſes; and every occupier paying ſuch deficiency and charges ſhall be diſcharged for ſo much money, as if the ſame had been actually paid to ſuch perſon to whom his rents were due: And all money received or recovered on the account aforeſaid, for any building within *London*, or the liberties thereof, ſhall be paid to the chamberlain of the city, and placed to the credit of the caſh of the ſaid city; and in any part of the limits aforeſaid, other than the ſaid city of *London*, and the liberties thereof, it ſhall be paid to the churchwardens and overſeers of the poor, and placed to the account of the ſaid pariſh, in aid of ſuch rate, out of which the expences ſo received or recovered were originally diſburſed. *ſ.* 71.

The churchwardens of every pariſh, and the overſeers of the poor of every precinct, not having any churchwarden within the limits aforeſaid, are required to make, place, and fix, at the charge of ſuch pariſh, precinct, or place, upon the mains and pipes belonging to any waterwork whatſoever within the limits ſo many ſtopblocks of wood, with a wood plug, or ſo many firecocks to go into each main or pipe, and to be placed at ſuch diſtances in every ſtreet, as ſuch churchwardens or overſeers ſhall direct; and the top of every ſtopblock or firecock ſhall be even with the pavement, to the intent ſuch plugs or firecocks may, upon any fire, be opened to let out the water without digging down to the pipes; and ſuch churchwardens or overſeers ſhall fix any mark on the front of any houſe, over againſt or neareſt to the place where ſuch ſtopblocks, plugs, or firecocks, lie, for making the ſame known; and ſhall alſo keep an inſtrument in every ſuch houſe where ſuch mark ſhall be, to open the plug; and ſhall keep in ſuch houſe a pipe for the water to come thereout, to be made uſe of as occaſion may require; and ſuch ſtopblocks and firecocks ſhall be kept in repair at the charge of the pariſh; and ſuch plugs ſhall be kept in repair by the owners of the mains and pipes; and whenever the owners of waterworks ſhall afterwards remove, change, or alter the ſaid mains or pipes, then the owner of ſuch main or pipe ſhall, at his own coſts, fix the ſame, or the like ſtopblocks, plugs, and firecocks upon every new main or pipe, to be placed where the churchwardens or overſeers ſhall direct; and in ſuch caſe, the inſtrument or key, and pipe, ſhall be removed to the houſe oppoſite or neareſt to the place to which ſuch ſtopblock, *&c.* is removed; and ſuch churchwarden or overſeer ſhall cauſe a like mark to be fixed againſt ſuch houſe. *ſ.* 74.

Every pariſh within the limits aforeſaid ſhall have, and keep in good repair, in ſome public place within each pariſh, a large engine, and alſo an hand engine, to throw up water for extinguiſhing fires; and alſo ſhall keep one leather pipe at leaſt, with a ſocket of the ſame ſize as the plug or firecock, and a ſtand-cock or ſuction-pipe, to the intent the ſocket may be put into the pipe, to convey the water without loſs, and without the help of buckets, into the engine; and ſhall alſo keep in ſome public place within each pariſh, three or more ladders, of one, two, and three ſtory high, for aſſiſting perſons in houſes on fire to eſcape therefrom; and in default of making, placing, fixing, and continuing ſuch ſtopblocks or firecocks on the mains, as alſo in default of having and keeping in good repair ſuch large engine, hand engine, and leather pipe, ſocket and ſtand-cock, and ſuction-pipe, and ſuch ladders as aforeſaid, every churchwarden, and every overſeer of a place not having a churchwarden, making default in any of the premiſes, and being convicted thereof before two juſtices, ſhall forfeit ten pounds; one moiety to the informer, and the other to the ſurveyor for the diſtrict; to be recovered by diſtreſs and ſale of their goods. *ſ.* 75.

The turncock belonging to the waterwork, whoſe water ſhall be found on, or ſhall firſt come into the main where any plug ſhall be opened, at any fire within the limits aforeſaid, ſhall be paid not exceeding ten ſhillings by the churchwardens or overſeers; and the engine-keeper which firſt brings a pariſh or other large engine, to help to extinguiſh any fire, if in good order and complete, with a ſocket, hoſe, leather pipe, ſtand-cock, and ſuction-pipe, ſhall be paid not exceeding thirty ſhillings; the keeper of the ſecond engine brought, not exceeding twenty ſhillings; and the keeper of the third engine brought, not exceeding ten ſhillings; every ſuch payment to be made by the churchwardens or overſeers where ſuch fire ſhall happen; and in default of payment thereof, ſuch reward ſhall be recovered by diſtreſs and ſale of their goods, in the ſame manner as the penalty of ten pounds is. *ſ.* 76.

But no ſuch reward ſhall be paid to any turncock or engine-keeper, by the churchwarden or overſeer, without the approbation and direction of the alderman of the ward, or his deputy, or of two of the common councilmen of the ward, if ſuch fire happens within *London*, or the liberties thereof; or without the approbation and conſent of one juſtice, reſiding within the pariſh or place where ſuch fire happens; and if there be not any juſtice in ſuch pariſh, then of ſuch juſtice reſiding in the pariſh next adjoining, if ſuch fire happens within the limits of this act, out of *London*. *ſ.* 77.

Where any reward by this act payable, ſhall be paid by any churchwarden or overſeer for any fire in a chimney only, or firſt beginning in and occaſioned by the taking fire of any chimney only, the inhabitant or occupier of any room or apartment to which ſuch chimney belongs, being a lodger with any tenant of any building, of which ſuch room is part, or if ſuch chimney belong not to ſuch lodger, then the tenant or occupier wherein ſuch fire as laſt-mentioned firſt begins, ſhall repay to the churchwarden or overſeer the reward by him made, purſuant to this act, or ſuch part thereof, as the mayor, or other juſtice of *London*, or juſtice for *Middleſex*, *&c.* upon the application and complaint of ſuch churchwarden or overſeer, and hearing the party complained againſt, ſhall under his hand and ſeal award: and the ſaid mayor, and ſuch juſtice, ſhall ſummon before him, after ſuch complaint, the parties complained againſt, and all perſons fit to give evidence, and ſhall examine them upon oath, without

without fee; and if the party complained againſt, being ſummoned, do not appear, the ſaid mayor and ſuch juſtice, ſhall examine the matter of complaint, and ſuch evidence as is produced, and make ſuch award as ſhall be juſt, and as if the party had been preſent, and heard in his defence; and if any money awarded to be repaid to ſuch churchwarden or overſeer, be not repaid within fourteen days after demand, ſuch churchwarden or overſeer, by warrant under the hand and ſeal of ſuch mayor, or other juſtice, may levy ſuch reward by diſtreſs and ſale of the goods of the party making default, or of any goods found in the room to which ſuch chimney where ſuch fire began belongs, or in any other part of any building whereof ſuch room is part. *ſ.* 78.

Pariſhes within the city of *London*, united, ſhall, for the purpoſes of this act, be deemed one pariſh only. *ſ.* 79.

In caſe the veſtries of any of the ſaid united pariſhes, or of any other pariſh within the limits, conceive it neceſſary to have more than one great engine, or hand engine, they may provide two or more, at the pariſh charge; and the ſame ſhall be under the like regulations and encouragements as the other engines directed to be provided by this act. *ſ.* 80.

The churchwardens and overſeers, within the limits of this act, or the major part of them, with the conſent of the majority of ſuch inhabitants as ſhall be at any veſtry, or other public meeting of the pariſh aſſembled, ſhall and may (as often as there may be occaſion), out of the poor rates, or by any eſpecial rate to be made for the purpoſes of this act, pay ſuch money as may be requiſite for providing engines, ſtop-blocks, ladders, and paying rewards, in like manner as they may do for the relief of the poor; and ſuch eſpecial rate being allowed and confirmed as the poor rates are, ſhall be levied as the poor rates, and ſubject to the like appeal; and the officers ſhall be accountable for the ſame, and liable to the like pains for not accounting, and to the like diſtreſs and penalties for not paying the monies collected and remaining in their hands, as overſeers of the poor are. *ſ.* 81.

The watermen retained by, and belonging to, every inſurance office, within the limits aforeſaid, not exceeding thirty for each office, ſhall be free from being impreſſed, or liable to be compelled to go to ſea, or ſerve as mariners, or as ſoldiers on land, their names and places of abode being regiſtered and entered with the ſecretary, or other officer of the admiralty office. *ſ.* 82.

The governors or directors of the inſurance offices for inſuring buildings againſt loſs by fire, upon the requeſt of any perſon intereſted in, or intitled unto, any buildings burnt down, demoliſhed, or damaged by fire, or upon any grounds of ſuſpicion that the owner or occupier, or other perſon, who ſhall have inſured ſuch buildings, have been guilty of fraud, or of wilfully ſetting their buildings on fire, *may* cauſe the inſurance money to be laid out as far as the ſame will go, towards rebuilding, reinſtating, or repairing ſuch buildings; unleſs the party claiming ſuch inſurance money ſhall, within ſixty days next after his claim is adjuſted, give ſecurity to the governors or directors, that the ſame ſhall be laid out as aforeſaid; or unleſs the ſaid inſurance money ſhall be, in that time, ſettled amongſt all the contending parties, to the ſatisfaction of ſuch governors or directors. *ſ.* 83.

If any menial, or other ſervant, through negligence or careleſſneſs, ſhall fire, or cauſe to be fired, any dwelling-houſe, or out-houſe, or houſes, or other buildings, whether within the limits, or elſewhere within *Great Britain*, ſuch ſervant being thereof convicted by the oath of one witneſs, before two juſtices, ſhall forfeit one hundred pounds unto the churchwardens or overſeers, to be diſtributed amongſt the ſufferers by ſuch fire, in ſuch proportions as to them ſhall ſeem juſt: and in caſe of default to pay the ſame immediately after conviction, the ſame being demanded by the ſaid churchwardens, then ſuch ſervant ſhall, by warrant under the hands and ſeals of two juſtices, be committed to the common gaol, or houſe of correction, as the juſtices think fit, for eighteen months, there to be kept to hard labour. *ſ.* 84.

Upon the breaking out of any fire within the limits, all conſtables and beadles, upon notice thereof, ſhall immediately repair to the place where the fire ſhall happen, with their ſtaves, and other badges of authority; and ſhall be aiding as well in extinguiſhing the fires, and cauſing people to work at the engines, as alſo in preventing goods being ſtolen; and ſhall apprehend all ill-diſpoſed perſons that they ſhall find ſtealing from the inhabitants; and ſhall give their utmoſt aſſiſtance to help the inhabitants to remove their goods. *ſ.* 85.

No action ſhall be proſecuted againſt any perſon in whoſe houſe, chamber, ſtable, barn, or other building, or on whoſe eſtate any fire ſhall accidentally begin, nor ſhall any recompence be made by ſuch perſon for any damage ſuffered thereby: and in ſuch caſe, if any action be brought, the defendant may plead the general iſſue; and in caſe the plaintiff become non-ſuited, *&c.* the defendant ſhall recover treble coſts; but no contract or agreement made between landlord and tenant ſhall be hereby defeated. *ſ.* 86.

Where any diſtreſs ſhall be made by virtue of this act, the diſtreſs itſelf ſhall not be deemed unlawful, nor the party making the ſame a treſpaſſer, on account of any defect of form in any proceedings relating thereto; nor ſhall the party be deemed a treſpaſſer *ab initio*, on account of any irregularity afterwards done by the party making diſtreſs; but the perſon aggrieved may recover ſatisfaction by action on the caſe. *ſ.* 87.

But no plaintiff ſhall recover in any action for ſuch irregularity, if tender of ſufficient amends be made before ſuch action be brought; and in caſe no ſuch tender ſhall have been made, the defendant, by leave of the court, may pay into the court ſuch ſum of money as he ſhall ſee fit. *ſ.* 88.

No order made by the mayor of *London* or by any juſtice under this act, or any other proceeding touching the conviction of any offender, ſhall be removed by *certiorari*, or other writ. *ſ.* 95.

Perſons aggrieved by any conviction, commitment, diſtreſs, order, or judgment of the mayor or juſtices, made out of ſeſſions, may appeal to the juſtices at their general quarter ſeſſions next after ſuch conviction, *&c.* who ſhall examine on oath into the cauſes of ſuch appeal, and ſhall determine the ſame, and award ſuch coſts to the party appealing or appealed againſt, as they think proper; and the order of the ſaid ſeſſions ſhall be concluſive. *ſ.* 96.

The perſon intending to appeal ſhall, immediately after conviction, or within two days after, enter into a recognizance to the party appealed againſt, before ſuch juſtice, with two ſecurities, conditioned to try ſuch appeal, and to abide the order of, and pay ſuch coſts as ſhall be awarded againſt him by the ſeſſions. *ſ.* 97.

The pariſhioners and inhabitants where any offence ſhall be committed, ſhall be allowed to be competent witneſſes concerning any offence againſt this act. *ſ.* 98.

No

No action, &c. ſhall be brought for any penalty incurred by this act, unleſs commenced within ſix months. ſ. 99.

No action ſhall be commenced againſt any perſon for any thing done in purſuance of this act, until twenty-one days after notice, in writing, of an intention to bring ſuch action has been given, nor after the expiration of three months next after the fact committed; and ſuch action, the cauſe whereof ſhall ariſe within *London*, ſhall be laid and tried in *London*, and in any part of the limits aforeſaid out of *London* and liberties thereof, in the county of *Middleſex*, and not elſewhere; and the defendant may plead the general iſſue; and if a verdict be found for the defendant, &c. the defendant ſhall recover treble coſts. ſ. 100.

Butchers.

By 4 *Hen.* 7. *c.* 3. No butcher ſhall ſlay beaſt within the wall of *London*, upon pain to forfeit for every ox 12 *d.* and for every cow and other beaſt 8 *d.* the one half to the king, and the other half to any that will ſue by action of debt, &c.

Butter and Cheeſe.

See the general title Butter and Cheeſe.

Carriage.

By 21 *Geo.* 2. *c.* 28. If any common carrier ſhall demand and take any greater price for the bringing of goods to *London*, or to any place within the bills of mortality, than is allowed by the juſtices for the county or place from whence ſuch goods are brought, for the carrying of goods from *London* to the ſaid county or place, every ſuch carrier ſhall for every ſuch offence forfeit 5 *l.* to the party grieved, to be levied as by 3 *Will. & Mar. c.* 12. ſ. 24. (*ſee general title* "*Carriage*"), is directed, or by diſtreſs and ſale of his goods by warrant under the hands and ſeals of two juſtices for *Middleſex* or *Surrey*, or the city of *London*, or the city and liberty of *Weſtminſter*. And the clerk of the peace for every county and place ſhall immediately after *Eaſter* ſeſſion yearly certify to the lord mayor of *London*, and the clerks of the peace for *Middleſex* and *Surrey*, and the city and liberty of *Weſtminſter*, the rates made for the carriage of goods in purſuance of the ſaid act, in their reſpective counties and places; which certificate, or an atteſted copy thereof ſigned by the officer to whom the ſame ſhall be tranſmitted, ſhall be ſufficient evidence of the rates ſet for the carrying of goods to any county or place. ſ. 3.

Carts.

By 1 *Geo.* 1. *c.* 57. If any perſon driving any cart, dray or waggon, in the ſtreets of *London* and *Weſtminſter*, *Southwark*, and other ſtreets and lanes within the bills of mortality, ſhall ride upon ſuch cart, &c. not having ſome other perſon on foot to guide the ſame, every ſuch offender being convicted before the alderman of the ward or a juſtice of peace, by oath of one credible witneſs, ſhall forfeit 10 *s.* to be levied by diſtreſs and ſale by warrant of ſuch alderman or juſtice; one moiety to the informer, the other to the poor of the pariſh; and in default of payment, the offender to be ſent to the houſe of correction, to be kept to hard labour for three days. ſ. 8.

Nothing in this act ſhall deprive the mayor, &c. of *London*, and the governors of *Chriſt's Hoſpital* of the power they have to puniſh the ſaid offences, ſuch offender not having been puniſhed before for the offence. ſ. 9.

By 18 *Geo.* 2. *c.* 33. No perſon ſhall drive any cart within the bills of mortality, unleſs the owner place upon ſome conſpicuous part the name of the owner and the number of ſuch cart, in order that the driver may be the more eaſily convicted for any diſorder. ſ. 4.

Every owner of ſuch cart reſiding within the limits aforeſaid, ſhall enter his name and place of abode, with the commiſſioners for licenſing hackney-coaches, for which entry he ſhall pay 1 *s.* and no more. ſ. 5.

If any perſon drive any cart within the limits aforeſaid, not numbered and entered as before directed, he ſhall forfeit 40 *s.* and it ſhall be lawful for any perſon to ſeize and detain the cart, or any of the horſes, till ſuch penalty be paid. ſ. 6.

It ſhall be lawful for any perſon uſing any cart as aforeſaid, having the wheels of the breadth of ſix inches when worn, to have the ſame bound with ſtreaks of iron, provided ſuch ſtreaks be of the breadth of ſix inches, and made flat, and not ſet on with roſe-headed nails. ſ. 7.

By 24 *Geo.* 2. *c.* 43. If any carter or other driver ride upon his cart, dray, car or waggon, in the city of *London*, or within ten miles thereof, not having ſome other perſon on foot to guide the ſame; being thereof convicted according to 1 *Geo.* 1. *c.* 57. he ſhall forfeit 10 *s.* in caſe ſuch driver be not the owner of ſuch carriage; and in caſe the offender be the owner of ſuch carriage, then any ſum not exceeding 20 *s.* to be recovered and applied as by the ſaid act is directed. ſ. 8.

Any perſon though not a peace officer may apprehend ſuch offender, and carry him before a juſtice of peace for the county or place where ſuch offence is committed. And in caſe any perſon reſiſt, abuſe, or prevent any perſon endeavouring to apprehend ſuch offender, or when he is apprehended, endeavour to reſcue him, every perſon ſo offending ſhall for every ſuch offence incur the penalty of 20 *s.* to be recovered and applied as aforeſaid. ſ. 9.

By 30 *Geo.* 2. *c.* 22. One moiety of the money forfeited by the driver of any cart, under 18 *Geo.* 2. *c.* 33. ſhall be paid to the perſon who apprehends and proſecutes to conviction any offender; and the other moiety to the overſeers of the poor of the pariſh or place in which the offence is committed; and if there be no overſeers, then to ſome other officer for the uſe of the poor of ſuch pariſh: and if the offender on being convicted before any juſtice of peace within his juriſdiction, ſhall not within twenty-four hours pay the 40 *s.* forfeited, the ſame ſhall be raiſed by ſale of the cart or horſe ſeized; and every juſtice of peace within his juriſdiction is to iſſue his warrant directed to the conſtable or ſome other peace officer of the pariſh, &c. in which the cart, &c. or horſe ſeized ſhall be, to cauſe ſale to be made thereof; rendering to the offender the overplus, after deducting the charges of ſale and expences of detaining or houſing ſuch cart, &c. or keeping any horſe ſeized until ſale be made, or the money forfeited be paid. ſ. 1.

Every time the property of any cart, &c. entered with the commiſſioners for licenſing hackney-coaches is altered, the new owner ſhall within ſeven days after he becomes owner, cauſe the name of the former owner to be taken off, and the name of the new and real owner to be put or painted in large characters upon ſome conſpicuous part thereof, and alſo to be entered with the commiſſioners for licenſing hackney-coaches; and if any omiſſion be made in doing thereof, and any perſon drive any ſuch cart, &c.

within the cities of *London* and *Weſtminſter*, and ſuburbs thereof, the borough of *Southwark*, and other ſtreets within the bills of mortality, not having the name of the owner painted or put thereon, and entered with the commiſſioners for licenſing hackney-coaches, every perſon ſo offending ſhall forfeit for every offence 40*s.* on being convicted, either by confeſſion or by oath of one witneſs, before any juſtice of peace of the county or place where ſuch offence is committed; and the money ſo forfeited ſhall be applied as the 40*s.* forfeited for any offence againſt the 18 *Geo.* 2. *c.* 33. and every ſuch cart, *&c.* and any horſe drawing the ſame, is hereby made liable to be ſeized by any perſon and to be ſold, to raiſe the money forfeited in purſuance of this act, with the charges of ſale, and of houſing the cart, *&c.* and keeping the horſe until ſale be made, or the money forfeited be paid. *ſ.* 2.

The juſtices of peace of the city of *London* ſhall at the general ſeſſions of the peace holden for the city of *London* next after the 24th of *June* in every year, aſſeſs prices for the carriage of goods taken up in the city of *London*, and carried by any licenſed carts, cars or carrooms, as well in the city of *London*, as from the city of *London* into the city of *Weſtminſter*, or any other place not exceeding the diſtance of three miles from the city of *London*; and make rules for governing ſuch carts, *&c.* and the drivers, and compel payment for carriage of goods by ſuch licenſed carts, *&c.* according to the prices aſſeſſed, and annex penalties for breach of any ſuch rules, not exceeding 5*l.* for any one offence, as to the major part of the juſtices at ſuch ſeſſions ſhall ſeem meet; and at any other ſuch ſeſſions of the peace in *London* alter ſuch rules and make new rules. *ſ.* 3.

All rules ſo made ſhall within thirty days after be printed and affixed in ſome public places of the city of *London*, and be made public in ſuch manner as the ſaid juſtices in ſeſſions ſhall order. *ſ.* 4.

No perſons ſhall wilfully obſtruct the paſſing and repaſſing in any public ſtreets, lanes, or paſſages, within the limits before mentioned, or ſet any empty caſks or other veſſels in any ſuch ſtreets, *&c.* (except for ſuch time only as is neceſſary for the removing thereof to or from any place, or for the trimming thereof) or ſet any empty cart, or other carriage in any ſuch ſtreet, *&c.* except only during ſuch time as any ſuch cart, *&c.* is plying for hire in the places appointed by the perſons authoriſed to appoint the ſtandings thereof, and except during ſuch time as any ſuch cart, *&c.* is waiting in any ſuch ſtreet, *&c.* to load or unload goods or commodities, or to take up or ſet down a fare; and every perſon offending and convicted by confeſſion, or by oath of one witneſs before any juſtice of peace of the county, *&c.* where ſuch offence is committed, ſhall for every offence forfeit any ſum not exceeding 20*s.* and not leſs than 5*s.* or be committed to the houſe of correction or ſome other priſon of the county, *&c.* in which the offence is committed, or the offender apprehended, to be kept to hard labour for any time not exceeding one calendar month, as ſuch juſtice ſhall order. *ſ.* 5.

No perſon ſhall ply for hire with any hackney-coach, cart, or other wheel carriage, in *Bridge-ſtreet*, *Parliament-ſtreet*, *Great George-ſtreet*, *Saint Margaret's-ſtreet*, or *Abingdon-ſtreet*, in the city of *Weſtminſter*, or ſtay in any of the ſaid ſtreets with any wheel carriage longer than is reaſonable to wait to take up or ſet down his fare, or to load and unload goods; and every perſon having the care of ſuch wheel carriage offending, and being convicted either by confeſſion or by oath of one witneſs, before any juſtice of peace for *Weſtminſter*, ſhall for every offence forfeit any ſum not exceeding 20*s.* and not leſs than 5*s.* or be committed to the houſe of correction in *Weſtminſter*, to be kept to hard labour for any time not exceeding one month, as ſuch juſtice ſhall order. *ſ.* 6.

If the driver of any carriage in the cities of *London* or *Weſtminſter*, or in any public ſtreet or common highways within the weekly bills of mortality, by negligence or wilful miſbehaviour interrupt the free paſſage in any of the public ſtreets in *London* or *Weſtminſter*, or in any public ſtreets or common highways within the ſaid weekly bills of mortality; every ſuch driver being convicted either by confeſſion or by oath of one witneſs before any juſtice of the county, *&c.* wherein ſuch offence is committed, ſhall for every offence forfeit not exceeding 20*s.* or be committed to the houſe of correction or ſome other priſon of the county, *&c.* in which the offence is committed or the offender apprehended, to be kept to hard labour for any time not exceeding one month, as ſuch juſtice ſhall order. *ſ.* 7.

If any perſon apprehended for any offence againſt this act refuſe to diſcover his name and place of abode to the juſtice before whom he is brought, he ſhall be delivered over to a conſtable or other peace officer, and by him be conveyed to the common gaol or houſe of correction of the county, *&c.* where the offence is committed, there to remain until he declare his name and place of abode to the ſaid juſtice, or to ſome other juſtice of the county. *ſ.* 11.

The pecuniary forfeitures by this act incurred, and for levying whereof no proviſion is before made, ſhall be levied by diſtreſs and ſale of the goods of every ſuch offender (rendering to him the overplus after the charges deducted) by warrant of the juſtice before whom the offender was convicted. And one moiety of all forfeitures whereof the application is not before directed, ſhall be paid to the perſon who proſecutes to conviction, and the other moiety to the overſeers of the poor of the pariſh or place in which the offence is committed, or the offender apprehended; and if there be no overſeers then to ſome other officer for the uſe of the poor of ſuch pariſh. *ſ.* 12.

Any perſon who ſhall ſee any of the offences before mentioned committed, may by authority of this act, and without any other warrant, apprehend the offender, and ſhall with all ſpeed convey ſuch offender to a conſtable or ſome other peace officer of the county, city, or place, in which the offence is committed or the offender apprehended, in order to be conveyed before ſome juſtice of peace of ſuch county, *&c.* *ſ.* 13.

In all actions, *&c.* any inhabitant of the pariſh or place in which any offence is committed contrary to this act, or 18 *Geo.* 2. *c.* 33. ſhall be a competent witneſs. *ſ.* 14.

No perſon by this act puniſhed for any offence ſhall be puniſhed for the ſame offence under any other law: and if any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue, and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover double coſts. *ſ.* 15.

By 7 *Geo.* 3. *c.* 44. All perſons having cauſe to inſpect the regiſter books of carts, cars, or drays, kept by the commiſſioners, ſhall and may inſpect the ſame; and the commiſſioners, or their clerks keeping ſuch regiſter, are upon requeſt to produce the regiſter books, and to give to ſuch perſon a true copy of ſuch entry therein as ſhall be required; and the clerk is to receive for every ſuch ſearch,

and

and a copy of every entry, the ſum of fourpence, and no more; and the like ſum where only ſearch ſhall be made, although no copy ſhall be required. *ſ.* 20.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 27. No perſon *whatſoever* ſhall drive any cart, car, dray, or other ſuch carriage, within *London* or *Weſtminſter*, and the ſuburbs thereof, the borough of *Southwark*, and other ſtreets and places within the bills of mortality, or five miles of *Temple Bar*, except the owner of ſuch cart, *&c.* ſhall have entered his name and place of abode with the commiſſioners for licenſing hackney coaches; and ſhall, upon ſome conſpicuous part of ſuch cart, *&c.* have the name of the owner, and the number of ſuch cart, *&c.* in order that the driver may be the more eaſily convicted for any diſorder or miſbehaviour committed by him; and in caſe of neglect or refuſal of entry, and affixing ſuch number on ſuch cart, *&c.* the owner or driver of ſuch cart, *&c. reſiding out of the bills of mortality*, and driven within five miles of *Temple Bar*, ſhall be ſubject to all the penalties relative to ſuch owners or drivers, within the cities of *London* or *Weſtminſter*, and the ſuburbs thereof, the borough of *Southwark*, and other ſtreets within the bills of mortality; which ſhall be recovered and applied in ſuch manner as forfeitures are recoverable from the owners of carts driven within *London* or *Weſtminſter*, and the ſuburbs thereof, the borough of *Southwark*, and other ſtreets within the bills of mortality. *ſ.* 8.

Cattle.

By 31 *Geo.* 2. *c.* 40. No ſaleſman, or other broker or factor, employed to buy or ſell any ſort of cattle for others, by commiſſion, or for reward, ſhall by himſelf, or any ſervant or agent, directly or indirectly, on his own account, buy any live ox, bull, cow, ſteer, bullock, heifer, calf, ſheep, lamb, or ſwine, in *London*, or within the weekly bills of mortality, or at any place whilſt any ſuch cattle ſhall be on the road, or coming up for ſale in *London*, or within the weekly bills of mortality (other than ſuch cattle which he ſhall actually purchaſe for the uſe or proviſion of his family, and ſhall actually uſe accordingly); and no ſuch ſaleſman, broker, or factor, ſhall ſell or offer for ſale, on his own account, in *London*, or within the weekly bills of mortality, either by himſelf, or his ſervant or agent, any live ox, bull, cow, ſteer, bullock, heifer, calf, ſheep, lamb, or ſwine; upon pain *to* forfeit double the value of any live cattle, which he ſhall ſo buy or ſell on his own account. *ſ.* 11. *For the mode of recovering the penalty, ſee this act, ſec.* 15. *under* § *Hay, poſt.*

By 21 *Geo.* 3. *c.* 67. If any perſon employed to drive any cattle within the cities of *London* or *Weſtminſter*, or the liberties thereof, or the bills of mortality, ſhall, by negligence or ill uſage in the driving ſuch cattle, be the means that any miſchief ſhall be done by ſuch cattle, or any of them, which ſhall be committed to his care; or if any driver of cattle ſhall miſbehave himſelf, in the driving, care, or management of ſuch cattle, by improper driving, treating, or uſing of ſuch cattle; then any conſtable, or other peace officer, upon view thereof, or information of any perſon (who ſhall declare his name and place of abode, to the ſaid conſtable), may ſeize and ſecure, and, without warrant, convey ſuch offender before ſome juſtice; and the party accuſed being brought before ſuch juſtice, ſuch juſtice ſhall examine upon oath any witneſs touching ſuch offence; and if the party ſhall be convicted, either by his own confeſſion, or upon ſuch information as aforeſaid, he ſhall forfeit not exceeding twenty, nor leſs than five ſhillings, to the perſon who ſhall proſecute; and if he ſhall not forthwith pay the ſum forfeited, ſuch offender ſhall, by warrant of the juſtice, be committed to the houſe of correction, or ſome other priſon, there to be kept to hard labour not exceeding one month. *ſ.* 1.

And if any perſon, not employed to drive cattle, ſhall pelt with ſtones, brickbats, or by any other means drive or hunt away, or ſhall ſet any dog at any ox, heifer, cow, ſteer, or other cattle, without the conſent of the owner, or his ſervant; then any conſtable, or other peace officer, upon view thereof, or information of any perſon who ſhall declare his name and place of abode to the ſaid conſtable, may ſeize and ſecure, and without warrant convey ſuch offender before ſome juſtice; and the party accuſed being brought before ſuch juſtice, ſuch juſtice ſhall examine upon oath any witneſs touching ſuch offence; and if the party ſhall be convicted by his own confeſſion, or upon ſuch information, he ſhall forfeit not exceeding twenty, nor leſs than five ſhillings, to the perſon who ſhall proſecute; and if he ſhall not forthwith pay the ſum forfeited, ſuch offender ſhall, by warrant of the juſtice, be committed to the houſe of correction, or ſome other priſon, there to be kept to hard labour for not exceeding one month. *ſ.* 2.

And in caſe the perſon giving ſuch information ſhall not attend (without ſome excuſe, to be allowed by the juſtice) ſuch conſtable, within ſix hours from the time of making ſuch information, he, ſo offending, ſhall (upon proof being made on the oath of ſuch conſtable, that ſuch perſon had given ſuch information as aforeſaid) forfeit not exceeding forty, nor leſs than ten ſhillings, to ſuch conſtable, *&c.* which if not paid upon demand by ſuch conſtable, *&c.* the ſame ſhall be levied by diſtreſs and ſale of the offender's goods, by warrant of ſuch juſtice. *ſ.* 3.

The court of mayor and aldermen of the city of *London*, *may* make and ſet down in writing, ſuch reaſonable rules, orders, or ordinances, for governing and regulating all perſons who ſhall drive any cattle, ſheep, calves, or lambs, within the ſaid cities of *London* or *Weſtminſter*, and liberties thereof, or the bills of mortality, and annex reaſonable penalties and forfeitures for the breach of ſuch rules, *&c.* not exceeding forty, nor leſs than ten ſhillings, for any one offence; and ſuch rules they may amend. *ſ.* 4.

Nothing in this act ſhall impower the ſaid court of mayor and aldermen to ſhorten the time for keeping *Smithfield* market open; but the ſame ſhall be kept open from twelve o'clock at night till three o'clock in the afternoon on the ſeveral market days, and at no other hours, unleſs the ſaid court ſhall judge it proper to enlarge the time for keeping it open. *ſ.* 5.

One juſtice of *London* or *Weſtminſter*, or the bills of mortality, ſhall have power to hear and determine in a ſummary way, complaints of offences that ſhall be committed contrary to any of the rules, orders, or ordinances, hereafter to be made by the court of mayor and aldermen, in purſuance of this act; and the ſaid juſtice is upon view, or upon complaint made, on oath, of any offence committed contrary to ſuch rules, *&c.* within ſix days, to iſſue his warrant, directed to ſuch conſtables, *&c.* as the juſtice ſhall think fit, thereby requiring him to apprehend ſuch offender, and to bring him before the ſaid juſtice, to anſwer the matters of complaint to be contained in ſuch warrant; and if ſuch offender ſhall be convicted, either by confeſſion, or the oath of one witneſs, ſuch juſtice *may* impoſe a fine upon him, for the ſaid offence, not

exceeding the penalty which ſhall be inflicted by the ſaid rules, *&c.*; and if the perſon convicted, ſhall not forthwith pay the penalty, ſuch juſtice *may* commit him to the houſe of correction, or other priſon, there to be kept to hard labour for not exceeding one month, unleſs the penalty ſhall be ſooner paid; which penalties ſhall go to the perſon who ſhall proſecute. *ſ.* 6.

If any perſon apprehended for any offence againſt this act, ſhall refuſe to diſcover his name and place of abode, to the juſtice before whom he ſhall be brought, ſuch perſon ſhall immediately be delivered over to a conſtable, and conveyed to the common gaol, or houſe of correction, there to remain for one month, or until he ſhall declare his name and place of abode. *ſ.* 7.

An abſtract of this act, and all ſuch rules, *&c.* ſo to be made, by the court of mayor and aldermen, ſhall, within fourteen days after making of ſuch rules, *&c.* be printed and affixed upon ſuch of the moſt conſpicuous places within *London* and *Weſtminſter*, the liberties thereof, and bills of mortality, as the ſaid court ſhall think proper and order. *ſ.* 8.

In caſe any perſon againſt whom a warrant ſhall be iſſued by any juſtice, either before or after conviction, for any offence againſt this act, or againſt ſuch rules, *&c.* ſhall eſcape, go into, reſide, or be in any other county, *&c.* out of the juriſdiction of the perſon granting ſuch warrant; or if the goods of any offender ſhall be in a different county than where the ſaid party was convicted, or the warrant of diſtreſs granted, it ſhall be lawful for any juſtice of the county, *&c.* into which ſuch perſon ſhall eſcape, or where his goods ſhall be after conviction, upon proof made, upon oath, of the hand writing of the juſtice granting ſuch warrant, to indorſe his name on ſuch warrant, and the ſame, when ſo indorſed, ſhall be a ſufficient authority to all peace officers to execute ſuch warrant, in ſuch other county, *&c.*; and the ſaid juſtices, after indorſing the ſaid warrant, may, on the offender being apprehended and brought before the ſaid juſtices, hear and determine the complaint in the ſame manner as if it had originally aroſe within their juriſdictions, or may direct the offender to be carried to the perſon who granted the warrant. *ſ.* 9.

No perſon ſhall ſuffer any puniſhment for any offence againſt this act, unleſs the proſecution be commenced within fourteen days; and when any perſon ſhall ſuffer impriſonment, in default of payment of any penalty, ſuch perſon ſhall not be liable afterwards to pay ſuch penalty. *ſ.* 10.

Any perſon aggrieved by the order or judgment of any juſtice, may appeal to the next general or quarter ſeſſions, firſt giving ſecurity, in the ſum forfeited, before ſuch juſtice, to proſecute ſuch appeal with effect, and abide by the order made on ſuch appeal; and giving fourteen days notice, in writing, of ſuch intention to appeal, to the party on whoſe proſecution ſuch conviction was founded, if there are ſo many days between the conviction and ſuch general or quarter ſeſſions; and if not, then to the next ſubſequent general or quarter ſeſſions; and the general or quarter ſeſſions are to hear and determine ſuch appeal, and to make ſuch order therein, and to award ſuch coſts as to them ſhall appear juſt; and to cauſe to be levied, under the order of ſuch ſeſſion, the coſts awarded, together with the money they adjudge to be forfeited, by diſtreſs and ſale of the goods of the perſon who ſhall refuſe to pay, or of the perſon who ſhall have become ſurety. *ſ.* 11.

No order or proceedings before any juſtice, ſhall be quaſhed for want of form; and the order of ſeſſions ſhall be final; and no proceedings in purſuance of this act ſhall be removable by *certiorari*. *ſ.* 12.

The juſtice may cauſe the conviction to be drawn up in the following form. *ſ.* 13.

'*Be it remembered*, That on the ——— *day of* ———
'*in the year of our Lord* ——— ——— A. B. *is con-*
'*victed before me* C. D. *one of his majeſty's juſtices of the*
'*peace for the cities of* London *or* Weſtminſter, *or the*
'*county of* Middleſex, *either on his own confeſſion, or on the*
'*oath of one or more credible witneſs or witneſſes* (as the
'caſe ſhall be), *by virtue of an act, made in the twenty-firſt*
'*year of the reign of his majeſty king* George *the third,*
'*to prevent the miſchiefs that ariſe from driving cattle within*
'*the cities of* London *and* Weſtminſter, *and liberties there-*
'*of, and bills of mortality*; [Specifying the offence, and
'time and place when and where the ſame was committed,
'as the caſe ſhall be.]
'*Given under my hand and ſeal, the day and year*
'*above written.*'

Actions for any thing done in purſuance of this act, ſhall be brought within ſix months, and laid in the county, *&c.* in which offence ſhall have been committed; and the defendant may plead the general iſſue; and if the plaintiff ſhall become nonſuit, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 14.

Churches.

By 1 *Ann. ſtat.* 2. *c.* 12. No building ſhall be erected on any part of *Saint Paul's Church Yard, London*, except a place for the meeting of the chapter, and for keeping ſtores for repairs of the church; and if any other building be erected there, the ſame ſhall be eſteemed a common nuiſance. *ſ.* 4.

By 9 *Ann. c.* 22. The money ariſing by the duty on coals imported into the *Thames*, of 2*s. per* chalder, from 14 *May* 1716 to 29 *September* 1716, and 3*s.* till 28 *Sept.* 1724, is to be paid into the exchequer, and appropriated for building fifty new churches of ſtone and other materials, with towers or ſteeples to each, and for purchaſing ſites of churches and church-yards, and burying places, in or near *London* and *Weſtminſter*, and for making ſuch chapels as are capable thereof pariſh churches, and for purchaſing houſes for miniſters, and for applying 4000 *l. per ann.* out of the ſaid duties, towards the repairing the collegiate church of *St. Peter Weſtminſter*, and 6000 *l. per ann.* towards the finiſhing *Greenwich Hoſpital*.

There ſhall be fifty churches built, whereof one ſhall be in the pariſh of *Greenwich*. *ſ.* 3.

Chapels already built, if fit, may be converted into pariſh churches. *ſ.* 4.

The queen, by letters patent, may nominate commiſſioners, who ſhall inform themſelves in what pariſhes the new churches are moſt neceſſary to be built, and of proper places to build them, and of church-yards and burying-places to be bought; and ſhall limit the diſtinct pariſhes, *&c.* *ſ.* 5.

By 10 *Ann. c.* 11. The commiſſioners for building fifty new churches, or any five of them, are required to meet as often as they ſhall have occaſion. *ſ.* 1.

The commiſſioners may purchaſe lands, *&c.* as they ſhall think proper for the ſaid new churches, and for church-yards, and for miniſters houſes. *ſ.* 2.

The

The lands ſo purchaſed ſhall be conveyed to five or more of the commiſſioners and their heirs; and they are to cauſe the churches to be built, and chapels already built to be made pariſh churches, and to provide houſes for miniſters, and church-yards to be made and incloſed. *ſ.* 3.

They may provide more than one cemetery for a new pariſh church, and without the bounds of the pariſh; and the ground purchaſed for that uſe ſhall be taken as part of the pariſh, after the purchaſe and conſecration thereof, and ſhall be diſcharged from any rates to the other pariſh out of which it was taken. *ſ.* 4.

The treaſury may iſſue out of the monies ariſing by virtue of this or the former act 9 *Ann. c.* 22. ſuch ſums as five of the commiſſioners ſhall think neceſſary for purchaſing lands, *&c.* which money ſhall be paid to ſuch perſon as the crown ſhall appoint treaſurer thereof, not being a commiſſioner; and ſhall be accounted for by ſuch treaſurer, and diſburſed according to ſuch orders as he ſhall receive from the commiſſioners for the ſaid uſes; ſuch treaſurer to be accountable to the exchequer, and to give ſecurity approved by the treaſury. *ſ.* 7.

The commiſſioners may by a parchment writing inrolled in chancery, aſcertain the bounds of the ſite of each new church and miniſter's houſe and church-yard, and alſo the diſtrict of each pariſh for every new church; and after the inrolment of ſuch writing and conſecration of the church, ſuch diſtrict ſhall be a diſtinct pariſh, except touching church rates, relief of the poor, and rates for the highways. *ſ.* 8.

The commiſſioners may by writing inrolled in chancery take a part of any of the large pariſhes in and about *London* and *Weſtminſter*, where any new church ſhall be made, and unite the ſame to any other leſſer pariſh next adjoining, wherein a church is already built. *ſ.* 9.

There ſhall be a rector in every new church. And where there is a morning preacher in any chapel which ſhall be converted into a pariſh church, ſuch preacher ſhall after the conſecration be the firſt rector without any admiſſion, inſtitution, or induction; and in every other new church the firſt rector ſhall be appointed by the queen: and he and his ſucceſſors are incorporated, and ſhall be called the rector of ſuch new church, by the name that ſhall be given to it in the act of conſecration; and the freehold of the new church, *&c.* ſhall be in him and his ſucceſſors; and he and they may purchaſe lands, not exceeding the yearly value of 200*l.* for each church. *ſ.* 10.

The commiſſioners may enquire of the right of patronage, *&c.* of any church from which any part ſhall be taken as aforeſaid, and treat with the perſon who hath the right, for the dividing ſuch pariſh, and the tythes and dues thereunto belonging, to take effect after the firſt avoidance; and for ſettling the right of patronage of each new church. *ſ.* 11. Such ſettlement ſhall bind infants, *&c.* *ſ.* 12. Until ſuch ſettlement can be made of the right of patronage in every new pariſh, the crown ſhall preſent upon any avoidance. *ſ.* 14.

The rectors of every new church (except the preſent preacher in a chapel) ſhall be preſented, inſtituted, collated and inducted, as other rectors are; and they and the church-wardens ſhall be ſubject to the ordinary. *ſ.* 15.

This act ſhall not deprive the ſucceſſors of the rectors or vicars of the pariſh churches out of which any part ſhall be taken, of any tythes or other profits, until ſuch agreement for dividing the pariſh be made and inrolled. *ſ.* 16.

This act ſhall not prejudice any proprietor of a chapel made a pariſh church, or his intereſt in the pews, without his conſent under hand and ſeal. *ſ.* 17.

If any proprietor ſhall ſell his intereſt in a pew in any chapel, it ſhall be ſold only to an inhabitant of the pariſh. *ſ.* 18.

The firſt church-wardens, overſeers of the poor, and ſurveyors of the highways, and other pariſh officers of every new pariſh, ſhall be elected by the commiſſioners out of the inhabitants, within a month after the conſecration of the church; and all ſucceeding pariſh officers ſhall be choſen and ſworn yearly in every new pariſh, according to law. *ſ.* 19.

The commiſſioners, with the conſent of the ordinary, may by writing inrolled in chancery name a number of the inhabitants of each new pariſh to be veſtrymen, who ſhall have the ſame power as the veſtrymen of the pariſh out of which the new pariſh is taken; and if there are no ſelect veſtrymen in that pariſh, then as the veſtrymen of the pariſh of *St. Martin in the Fields* in *Middleſex* now have; and upon the death or removal, *&c.* of any veſtrymen, the reſt may chuſe another, being an inhabitant and houſeholder. *ſ.* 20.

All parochial cuſtoms, *&c.* uſed in any pariſh ſhall, notwithſtanding ſuch diviſion, continue in both pariſhes. *ſ.* 21.

The commiſſioners, with the conſent of the miniſters, church-wardens, and overſeers of the poor, and of the veſtry, or of twenty of the principal inhabitants where there is no ſelect veſtry, from which pariſh any part ſhall be taken, and of the pariſh to which it ſhall be appointed, or elſe the reſpective miniſters, pariſh officers, veſtrymen, or principal inhabitants, with conſent of the ordinary, by writing inrolled in chancery may make a perpetual diviſion of ſuch pariſhes as to church rates, the poor, highways, and other pariſh rates, and may ſettle any annual ſum or conſideration in reſpect thereof, or for equality of ſuch diviſion. *ſ.* 22.

Until ſuch agreement be made, the pariſh rates ſhall be aſſeſſed and levied through all parts which belong to ſuch preſent pariſh. *ſ.* 23.

The pariſh officers, with the veſtry or principal inhabitants of each pariſh, may meet every year on *Tueſday* in *Eaſter-week*, or oftener, upon notice given on the *Sunday* before, and after morning ſervice, aſſeſs the rates for the poor, *&c.* and other pariſh rates, and apportion the ſaid rates upon every part of ſuch preſent pariſh ſo divided; which rates ſhall be aſſeſſed and collected in each diſtrict by the proper officers, who ſhall diſtribute the rates in reaſonable proportions for every diſtrict, for the relief of the poor, *&c.* and other pariſh rates within ſuch diſtrict. *ſ.* 24.

When ſuch yearly agreements ſhall not be made for diſtributing ſuch rates, the pariſh officers for the diſtrict then remaining to ſuch preſent church may aſſeſs and collect of the inhabitants, through the limits of ſuch pariſh, all rates and taxes, as they might have done before any diviſion. *ſ.* 25.

This act ſhall not invalidate any eccleſiaſtical law of the church of *England*, or deſtroy any of the rights of the biſhop of *London*, or any other local ordinary, or any archdeacon, chancellor or official. *ſ.* 26.

He and they may viſit, inſtitute, and exerciſe eccleſiaſtical juriſdiction in all pariſhes to be erected or divided, as in any other pariſh. *ſ.* 27.

The monies to be iſſued in purſuance of this and the former act for building churches, ſhall be iſſued without fee. *ſ.* 30.

No

No burial ſhall be in or under any of the churches intended to be built. And the commiſſioners may ſettle what ſum ſhall be paid to the rector and church officers for burials in the church yards. *ſ.* 31.

By 1 *Geo.* 1. *c.* 23. All monies which ſhall be raiſed by the duty of 3 *s. per* chalder upon coals imported into the *Thames*, from the 27th of *September* 1724 to the 28th of *September* 1729, by virtue of this act, ſhall be brought into the exchequer, and are appropriated for the providing maintenances for the miniſters in the new churches to be erected in and about *London* and *Weſtminſter*, and ſhall be iſſued in ſuch manner as ſhall be directed by parliament. *ſ.* 2.

The king may by letters patent appoint commiſſioners, who, or any five of them, ſhall have power to execute all the powers, *&c.* in the ſaid acts; and alſo to inform themſelves in what manner a due maintenance may be provided for the ſaid miniſters. *ſ.* 4.

By 5 *Geo.* 1. *c.* 9. and 1 *Geo.* 2. *ſtat.* 2. *c.* 29. 360,000*l.* were granted by parliament, towards building of churches, *&c.* repairing *Weſtminſter Abbey*, finiſhing *Greenwich Hoſpital*, making proviſion for miniſters, *&c.*

Coaches and Chairs.

By 9 *Ann. c.* 23. made perpetual by 3 *Geo.* 1. *c.* 7. the crown may nominate under the great ſeal commiſſioners for regulating and licenſing hackney-coaches, not exceeding five, who ſhall regulate and licenſe all hackney-coaches within the bills of mortality. *ſ.* 1.

The commiſſioners may, under their hands and ſeals, or of the major part of them, licenſe not exceeding 800 hackney-coaches, and upon every licenſe there ſhall be reſerved the weekly ſum of 5 *s.* to be paid monthly. *ſ.* 2. *By* 11 Geo. 3. c. 24. 200 *more may be licenſed.*

The commiſſioners may licenſe 200 hackney-chairs within the bills of mortality, reſerving to the crown the yearly ſum of 10 *s.* to be paid quarterly. *ſ.* 3. *By* 12 Geo. 1. c. 12. 100 *more may be licenſed.*

No perſon ſhall drive or let to hire any hackney-coach or coach-horſes within the weekly bills, *&c.* without a licenſe from the commiſſioners, upon forfeiture of 5 *l.* nor carry any hackney-chair for hire without ſuch licenſe, upon forfeiture of 40 *s.* And no horſe ſhall be uſed in any hackney-coach under the ſize of fourteen hands. And every licenſed coach and chair ſhall have a mark or figure on each ſide; and if one perſon ſhall be licenſed to keep ſeveral hackney-coaches or chairs, he ſhall have diſtinct figures; and no perſon ſhall put the ſame figure on his coach or chair which is appointed for another, or ſhall deface the figure; upon forfeiture of 5 *l.* one moiety to the informer, and the other to the crown. *ſ.* 4.

Commiſſioners licenſing more than eight hundred coaches or two hundred chairs, ſhall forfeit 100 *l.* to be recovered in the courts at *Weſtminſter* by any who will ſue. *ſ.* 5.

Any hackney coachman or chairman exacting *more than the fare*, or refuſing to go at that rate, forfeits 40 *s.* *ſ.* 6.

The commiſſioners ſhall appoint under-officers, and they are not to take for their licenſes any gratuity or any fee, other than what is to be paid to the crown; upon pain to forfeit their offices, and to be incapable of any grant thereof, or of any other office. Only the clerks may take 2 *s.* 6 *d.* for ingroſſing each licenſe. *ſ.* 9.

The commiſſioners and other officers ſhall take an oath for the due execution of their offices. *ſ.* 10.

The commiſſioners ſhall pay the money into the exchequer, and upon oath deliver to the treaſury books of accounts, containing all the licenſes granted and the names and ſurnames of the perſons to whom granted, *&c.* once in every year. *ſ.* 11.

The weekly and other rents and ſums of money, and all forfeitures and penalties by this act, or by any by-laws made by the commiſſioners (the penalties to be incurred by the commiſſioners excepted) ſhall be levied by warrant of three of the commiſſioners, by diſtreſs of the goods of the offender, which ſhall be ſold within ten days after the diſtreſs, *&c.* and if no diſtreſs can be had, the offender ſhall be committed by like warrant till the penalty paid; and if the rent be behind fourteen days, the commiſſioners (without demanding the arrear) may revoke the licenſe. *ſ.* 12.

Offences againſt the act may be heard and determined by three commiſſioners in a ſummary way, upon the oath of one witneſs, or upon confeſſion (the party being ſummoned) one moiety to the crown, the other to the informer. *ſ.* 13.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue; and if judgment be againſt the plaintiff, the defendant ſhall have double coſts. *ſ.* 14.

No *certiorari* ſhall ſuperſede execution or other proceeding upon any order of the commiſſioners. *ſ.* 15.

The commiſſioners may make by-laws to bind the perſons who have licenſes, and annex penalties for the better putting in execution this act, and for the good government of the perſons licenſed. *ſ.* 16.

The by-laws ſhall be approved by the lord chancellor and the two chief juſtices and chief baron, or any three of them, and then printed; and the breach of ſuch by-laws ſhall be puniſhable by any juſtice of peace, mayor or head-officer, where the offence ſhall be committed. *ſ.* 17.

That part of the penalties which belongs to the queen ſhall be tranſmitted to the receiver-general of the revenues of the hackney-coaches, and certified to the commiſſioners within ten days after levied; upon forfeiture of double the ſum; two thirds to the crown, the other third to the informer. *ſ.* 18.

Upon complaint to the commiſſioners that a coachman or chairman hath offended, he ſhall be ſummoned; and if he refuſe to appear, or is found guilty of a miſbehaviour, they may revoke his licenſe, for giving abuſive language, or otherwiſe. *ſ.* 19.

Coachmen or chairmen licenſed may ply on the Lord's day, notwithſtanding 29 *Car.* 2. *c.* 7. *ſ.* 20.

An account of the profits ariſing by licenſing coaches and chairs ſhall be made annually before the auditors of the impreſts. *ſ.* 21.

If any refuſe to pay a coachman or chairman his juſt hire, or ſhall cut or break any coach or chair wilfully, any juſtice of peace may grant a warrant againſt the offender, and, upon proof on oath, award ſatisfaction; and upon refuſal to make ſatisfaction, may bind him over to the next ſeſſions, which ſhall finally determine, and for non-payment levy by diſtreſs. *ſ.* 22.

If any perſon driving a coach or carrying a chair for hire under the licenſe of another perſon as his ſervant, ſhall be guilty of any miſbehaviour, by demanding more than his fare, or giving abuſive language, or other rude behaviour, and being convict by oath of one witneſs before the commiſſioners or one juſtice for *London*, *Weſtminſter*, *Middleſex*, or *Surrey*, he ſhall forfeit not exceeding 20 *s.* to the poor

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of the pariſh; or if not able to pay, ſhall be ſent to *Bridewell* or ſome houſe of correction, to be kept to hard labour for ſeven days, and have the public correction of the houſe. *ſ.* 49.

By 10 *Ann. c.* 19. made perpetual by 3 *Geo.* 1. *c.* 7. *ſ.* 1. The commiſſioners for hackney-coaches may licenſe (over and above the number of chairs by the former act) any additional number not exceeding one hundred hackney-chairs, ſo that the number of all the chairs ſhall not exceed three hundred at one time. *ſ.* 158.

Hackney-chairs thus licenſed ſhall pay the yearly rent of 10*s.* quarterly, and be ſubject to the ſame rules as other hackney-chairs and chairmen by the former act. *ſ.* 159.

By 12 *Ann. ſtat.* 1. *c.* 14. The commiſſioners for licenſing coaches and chairs, ſhall in the firſt place licenſe the widows of hackney-chairmen who die poſſeſſed of any licenſes, unleſs ſuch widows ſhall neglect to take licenſes, *&c.* within a reaſonable time to be limited by the commiſſioners, but not leſs than twenty days. *ſ.* 1.

Such widows, and their chairs and ſervants, ſhall be liable to ſuch rules, penalties and orders, as any other licenſed chairmen are by the acts 9 *Ann. c.* 23. and 10 *Ann. c.* 19.—*ſ.* 2.

By 1 *Geo.* 1. *c.* 57. The commiſſioners authoriſed to put 9 *Ann. c.* 23. in execution, may make ſuch by-laws to bind perſons licenſed to keep hackney-coaches, the renters of ſuch licenſes, and drivers of ſuch coaches, and annex ſuch penalties as they ſhall think fit; ſo as ſuch by-laws be agreeable to the intent of this and former acts, and for the good government of the perſons licenſed, the renters and drivers. The ſaid by-laws to be put in execution, as by the act 9 *Ann. c.* 23.—*ſ.* 1.

If any hackney-coachman or driver ſhall refuſe to go at, or ſhall exact more for his hire than ſhall be appointed, he ſhall forfeit a ſum at the diſcretion of the commiſſioners, not exceeding 3 *l.* nor under 10*s.* the ſaid offences to be determined and the penalties levied as by the ſaid act is directed concerning the 40*s.* penalty. *ſ.* 2.

No perſon ſhall ply or drive for hire with any coach, herſe or coach-horſes, to attend on any funeral in *London*, *Weſtminſter*, or the bills of mortality, except perſons licenſed by the commiſſioners; on pain to forfeit 5 *l.* as by 9 *Ann. c.* 23.—*ſ.* 3.

If any perſon ſhall drive a mourning coach or herſe to any funeral, except the ſame have a number fixed on the fore-ſtandard, or in ſome other place to be appointed by the commiſſioners, or except the ſame be the coach of ſome gentleman attending the maſter or any of the family, the commiſſioners upon information may ſummon the driver, againſt whom not appearing they are impowered to proceed; and though no expreſs hiring ſhall be proved, yet unleſs the party appear and prove a previous order from the owner of ſuch coach, *&c.* to attend at ſuch funeral, it ſhall be adjudged a driving for hire; and the party ſhall forfeit 5 *l.* to be recovered of the driver or the undertaker of ſuch funeral, to be levied and applied as aforeſaid. *ſ.* 4. *See further*, 24 *Geo.* 3. *ſeſſ.* 2. *c.* 27. *ſ.* 7.

If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall have double coſts. *ſ.* 5.

No *certiorari* ſhall ſuperſede execution or other proceeding upon any order of the commiſſioners, in purſuance of this act. *ſ.* 6.

The alderman of every ward of the city, and every juſtice of peace in the ſaid cities and counties, may inflict and levy the like penalties for any offences contrary to this act, as the commiſſioners may. Provided that no perſon be puniſhed twice for the ſame offence. *ſ.* 7.

By 12 *Geo.* 1. *c.* 12. *continued by* 33 *Geo.* 2. *c.* 25. *ſo long as any act for licenſing hackney-coaches.* The commiſſioners for hackney-coaches are to licenſe an additional number of hackney-chairs not exceeding one hundred, ſo that the number of all the chairs to be licenſed ſhall not exceed four hundred. *ſ.* 15.

On every of the licenſes to be granted in purſuance of this act for keeping any hackney-chair, there ſhall be reſerved to his majeſty the annual ſum of 10*s.* to be paid quarterly at the four uſual feaſts; and the chairs ſhall have the ſame rates, and be ſubject to the ſame rules, as are by the former acts preſcribed. *ſ.* 16.

See 30 *Geo.* 2. *c.* 22. *ſ.* 6. *under* "*Carts.*" Part II. p. 34.

By 4 *Geo.* 3. *c.* 36. Every juſtice for the counties of *Kent* and *Eſſex* ſhall have the ſame power and authority, within his juriſdiction, to put the laws in execution againſt the drivers of licenſed hackney coaches, for any offence committed againſt the laws, as the commiſſioners, aldermen and juſtices of *London*, *Weſtminſter*, *Middleſex*, and *Surrey*, now have. *ſ.* 2.

By 7 *Geo.* 3. *c.* 44. Upon every information before the commiſſioners, againſt any perſon, for driving for hire, or letting to hire, any hackney coach, contrary to 9 *Ann.* although no expreſs hiring ſhall be proved; yet unleſs the party accuſed ſhall appear, and make proof to the commiſſioners, that no money or other gratuity was paid, or agreed to be paid, for the uſe of ſuch coach, the ſame ſhall be deemed a driving for or letting to hire; and every perſon offending ſhall incur the like penalty as if money, or other gratuity, was actually proved to be paid. *ſ.* 10.

Every coachman, licenſed by the commiſſioners, plying for hire within *London* or *Weſtminſter* (*or within the weekly bills of mortality, and the ſuburbs of the ſaid cities of* London *or* Weſtminſter, *by* 12 Geo. 3. c. 49. *ſ.* 1.) ſhall be obliged on every day of the week, at ſeaſonable times, to go any where within the diſtance of ten miles from *London* or *Weſtminſter*; and in caſe of refuſal, ſhall be liable to the like penalty and puniſhment, as in caſes of refuſal to carry for hire. *ſ.* 12.

Every perſon licenſed by the commiſſioners to keep and uſe for hire any hackney chair, within *London* and *Weſtminſter*, and the ſuburbs thereof, and within the weekly bills of mortality, or any perſon legally acting under ſuch perſon, ſhall be entitled to, and may take the rates and fares herein-after mentioned. *ſ.* 13.

For any diſtance not exceeding one mile, twelve pence:
Above one, and not exceeding one mile and four furlongs, one ſhilling and ſix pence:
And for every further diſtance not exceeding four furlongs, ſix pence:
And by the hour, eighteen pence for the firſt hour, and ſix pence for every half of an hour after.

The ſaid fares may be recovered in like manner as the fares ſettled by 9 *Ann.* *ſ.* 14.

In every caſe where any perſon, for offences mentioned in any law relating to hackney coaches and chairs, ſhall be liable to be committed to priſon, it ſhall be lawful for the commiſſioners, or three of them, either to commit ſuch offender to priſon, for not exceeding one month, or, by warrant under their hands and ſeals, to commit ſuch offender

fender to his majeſty's workhouſe of Bridewell in *London*, or ſome other houſe of correction, there to be kept to hard labour for not exceeding one month; and alſo to receive the correction of the ſaid houſe, if the commiſſioners ſhall ſo think fit to order. *ſ.* 15.

If any perſon duly licenſed to let or drive for hire any hackney coach, ſhall be guilty of miſbehaviour in his employment, it ſhall be lawful for the commiſſioners, or three of them, either to revoke ſuch coachman's licenſe, or to inflict a penalty not exceeding three pounds, upon conviction for every ſuch offence, to be paid to the poor of the pariſh where offence committed; and if any perſon ſo convicted ſhall not be able, or ſhall refuſe to pay, he ſhall be committed to *Bridewell*, or ſome other houſe of correction, there to be kept to hard labour for thirty days. *ſ.* 16.

Every licenſed hackney coachman, or his driver, who ſhall drive with any hackney coach on the Lord's day, ſhall be liable to do the like work, as well without the weekly bills of mortality as within, as on any other day of the week. *ſ.* 18.

No writ of *certiorari* ſhall ſuperſede execution or other proceeding upon any order made by the commiſſioners in purſuance of this act. *ſ.* 21.

If any perſon ſhall be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict ſhall paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 22.

By 10 *Geo.* 3. *c.* 44. The commiſſioners, or three of them, in all caſes where they may now, by law, commit any offender convicted before them to *Bridewell*, or any other houſe of correction, *may* commit ſuch offender, by warrant, immediately to *Bridewell* in *London*, or ſome other houſe of correction; there to be kept to hard labour for not exceeding one month, and alſo to receive the correction of the houſe, if the commiſſioners think fit. *ſ.* 5.

Every perſon licenſed to carry or let for hire a hackney-chair, who ſhall neglect or refuſe (being ſummoned) to appear before the commiſſioners in perſon, or by his renter, upon any complaint made, without ſome reaſonable excuſe to be approved of by the commiſſioners, ſhall forfeit ten ſhillings; and if ſuch perſon ſhall *not* appear, together with his renter, upon the third ſummons, without ſuch reaſonable excuſe, the commiſſioners may determine the complaint, notwithſtanding the abſence of the party offending, upon the oath of one witneſs, and impoſe the penalty. *ſ.* 6.

All the offences mentioned in 7 *Geo.* 3. or this act, may be determined, and all the forfeitures recovered and levied, not only by the commiſſioners, but alſo by any juſtice, mayor, bailiff, or other magiſtrate, as directed by 9 *Ann.* *ſ.* 7.

His majeſty's part of all penalties which ſhall be levied by any juſtice, mayor, bailiff, or other magiſtrate, ſhall be tranſmitted by him to the receiver general of the revenues ariſing by hackney coaches and chairs, and alſo a certificate thereof to the commiſſioners for licenſing and regulating the ſame, within ten days after the levying any ſuch penalty, upon pain of ten pounds; one moiety to his majeſty, and the other to him that will inform. *ſ.* 8.

For any thing done in purſuance of this act, defendants may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* defendant ſhall have treble coſts. *ſ.* 9.

By 11 *Geo.* 3. *c.* 24. The commiſſioners are over the eight hundred hackney coaches authoriſed to be licenſed by 9 *Ann.* to licenſe any additional number of hackney coaches, not exceeding two hundred, to be employed for hire within the cities and limits, ſo that the number ſhall not exceed one thouſand; and upon every licenſe, there be reſerved and made payable unto his majeſty, *&c.* the like weekly ſum of five ſhillings, to be paid from the commencement of every ſuch licenſe, during the continuance thereof, in like manner, and with like penalties, *&c.* therein inſerted, as in other licenſes granted; and the ſame hackney coaches, and the perſons licenſed under that act, ſhall have the ſame rates, and be ſubject to all the orders, rules, regulations, bye-laws, penalties, matters, and things, preſcribed before the making this act: and all perſons who ſhall drive or let to hire any hackney coach or coach horſes, or carry any perſon for hire in any hackney coach, within *London* and *Weſtminſter*, or the ſuburbs of the ſame, or within the weekly bills of mortality, without ſuch licenſe, ſhall be liable to all forfeitures for ſo doing, as if this act had not been made. *ſ.* 1.

Out of the monies to ariſe by rents of hackney coaches, three commiſſioners of the treaſury may reward the ſaid commiſſioners, and the clerks, officers, and others employed, and diſcharge incident expences. *ſ.* 3.

If any action be commenced againſt any perſon for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if a verdict, *&c.* for the defendant, he ſhall recover double coſts. *ſ.* 4.

By 11 *Geo.* 3. *c.* 28. All the new ſquares, buildings, and ſtreets, within the ſeveral pariſhes of *Saint Mary le Bone*; *Saint George Hanover Square*; *Saint George the Martyr Queen Square*; and *Saint George Bloomſbury*, within the county of *Middleſex*, and alſo all the burying grounds within five miles of *London* or *Weſtminſter*, belonging to any of the pariſhes within the ſaid cities, or the pariſhes before mentioned, ſhall be deemed to be within the cities of *London* or *Weſtminſter*, or the ſuburbs thereof, according to 9 *Ann.*; and the juriſdiction and authorities of the commiſſioners, and of juſtices, and all the proviſions, penalties, and forfeitures therein, ſhall extend thereto. *ſ.* 1.

The commiſſioners *may* order the perſons who take out licenſes for uſing hackney coaches, to provide cheque ſtrings or wires, to be placed in every coach; and every hackney coachman plying for hire without ſuch cheque ſtring or wire, ſhall forfeit five ſhillings; to be recovered in ſuch manner as other penalties. *ſ.* 2.

If any action be commenced for any thing done under this act, the defendant may plead the general iſſue, *&c.* and may recover treble coſts. *ſ.* 5.

By 12 *Geo.* 3. *c.* 49. The commiſſioners or any other perſon having authority to put any of the laws in execution, ſhall not be compelled to fine or puniſh any licenſed hackney coachman, his renter or driver, for refuſing to carry a fare out of the ordinary courſe of his ſtage-work or duty, who ſhall regularly uſe and employ his coach, ſo licenſed, as a ſtage coach to and from any of the towns or places in the neighbourhood of the cities of *London* and *Weſtminſter*; and who ſhall alſo, by painting in legible characters on the door of ſuch coach, or by a board, to be painted in legible characters, and affixed on the door of ſuch coach, plainly denote the ſame to be a ſtage coach to and from ſuch town or place. *ſ.* 2.

By 24 Geo. 3. *ſeſſ.* 2. *c.* 27. There ſhall be paid unto his majeſty, his heirs and ſucceſſors, from all perſons licenſed to drive or keep a hackney-coach or coach horſes, within *London* and *Weſtminſter*, or the ſuburbs of the ſame, or within the weekly bills of mortality, the additional weekly duty of five ſhillings, for each coach licenſed; to

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be paid monthly from 4 *Sep.* 1784, without any abatement. And all powers and other matters preſcribed by any former act, ſhall be of full force with relation to the additional duty hereby impoſed, and ſhall be put in execution for levying the ſame. *ſ.* 1.

When any of the licenſes already granted ſhall become void, the commiſſioners or three of them may grant ſuch licenſes anew to any perſon under payment as well of the weekly rent of five ſhillings, reſerved by ſuch licenſes, as of the additional weekly rent, and with ſuch covenants therein as the commiſſioners ſhall think fit. *ſ.* 2.

If the owner of any licenſed coach ſhall not appear before the commiſſioners, upon any complaint exhibited before them, and with his proper driver, upon the third ſummons left at the uſual place of abode of ſuch owner entered with the ſaid commiſſioners, the ſaid commiſſioners may revoke ſuch hackney coach licenſe, and licenſe another perſon in the room of ſuch owner. *ſ.* 3.

Perſons licenſed ſhall be ſubject to all the orders, rules, regulations, bye-laws, penalties, matters, and things, as are, or heretofore have been preſcribed (except ſuch parts as are hereby repealed). *ſ.* 6.

If any perſon ſhall drive a mourning coach or hearſe to any funeral within *London* or *Weſtminſter*, or the ſuburbs of the ſame, or within five miles of *Temple-bar* in the ſaid city of *London*, except the ſame ſhall have a number fixed on the fore-ſtandard of ſuch mourning coach or hearſe, ſhewing it to be a licenſed coach or hearſe let to hire, and information ſhall be given to the commiſſioners of ſuch fact, the ſaid commiſſioners may ſummon the party driving ſuch mourning coach or hearſe before them, and, on default of ſuch party appearing on ſuch ſummons before the commiſſioners, the ſaid commiſſioners are to proceed againſt him, and although no expreſs hiring ſhall be proved, it ſhall be adjudged a driving for hire, and the party offending ſhall forfeit for ſuch offence five pounds, to be recovered and applied as the penalty for driving without licenſe. *ſ.* 7.

The ſaid additional weekly duty (the charges of raiſing and accounting for the ſame excepted) ſhall be paid into the exchequer, apart from other branches of the public revenue; and in the office of the auditor there ſhall be kept a book, in which all monies ariſing from the ſaid additional duty, ſhall be entered. *ſ.* 9.

If any perſon ſhall be ſued for any thing done in purſuance of this act, ſuch perſon may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſhall have treble coſts. *ſ.* 10.

By 26 *Geo.* 3. *c.* 72. Every perſon licenſed, or any one acting under ſuch licenſed perſon, ſhall be intitled to, and may demand, and take, for the hire of any hackney coach, the rates and fares herein after mentioned. *ſ.* 1.

For every diſtance within, and not exceeding one mile and two furlongs, twelve pence:

And for every further diſtance within, and not exceeding ſix furlongs (computed as beyond the ſaid firſt mentioned diſtance of one mile and two furlongs) ſix pence:

And for every further diſtance within, and not exceeding four furlongs (beyond the ſaid ſecond diſtance) ſix pence:

And ſo in like manner the ſum of ſix pence for every further diſtance within and not exceeding four furlongs, to be computed through the whole diſtance which ſuch coach ſhall be driven or go.

And, as reſpecting ſuch coaches as ſhall be conſidered to be kept in waiting, the following rates and fares may be demanded, and taken:

For any time, not exceeding three quarters of an hour, one ſhilling; and for any time exceeding three quarters of an hour, and not exceeding one hour, one ſhilling and ſix pence:

For any time exceeding one hour, and not exceeding one hour and twenty minutes, two ſhillings; and for every period of time, not exceeding twenty minutes, to be computed from the expiration of the ſaid firſt hour and twenty minutes, the ſum of ſix pence, to be computed through the whole time during which ſuch coach ſhall be engaged or employed:

And for a day's work or hire, reckoning twelve hours to the day, the ſum of fourteen ſhillings and ſixpence; and for any time, to be computed from the concluſion of the ſaid twelve hours, ſuch coach ſhall be conſidered as a coach in waiting, the ſame ſhall be paid for in the manner, and according to the rate aforeſaid.

If any hackney coachman, his renter or driver, ſhall exact or take more than the rates limited, he ſhall be ſubject to the like penalties and puniſhments, as now are in being, reſpecting ſuch hackney coachmen, *&c.* and the fares may be recovered as fares are now recoverable. *ſ.* 2.

If any hackney coachman, or his renter, ſhall be in arrear of payment of any rent reſerved by any licenſe, for any longer time than is expreſſed in ſuch licenſe, the commiſſioners, or the major part of them, may revoke ſuch licenſe, and levy the rents reſerved, either upon the goods and chattels of ſuch owner, or renter, in ſuch manner as they may do with reſpect to ſuch owner. *ſ.* 3.

Any perſon ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſhall have treble coſts. *ſ.* 4.

*** *For further regulations in reſpect to hackney coaches plying for hire within the ſtreets of the city of* London, *ſee* 11 Geo. 3. c. 29. ſ. 113, 114, *and* 115, *under* "*Paving*, &c." infra.

Coals.

By 16 *&* 17 *Car.* 2. *c.* 2. *Made perpetual by* 7 *&* 8 Will. 3. c. 36. ſect. 2. All ſea-coals brought into the *Thames* and ſold ſhall be ſold by the chalder, containing thirty-ſix buſhels heaped according to the buſhel ſealed for that purpoſe at *Guildhall*; and all other coals commonly ſold by weight ſhall be ſold after the proportion of a hundred and twelve pounds to the hundred *avoir du pois*; upon pain of forfeiture of all coals otherwiſe ſold or expoſed to ſale by any woodmonger or retailer, and double the value thereof; to be recovered by any perſon in any court of record, or by complaint unto the lord mayor and juſtices of peace of *London*, or any two of them, or to the juſtices of peace of the places where ſuch coals ſhall be expoſed to ſale; who are upon due proof to convict the offenders, and to give warrant for levying the forfeitures; the one half for the uſe of the perſon proſecuting, and the other half for the poor, or repairing of the highways within the ſame or any adjoining pariſh; and the lord mayor and court of aldermen, and the juſtices of peace of the ſeveral counties or three of them (1 *Qu.*), are to ſet the prices of coals ſold by retail from time to time. *ſ.* 1. *See* 17 *Geo.* 2. *c.* 35. *ſ.* 1. *under the general title* "*Coal Trade.*" Part I. 104.)

If any retailer of coals ſhall refuſe to ſell as aforeſaid, the lord mayor and aldermen and juſtices of peace reſpectively are to appoint perſons to enter into any place where ſuch coals are ſtored; and in caſe of refuſal, taking a conſtable, to force entrance; and the ſaid coals to ſell at ſuch rates, rendering to ſuch retailer the money, charges deducted. *ſ.* 2.

No perſon ſued by virtue of this act ſhall be ſued upon any other law for the ſame offence; and if any action ſhall be commenced for any thing done by colour of this act, the defendant may plead the general iſſue; and if the verdict be found for him, &c. ſhall have his damages and double coſts. *ſ.* 4.

No perſon having intereſt in any wharf uſed for the receiving or uttering of coals, or that ſhall trade in the ſale of coals, ſhall act in the ſetting the price of coals. *ſ.* 5.

By 3 *Geo.* 2. *c.* 26. It ſhall be lawful for any perſons who ſhall keep wharfs on the *Thames*, or any branch thereof, and for any other perſons who ſhall deal in coals or other goods, to employ their own lighters and other craft, in carrying of coals and goods to and from any ſhip in the *Thames*, and to and from any wharf where ſuch goods might be lawfully landed or ſhipped off, ſo as the perſons employed in navigating ſuch lighter, &c. be duly qualified to row the ſame on the *Thames*. *ſ.* 1.

All perſons (not being lightermen) who by virtue of this act ſhall become entitled to uſe their own lighters, ſhall before their working the ſame make before the company of watermen, or ſome officer whom the company are required to appoint for that purpoſe, an entry of their lighters or their craft; for each of which entries the officer ſhall receive for the company 5 *s.* and thereupon he ſhall regiſter the ſame, with the owner's name and place of abode, and the number or mark intended to be affixed on ſuch lighters or other great craft; and after the entry, the owner ſhall affix ſuch number in metal or colours on the outſide of the lighter, viſible above water when loaded, there to remain without alteration (except with conſent of the company, or in caſes of involuntary accidents), and afterwards ſuch lighter and the owners thereof ſhall be ſubject to the rules of the company, in regard to the entries, numbers or marks. *ſ.* 2.

No lighterman or buyer of coals for ſale, nor any of their partners, agents or ſervants, or any in truſt for them, ſhall act as a crimp, agent or factor, for any maſter of any ſhip importing coals into the port of *London*, on forfeiture of 200 *l.* and every maſter, &c. who ſhall employ them to act as ſuch, ſhall forfeit the like ſum. *ſ.* 3.

Every perſon, who ſhall take any premium or allowance from any coal owner, fitter or maſter of a ſhip, for buying, vending, or diſpoſing of any particular ſort of coals, or ſhall otherwiſe offend, contrary to 9 *Ann. c.* 28. *ſ.* 3. (ſee Part I. 104.) ſhall, above the penalty inflicted by that act, forfeit 500 *l.* and every coal owner, or fitter, who ſhall give, or agree to give, to any ſhipmaſter, lighterman, crimp, or buyer of coals, or to any perſons in truſt for ſuch ſhipmaſter, &c. any premium, &c. for buying, vending, &c. any particular ſort of coals, or for the loading of any veſſel with ſuch coal owners coals, or for the diſpatch, delivery, or diſpoſal of ſuch coals from ſuch coal owners collieries or ſtaiths, and every perſon who ſhall knowingly ſell one ſort of coals for another, ſhall forfeit 500 *l.* *ſ.* 4.

Nothing in this act ſhall hinder any coal owner from employing or giving any ſalary or reward to any fitters for the vending of his coals from his colliery and ſtaiths; or to prevent any maſter or owners of any ſhip, uſing the coal trade, from employing crimps or factors (not being lightermen or buyers of coal for ſale, or any of their partners, agents or ſervants, or any in truſt for them) to ſell or diſpoſe of their loadings of coals, or pay them the crimpage or factorage as uſual. *ſ.* 5.

All bargains or contracts for coals between buyer and ſeller at the market of *Billingſgate*, or other place of ſale within the bills of mortality, ſhall by the crimp or factor be entered, with the conditions thereof, in the book of ſuch crimp, ſubſcribed by the ſeller and buyer, and witneſſed by the crimp, who ſhall at the ſame time deliver *gratis* a copy atteſted by him of ſuch bargain to the ſeller and buyer; and the entries ſo made, and the copies ſo given, ſhall be admitted as evidence on trials in any court of law; and if any crimp or factor ſhall neglect to enter ſuch contract, and to ſubſcribe and atteſt the ſame, or to give copies thereof, he ſhall forfeit 50 *l.* *ſ.* 6.

All lightermen and other buyers of coals on board any ſhip in the port of *London*, ſhall at the time of the delivery of ſuch coals pay for the ſame in ready money; or for ſuch part thereof as ſhall not be ſo paid for, ſhall give their promiſſory notes, expreſſing the words *value received in coals*, payable at ſuch days as ſhall be agreed upon; and all ſuch notes may be proteſted as inland bills of exchange; and in default of ſuch proteſting, and notice by the indorſee to the indorſer within twenty days after failure of payment, the indorſer ſhall not be liable to pay ſuch money as ſhall be mentioned in ſuch note. *ſ.* 7.

All lightermen and other buyers of coals, who ſhall refuſe to give their notes for coals to them delivered, and to inſert the words *value received in coals*; and every maſter who ſhall take ſuch note from any dealer in coals, in which note the ſaid words are not inſerted, ſhall forfeit 100 *l.* *ſ.* 8.

Every maſter of a ſhip uſing the coal trade ſhall be ſubject to the direction of the owners of the major part of his ſhip, and ſhall keep, and once a year tender to ſuch owners, if required, a true account in writing of the produce and expence of every voyage; and if he ſhall refuſe to obey the owners directions given under their hands, or to give ſuch account, being required by order under their hands, he ſhall forfeit 100 *l.*: provided that in ſuch directions there be nothing which ſhall relate to the reſtraining or inhancing the price of coals in the *Thames*, or to keeping of turn in delivering of coals there. *ſ.* 9.

All lightermen and others dealing in coals, who ſhall ſell any parcel of coals for pool meaſure, including the *ingrain*, &c. one chalder, which by an ancient cuſtom in the port of *London* is allowed in every ſcore bought on board ſhip, and ſhall not deliver to the buyers the full quantity meaſured to the lighterman, &c. by the maſter, together with the *ingrain*, ſhall forfeit 100 *l.* *ſ.* 10.

All coals which ſhall be landed at any place on the *Thames*, or on any branch near thereto, and which ſhall be carried to any place within the cities of *London* or *Weſtminſter*, or the bills of mortality, in any cart or carriage, ſhall be carried to the buyers in linen ſacks, ſealed and marked with white paint in oil at *Guildhall*, *London*, or at the exchequer office at *Weſtminſter*; which ſacks ſhall be four feet and two inches in length, and ſix-and-twenty inches in breadth, after they ſhall be made; which ſacks all dealers in and carriers of coals ſhall uſe for carriage of coals within the ſaid limits; and all makers of coal ſacks ſhall make them of the ſaid dimenſions at leaſt; and every dealer in, and carrier of coals, who ſhall make uſe of any other ſacks for carriage of coals within the limits aforeſaid, ſhall for every ſack forfeit 20 *s.* *ſ.* 11.

This act ſhall not extend to hinder any conſumer of coals from fetching home his coals by porters, or in his own or hired carts, without being obliged to uſe ſuch ſacks. *ſ.* 12.

All dealers in and ſellers of coals by the chalder, or leſſer quantity, within the cities of *London* and *Weſtminſter*, or ten miles of the ſame, ſhall keep and uſe at their wharfs, and other places for ſale of coals, a buſhel, as deſcribed in 12 *Ann.*

Ann. ſtat. 2. *c.* 17. *ſ.* 11. (ſee Part I. 104.) with which buſhel ſellers of coals ſhall meaſure all the coals they ſhall ſell by the chalder or leſſer quantity, and ſhall put three buſhels of coals into each ſack: and all dealers in coals who ſhall offend in the premiſes, ſhall forfeit 50 *l.* and if any ſervant of ſuch dealer in coals ſhall fill coals into ſacks without meaſuring the ſame by ſuch buſhel, he ſhall be committed to the houſe of correction to hard labour not exceeding thirty days nor leſs than fourteen days. *ſ.* 13.

All perſons dealing in coals, and uſing coal buſhels and ſmaller meaſures, ſhall before they uſe them have them fitted for work and uſe with iron or copper; and after they are ſo fitted, ſhall carry them to *Guildhall*, or to the exchequer office, to be ſealed with a ſteel inſtrument on the uppermoſt iron or copper hoop and ſtrap; which meaſures ſhall be kept by them, without alteration, at their places of ſale; which places of ſale are declared to be the wharfs, warehouſes, docks, ſheds, cellars, or other repoſitories for coals of ſuch as are dealers therein: and all dealers in coals who ſhall offend herein ſhall forfeit 50 *l.* and all perſons who ſhall alter any ſuch buſhel or other meaſure, or any of the ſacks, after they have been ſealed or marked, ſhall forfeit 50 *l.* *ſ.* 14.

Any perſon who ſhall be guilty of any of the offences declared by this act, and ſhall within ſix calendar months after ſuch offence make diſcovery of any coal owner, proprietor of a colliery, or of their agents or ſervants, or of any of their fitters, officers or clerks, or of any maſter of a ſhip, or of any lighterman, crimp, coal factor, or ſeller or retailer of coals, or other perſon concerned in the coal trade, who ſhall have committed any offence contrary to this act, ſo as they be convicted, the perſon making ſuch diſcovery ſhall be diſcharged from the penalties for all ſuch offences by him before that time committed, and ſhall be entitled to the ſame benefit from ſuch diſcovery and conviction as any other perſon. *ſ.* 15.

All penalties in this act above 5 *l.* ſhall be one moiety to the crown, and the other to him who ſhall ſue for the ſame within ſix months after ſuch offences committed, to be recovered with double coſts, by action of debt, *&c.* in any of his majeſty's courts of record; and all penalties in this act under 5 *l.* ſhall be recovered by complaint made to the lord mayor of *London*, or one juſtice of peace within the city of *London*, or one juſtice of the ſeveral places where ſuch offenders ſhall live; who are to call the parties before them, and examine ſuch complaint upon oath, and on due proof thereof made to his ſatisfaction, to grant a warrant for levying ſuch forfeitures; one moiety to the informer, and the other to the poor of the pariſh where ſuch offence ſhall be committed; and if ſuch forfeitures ſhall not be forthwith paid, the ſame ſhall be levied by diſtreſs and ſale of goods by warrant of the lord mayor, or ſuch juſtice of peace; and for want of ſufficient diſtreſs, the offender ſhall be committed to the houſe of correction for any time not exceeding thirty days, and not leſs than fourteen, to be kept to hard labour. *ſ.* 16.

By 4 *Geo.* 2. *c.* 30. It ſhall not be lawful for any owners of any ſhip employed in the coal trade, or any other perſon, to give any directions to any maſter of ſuch ſhip, or to any agent employed in the ſelling of coals, which ſhall relate to keeping turn in ſelling or delivering coals in the *Thames*; and no maſter or other perſon having command of ſuch ſhip ſhall obey ſuch orders, or keep turn as aforeſaid; upon pain to forfeit 100 *l.* one moiety to his majeſty, and the other moiety to him who ſhall ſue for the ſame within ſix months after the offence committed, to be recovered with treble coſts by action of debt, *&c.* *ſ.* 1.

The maſter of every ſhip loaded with coals, or other perſon having charge thereof, ſhall deliver to the proper officer of the cuſtoms at *London*, the cocquets containing the lading of ſuch ſhip, within four days after the arrival of ſuch ſhip as high as *Graveſend*; on pain of forfeiting 50 *l.* to be recovered and diſpoſed of in manner before directed. *ſ.* 2.

By 11 *Geo.* 2. *c.* 15. If any buyer or ſeller of coals at *Billingſgate*, or other place of ſale within the bills of mortality, being required, ſhall neglect to ſign the contracts as by 3 *Geo.* 2. *c.* 26. is directed, every ſuch buyer and ſeller ſhall forfeit 50 *l.* one moiety to his majeſty, and the other moiety to ſuch as ſhall ſue for the ſame in any of his majeſty's courts of record at *Weſtminſter*, within ſix months after ſuch offence. *ſ.* 6.

Every maſter of a ſhip carrying coals as aforeſaid, ſhall after every voyage produce to his owners (when required) a copy of ſuch contracts ſigned by the crimp; and in caſe of refuſal, ſuch maſter ſhall forfeit 50 *l.* as aforeſaid. *ſ.* 7.

It ſhall be lawful for the commiſſioners appointed in purſuance of 6 *Will.* 3. *c.* 10. (ſee Part I. 104.) or any three of them, to admeaſure and mark all waggons, barrows and other carriages, uſed in loading ſhips with coals in the port of *Newcaſtle* and members thereunto belonging. *ſ.* 8.

By 7 *Geo.* 3. *c.* 23. (in force by 17 *Geo.* 3. *c.* 13. until 1 *June* 1798.) *For preventing frauds in the meaſurement of coals, ſold by wharf meaſure, within the city of* London, *and the liberties thereof*; *and between* Tower Dock *and* Limehouſe Hole, *in the county of* Middleſex, there ſhall be erected and continued within the city of *London*, in or near *Thames Street*, one public office, which ſhall be called 'The Land Coal Meters Office for the city 'of *London*, and between the *Tower* of *London* and *Lime-* 'houſe Hole, in the county of *Middleſex*;' which ſaid office ſhall be kept open every day (*Sundays* excepted) from the twenty-fifth *March* to the twenty-ninth *September*, from five in the morning till nine in the evening; and from twenty-ninth *September* to twenty-fifth *March*, from ſix in the morning till ſix in the evening. *ſ.* 1.

The principal coal meter, and his deputies or ſervants, acting in the admeaſurement of coals, by virtue of this act, ſhall be ſubject to the comptrol of the court of lord mayor and aldermen of *London*; and may be diſmiſſed and ſuſpended by the ſaid court, from the execution and emoluments of their offices, upon complaint and proof of fraud, neglect, or other miſbehaviour, which complaints may be determined by the ſaid court in a ſummary way. *ſ.* 2.

In caſe *John Evans (the principal coal meter hereby appointed)* ſhall happen to die, the ſaid office ſhall be managed by ſuch perſon as ſhall be appointed by the lord mayor, aldermen, and commons, of the city of *London*, in common council aſſembled. *ſ.* 3.

No perſon ſhall be capable of acting as principal land coal meter, until he ſhall, before two juſtices for *London*, take an oath, "That he will truly and faithfully, accord- "ing to the beſt of his judgment and ability, execute the "office." *ſ.* 4.

The juſtices, who ſhall adminiſter the oaths directed to be taken, are to certify the taking thereof to the next general quarter ſeſſions for *London*, there to remain on record. *ſ.* 6.

If the principal coal meter, or any perſons under him, ſhall, during his continuance in office, be directly or indirectly concerned in the ſale of any coals, otherwiſe than in their offices, he ſhall forfeit twenty pounds; and being convicted before the ſaid court of lord mayor and aldermen, ſhall be diſmiſſed from his employment, and be for

ever disabled from executing the same or any other under this act. *s.* 7.

The stations for the labouring coal meters, shall be frequently varied by the principal coal meter, as he shall think fit. *s.* 9.

All coals sold for wharf measure, within *London*, or at any of the wharfs, warehouses, or other places, between the *Tower* and *Limehouse Hole*, shall be measured in the presence of one of the labouring meters, as directed by 16 & 17 *Car.* 2. *who* shall fill up any bushel, as shall appear to be deficient in measure, out of the stock of the person vending. *s.* 10.

Fourpence for every chaldron which shall be sold and delivered, shall be paid by the person who keeps the place, where such coals are carted from, or by the seller, to the principal land coal meter, or the labouring coal meters, for the purposes following; that is to say, part for the use of the principal coal meter, as a recompence for his labour and trouble, and for defraying the charges of clerks, messengers, house rent, fire, candles, and other expences, and the other part for the hire of the labouring coal meters; and thereupon such principal land coal meter shall deliver to every seller, or the carmen, a ticket, signed by the principal land coal meter, and countersigned by the labouring coal meter delivering the same, in which shall be contained as well the christian and surname of the sellers, as the consumers, the quantity, and day, month, and year of delivery and admeasurement, the amount of the metage charge, and the names of the carmen; and also shall contain a notice to the purchaser, that if he is dissatisfied with the measure, which must be expressed to the carman before any part are shot from the cart; which said ticket shall be delivered unaltered by the labouring coal meter countersigning the same, to the carman; which said ticket, the carman is to deliver to the consumers therein named, or to their servant, who shall thereupon pay the seller the metage: and if the labouring coal meter, countersigning such ticket, shall, after payment of the metage, refuse to deliver such ticket to the carman, *he* shall forfeit forty shillings: and if such carman shall, after the ticket shall have been delivered to him, either alter, or neglect or refuse to deliver the same to the consumer, or servant, *he* shall likewise forfeit ten shillings. *s.* 11.

If any wharfinger, or dealer in coals, shall directly or indirectly give to any labouring coal meter, any sum of money, or other fee, reward, or gratuity whatsoever, over the fourpence *per* chaldron herein allowed for metage, being convicted thereof by the oaths (or affirmation) of two witnesses, before one justice, shall forfeit twenty pounds. *s.* 14.

If any labouring coal meter shall use, or permit sacks to be made use of, for the measuring or carrying of coals, of less dimensions than four feet in length, and two feet in breadth, being convicted thereof by the oaths (or affirmation) of two witnesses, before one justice, shall forfeit forty shillings. *s.* 15.

This act shall not extend to the owners of works for raising water by fire, nor to the owners of any coals to be bought, sold, and delivered, as pool measure, but they may have one chaldron, or more, delivered under the inspection of their own agent (in the absence of a meter) and in that case, such persons are exempted from payment of metage; but if such persons shall require the attendance of any meter, then they shall pay the fourpence as other consumers. *s.* 17.

If any such labouring coal meter shall wittingly suffer any coals sold as wharf measure (exceeding seventeen bushels) to be sent without being measured in the manner before directed, and shall not give information thereof to the principal land coal meter, or his deputies, within two days after, and shall be duly convicted thereof by the oaths of two witnesses; such labouring coal meter shall from thenceforth be for ever incapable of acting as a coal meter, and forfeit five pounds. *s.* 18.

Where any cart shall be stopped for re-admeasuring, the owner shall be entitled to two shillings and sixpence *per* hour, for every hour the cart shall be detained, over the usual cartage; which two shillings and sixpence *per* hour shall be paid by the vendor of the coals, in case the same shall be deficient; or by the purchaser, in case the same shall be found to amount to the quantity for which the same were sold. *s.* 20.

No seller of, or dealer in coals, within the limits aforesaid, shall, for any offences under this act, be subject to any other penalty, forfeiture, or disability, than what are herein inflicted or enacted, notwithstanding 3 *Geo.* 2. *c.* 26.— *s.* 21.

The several forfeitures and penalties under this act, shall be recovered and applied in the manner, and for the purposes following; *viz.* such as exceed five pounds, in any of his majesty's courts of record at *Westminster*; the one moiety to the use of the king, and the other (with full costs) to the use of such person who shall inform; and all other forfeitures and penalties shall be recovered by complaint made unto one justice, who is to call the parties before him, and to examine such complaint on oath, or affirmation, and upon proof, to grant a warrant for levying such penalties accordingly; the one moiety to the use of the informer, and the other to the use of the poor of the parish in which such offences shall have been committed; and in case such penalties shall not be forthwith paid, then the same shall be levied by distress and sale of the goods of the offenders, by warrant of such justice; and for want of distress, such offender shall be committed to hard labour, for not exceeding thirty, and not less than seven days. *s.* 22.

Any person convicted, may appeal to the general quarter sessions held for *London* or *Middlesex*, next after conviction; and that sessions, when appealed to, shall at the then next sessions after finally determine the same; and if the appellant shall not succeed in his appeal, or prosecute the same with effect, the said court shall award costs, to be then in open court, with the penalty, paid to the prosecutor; and for want thereof, to commit the person appealing to the common gaol, there to remain until payment; but in case the appellant shall succeed, and be acquitted of his conviction, the same court shall award to such appellant costs, to be then paid by the person on whose information such conviction shall have been founded; and for want of payment, the said court shall commit such informers to the common gaol, until they pay; but no conviction shall be quashed for want of form only. *s.* 23.

No writ of *certiorari* shall remove any conviction, or proceedings under this act, into courts at *Westminster*. *s.* 24.

Action, information, or suit, for any thing done in pursuance of this act, shall be commenced within two months, and shall be laid in *London*; and the defendant may plead the general issue: and if judgment shall be given against the plaintiff, the defendant shall have full costs.

By 26 *Geo.* 3. *c.* 83. The act 7 *Geo.* 3. *c.* 23. other than and so far as altered by this act, shall be enforced during the continuance of this act; and also this act shall take effect, and be in force, until the first day of *June* 1798, and from thence to the end of the then next session of parliament. *s.* 1.

The

The principal land coal meters, within the limits of this act, or one of them, are to appoint a ſufficient number of labouring coal meters, within the ſaid limits; one or more of which ſhall attend every day (*Sundays* excepted) at ſuch of the coal wharfs, warehouſes, or other places of ſale, within the limits at which he ſhall be ſtationed, at ſuch times as is required by the wharfinger, or dealer in coals, to meaſure out, or ſee meaſured, the coals which ſhall be ſold at any of the wharfs, warehouſes, or places, where ſuch meters ſhall be ſtationed. *ſ.* 2.

No perſon ſhall be capable of acting as one of the labouring coal meters, until he ſhall, before one juſtice for *London*, take and ſubſcribe an oath, or affirmation, "That "he will duly and faithfully, to the beſt of his ſkill and "knowledge, execute the office, *&c.*; and that he will "truly and impartially meaſure, or ſee meaſured, all coals, "between buyer and ſeller, without favour or hatred." *ſ.* 3.

Upon notice in writing, or otherwiſe, being given to any of the labouring coal meters, or left at the principal land coal meter's office, for a labouring coal meter to attend at any wharf, warehouſe, or place named in ſuch notice, in order to meaſure, or ſee meaſured, the coals of the perſon giving notice, ſuch labouring coal meter ſhall attend, within the ſpace of one hour, or ſooner if poſſible, and do his duty according to this and the former act; and in caſe of neglect or refuſal to attend accordingly, ſuch labouring coal meter ſhall forfeit twenty ſhillings; and the principal land coal meters or coal meter, neglecting to ſend ſuch labouring coal meter, ſhall alſo forfeit twenty ſhillings. *ſ.* 4.

If any cart loaded, or any quantity of coals, exceeding ſeventeen buſhels, ſhall be ſent from any place within the limits, without having been meaſured under the inſpection of the principal coal meters, or of ſuch labouring coal meter, or without having firſt obtained a ticket (*ſee* 7 *Geo.* 3. *c.* 23. *ſ.* 11.), then, the vendor of the coals, being convicted thereof, by the oaths or affirmation of two witneſſes, before one juſtice for *London* or *Middleſex*, ſhall forfeit ten pounds. *ſ.* 5.

No ſacks for the carriage of coals, which ſhall not be full four feet four inches in length, and full twenty-ſix inches in breadth, after they are made, ſhall be ſealed or marked, at any office, or by any officer. *ſ.* 6.

If any wharfinger or carrier of coals ſhall uſe any ſack or ſacks for the carrying of coals, of leſs dimenſions than four feet in length, and two feet in breadth; or ſhall wilfully make, or procure to be made or uſed, any falſe buſhel or other meaſure, and be convicted thereof by oath or affirmation of two witneſſes, before one juſtice for *London* or *Middleſex*, he ſhall forfeit five pounds. *ſ.* 7.

If any labouring coal meter ſhall deliver a falſe or counterfeit ticket to any dealer, conſumer, carman, or other perſon, with intent to prejudice or defraud, or ſhall take from any dealer any fee, over the fourpence *per* chaldron, for the metage charge; or ſhall wilfully make, or ſuffer to be made, falſe meaſure of coals, or ſhall deliver a ticket for any quantity of coals, the whole of which he ſhall not have ſeen meaſured, and ſhall be, in any of the caſes, convicted thereof by the oaths or affirmation of two witneſſes, before one juſtice for *London* or *Middleſex*, he ſhall be incapable of ever ſerving thereafter in the office of a land coal meter; and the principal land coal meters ſhall, for every offence of ſuch labouring coal meters, ſo convicted, forfeit forty ſhillings. *ſ.* 8.

If the driver of any cart or carriage ſhall take or deliver, or ſuffer to be taken or delivered, from ſuch cart, *&c.* any coals under his care, otherwiſe than to or for the uſe of the owner or purchaſer, ſuch perſon ſhall forfeit forty ſhillings; and in caſe of non-payment, be committed, by warrant of the juſtice before whom conviction ſhall be had, to the common gaol of *London* or *Middleſex*, not exceeding three months, nor leſs than one, unleſs the penalty be ſooner paid. *ſ.* 9.

If any perſon ſhall be diſſatisfied with the meaſure of any coals ſold to him by wharf meaſure, and ſhall, upon delivery of the meter's ticket, ſignify his deſire to have the ſame re-meaſured, then the carman ſhall continue at the houſe or lodging of the purchaſer, with the ſaid coals and cart, until they are re-meaſured, under the penalty of five pounds on the owner or proprietor, and twenty ſhillings on the driver of the ſaid cart; and the ſaid purchaſer ſhall immediately ſend to the vendor, or to his wharf, *&c.* notice in writing that the coals are going to be re-meaſured, and alſo ſend notice thereof to the land coal meter's office; and thereupon a principal meter, or one of the labouring meters (not being the meter under whoſe inſpection the coals were originally meaſured), ſhall, within two hours after ſuch notice left at the meter's office, re-meaſure the ſame, ſack by ſack, in the preſence of the vendor and purchaſer, or their ſervants, and alſo in the preſence of one of the principal or labouring land coal meters for *Weſtminſter*; or for that part of the county of *Surrey* lying between *Putney* and *Rotherhithe*; if ſuch purchaſer ſhall require the attendance of ſuch laſt-mentioned coal meter; who ſhall attend within the two hours after notice in writing left at ſuch laſt-mentioned coal meter's office; and in caſe ſuch laſt-mentioned coal meters or coal meter ſhall neglect or refuſe to attend purſuant to ſuch notice, he or they ſhall forfeit five pounds: for which re-meaſurement, the purchaſer ſhall pay the principal coal meters or coal meter, appointed under 7 *Geo.* 3. and alſo ſuch other land coal meter from *Weſtminſter*, or from *Surrey* aforeſaid, as ſhall attend ſuch re-meaſurement, ſixpence each, for every chaldron re-meaſured; and in caſe the coals thus re-meaſured ſhall not amount to the quantity for which they were ſold, then the vendor ſhall forfeit for every buſhel deficient, five pounds, and alſo every chaldron deficient in meaſure, to the uſe of the poor where the coals ſhall be re-meaſured; and the labouring meter, under whoſe inſpection the coals were firſt meaſured, ſhall, for every buſhel deficient, forfeit five pounds, which ſum, if not paid within five days after conviction, ſhall be recovered from the principal land coal meter: and the coal porters who ſhall meaſure for the vendor, ſhall, for every buſhel wanting, forfeit two ſhillings and ſixpence. *ſ.* 10.

The penalties under this act, ſhall be recovered and applied as the penalties under 7 *Geo.* 3.—*ſ.* 11.

By 26 *Geo.* 3. *c.* 14. *For preventing frauds in the meaſurement of coals, ſold by wharf meaſure, between* Putney *and* Rotherhithe, *in* Surrey, there ſhall be continued, near *Blackfriars Bridge*, in *Surrey*, one public office, which ſhall be called, *The Land Coal Meter's Office for the ſeveral pariſhes of Putney, Wandſworth, Batterſea, Saint Mary at Lambeth, Chriſt Church, Saint Saviour's, Saint Olave, Saint Thomas, Saint John, Saint Mary Magdalen Bermondſey, and Saint Mary Rotherhithe, all in the county of Surrey*; and likewiſe five ſubordinate offices, (*viz.*) one at *Putney*, one at *Wandſworth*, one at *Batterſea*, one at *Lambeth*, and the other in or near *Tooley Street*, in *Southwark*; which offices ſhall, from 1 *June* 1786, for twenty-one years then next enſuing, be managed by *David Evans* and *John Burnett*, and the ſurvivor of them, who are hereby appointed to be the managers of ſuch offices: which ſhall be kept open every day (*Sundays* excepted) from 25 *March*

March to 25 *Sept.* from five in the morning till nine in the evening, and from 29 *September* to 25 *March*, from ſix in the morning till ſix in the evening. *ſ.* 1.

The ſaid principal land coal meters, and their ſervants, ſhall be ſubject to the control of any general courts of quarter ſeſſions to be holden within *Surrey*, and may be diſmiſſed and ſuſpended by the ſaid courts, upon complaint and proof of fraud, or miſbehaviour, in a ſummary way. *ſ.* 2.

In caſe of the death of either the ſaid *David Evans* or *John Burnett*, before the expiration of the ſaid term of twenty-one years, the ſaid office ſhall be managed by the ſurvivor of them (unleſs previouſly diſmiſſed or ſuſpended as aforeſaid) during the remainder of the ſaid term; and in caſe both ſhall die, or be diſmiſſed or ſuſpended, then, as often as any vacancy ſhall happen, the ſaid office ſhall be managed by ſuch perſon as ſhall be appointed in manner following; (*viz.*) the churchwardens for *Putney*, *Wandſworth*, *Batterſea*, *Lambeth*, *Chriſt Church*, *Saint Saviour's*, *Saint Olave*, *Saint Thomas*, *Saint John*, *Saint Mary Magdalen Bermondſey*, and *Saint Mary Rotherhithe*, in *Surrey*, ſhall by notice in writing ſpecify the occaſion, and ſigned by one of the deputies in the meter's office, and left at the place of abode of each churchwarden, be ſummoned to aſſemble at the ſaid office, at twelve o'clock, on a day mentioned in the notice, not exceeding ſix days from the date, at which meeting ſome perſon ſhall be choſen to ſucceed to the office; and ſuch perſon as ſhall, at the hour of three of the clock of that day, be elected by the majority of churchwardens there aſſembled, ſhall be the principal land coal meter, and veſted with the powers in this act. *ſ.* 4.

No perſon ſhall act as principal land coal meter under this act, until he ſhall, before two juſtices for *Surrey*, take and ſubſcribe an oath or affirmation, "That he will truly "and faithfully, according to the beſt of his judgment and "ability, execute the office." *ſ.* 5.

The perſon appointed to manage the ſaid office, is to appoint labouring coal meters at the wharfs within the limits (not leſs than thirteen, between *Nine Elms* and *Dock Head)*, and one deputy coal meter, and one labouring coal meter at each of the ſubordinate offices; one of which labouring meters ſhall attend every day (*Sundays* excepted) at the wharfs, at ſuch times as is required by the wharfinger or dealer, to meaſure, or ſee meaſured out the coals which ſhall be ſold by wharf meaſure. *ſ.* 6.

If the ſaid principal land coal meters ſhall not appoint labouring meters, ſuch principal meters ſhall forfeit twenty pounds; and if any labouring meter ſhall not attend and perform his duty, he ſhall forfeit five pounds. *ſ.* 7.

No perſon ſhall act as labouring coal meter, until he ſhall, before one juſtice for *Surrey*, take and ſubſcribe an oath or affirmation, "That he will duly and faithfully, to "the beſt of his ſkill and knowledge, execute the office, "and impartially meaſure, or ſee meaſured, all coals be-"tween buyer and ſeller, without favour or hatred." And the ſaid juſtices are to certify the oaths or affirmation to the next general quarter ſeſſions for *Surrey*, after taking, there to remain on record. *ſ.* 8.

If the principal meters or perſons under them, be directly or indirectly concerned in the ſale of coals, otherwiſe than in their offices, ſuch principal meters ſhall forfeit one hundred pounds, and ſuch deputy meter, and labouring meter, twenty pounds; and being convicted before the quarter ſeſſions, ſhall be diſmiſſed from employment, and be for ever diſabled from executing the ſame. *ſ.* 9.

Upon notice in writing to labouring meters, or left at their ſubordinate office, ſuch labouring meter ſhall attend within one hour, or ſooner, and do his duty, upon pain of twenty ſhillings; and the deputy, to whoſe office notice ſhall have been given, neglecting to ſend ſuch meter, ſhall alſo forfeit twenty ſhillings. *ſ.* 10.

The ſtations of labouring meters ſhall be frequently varied by the principal meters. *ſ.* 11.

All coals ſold for wharf meaſure, ſhall be meaſured in the preſence of one of the ſaid labouring meters, according to 16 & 17 *Car.* 2. and he is to fill up any buſhel deficient in meaſure, out of the ſtock of the perſon vending. *ſ.* 12.

Coal meter's fee 4*d.* Tickets to be delivered to the ſeller or carman. Tickets to be delivered by labouring meter to carman, and by him to the conſumer; and a penalty of 40*s.* is inflicted on labouring coal meter's refuſing to deliver ticket to the carman; and 10*s.* on the carman refuſing to deliver it to the conſumer. *ſ.* 13. *(See* 7 *Geo.* 3. *c.* 23. *ſ.* 11. *which is in the ſame words.)*

Penalty of 10*l.* on vendor for ſending coals unmeaſured or without a ticket. *ſ.* 14. *(See* 26 *Geo.* 3. *c.* 83. *ſ.* 5.)

Any wharfinger or dealer uſing any ſack of leſs than four feet in length, and two feet in breadth, or any falſe buſhel, convicted on oath or affirmation of two witneſſes, before one juſtice, ſhall forfeit five pounds. *ſ.* 15.

Any wharfinger or dealer giving to any labouring meter, any money, over the fourpence *per* chaldron for metage, ſhall forfeit fifty pounds. *ſ.* 16.

Any labouring meter uſing, or permitting to be uſed, ſacks leſs than four feet in length and two in breadth, ſhall forfeit forty ſhillings. *ſ.* 17.

Any labouring meter delivering a falſe or counterfeit ticket to any dealer, conſumer, carman, or other perſon, with intent to prejudice or defraud, or receiving any money, over the fourpence *per* chaldron, or making falſe meaſure, or delivering a ticket for any coals, the whole of which he ſhall not have ſeen meaſured, ſhall forfeit forty ſhillings, and be rendered incapable of ever ſerving as a coal meter; which if not paid within one month after conviction, ſhall be recovered from the principal coal meters. *ſ.* 18.

This act ſhall not extend to the owners of works for raiſing water by fire, nor to the owners of any coals bought, ſold, and delivered as pool meaſure; but if ſuch perſons require the care of any meter, then they ſhall pay the metage charge of fourpence a chaldron. *ſ.* 19.

If any labouring meter ſhall willingly ſuffer any coals ſold for wharf meaſure (exceeding ſeventeen buſhels) to be ſent from any wharf without being meaſured, without information thereof to the principal land meters or deputies at the office, within two days, ſhall be for ever incapable of acting as a labouring meter, and forfeit five pounds. *ſ.* 20.

The driver of any cart, delivering or ſuffering to be delivered or taken from ſuch cart, any coals, otherwiſe than to the owner or purchaſer, ſhall forfeit forty ſhillings; and in caſe of non-payment, ſhall be committed to the houſe of correction of *Surrey*, for not exceeding three months, nor leſs than one month. *ſ.* 21.

Coals may be re-meaſured by a principal meter, or one of the labouring meters, in the preſence of the vendor and purchaſer, and alſo in the preſence of one of the principal or labouring meters of *London* or *Weſtminſter*, *in the ſame manner as coals may be re-meaſured in* London, *under* 26 Geo. 3. c. 23. *ſ.* 10. *this clauſe being framed in the ſame words.—ſ.* 22.

Where any cart ſhall be ſtopped for re-meaſuring coals, the owner ſhall be entitled to two ſhillings and ſixpence

per hour, over the uſual cartage, which ſhall be paid by the vendor, in caſe the coals be deficient, or if not, by the purchaſer. *ſ.* 23.

Dealers offending under this act not liable to penalties of 3 *Geo.* 2. *c.* 26.—*ſ.* 24.

Penalties may be recovered if exceeding five pounds, by action, *&c.* in courts of record at *Weſtminſter*, one moiety to the king, and the other moiety (with coſts) to ſuch perſon who ſhall ſue, and all other forfeitures, by way of complaint, made unto one juſtice for *Surrey*, *who for this purpoſe hath the ſame powers as magiſtrates in* London *and* Middleſex, *this clauſe ſ.* 25. *being in the ſame words*, mutatis mutandis, *as ſec.* 22. *in* 7 *Geo.* 3. *c.* 23.

By *ſ.* 26. perſons aggrieved may appeal to the quarter ſeſſions, *in the ſame manner as under* 7 *Geo.* 3. *c.* 23. *ſ.* 23.

No *certiorari* ſhall remove any conviction or proceedings. *ſ.* 27.

Actions againſt perſons, for any thing done in purſuance of this act, ſhall be commenced within two months, and laid in *Surrey*, and the defendant may plead the general iſſue; and if the plaintiff ſhall become nonſuit, *&c.* the defendant ſhall have full coſts. *ſ.* 28.

Nothing in this act ſhall prejudice or take away any right, property, or juriſdiction of the mayor, commonalty, and citizens of the city of *London*, within the borough of *Southwark*, in *Surrey*. *ſ.* 29.

By 26 *Geo.* 3. *c.* 108. *For preventing frauds in the admeaſurement of coals within the city and liberty of* Weſtminſter, *and that part of the dutchy of* Lancaſter *adjoining thereto, and the pariſhes of* Saint Giles in the Fields, Saint Mary le Bon, *and ſuch part of* Saint Andrew Holborn, *as lies in* Middleſex, there ſhall be provided and continued within the city and liberty of *Weſtminſter*, one public office, called *The Land Coal Meters Office for the City and Liberty of* Weſtminſter, and ſhall be managed by *John Paulin* and *John Arbuthnot*, or in caſe of their death or removal, by ſuch other two perſons as ſhall be nominated by his majeſty; which two perſons ſhall be the principal land coal meters for the city and liberty of *Weſtminſter*; and ſuch office ſhall be kept open every day (*Sundays* excepted), from 25 *March* to 29 *Sept.* from five in the morning till nine in the evening, and from the 29 *Sept.* to 25 *March*, from ſix in the morning till ſix in the evening. *ſ.* 1.

The principal land coal meters ſhall, before two juſtices for *Weſtminſter*, take an oath or affirmation, "That "they will truly and faithfully, according to the beſt "of their judgment and ability, execute the office." *ſ.* 3.

The principal land coal meters are to appoint labouring coal meters, within the limits of this act; to attend every day (*Sundays* excepted), at ſuch of the coal wharfs, warehouſes, or other places of ſale, within the limits, at ſuch time as is required by the wharfinger or dealer, to meaſure out, or ſee meaſured, the coals ſold at any of the ſaid wharfs. *ſ.* 4.

The labouring coal meters ſhall, before one juſtice for *Weſtminſter*, take and ſubſcribe an oath or affirmation, "That he will duly and faithfully, to the beſt of his ſkill "and knowledge, execute the office, and truly and impar- "tially meaſure, or ſee meaſured, all coals between buyer "and ſeller, without favour or hatred." And the ſaid juſtice is to certify the oaths, *&c.* to the next general quarter ſeſſions of the peace for *Middleſex*, to remain on record. *ſ.* 5.

If the principal land coal meters, or any under them, ſhall be directly or indirectly concerned in the ſale of coals, ſuch principal land coal meter ſhall forfeit one hundred pounds, and ſuch labouring meter twenty pounds, and alſo being thereof convicted before the quarter ſeſſions, ſhall be diſmiſſed from his office, and for ever diſabled from holding the ſame, or any other, under this act. *ſ.* 6.

Upon notice in writing, or otherwiſe, given to any labouring meters, or left at the meters office, for a labouring meter to attend at any wharf to meaſure, or ſee meaſured, the coals of the perſon giving notice, ſuch labouring meter ſhall attend within one hour or ſooner, and do his duty, upon pain to forfeit twenty ſhillings, and the principal meters neglecting to ſend ſuch labouring meter, ſhall forfeit twenty ſhillings. *ſ.* 7.

The ſtations for the labouring meters ſhall be frequently varied by the principal meters. *ſ.* 8.

Coals ſold for wharf meaſure, ſhall be meaſured in the preſence of one of the labouring meters according to 16 *&* 17 *Car.* 2. *c.* 2. and the ſaid meters are to fill up any buſhel that ſhall appear deficient, out of the ſtock of the perſon vending. *ſ.* 10.

Fourpence for every chaldron ſold and delivered, ſhall be paid by the perſon who keeps the wharf, *&c.* where ſuch coals are carted, from or by the ſeller of ſuch coals to the principal meters, as a recompence for their trouble, and for defraying the charges of clerks, meſſengers, houſe rent, fire, candles, and other expences incident to the execution of the office, and for the hire of the labouring meters; and thereupon ſuch principal meters ſhall deliver to every ſeller, or the carman who ſhall cart, a ticket, ſigned by one of the principal meters, and counterſigned by the labouring meter attending and delivering the ſame, in which ſhall be contained the Chriſtian and ſurname of the ſellers and the conſumers, the quantity, and day, month, and year of delivery and admeaſurement, the amount of the metage charge, and the names of the carmen; and alſo ſhall contain a notice to the purchaſer, that if he is diſſatisfied with the meaſure, ſuch diſſatisfaction muſt be expreſſed to the carman before any part thereof is ſhot from the cart; which ticket being thus made complete, and metage paid, ſhall be delivered, unaltered, by the labouring meter counterſigning to the carman; which ticket, unaltered, the carman ſhall deliver to the conſumers, or their ſervant; and thereupon they are to pay to the ſeller, the metage therein ſpecified; and if the labouring meter counterſigning ſuch ticket ſhall not, after payment of the metage charge, deliver ſuch ticket to the carman, ſuch labouring meter ſhall forfeit 40*s.*; and if ſuch carman ſhall, after the ticket ſhall have been delivered to him, either alter, or neglect or refuſe to deliver the ſame to the conſumer, or ſervant, ſuch carman ſhall likewiſe forfeit 10*s.* *ſ.* 10.

If any cart loaded, or any quantity of coals exceeding ſeventeen buſhels ſhall be ſent from any wharf, without having been meaſured under the inſpection of the meters, or without ſuch ticket, then the vendor being convicted thereof by the oaths (or affirmation) of two witneſſes, before one juſtice for *Middleſex* or *Weſtminſter*, ſhall forfeit 10*l.* * *ſ.* 11.

No ſacks not full four feet four inches in length, and twenty-ſix inches in breadth, after made, ſhall be ſealed or marked at any office. *ſ.* 12.

If any wharfinger or carrier of coals ſhall uſe any ſack,

* The mode of conviction for penalties in the ſubſequent clauſes is the ſame.

leſs

leſs than four feet in length, and two feet in breadth, or ſhall wilfully make any falſe buſhel, he ſhall forfeit five pounds. *ſ.* 13.

If any wharfinger or dealer ſhall, directly or indirectly, give to any labouring meter, any money, or other reward, over the fourpence *per* chaldron, for metage, he ſhall forfeit fifty pounds. *ſ.* 14.

If any labouring meter ſhall uſe, or permit ſacks to be made uſe of, leſs than four feet in length, and two in breadth, he ſhall forfeit 40 *s.* *ſ.* 15.

If any labouring meter ſhall deliver a falſe or counterfeit ticket to any dealer, conſumer, carman, or other perſon, with intent to prejudice or defraud; or ſhall take any gratuity over the fourpence *per* chaldron, for metage; or if any ſuch labouring meter ſhall wilfully make, or ſuffer to be made, falſe meaſure of coals, or ſhall deliver a ticket for any quantity, the whole of which he ſhall not have ſeen meaſured, in any of the caſes, he ſhall be rendered incapable of ever ſerving thereafter in the office of a coal meter; and the principal meters ſhall, for every ſuch labouring meter ſo convicted, forfeit 40 *s.* *ſ.* 16.

This act ſhall not extend to the owners of works for raiſing water by fire, nor to the owners of any coals bought, ſold, and delivered for pool meaſure; but if ſuch perſons ſhall require the care or attendance of any meter, they ſhall pay the metage charge of fourpence the chaldron hereby laid. *ſ.* 17.

If any labouring meter ſhall willingly ſuffer any coals ſold for wharf meaſure (exceeding ſeventeen buſhels) to be ſent from any wharf, without being meaſured, as before directed, and ſhall not give information thereof to the principal meters, or their deputies at the office, within two days after, ſuch labouring meter ſhall be for ever incapable of acting as a labouring meter, within the limits, and forfeit five pounds. *ſ.* 18.

If the driver of any cart, or other perſon belonging thereto, or employed therewith, ſhall take or deliver, or ſuffer to be taken or delivered, from ſuch cart, any coals, otherwiſe than to the owner or purchaſer, ſuch perſon ſhall forfeit forty ſhillings; and, in caſe of nonpayment thereof, may be committed, by warrant under the hand and ſeal of the juſtice, to the houſe of correction, for not exceeding three months, nor leſs than one month. *ſ.* 19.

If any perſon, diſſatisfied with the meaſure of any coals ſold to him by wharf meaſure, ſhall, upon delivery of the meter's ticket, ſignify his deſire to have the ſame re-meaſured, then the carman ſhall continue at the houſe or lodging of the purchaſer, with the coals and cart, until they are re-meaſured, under the penalty of five pounds on the owner or proprietor, and 20 *s.* on the driver of the cart; and the purchaſer ſhall immediately ſend to the vendor, or to his or her wharf, notice in writing, that the coals are going to be re-meaſured, and alſo ſend notice thereof to the meters office; and thereupon a principal meter, or one of the labouring meters (not being the meter who meaſured), ſhall, within two hours after ſuch notice in writing left at the meters office, re-meaſure the ſame, ſack by ſack, in the preſence of the vendor and purchaſer, or their ſervants, and alſo in the preſence of one of the principal or labouring meters for the city of *London*, or for *Surrey*, between *Putney* and *Rotherhithe*, if ſuch purchaſer ſhall require the attendance of ſuch coal meter; who ſhall attend accordingly, within two hours after notice in writing left at ſuch laſt mentioned coal meters office; and ſuch laſt mentioned meters not attending purſuant to ſuch notice, ſhall forfeit five pounds: for which re-meaſurement the purchaſer ſhall pay the principal meters appointed by this act, and alſo ſuch other meter, from *London* or *Surrey*, as ſhall attend ſuch re-meaſurement, ſix pence each, for every chaldron of coals re-meaſured; and in caſe the coals re-meaſured ſhall not amount to the quantity for which they were ſold, then the vendor ſhall forfeit for every buſhel deficient, five pounds, and alſo every chaldron deficient, to the uſe of the poor where the coals ſhall be re-meaſured; and the labouring meter, under whoſe inſpection the coals were firſt meaſured, ſhall for every buſhel deficient, forfeit five pounds, which, if not paid within five days after conviction, ſhall be recovered from the principal land coal meter; and the coal porters, who ſhall meaſure for the vendor, ſhall, for every buſhel ſo wanting, forfeit 2 *s.* 6 *d.* *ſ.* 20.

Where any cart ſhall be ſtopped for re-meaſuring the coals, the owner ſhall be entitled to two ſhillings and ſix pence *per* hour for every hour the cart ſhall be detained (over the uſual cartage), to be paid by the vendor, in caſe the coals be deficient in meaſure; or by the purchaſer, in caſe they amount to the quantity for which they were ſold. *ſ.* 21.

No ſeller of or dealer in coals, ſhall be ſubject to any other penalty, than what is herein inflicted; any thing in 3 *Geo.* 2. notwithſtanding. *ſ.* 22.

The juſtices for *Middleſex* or *Weſtminſter*, in general or quarter ſeſſion, are to inquire into, hear, and determine any complaint of fraud, neglect, or miſbehaviour of the principal land coal meters; and if any ſuch meter ſhall be found guilty of any fraud, neglect, or miſbehaviour, he ſhall forfeit for the uſe of his majeſty, ſuch fine as the court before whom ſuch complaint ſhall be made ſhall think fit, not exceeding forty pounds, together with ſuch coſts as the court ſhall award, and in default thereof, be committed to the houſe of correction for the ſaid county till ſuch fine and coſts are paid. *ſ.* 23.

The penalties (the manner of recovering whereof is not otherwiſe directed) ſhall be recovered and applied, where they exceed five pounds, by action of debt, *&c.* in any courts of record at *Weſtminſter*, one moiety to the king, and the other (with full coſts) to ſuch perſon who ſhall inform; and all other penalties ſhall be recovered by way of complaint made unto any one juſtice, who is to call the parties before him, and examine ſuch complaint, on oath, or affirmation, and upon due proof thereof made, to his ſatisfaction, to grant a warrant for levying ſuch penalties; one moiety whereof ſhall be applied to the uſe of the informer, and the other moiety to the uſe of the poor; and, in caſe ſuch laſt penalties ſhall not (after conviction) be forthwith paid, then the ſame ſhall be levied by diſtreſs and ſale, *&c.*; and when paid or recovered, ſhall be immediately tranſmitted by the juſtice to the overſeers of the poor of the pariſh where the perſon complaining ſhall reſide, for the uſe of the poor; and, for want of diſtreſs, ſuch offender ſhall be committed to the houſe of correction, for not exceeding thirty, nor leſs than ſeven days, there to be kept to hard labour. *ſ.* 24.

Perſons aggrieved may appeal to the quarter ſeſſions. The court to award coſts, *&c.* Conviction not to be quaſhed for want of form only. *ſ.* 25. *See* 7 *Geo.* 3. *c.* 23. *ſ.* 23.

No *certiorari* ſhall remove the record of any conviction or proceedings, into any courts of record at *Weſtminſter*. *ſ.* 26.

This act ſhall be in force until the twenty-fourth day of *June* 1795, and from thence to the end of the then next ſeſſion of parliament. *ſ.* 27.

Actions againſt any perſon for any thing done in purſuance

ſuance of this act, ſhall be commenced within 2 months, and ſhall be laid in *Middleſex*; and the defendant may plead the general iſſue: and if a verdict ſhall paſs againſt the plaintiff, *&c.* the defendant ſhall have full coſts. *ſ.* 28.

To indemnify the London *coal buyers from actions brought againſt them under* 9 Ann. c. 28. *and* 3 Geo. 2. c. 26. *for receiving allowances from the owners of collieries, and which had been the exiſting cuſtom when they imbarked in trade; and to prevent the ruin which would attend many perſons, if the informers ſhould ſucceed in ſuch actions:* IT WAS ENACTED, by 28 *Geo.* 3. *c.* 53. that all perſons againſt whom any action or information hath been brought, or ſhall be brought, for any penalty incurred before the paſſing of this act, by reaſon of 9 *Ann. c.* 28. *ſ.* 3. and 3 *Geo.* 2. *c.* 26. *ſ.* 4. ſhall be hereby indemnified and diſcharged from all penalties incurred by reaſon of the proviſions of the ſaid acts: provided that all coſts incurred in proſecuting ſuch action or information, ſhall be borne and diſcharged by the perſon againſt whom ſuch action, *&c.* hath been brought: but this act ſhall not indemnify any perſon againſt whom final judgment ſhall have been given. *ſ.* 1.

A number of coal buyers having formed a ſociety at the Coal Exchange, London, *to regulate the trade,* IT IS ENACTED *by the ſame act,* that any number of perſons united in covenants or partnerſhips, or in any way whatſoever, conſiſting of more than five perſons, for the purchaſing of coals for ſale, or for making regulations as to the manner of carrying on the ſaid trade in coals, ſhall be deemed to be an unlawful combination to advance the price of coals; and every perſon concerned therein, ſhall be puniſhed by indictment or information in the court of king's bench at *Weſtminſter. ſ.* 2.

Coopers.

By 23 *Hen.* 8. *c.* 4. The wardens of the myſtery of coopers in *London*, taking with them an officer of the mayor's, ſhall have power to ſearch and gauge all barrels and other veſſels to be made for ale, beer and ſoap, to be put to ſale in *London*, and within two miles without the ſuburbs; and to mark every ſuch barrel and other veſſel with *St. Anthony's Croſs.* The ſame wardens to have for the ſearch and gauging of every ſuch barrel and other veſſel one farthing, of the owners or makers; and ſhall have authority to retain every ſuch veſſel as they ſhall ſo gauge and mark, until they be ſatisfied thereof: and in caſe they ſhall find any of the ſaid veſſels defective, they may ſeize and retain every ſuch veſſel, and cauſe the ſame to be marked or amended, or elſe to be burned. *ſ.* 7.

The owner of ſuch veſſel ſhall forfeit for every ſuch veſſel not being of the full contents, 12 *d.* to be recovered and employed as aboveſaid. *ſ.* 8.

Corn.

By 21 *Geo.* 3. *c.* 50. The common prices of *Engliſh* corn or grain, *viz.* wheat, rye, peaſe, beans, barley, malt, beer, bigg, and oats, as well within the city of *London* and port thereof, as within the counties of *Kent* and *Eſſex*, wherein foreign corn, *&c.* ſhall be imported, ſhall, for regulating the duties payable on importation, be regulated by the prices of *Engliſh* corn within *London*, by the proviſions herein-after contained in this act. *ſ.* 2.

The perſon who ſhall be under this act appointed inſpector of the returns of corn, in manner after mentioned, ſhall demand and receive from every corn factor, dealing by commiſſion in the ſale of corn or grain, within the *Corn Exchange*, in *Mark Lane*, within the city, a true weekly account or return (which ſhall be weekly demanded, and received, within three days after the expiration of every week) of the quantities of corn or grain (each quantity and ſort being diſtinctly marked and claſſed) by him *bona fide* ſold and delivered during ſuch week; in which return ſhall be inſerted, as well the price for which each quantity ſhall have been by the perſon ſo dealing *bona fide* ſold and delivered during ſuch week, as alſo the real name of the purchaſers; and which ſaid weekly return ſhall be ſigned or atteſted by each corn factor delivering the ſame, or by the perſon uſually employed by him: and the ſaid inſpector thereupon is within three days thereafter, from the ſeveral and ſeparate weekly returns by him demanded and received, to make up and diſtinguiſh the aggregate quantity of each ſort of corn or grain in the ſeveral and ſeparate weekly returns contained; and alſo compute the prices for which ſuch aggregate quantity of corn or grain hath been *bona fide*, during ſuch week, ſold and delivered; and alſo compute therefrom the average prices of each ſort of corn or grain during ſuch week *bona fide* ſold and delivered; the amount of which aggregate quantities and prices, and alſo the average prices ſo computed, ſhall be written in a book for that purpoſe: and the ſaid inſpector is to publiſh once in every week, a tranſcript of the amount of ſuch aggregate quantities and prices, and alſo the average prices thereof, in the *London Gazette*; which average prices, ſo publiſhed, ſhall be deemed the real average prices of each ſort of corn or grain, as well in the public markets within *Kent* and *Eſſex*, as in the city of *London*, and port thereof, whence the corn or grain may be exported, and whereby the bounties payable on corn or grain exported ſhall henceforth, within *Kent* and *Eſſex*, and the city of *London* and port thereof, be governed. *ſ.* 4.

The ſecretary or clerk at the *Corn Exchange*, is, upon requiſition of the inſpector, to deliver to him in writing the names of every corn factor dealing by commiſſion in the ſaid market, and alſo his place of abode, if known and demanded; and upon refuſal thereof, or wilful delay or negligence therein, and complaint made upon oath before the lord mayor, or one alderman, the ſaid ſecretary or clerk ſhall be ſummoned to appear and anſwer touching the complaint; and in caſe he ſhall not obey ſuch ſummons, or on hearing of the complaint ſhall be adjudged guilty thereof, the ſaid lord mayor or one of the aldermen may fine the ſaid ſecretary or clerk, not exceeding twenty nor leſs than ten ſhillings; which fine is to be paid to the uſe of the inſpector. *ſ.* 5.

The ſaid inſpector ſhall provide a book, wherein he ſhall inſert a liſt of the names of every corn factor dealing by commiſſion in the corn exchange, and alſo his place of abode (ſuch liſt to be corrected, as occaſion ſhall require); which ſaid book ſhall be kept in his cuſtody, and may be produced as herein-after directed. *ſ.* 6.

The ſaid ſeparate and ſeveral weekly returns, by him demanded, and received, ſhall be filed and depoſited in the office of the ſaid inſpector; which ſaid returns, or ſo many thereof as may be neceſſary and are required, may be taken therefrom, and produced by the inſpector for the purpoſes herein after directed, and none other, and ſhall, after production, be by him again filed; and no perſon, except as above excepted, and except the corn-factor who ſhall have delivered ſuch return ſhall inſpect the ſame. *ſ.* 7.

In caſe any perſon ſhall, within one month after the delivery of any return, ſuſpect the ſame to be fraudulent, the perſon ſo ſuſpecting may ſpecify in writing to the inſpector, whoſe return and in what week made, and wherein he ſuſpect the ſame to be fraudulent; whereupon the ſaid

inſpector is by reference had to ſuch weekly return, the ſame, either in the whole or in part, as may be neceſſary, to tranſcribe, and to deliver ſuch tranſcript, ſigned with his name, to the perſon making ſuch ſpecification as aforeſaid, from the ſaid perſon receiving, upon delivery thereof, one penny for every word therein contained, for his own uſe. *ſ.* 8.

The perſon receiving ſuch tranſcript may, at any quarter ſeſſions for *London* that ſhall next enſue the receipt thereof, exhibit informations againſt any corn dealer who ſhall have delivered in to the inſpector any ſuch weekly return ſuſpected to be fraudulent; and if the corn dealer be convicted of the offence, by the oath of one witneſs, or by his own confeſſion, then the party convicted ſhall immediately pay to the informer not exceeding ten nor leſs than five pounds, for the uſe of ſuch perſon who ſhall have exhibited ſuch information. *ſ.* 9.

The ſaid inſpector ſhall make up, compute, and diſtinguiſh, from the whole number of weekly accounts of the weekly aggregate quantities of each ſort of corn or grain by him made up, and alſo of the prices and average prices thereof, that ſhall have been ſo made up, from the firſt weekly accounts or returns by him from every corn factor taken, to thoſe incluſively which ſhall have been by him made up, to the end of the laſt entire week that ſhall immediately precede the ſeſſions to be holden for *London* for *April* 1782; and ſo thenceforward from time to time, ſeſſion to ſeſſion, as herein-after directed, in like manner make up, form, compute, and properly diſtinguiſh (and the ſame being made up, to inſert in a book for that purpoſe), the general aggregate quantity of each ſort of corn or grain that ſhall appear to have been *bona fide* ſold and delivered, during the whole number of ſuch ſeveral weeks, and alſo the prices and average prices thereof. *ſ.* 10.

On the firſt day of every ſeſſions that ſhall be holden for the ſaid city in *July*, *October*, *January*, and *April*, yearly, in open court, to the lord mayor, aldermen, and juſtices for the ſaid city, there aſſembled, the ſaid inſpector ſhall deliver the ſaid book (the ſame to him being afterwards re-delivered) into which the ſaid accounts of the general aggregate quantities of corn or grain, the prices and average prices thereof, have been inſerted; and upon ſuch delivery verify upon oath, that the ſame are fairly made up, to the beſt of his power, ſkill, and judgment, and according to this act. *ſ.* 11.

The general average prices of each ſort of corn or grain, ſo thereby formed and diſtinguiſhed, on the whole number of ſuch weekly ſtates or returns of average prices, ſhall be deemed to be the common prices of middling *Engliſh* corn or grain, of the ſorts therein mentioned, during the time to which the prices ſhall refer, as well within *Kent* and *Eſſex*, as within *London*, wherein foreign corn or grain may be imported; and which ſaid general average prices, the lord mayor, aldermen, and juſtices are to cauſe to be publiſhed in the *London Gazette*, once in four ſeveral weeks immediately ſucceeding ſuch ſeſſions reſpectively, the expence of which publication ſhall be paid out of any monies in the hands of the ſaid inſpector; and alſo to certify the ſame unto the chief officer and collector of the cuſtoms for *London*; who ſhall thereupon tranſmit copies thereof to the chief officers and collectors reſiding in the ports in *Kent* and *Eſſex*, wherein foreign corn or grain may be imported; and which ſaid certificate, and copies thereof, ſhall be hung up in ſome public place in the cuſtom-houſes thereto belonging, to which all perſons may reſort for information; and according to which general average prices ſo publiſhed and certified, ſhall be paid the duties payable on the importation of foreign corn or grain, in *Kent*, *Eſſex*, and *London*, and by no other rule. *ſ.* 12.

The proprietors of the *Corn Exchange* in *Mark Lane*, or the major part of them, entruſted with the management and direction thereof, are within ſix weeks after paſſing this act, by writing under their hands and ſeals, to appoint a perſon to perform all matters and things by him required to be performed by this act; which perſon ſhall in ſuch appointment be ſtyled *Inſpector of Corn Returns for the City of* London; and within one month after ſuch appointment, and acceptance thereof, ſhall deliver the ſaid appointment, under the hands and ſeals of the ſaid proprietors, or the major part of them, to the lord mayor, or one of the aldermen, who ſhall receive and deliver at the ſeſſions next following thereto, ſuch appointment, to be regiſtered and preſerved during the continuance of ſuch perſon in office; and before whom the ſaid inſpector ſhall take an oath, that he will, during his continuance in office, diligently, faithfully, and honeſtly execute the ſame; a certificate of which oath ſhall alſo be delivered at the ſaid ſeſſions, and there regiſtered: and the ſaid proprietors, or the major part of them, are to fix upon, and diſpoſe, furniſh, and complete, out of the monies ariſing from the ſaid eſtate, and to keep in repair, a proper office, either within the *Corn Exchange*, or near thereunto, for the uſe of the ſaid perſon; wherein all books, papers, and returns, ſhall be filed or depoſited, and in or over which ſhall be written or printed, *Office of Corn Returns*. *ſ.* 14.

In caſe of removal by death or otherwiſe, or by reſignation of the inſpector, the ſaid office ſhall become vacant, the proprietors are within one month after to appoint a fit perſon, under their hands and ſeals (except in the caſe herein-after mentioned) to execute the office; who, on delivering the appointment, and taking ſuch oath as aforeſaid, ſhall be enabled to execute the office, and entitled to the ſalary in manner after mentioned. *ſ.* 15.

The proprietors may, during any extreme ſickneſs of the inſpector, whereby he may be unable, for one week, to execute the duties of his office, either at the requeſt of any corn factor, or other perſon, in writing, or without, under their hands and ſeals, appoint a fit perſon to execute the office during ſuch diſability; who ſhall thereupon deliver the appointment to the lord mayor, or one of the aldermen, and ſhall before him make oath, that he will faithfully execute, during ſuch diſability, all the duties of the office of inſpector, and deliver all accounts, returns, books, or papers to the inſpector, when he ſhall be again able to execute the ſame, or to ſuch other perſon who may be appointed to the office; and which ſaid appointment, and alſo a certificate under the hand of the lord mayor, or one of the aldermen, before whom the ſaid oath ſhall have been made, of having taken ſuch oath, ſhall, at the ſeſſions next enſuing thereto, be preſented to the ſaid court, and then and there recorded; whereupon the ſaid perſon may demand and receive, for his trouble, from the ſaid inſpector, out of the ſalary to the ſaid office hereby appropriated as hereafter directed, ſuch ſum as the lord mayor, aldermen, and juſtices ſhall by order under their hands and ſeals direct. *ſ.* 16.

In caſe the proprietors ſhall neglect for one week (after the diſability of the inſpector to execute his office has been ſignified as aforeſaid, or otherwiſe come to their knowledge, ſufficient proof thereof being given to the lord mayor) ſo to appoint a perſon as aforeſaid, then the lord mayor may appoint a perſon who ſhall, within three days thereafter, take ſuch oath as aforeſaid; and upon the certificate thereof, and the ſaid appointment being delivered to and entered at the ſeſſions next enſuing thereto, the ſaid perſon ſhall receive a compenſation for his trouble as aforeſaid. *ſ.* 17.

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In caſe the proprietors ſhall not, within the time by this act required, meet and elect, and under their hands and ſeals appoint a perſon for the execution of the office, the ſaid lord mayor, aldermen, and juſtices are at the ſeſſions to elect and appoint a proper perſon to execute the office of inſpector; whoſe appointment ſhall be then and there regiſtered; and who ſhall take ſuch oath as is before directed, for the faithful execution of his office; a certificate of having taken which oath ſhall alſo be then regiſtered. *ſ.* 18.

No inſpector (except the perſon appointed to execute the office during ſuch diſability through ſickneſs as aforeſaid) ſhall be removable, but upon complaint of miſbehaviour in his office to the ſeſſions made, and then and there heard and adjudged; in which caſe the lord mayor, aldermen, and juſtices may, unleſs they ſee cauſe to the contrary, remove the ſaid perſon from his office; and they ſhall thereupon ſignify ſuch removal to the ſecretary or clerk of the *Corn Exchange* in caſe the appointment of the inſpector be in the ſaid proprietors, in order to proceed to the election of ſome other perſon in the room of the inſpector removed, and to which election they ſhall proceed, as before directed, within one week after the ſignification of ſuch removal; but in caſe the proprietors ſhall neglect ſo to do, or in caſe the appointment of the inſpector ſhall be by the lord mayor, aldermen, and juſtices, then the lord mayor, aldermen, and juſtices, ſhall proceed to ſuch re-appointment and re-election within the ſaid ſeſſions, or at an adjournment of the ſame held within one week thereafter. *ſ.* 19.

The lord mayor, aldermen, and juſtices may examine the inſpector of corn returns, upon the delivery thereof, in open court at any of the ſeſſions, whether any and what corn factor has neglected or refuſed to deliver (the ſame having been demanded) ſuch weekly returns of ſale and delivery as are by this act directed; and in caſe of any neglect or refuſal, the perſon ſo charged ſhall be ſummoned to appear on a certain day within the ſeſſions, in caſe the ſame ſhall continue longer than one day; but if not, then on the firſt day of the next enſuing ſeſſion, to anſwer touching the ſame; and if it ſhall then appear, that the perſon ſummoned hath refuſed or wilfully neglected to deliver ſuch weekly return, or in caſe the ſaid perſon ſummoned ſhall not appear, on proof of the ſervice of the ſummons, then, the lord mayor, aldermen, and juſtices, ſhall fine the perſon offending, for every neglect or refuſal, not more than ten nor leſs than five pounds; one moiety to be applied to ſuch uſe as in the diſcretion of the court ſhall be thought fit; the other moiety thereof to the uſe of the inſpector; unleſs the perſon ſummoned was by ſome ſufficient cauſe prevented from appearing. *ſ.* 20.

The inſpector, or perſon executing the office, may demand and receive from every corn factor, one halfpenny *per* laſt, on all corn and grain which ſhall appear by the weekly returns to have been by him ſold and delivered; the groſs amount of which ſums collected ſhall, by the ſaid inſpector, be twice in every year, that is to ſay, at the ſeſſions in *October* and *April* yearly, to the lord mayor, aldermen, and juſtices, in writing, ſtated and preſented; and the lord mayor, aldermen, and juſtices are, under their hands and ſeals, to empower the ſaid inſpector, out of the ſaid ſums collected, to retain to his own uſe not exceeding one hundred and twenty pounds *per annum*, nor leſs than one hundred pounds; from which ſaid ſum ſhall always be firſt deducted ſuch ſums as ſhall by the ſaid lord mayor, aldermen, and juſtices, be directed to be paid to any perſon then executing, or who hath executed the office during ſuch diſability as aforeſaid; and the reſidue of the money ſo collected ſhall be paid over to the proprietors of the *Corn Exchange*, for the benefit of the eſtate, and to repay thereunto all ſuch monies as may have been expended in providing and keeping in repair ſuch office; and the inſpector ſhall, after ſuch payment, be for ever exonerated therefrom. *ſ.* 21.

The lord mayor, aldermen, and juſtices, at any ſeſſions in *April*, *July*, *October*, and *January* yearly, may examine, and the inſpector is to declare, whether any of the corn factors have neglected or refuſed to pay (the ſame having been demanded) any money from him due upon his weekly returns of corn by him ſold and delivered; and in caſe it ſhall ſo appear and be adjudged, then, by diſtreſs and ſale of the goods of the party offending, ſhall be levied ſuch money as ſhall be thereupon due; and after rendering the overplus (if any) to the party (the charges of ſuch diſtreſs and ſale being firſt deducted), the ſums levied ſhall be paid over to the inſpector, and applied as before enacted. *ſ.* 22.

No perſon appointed inſpector (except ſuch who ſhall, during any diſability as aforeſaid, execute the ſame) ſhall hold the office, or be entitled to any compenſation therefrom, unleſs, at the ſeſſions next after appointment, he ſhall render to the lord mayor, aldermen, and juſtices, ſufficient ſecurity, not leſs than two hundred, nor more than three hundred pounds, for the faithful accounting and payment of all monies received by him by virtue of this act. *ſ.* 23.

All penalties and forfeitures may be levied by diſtreſs and ſale of the offender's goods, by warrant from the lord mayor, aldermen, and juſtices, or under the hand and ſeal of the lord mayor or aldermen, before whom any offender ſhall be convicted, which warrant they are to grant upon information of one witneſs, upon oath, rendering the overplus (if any), after payment of the penalties, when demanded, to the party whoſe goods ſhall be diſtrained; the charges of diſtreſs and ſale being firſt deducted. *ſ.* 24.

The lord mayor, aldermen, and juſtices, or the lord mayor or alderman, may cauſe the conviction to be drawn up in the following form:

City of *London*, to wit. } '*Be it remembered, That on the* ——— '*day of* ——— *in the* ——— *year of* '*his majeſty's reign*, A. B. *is convicted before* ——— '*by virtue of an act, made in the twenty-firſt year of the* '*reign of his majeſty king* George *the third, for further* '*regulating and aſcertaining the importation and exporta-* '*tion of corn and grain, within ſeveral ports and places* '*therein mentioned.* [Specifying the offence, as the caſe '*ſhall be.*]

'*Given under our hands and ſeals*, [or *hand and* '*ſeal*], *the day and year firſt above mentioned.*'

No proceedings ſhall be quaſhed for want of form, or be removable by *certiorari* into any courts of record at *Weſtminſter*. *ſ.* 25.

Nothing in this act ſhall alter, leſſen, or defeat, any privilege or franchiſe, which the mayor and commonalty and citizens of *London* have, claim, or enjoy, of appointing any market for the ſale of corn within the city and liberties thereof. *ſ.* 26.

By 29 *Geo.* 3. *c.* 58. Every corn factor, from whom any return is required by 21 *Geo.* 3. *c.* 50. ſhall, within one month next after paſſing of this act, or within one month from the time he ſhall begin to deal by commiſſion in the ſale of corn and grain, take the following oath, or (being quaker) affirm;

" *I* A. B. *do ſwear* [*or affirm*], *that the returns of the* " *prices and quantities of* Britiſh *corn and grain, which* " *henceforward ſhall be by or for me ſold and delivered, ſhall,* " *to the beſt of my knowledge and belief, contain the whole* " *quantity, and no more, of the corn* bona fide *ſold and deli-* " *vered by or for me within the period to which they ſhall* " *refer, with the prices and names of the buyers reſpectively,* " *and to the beſt of my judgment, conformable to the di-* " *rections of an act paſſed in the twenty-firſt year of the* " *reign of his preſent majeſty, intituled,* An act for further " regulating and aſcertaining the importation and export- " ation of corn and grain, within the ſeveral ports and places " therein mentioned."

Which oath or affirmation the lord mayor is to adminiſter, and to grant a certificate thereof, to be regiſtered by the inſpector; and in caſe any perſon ſhall carry on the buſineſs of a corn factor without taking the ſaid oath, ſuch perſon ſhall forfeit fifty pounds, to be recovered by warrant of diſtreſs and ſale, and applied as the penalties impoſed by the ſaid act. *ſ.* 1.

The inſpector ſhall and may demand, and receive, from *every corn factor in the city of* London, *or in the ſuburbs thereof,* a true weekly account or return of the quantities of corn or grain that ſhall be brought into the river *Thames*, eaſtward of *London Bridge*, of the ſorts (mentioned in the ſaid act) by him *bona fide* ſold and delivered during the preceding week; in which return ſhall be inſerted the price *per* quarter, and the amount of every parcel, with the total quantity and value of each claſs, as alſo the names of the purchaſers; the ſaid returns to be charged with one halfpenny for every laſt or ten quarters contained in them, and be delivered to the inſpector at the *Corn Exchange*, or ſent to his office within the time limited by the ſaid act. *ſ.* 2.

All foreign corn and grain, when delivered out of any ſhip in the port of *London*, ſhall be charged with one penny for every laſt or ten quarters, and the inſpector may demand and receive the ſame from every corn factor, or importer, on whoſe account ſuch foreign corn, *&c.* ſhall be delivered out of the ſhip in which the ſame was imported; and the corn factor or importer ſhall deliver a true account of the quantity of the ſaid corn to the inſpector, within one week after delivery from the ſhip; and the inſpector may be paid not exceeding eighty pounds *per annum* more than he is at preſent allowed, as the lord mayor, aldermen, and juſtices at quarter ſeſſions, ſhall order out of the monies collected by virtue of this act. *ſ.* 3.

The general average prices of *Britiſh* corn or grain ſo thereby computed, on the whole number of weekly returns, ſhall be deemed the common price of middling *Britiſh* corn, during the time to which the ſaid general average prices ſhall refer, as well within *London*, as within *Eſſex*, *Kent*, and *Suſſex*; and which ſaid general average prices, the ſaid lord mayor, aldermen, and juſtices, are to cauſe to be publiſhed in the *London Gazette*, once in each of the four ſeveral weeks immediately ſucceeding ſuch ſeſſions reſpectively; the expences of which publication ſhall be paid out of any monies in the hands of the inſpector; and alſo immediately to certify the ſame unto the collector, or other chief officers of the cuſtoms for the port of *London*, who ſhall thereupon tranſmit a copy thereof to the collectors and other chief officers for the ports, within *Eſſex*, *Kent*, and *Suſſex*: a copy of which certificate ſhall be hung up in ſome public place in the cuſtom houſes thereto belonging, to which all perſons may reſort for information; and whenever it ſhall appear, from ſuch returns ſo publiſhed, or certified, that the prices of grain are at or above the prices ſpecified in 13 *Geo.* 3. *c.* 43. then it ſhall be lawful to import, where uſual, within *London* and *Eſſex*, *Kent* and *Suſſex*, all ſuch ſpecies of corn and grain as ſhall be certified to be at or above ſuch rates, upon payment of the *low duties*; and the duties payable on importation ſhall be paid according to ſuch general average prices ſo publiſhed in the *London Gazette*, or certified as aforeſaid, and by no other rule. *ſ.* 4.

The inſpector ſhall every week ſend to the collector, or other chief officer of cuſtoms, for *London* (who ſhall thereupon tranſmit copies thereof to the officers for the ports, within *Eſſex*, *Kent*, and *Suſſex*) the week's account which by this act he is directed to take; and whenever any *Britiſh* corn or grain ſhall be exported from *London*, or from *Eſſex*, *Kent*, and *Suſſex*, the entry for exportation may be made, and the bounty thereon ſhall be paid, according to the weekly average of the price of ſuch corn within the ſaid city, as the ſame ſhall appear from the accounts tranſmitted to the officer, by the inſpector, until a new average ſhall be formed and tranſmitted to ſuch officers, and by them received. *ſ.* 5.

The inſpector ſhall make up, compute, and diſtinguiſh upon the ſix weekly accounts immediately preceding each ſeſſions, the general aggregate quantity, and price thereof, of each ſort of *Britiſh* corn or grain (oats only excepted) that ſhall appear to have been *bona fide* ſold or delivered during the ſaid ſix weeks, and alſo the average prices thereof; and the ſame being made up, *&c.* as preſcribed by the recited act for the quarterly returns by him required to be made, ſhall deliver to the lord mayor, aldermen, and juſtices, whenever ſuch ſeſſions ſhall be held, and ſhall alſo verify the ſame upon oath, as preſcribed by the ſaid act. *ſ.* 6.

All corn factors, or ſellers of corn, in the port of the city of *London (the duty upon rape ſeed imported from* Ireland *being regulated by the prices of corn)* ſhall include and return the quantities and prices of *Britiſh* rape ſeed ſold and bought in their weekly accounts, to the receiver of corn returns in *London*, who ſhall thereupon compute the average price of ſuch rape ſeed at the port of *London*, and tranſmit accounts of the ſame at the periods and times herein-before directed for the tranſmitting of the returns of corn and other grain to the collectors or chief officers of the cuſtoms, for the purpoſes aforeſaid. *ſ.* 19.

Debt and Debtors.

By 3 *Jac.* 1. *c.* 15. Every citizen and freeman of *London*, and every other perſon inhabiting within the city or liberties, being a tradeſman, victualler, or a labouring man, which ſhall have any debt owing to him not amounting to 40 *s.* by any citizen or other perſon being a victualler, tradeſman or labouring man, inhabiting within the city or liberties, may cauſe ſuch debtor to be ſummoned by the beadle of the court of requeſts, called the court of conſcience, in *Guildhall*, by writing left at the dwelling-houſe, or other reaſonable warning, to appear before the commiſſioners of the court of requeſts; and the commiſſioners, or any three of them, ſhall have power to ſet down ſuch orders between ſuch parties as ſhall ſtand with equity and good conſcience; ſuch orders to be regiſtered. *ſ.* 2.

The commiſſioners may miniſter an oath to the plaintiff or defendant, and alſo to witneſſes. *ſ.* 3.

If in any action for debt, ſued againſt any the perſons aforeſaid, in any the king's courts out of the court of requeſts, it ſhall appear to the judges, that the debt doth not amount to 40 *s.* and the defendant ſhall prove by his own oath that ſuch defendant was inhabiting in the city of *London*, the ſaid judges ſhall not allow the plaintiff any coſts,

coſts, but ſhall award that the plaintiff ſhall pay coſts to the defendant. *ſ.* 4.

If any ſuch creditor or debtor, after warning given, ſhall without cauſe or excuſe refuſe to appear in the ſaid court, or ſhall not perform ſuch order as the commiſſioners ſhall ſet down, the officer of the court, or any of the ſerjeants at mace, by order of the commiſſioners, may commit ſuch party to the counter, until he perform the order of the commiſſioners. *ſ.* 5.

This act ſhall not extend to any debt for rent, or other real contract, nor to any debt by reaſon of any cauſe concerning teſtament or matrimony, or any thing belonging to the eccleſiaſtical court. *ſ.* 6.

By 14 *Geo.* 2. *c.* 10. Every citizen and freeman of *London*, and every other perſon inhabiting within the ſaid city or liberties, and every perſon who rents or keeps any ſhop, ſhed, ſtall or ſtand, or ſeeks a livelihood in the ſaid city or liberties, which have any debt owing to him not exceeding 40*s.* by any perſon inhabiting or ſeeking a livelihood within the ſaid city or liberties, during their reſpective inhabiting there, may cauſe ſuch debtor to be ſummoned by any of the beadles or officers of the court of requeſts, by writing left at the dwelling houſe, lodgings, ſhop, ſhed, ſtall, or ſtand, or any other place of ſeeking a livelihood of ſuch debtor, or by any other reaſonable notice, to appear before the commiſſioners of the court of requeſts holden in the *Guildhall* of the ſaid city. And the ſaid commiſſioners, or three of them, ſhall after ſummons ſet down ſuch orders between ſuch parties as ſtand with equity and good conſcience; all ſuch orders to be regiſtered in a book as they have been accuſtomed to be. *ſ.* 1.

If any perſon contemptuouſly affront any of the commiſſioners of the ſaid court during the time of their ſitting, the commiſſioners then ſitting, or three, may certify under their hands and ſeals the name of the perſon offending, and the nature of his offence, to the lord mayor of *London*; who ſhall ſummon ſuch perſon before him; and upon his appearance, and the fact alledged being proved upon the oath of one or more witneſſes, or in default of his appearance, ſhall puniſh the perſon ſo offending by fine or impriſonment, or both; provided the fine do not exceed 20*s.* and impriſonment be for no longer than ten days. *ſ.* 2.

Upon the non-payment of the ſaid fine, the lord mayor may iſſue a warrant for levying the ſaid fine on the goods and chattels of every offender, and to cauſe ſale to be made thereof, in caſe they be not redeemed in five days; which fine when levied ſhall be paid over to the churchwardens or overſeers of the poor of the pariſh, wherein ſuch offender inhabits or ſeeks a livelihood. *ſ.* 3.

The number of beadles or officers employed in the execution of the orders of the ſaid commiſſioners, may, by the court of lord mayor and aldermen of *London*, be enlarged to two or more, not exceeding four. *ſ.* 4.

The act 3 *Jac.* 1. *c.* 15. and all things therein not hereby altered, ſhall continue in force, and extend to all perſons to whom this preſent act doth extend. *ſ.* 5.

If any action be brought for any thing done in purſuance of this act, or 3 *Jac.* 1. *c.* 15. the action ſhall be brought within ſix months; and ſhall be laid in the city of *London*: and the defendant may plead the general iſſue; and if the plaintiff become nonſuited, *&c.* the defendant ſhall recover double coſts. *ſ.* 6.

By 22 *Geo.* 2. *c.* 47. Such pariſhioners of the pariſhes within *Southwark*, and of the pariſhes of *St. Saviour*, *St. Mary* at *Newington*, *St. Mary Magdalen Bermondſey*, *Chriſt Church*, late part of *St. Saviour*, *St. Mary Lambeth*, and *St. Mary* at *Rotherhithe*, in *Surrey*, as have a right to aſſemble in veſtries, ſhall on every *Tueſday* after *Eaſter* in every year, nominate 132 perſons within their reſpective pariſhes, to be commiſſioners for the purpoſes after mentioned, *viz. St. Olave Southwark* twelve; *St. John Southwark* twelve; *St. George Southwark* twelve; *St. Thomas Southwark* ſix; *St. Saviour* eighteen; *Newington* twelve; *St. Mary Magdalen Bermondſey*, eighteen; *Chriſt Church*, ſix; *Lambeth* eighteen; and *Rotherhithe* eighteen: and the churchwardens of each pariſh, or one of them, ſhall, within two days after ſuch nomination, cauſe two liſts to be made of the perſons nominated; and cauſe one liſt to be fixed on the church door, and deliver the other to the chief bailiff of *Southwark*, or his deputy, who ſhall cauſe a copy of ſuch liſts to be ſtuck up in the town hall of *Southwark*; which perſons nominated are hereby conſtituted commiſſioners to hear and determine all ſuch matters of debt as are after mentioned, and are conſtituted a court of juſtice by the name of *The Court of Requeſts for the town and borough of* Southwark *in the county of* Surrey; and three or more commiſſioners are to hold the ſaid court twice in every week, *viz.* on every *Tueſday* and *Friday*, in the court houſe of the ſaid borough at *St. Margaret's Hill*, or ſome other place near; ſo as not to interrupt the buſineſs to be done before the juſtices of aſſize, *oyer* and *terminer*, gaol delivery, or juſtices of the peace, or the courts leet or courts of ſewers, uſually held in the ſaid court houſe. And the commiſſioners have power to give judgment, and award execution with coſts, againſt the bodies or goods of all perſons againſt whom they give judgment. *ſ.* 1.

The chief bailiff or his deputy ſhall, within two days after ſuch liſts returned to him, ſummon the firſt three perſons in each liſt containing eighteen, the firſt two in each liſt containing twelve, and the firſt perſon in each liſt containing ſix, to attend as commiſſioners of the ſaid court for one month; and the like number out of every liſt as they ſtand in order from month to month. *ſ.* 2.

Nothing herein before contained ſhall exclude any of the commiſſioners (although they be not in rotation) from ſitting in the ſaid court; but all ſuch commiſſioners may, as often as they think fit, ſit and give judgment. *ſ.* 3.

Every inhabitant of the ſaid borough, and the ſaid ſeveral pariſhes, and all perſons renting or keeping any ſhop, ſtall or ſtand, or ſeeking a livelihood within the ſaid borough, or any of the pariſhes aforeſaid, who have debts owing unto them not exceeding 40*s.* by any perſon inhabiting or ſeeking a livelihood within the ſaid borough, *&c.* may cauſe ſuch debtor to be ſummoned by the chief bailiff or his deputy (who are to execute all warrants, precepts, and proceſs of the ſaid court), by writing left at the place of abode, ſhop, or place of dealing of ſuch debtor, or by any other reaſonable notice, to appear before the commiſſioners; and the commiſſioners after ſuch ſummons have power to make ſuch orders between ſuch parties plaintiffs and their debtors defendants, touching ſuch debts, as they find to ſtand with equity and good conſcience; and all ſuch proceedings ſhall be regiſtered by the clerks of the court or their deputies; and ſhall be performed, as well by the plaintiff as the debtor. *ſ.* 4.

The commiſſioners may adminiſter an oath to the plaintiff or defendant, and to witneſſes, and to all the officers of the court, concerning any buſineſs relative thereunto, if they think it meet. *ſ.* 5.

If in any action of debt, or on the caſe upon an *aſſumpſit* for any debt, to be ſued againſt any perſon aforeſaid, in any court

court at *Weſtminſter* or elſewhere, out of the ſaid court of requeſts, it ſhall appear to the judge that the debt to be recovered by the plaintiff doth not amount to 40 *s.* and the defendant in ſuch action prove, that at the time of commencing ſuch action, ſuch defendant was inhabiting within the ſaid borough, or any of the pariſhes aforeſaid, and was liable to be ſummoned before the ſaid court of requeſts, the judge ſhall not allow to the plaintiff any coſts; but ſhall award that the plaintiff pay ſo much ordinary coſts to the defendant as ſuch defendant ſhall prove it hath coſt him in defence of the ſuit. *ſ.* 6.

If any perſon contemptuouſly affront, inſult, or abuſe any of the commiſſioners during their ſitting in court; the chief bailiff, or his deputy or officer, by order of the commiſſioners then ſitting, may take ſuch perſon into cuſtody, and carry him before a juſtice of peace for the county of *Surrey*; and upon the fact alledged being proved upon the oath of one witneſs, the juſtice ſhall puniſh ſuch perſon by fine or impriſonment, or both; provided the fine on one perſon do not exceed 20 *s.* and the impriſonment be for no longer than ten days. *ſ.* 7.

Upon non-payment of the fine, the juſtice may iſſue a warrant for levying the fine upon the goods of ſuch offender, then inhabiting within the ſaid limits, and to cauſe ſale to be made thereof, in caſe they be not redeemed in five days; which fine ſhall be paid over to the churchwardens or overſeers of the poor of the pariſh, wherein ſuch offender at the time of ſuch offence inhabits or ſeeks a livelihood, towards the ſupport of the poor; and if ſuch offender be not inhabiting within the ſaid limits, or have not goods within the ſaid limits, then upon non-payment of ſuch fine, the juſtice by warrant may commit ſuch offender to the county gaol of *Surrey*, until he pay the fine, not exceeding one month; and ſuch fine ſhall be paid over to the juſtice who granted ſuch warrant, to be diſtributed among the poor priſoners for debt in the ſaid priſon. *ſ.* 8.

The clerks of the ſaid court ſhall fix up in the moſt public part of the court houſe of the ſaid borough, or other place where the commiſſioners ſhall ſit, a copy of the two laſt preceding clauſes of this act. *ſ.* 9.

In caſe any perſon make oath or give evidence in any cauſe in the ſaid court, whereby he ſhall commit wilful or corrupt perjury, and be convicted, he ſhall incur the like pains and penalties as any other perſon convicted of wilful perjury. *ſ.* 10.

The act appointed two clerks of the ſaid court during their reſpective good behaviour; who ſhall iſſue all ſummonſes and proceedings of the court, and keep books wherein ſhall be entered all acts of the ſame court. *ſ.* 11.

The commiſſioners in court, or the major part of them, on the next court day after the death, reſignation, or legal removal of the clerks, or ſo ſoon after as the ſame is publicly known, are to cauſe the whole number of commiſſioners to be ſummoned to meet at the place aforeſaid, within twenty days after their being ſummoned; and ſuch commiſſioners at ſuch meeting are by ballot to elect another perſon; and ſo upon every vacancy of the ſaid office of clerk. *ſ.* 12.

No perſon ſhall act as commiſſioner until he ſhall have taken an oath to the effect following:

'*I* A. B. *do ſwear, that I will faithfully, impartially, and honeſtly, according to the beſt of my judgment, hear and determine ſuch matters and things as ſhall be brought before me by virtue of an act of parliament, intituled,* An act for the more eaſy and ſpeedy recovery of ſmall debts, within the town and borough of *Southwark*, and the ſeveral pariſhes of *St. Saviour*, *St. Mary* at *Newington*, *St. Mary Magdalen Bermondſey*, *Chriſt Church*, *St. Mary Lambeth*, and *St. Mary* at *Rotherhithe*, in the county of *Surrey*, and the ſeveral precincts and liberties of the ſame; *without favour or affection to either party.*'

Which oath one of the clerks is to adminiſter; and ſhall cauſe a memorial thereof to be entered among the records of the court. *ſ.* 13.

The fees hereafter, and no more, ſhall be taken for the reſpective ſervices of the bailiff and clerks; *viz.*

For every ſummons, to the bailiff 3 *d.* to the clerk 3 *d.*

For every hearing, to the bailiff 1 *d.* to the clerk 3 *d.*

For an attachment againſt the defendant for not appearing to the ſummons, to the bailiff 1 *s.* 2 *d.* to the clerk 6 *d.*

For giving notice to the complainant of the ſervice of the attachment, to the bailiff 4 *d.*

For an execution, to the bailiff 1 *s.* 2 *d.* to the clerk 10 *d.*

For paying money into court, to the bailiff 1 *d.* to the clerk 7 *d.*

For acknowledging ſatisfaction in full, to the bailiff 2 *d.* to the clerk 4 *d.*

For acknowledging ſatisfaction in part, to the bailiff 1 *d.* to the clerk 3 *d.*

For ſearching the books, to the clerk 2 *d.*

For calling the defendant before the court when he refuſes to appear, to the bailiff 2 *d.* to the clerk 2 *d.*

For the complainant's marking his appearance, to excuſe his attendance the firſt court day, to the clerk 4 *d.*

For a nonſuit on the plaintiff not appearing, to the clerk 2 *d.*

A table of which fees ſhall be hung up by one of the clerks in ſome conſpicuous part of the court houſe, or place where the commiſſioners meet; and if the chief bailiff or any of his officers take any greater fees than above mentioned, or otherwiſe miſbehave in his office, for every ſuch offence he ſhall forfeit 20 *l.* to any perſon who ſhall ſue for the ſame in any court of record at *Weſtminſter*, with coſts, by action of debt, *&c.*; ſo that ſuch action be commenced within three months. *ſ.* 14.

Upon complaint of the miſbehaviour of any clerk, or of any clerk taking any greater fees than above-mentioned, the commiſſioners then ſitting may inquire into ſuch complaint; and if it appear that ſuch complaint deſerves the conſideration of the whole number of commiſſioners, they are to cauſe the whole number to be ſummoned to meet as ſoon as may be, by public notice in the ſeveral pariſh churches by the pariſh clerks, immediately after divine ſervice, on the *Sunday* morning next before ſuch meeting, ſuch *Sunday* being at leaſt four days before ſuch meeting; and if it then appear to the major part of the commiſſioners that ſuch clerk hath been guilty of a groſs miſbehaviour, it ſhall be lawful for them to ſuſpend or remove him, and to elect another. *ſ.* 15.

This act ſhall not extend to any debt for any rent upon any leaſe of lands or tenements, or any other real contracts, nor to any other debt that ſhall ariſe by reaſon of any cauſe concerning teſtament or matrimony, or any thing properly belonging to the eccleſiaſtical court, albeit the ſame be under 40 *s.* *ſ.* 16.

If any action be brought for any thing done in purſuance of this act; ſuch action ſhall be brought within three months;

months; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, &c. the defendant ſhall recover treble coſts. *ſ.* 17.

The affirmation of quakers ſhall be allowed where any oath is directed to be taken by this act, inſtead of ſuch oath; and every perſon convicted of wilful and falſe affirming, ſhall incur the ſame penalties as are inflicted by law upon perſons convicted of wilful and corrupt perjury. *ſ.* 18. *The juriſdiction of the court of requeſts eſtabliſhed by this act is extended by* 32 Geo. 2. c. 6. *which ſee poſt.*

By 23 *Geo.* 2. *c.* 27. All the pariſhioners of the ſeveral pariſhes within the city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto, who have a right to aſſemble in veſtry, ſhall meet on the firſt of *May* in every year, if not a *Sunday*, and then upon the next day, at ten in the afternoon, in the veſtries in their reſpective pariſhes, and nominate 242 ſubſtantial perſons reſiding within their reſpective pariſhes, to be commiſſioners for the purpoſes hereafter mentioned; to be appointed in manner following; *viz.* of the pariſh of *St. Margaret* thirty; *St. John the Evangeliſt* twenty; *St. James* forty-two; *St. George Hanover Square* thirty; *St. Anne* twenty-four; *St. Martin in the Fields* forty; *St. Clement Danes*, as well within *Weſtminſter* as without, twenty-four; *St. Mary-le-Strand* twelve; and *St. Paul Covent Garden* twenty: and the churchwardens of each pariſh, or one of them, ſhall within two days after ſuch nomination cauſe two liſts to be made of the perſons nominated, and cauſe one of the liſts to be fixed up on the church door of each pariſh; and deliver the other to the high bailiff of the city or his deputy, who ſhall cauſe a copy of ſuch liſts to be ſtuck up in the places where the commiſſioners ſhall aſſemble; which perſons ſo nominated ſhall be commiſſioners to hear and determine all matters of debt hereafter mentioned; and are conſtituted a court of juſtice, by the name of *The Court of Requeſts for the city and liberty of* Weſtminſter, *and that part of the duchy of* Lancaſter *which adjoineth thereto*; and they, or three of them, are to hold the ſaid court in manner herein after mentioned *(altered by* 24 Geo. 2. c. 42. ſ. 2 & 3.); and ſuch commiſſioners, or any three of them, ſhall have power to hear and determine in their reſpective diviſions, all ſuch cauſes as are after mentioned, and to pronounce judgment and award execution thereupon, with coſts, againſt the bodies or againſt the goods of all perſons againſt whom they ſhall give judgment; ſo as no perſon ſhall remain in priſon upon an execution longer than forty days. *ſ.* 1.

No perſon ſhall be capable of acting as a commiſſioner in the execution of the powers given by this act, unleſs at the time of his nomination, and during the time he ſhall ſo act, he be ſeiſed of lands or hereditaments of the yearly value of 20*l.* clear of all incumbrances, or be poſſeſſed of a perſonal eſtate of the value of 500*l.* *ſ.* 2.

If any perſon ſummoned by virtue of this act, ſhall not perform ſuch order as the commiſſioners make concerning ſuch debts as aforeſaid, the commiſſioners, or five of them, after perſonal ſervice of the ſaid order, and proof thereof, may commit ſuch perſon to one of his majeſty's gaols within *Weſtminſter*, until he perform ſuch order, ſo as no perſon remain in priſon longer than forty days. *ſ.* 3.

The high bailiff ſhall, within two days after ſuch liſts returned to him, ſummon the firſt ſeven perſons in each liſt containing forty-two and forty, the firſt five in each liſt containing thirty, the firſt four in each liſt containing twenty-four and twenty, and the firſt two in each liſt containing twelve, to attend as commiſſioners in their reſpective diviſions for the month of *May*, and the like number out of every liſt as they ſtand in order to ſerve from month to month. *ſ.* 4.

Nothing herein before contained ſhall exclude any of the commiſſioners (although they be not in rotation) from ſitting in the ſaid court, in each reſpective diviſion, but all ſuch commiſſioners may, as often as they think fit, ſit and give judgment therein. *ſ.* 5.

Every inhabitant within the ſaid city and liberty, or the ſaid part of the ſaid duchy, and all perſons renting or keeping any ſhop, ſtall, or ſtand, or ſeeking a livelihood within the ſaid city of *Weſtminſter*, or in the ſaid part of the ſaid duchy, who have any debts owing unto them not amounting to 40*s.* by any perſon inhabiting or ſeeking a livelihood within the ſaid city, or that part of the duchy aforeſaid, may apply to one of the clerks of the ſaid court, who ſhall cauſe ſuch debtor to be ſummoned by the high bailiff or his officer (who are to execute all proceſs of the ſaid court of requeſts) by writing left at the place of abode, ſhop, or place of dealing of ſuch debtor, to appear before the commiſſioners for ſuch diviſion where ſuch debtor inhabits; and the commiſſioners, or three of them, ſhall, after the return of ſuch ſummons, have power to make ſuch orders between ſuch parties plaintiffs and their debtors defendants, touching ſuch debts, as they find to ſtand with equity and good conſcience; and all ſuch proceedings ſhall be regiſtered by the clerks of the court; and ſhall be performed as well by the plaintiff as by the debtor. *ſ.* 6. *See* 24 Geo. 2. c. 42. ſ. 7. *infra.*

The commiſſioners may adminiſter an oath to the plaintiff or defendant, and to witneſſes produced by each party; and to all the officers of the ſaid court concerning any buſineſs relative thereunto, if they think it meet. *ſ.* 7.

If in any action of debt, or on the caſe upon an *aſſumpſit*, againſt any perſon aforeſaid, in any court at *Weſtminſter* or elſewhere, out of the ſaid court of requeſts, the plaintiff ſhall declare for any ſum not amounting to 40*s.* the defendant may plead in bar of ſuch action, that at the time of commencing ſuch action he was inhabitant within the city and liberty of *Weſtminſter*, or that part of the duchy aforeſaid, and was liable to be ſummoned before the ſaid court of requeſts, without pleading any matter ſpecially; and in caſe the plaintiff declare for 40*s.* or any greater ſum, the defendant may plead generally (over and above ſuch matters as aforeſaid) that he was not at the commencing ſuch action indebted to the plaintiff, in any ſum amounting to 40*s.* without pleading any other matter ſpecially, whereunto the plaintiff may reply generally, and deny the matters pleaded as aforeſaid; and if the plaintiff be nonſuited, &c. the defendant ſhall have full coſts. *ſ.* 8.

It ſhall be lawful for the plaintiff in ſuch action, afterwards to proſecute the defendant for the ſaid debt in the court of requeſts. *ſ.* 9.

Sect. 10, 11, 12, 13. *are to the ſame effect as ſect.* 7, 8, 9, 10. *of* 22 Geo. 2. c. 47. *except that the fines for contempts on perſons not reſiant within the juriſdiction, as well as on reſiants, are to be paid to the churchwardens or overſeers of the poor of the pariſh in which the offender dwells or ſeeks a livelihood.*

The act appointed four clerks of the ſaid court during their good behaviour, to iſſue and regiſter all ſummons and proceedings of the court, and keep books wherein ſhall be entered all acts of the ſame court; and no clerk of the court ſhall act as a juſtice of peace within the limits of the juriſdiction of the ſaid court. *ſ.* 14.

The commiſſioners ſitting on the next court day after the death, reſignation, or removal of any of the ſaid clerks, or

or ſo ſoon after as the ſame is publicly known, or the major part of them, are to cauſe the whole number of commiſſioners to be ſummoned to meet at ſome place appointed within four days after their being ſummoned; and at ſuch meeting the major part preſent are to elect another clerk; and ſo upon every vacancy of the office of clerk. *ſ.* 15. *See* 24 Geo. 2. c. 42. ſ. 5 & 6.

No perſon ſhall act as commiſſioner in the execution of this act, until he ſhall have taken an oath to the effect following:

'I A. B. *do ſwear, that I will faithfully, impartially, and honeſtly, according to the beſt of my judgment, hear and determine ſuch matters and things as ſhall be brought before me by virtue of an act of parliament, intituled,* An act for the more eaſy and ſpeedy recovery of ſmall debts, within the city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto; *without favour or affection to either party; and that I am now ſeiſed of lands, tenements or hereditaments, of the yearly value of* 20*l.* *clear of all incumbrances*; or *that I am poſſeſſed of a perſonal eſtate of the value of* 500*l.*'

Which oath the clerks, or one of them, are to adminiſter in open court; a memorial whereof ſhall be entered in the regiſters of the ſaid court. *ſ.* 16.

For the fees of the court, ſee 24 Geo. 2. c. 42. ſ. 4. *infra.*

If the ſaid high bailiff, or any of his officers, or any of the clerks, take any greater or other fee than as above mentioned, or otherwiſe miſbehave, upon complaint to the commiſſioners in court, and proof thereof by the oath of one witneſs, the commiſſioners ſhall puniſh ſuch perſon by fine not exceeding 5*l.* for one offence, to be levied by diſtreſs and ſale of the offender's goods, by warrant of the commiſſioners, or three of them, and to be applied to the uſe of the ſick in the *Weſtminſter* infirmary. *ſ.* 18.

If upon complaint of the miſbehaviour of any clerk, or of any clerk's taking any greater or other fees than as above-mentioned, it appear to the commiſſioners preſent, that ſuch offence deſerves a greater puniſhment than is before provided, it ſhall be lawful for the commiſſioners then ſitting, to cauſe the whole number of commiſſioners to be ſummoned to meet, by public notice in the ſeveral pariſh churches aforeſaid (which notice the pariſh clerks are to give without fee) immediately after divine ſervice, on the *Sunday* morning next before ſuch meeting (ſuch *Sunday* to be at leaſt three days before the day of meeting), to examine into ſuch complaint; and if it then appear to the commiſſioners, being not leſs than ſixty, preſent, or to the major part of them, that ſuch clerk hath been guilty of a groſs miſbehaviour in his office, it ſhall be lawful for them to ſuſpend or remove ſuch clerk from his office, and to elect another. *ſ.* 19.

This act ſhall not extend to any debt for any rent upon any leaſe of lands or tenements, or on any other real contracts, nor to any debt which ſhall ariſe by reaſon of any cauſe concerning teſtament or matrimony, or any thing properly belonging to the eccleſiaſtical court, albeit the ſame be under 40*s.* *ſ.* 20.

No action for any debt not amounting to 40*s.* and recoverable by virtue of this act in the ſaid court, ſhall be brought againſt any perſon reſiding within the juriſdiction thereof in any other court. *ſ.* 21.

If any action be brought for any thing done in purſuance of this act, ſuch action ſhall be brought within three calendar months after the fact committed, and the defendant may plead the general iſſue; and if the plaintiff become nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 23.

By 23 *Geo.* 2. *c.* 30. Such pariſhioners of the ſeveral pariſhes and places within the *Tower* hamlets (the precinct of the *Tower-within* only excepted), as have a right to aſſemble for the choice of officers in their reſpective veſtries or places for tranſacting public buſineſs, ſhall on every *Tueſday* next after *Eaſter* in every year, nominate 240 ſubſtantial perſons reſiding within their reſpective pariſhes, *&c.* each ſeiſed of lands or hereditaments of the value of 20*l.* *per annum*, clear of all incumbrances, or poſſeſſed of a perſonal eſtate of the value of 500*l.* or more, clear of all incumbrances, to be commiſſioners for the purpoſes after mentioned, in manner following, *viz.* ſuch pariſhioners of *St. Mary Whitechapel*, to nominate thirty-one; of *Chriſt Church* twenty-one; of *St. Leonard Shoreditch* twenty; of *St. John Hackney* eighteen; of *St. Matthew Bethnal Green* eight; of *St. Mary Stratford Bow* four; of *Bromley St. Leonard* three; of *St. Anne* eight; of *St. Paul Shadwell* ſixteen; of *St. George* eighteen; of *St. John Wapping* ſeventeen; of *St. Botolph without Aldgate*, commonly called the liberty of *Eaſt Smithfield* fifteen; of *Trinity Minories* three; the hamlet of *Mile End Old Town* eight; the hamlet of *Mile End New Town* three; the hamlet of *Radcliff* fifteen; the hamlet of *Poplar* and *Blackwall* ſeven (which laſt mentioned four hamlets are within the pariſh of *St. Dunſtan Stepney* in *Middleſex*) the precinct of the *Tower-without* ſix; the precinct of *St. Katharine's* ſeven; the precinct of *Well Cloſe* three; the precinct of the *Old Artillery Ground* four; the liberty of *Norton Falgate* five. And the churchwardens of each of the pariſhes or hamlets, and the overſeers of the poor of each of the liberties, precincts, or places aforeſaid, or one of them, ſhall, within two days after ſuch nomination, cauſe two liſts to be made of the perſons ſo reſpectively nominated; and the reſpective churchwardens ſhall cauſe one of the ſaid liſts to be fixed up at the church door of each pariſh; and the overſeers of the poor of each liberty not being a pariſh, ſhall cauſe one of the ſaid liſts to be fixed up in ſome public place in each of their liberties; and ſuch churchwardens and overſeers ſhall forthwith give notice to all the commiſſioners nominated, of their being ſo appointed; and ſhall, within two days after every nomination, cauſe a copy of ſuch liſts to be wrote in one complete liſt, taking the ſeveral pariſhes, *&c.* in order as they ſtand in this act, and ſhall ſtick up the ſame in ſome part of the court-houſe to be provided by the commiſſioners at ſome general meeting; which perſons ſo nominated by the ſaid ſeveral pariſhes, *&c.* reſpectively are hereby conſtituted commiſſioners to hear and determine all matters of debt hereinafter mentioned; and are conſtituted a court of juſtice by the name of *The Court of Requeſts for the* Tower Hamlets; and the ſaid commiſſioners, or three of them, are to hold the ſaid court twice in every week, *viz.* on every *Tueſday* and *Friday*, or oftner if need be, in a court-houſe to be provided for that purpoſe in the pariſh of *St. Mary Whitechapel*, or in ſome other convenient place adjoining. And the commiſſioners ſhall have power to give judgment, and award execution, with coſts, againſt the bodies or goods of all perſons againſt whom they give judgment, ſo as no perſon remain in cuſtody upon execution longer than forty days. *ſ.* 1.

If any plaintiff or defendant (after being ſummoned to appear in the ſaid court, by one of the beadles herein-

after mentioned) ſhall, without juſt cauſe to be allowed by the commiſſioners in court, refuſe to appear, or ſhall not perform ſuch order as the ſaid commiſſioners make concerning ſuch debts as aforeſaid, the commiſſioners, or three of them, may commit ſuch perſon to the common gaol or houſe of correction for the county of *Middleſex*, or to the gaol for the liberty of the *Tower* of *London*, if ſuch perſon ſhall reſide in the ſaid liberty, until he perform the order of the commiſſioners, ſo as no perſon remain in cuſtody longer than forty days. *ſ.* 2.

The ſaid beadles, or one of them, ſhall yearly ſummon the firſt five perſons out of the firſt ſixty named in the ſaid complete liſt, the firſt five perſons out of the ſecond ſixty, the firſt five perſons out of the third ſixty, the firſt five perſons out of the fourth ſixty (making in all twenty perſons), to attend as commiſſioners for one month, to commence the firſt day of *May* in each year; and ſo the like number of five perſons next ſtanding in each of the ſaid ſixty names, as they ſtand in order upon the ſaid complete liſt, to ſerve as commiſſioners from month to month. *ſ.* 3.

Nothing herein ſhall exclude any of the commiſſioners being duly qualified from ſitting in the ſaid court, although they be not in rotation; but all ſuch commiſſioners may, as often as they think fit, ſit and give judgment therein. *ſ.* 4.

Any perſons who ſhall have any debts owing to them, not amounting to 40*s.* by any perſon inhabiting or keeping any ſhop, ſtall, or ſtand, or ſeeking a livelihood within the diſtrict before deſcribed, may cauſe ſuch debtor to be ſummoned by one of the ſaid beadles, who is to execute all proceſs of the ſaid court, by perſonal ſervice, or by writing left at the place of abode, ſhop, or place of dealing of ſuch debtor, to appear before the commiſſioners in the court-houſe; and the commiſſioners ſhall after ſuch ſummons have power to make ſuch orders and proceedings between ſuch parties plaintiffs and their debtors defendants, touching ſuch debts, as they find to ſtand with equity and good conſcience; and all ſuch proceedings ſhall be entered in a book by the clerks of the court, or one of them, and ſhall be performed as well by the plaintiff as the debtor. *ſ.* 5.

The commiſſioners may adminiſter an oath to the plaintiff or defendant, and to witneſſes, and to the officers of the court concerning any buſineſs relative thereunto, if they think meet. *ſ.* 6.

If any action of debt, or on the caſe upon an *aſſumpſit*, be ſued againſt any perſon aforeſaid, in any court at *Weſtminſter* or elſewhere, out of the ſaid court of requeſts, and it appear to the judge that the debt to be recovered by the plaintiff doth not amount to 40*s.* and the defendant prove, that at the time of commencing ſuch action ſuch defendant was inhabiting within the diſtrict before deſcribed, and was liable to be ſummoned before the ſaid court of requeſts for ſuch debt, then the judge ſhall not allow to the plaintiff any coſts, but ſhall award that the plaintiff ſhall pay ſo much ordinary coſts to the defendant, as ſuch defendant ſhall prove it hath coſt him in defence of the ſaid ſuit. *ſ.* 7.

Where the plaintiff ſhall upon any action in any of the king's courts at *Weſtminſter*, or in any of the courts of great ſeſſion of *Wales* or counties palatine, obtain a verdict for leſs than 40*s.*; if the judge who tries the cauſe certify that there was a probable cauſe of action for 40*s.* or more, the plaintiff ſhall not be liable to pay coſts, but ſhall recover his coſts. *ſ.* 8.

If any perſon ſhall contemptuouſly affront, inſult, or abuſe any of the commiſſioners during their ſitting in court, one of the ſaid beadles may, by order of the commiſſioners ſitting, being three or more, take ſuch perſon into cuſtody, and carry him before a juſtice of peace for *Middleſex*, if the offence be committed within the ſaid county; or before a juſtice of peace for the liberty of the *Tower of London*, if the offence be committed within that liberty; and upon the fact alledged being proved upon the oath of one witneſs, the juſtice ſhall puniſh ſuch perſon by fine not exceeding 20*s.* which ſhall be immediately paid into the hands of the juſtice; and if ſuch offender pay not the fine, the ſaid juſtice may by warrant commit him to the common gaol or houſe of correction for the county of *Middleſex*, or to the gaol for the ſaid liberty, for any time not exceeding one month, or until he pay the fine; and ſuch fine, when received by the juſtice, ſhall be paid over to the churchwardens or overſeers of the poor of the pariſh, *&c.* where ſuch offence is committed, or where the party reſides, towards the relief of the poor. *ſ.* 9.

One of the clerks of the ſaid court ſhall cauſe to be fixed up in the moſt public part of the court-houſe, a copy of the preceding clauſe of this act. *ſ.* 10.

In caſe any perſon make oath or give evidence in any cauſe in the ſaid court, whereby he ſhall commit any wilful or corrupt perjury, and be convicted, he ſhall incur the like pains and penalties, as any other perſon convicted of wilful perjury. *ſ.* 11.

The commiſſioners were by ballot to chooſe clerks not exceeding four nor leſs than two; and beadles of the ſame court not exceeding four; who were to continue clerks and beadles, during ſo long as they behaved themſelves well. *ſ.* 12.

No commiſſioner ſhall be capable of holding the office of clerk, or any other place of profit belonging to the ſaid court. *ſ.* 13.

The commiſſioners in court, or the major part of them preſent, on the next court day after the death or reſignation of any of the ſaid clerks or beadles, or ſo ſoon after as the ſame is publicly known, are to cauſe the whole number of commiſſioners to be ſummoned (by giving them four days notice at leaſt) to meet at the place aforeſaid, within twenty days after their being ſummoned; and ſuch commiſſioners, at ſuch meeting, are by ballot to chooſe another clerk or beadle; and ſo upon every ſuch vacancy of the office of clerk or beadle. *ſ.* 14.

No perſon ſhall act as a commiſſioner in the execution of this act, until he ſhall have taken an oath to the effect following:

'*I* A. B. *do ſwear, that I will faithfully, impartially,*
'*and honeſtly, according to the beſt of my judgment, hear and*
'*determine ſuch matters and things as ſhall be brought be-*
'*fore me, by virtue of an act of parliament (intituled,* An
'act for the more eaſy and ſpeedy recovery of ſmall debts,
'within the *Tower Hamlets*), *without favour or affection*
'*to either party; and that I am now ſeiſed of lands, tene-*
'*ments, or hereditaments, of the value of* 20*l.* per annum,
'*clear of all incumbrances,* or *that I am poſſeſſed of a per-*
'*ſonal eſtate of the value of* 500*l. clear of all incumbrances*
'*whatſoever.*'

Which oath three of the commiſſioners are to cauſe to be adminiſtered; and a memorial thereof ſhall be entered in the regiſter of the court. *ſ.* 15.

The fees hereafter limited, and no more, ſhall be taken for the ſervices of the clerks and beadles. *ſ.* 16.

For every ſummons, to the clerks 3*d.* to the beadles 2*d.*

For every hearing, to the clerks 3*d.*

For calling the defendant before the court, when he or ſhe refuſe to appear, to the clerks 2 *d.* to the beadles 1 *d.*

For an attachment againſt the defendant for not appearing to the ſummons, to the clerks 6 *d.* to the beadles 1 *s.*

For an execution, to the clerks 8 *d.* to the beadles 1 *s.*

For paying money into court, to the clerks 6 *d.*

For acknowledging ſatisfaction in full, to the clerks 4 *d.*

For acknowledging ſatisfaction in part, to the clerks 2 *d.*

For ſearching the books, to the clerks 2 *d.*

For a nonſuit on the plaintiff's not appearing, to the clerks 2 *d.*

A yearly account ſhall be given upon oath by the clerks and beadles, before the commiſſioners ſitting in court, or three of them, of the amount of the fees by them ſeverally received; and if the fees in any one year exceed 200 *l.* to each clerk clear of all charges, and 60 *l.* to each beadle clear of all charges; the commiſſioners at a general meeting, may order the ſurplus to be divided between the clerks and beadles, in proportion to their reſpective ſums of 200 *l.* and 60 *l.* *per annum*, and to order for the future that the fees be reduced, ſo as to bring in as near as may be 200 *l.* a year to each of the clerks, and 60 *l.* a year to each of the beadles; and if after ſuch reduction the buſineſs of the court decline, ſo as not to produce 200 *l.* a year to each clerk, and 60 *l.* a year to each beadle, the commiſſioners at a general meeting are to reduce the number of clerks, or increaſe the fees, ſo as they do not exceed the preſent ſettled fees. *ſ.* 17.

A table of the aforeſaid fees ſhall be hung up by one of the clerks in ſome public part of the court-houſe; and if any of the clerks or beadles take any greater or other fees than as above mentioned, or otherwiſe miſbehave, he for every ſuch offence ſhall forfeit ſuch fine not exceeding 20 *l.* as the commiſſioners or three of them ſhall aſſeſs, to be applied to the uſe of the ſick in the *London Infirmary*. *ſ.* 18.

Upon complaint of the miſbehaviour of any of the clerks or beadles, or of their taking any greater or other fees than as above-mentioned, if it appear to the commiſſioners or the major part preſent, that ſuch complaint deſerves a greater puniſhment; ſuch commiſſioners are to cauſe the whole number of commiſſioners to be ſummoned, by public notice in writing to be given to all the commiſſioners, at leaſt four days before ſuch meeting; and the commiſſioners ſo ſummoned, being not leſs than ſixty, ſhall examine into the complaint; and if it appear that ſuch clerks or beadles have been guilty of miſbehaviour, or in taking any greater or other fees than above mentioned, the commiſſioners or the major part of them are to ſuſpend or remove ſuch clerks and beadles from their office; and to call another general meeting of the whole commiſſioners, by giving two days notice in writing, and within eight days after the removal of ſuch clerks or beadles; at which meeting the commiſſioners ſhall chooſe by ballot a clerk or beadle in the room of him ſo removed. *ſ.* 19.

This act ſhall not extend to any debt for any rent upon any leaſe of lands or tenements, or any other real contract, nor to any other debt that ſhall ariſe by reaſon of any cauſe concerning teſtament or matrimony, or any thing properly belonging to the eccleſiaſtical court, albeit the ſame be under 40 *s.* *ſ.* 20.

No action for any debt not amounting to 40 *s.* and recoverable by virtue of this act in the ſaid court of requeſts, ſhall be brought againſt any perſon reſiding within the juriſdiction thereof, in any other court. *ſ.* 21.

Nothing in this act ſhall extend to reſtrain the ancient court of record within the liberty of the *Tower of London*, from holding plea of any perſonal action, the cauſe of which ſhall ariſe within the precinct of the *Tower within*, or from holding plea of any perſonal action (other than actions for debts not amounting to 40 *s.* the cauſe of which ſhall ariſe in any part of the liberty of the ſaid *Tower*, out of the precinct of the *Tower within*) or to take away any juriſdiction or exemption, which the chief governor of the ſaid *Tower*, or his deputy, or any officers or inhabitants within the ſaid liberty ought to enjoy. *ſ.* 23.

If any action be brought for any thing done in purſuance of this act, ſuch action ſhall be brought within three calendar months after the fact; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 24. (See 19 *Geo.* 3. *c.* 68. *infra.*)

By 23 *Geo.* 2. *c.* 33. The ſuitors of the county court of *Middleſex*, together with the county clerk in county court aſſembled, or the major part of them, upon any plaint entered in the ſaid county court, where the debt or damages ſhall not amount to 40 *s.* may proceed in a ſummary way, and make ſuch orders or decrees as ſhall ſeem agreeable to equity and good conſcience; and it ſhall be lawful for the ſaid ſuitors and county clerk in the county court, to examine the plaintiff or defendant, and their witneſſes, *viva voce*, upon oath. *ſ.* 1.

The ſheriff of *Middleſex* may, by his county clerk, hold his county court, for the proceeding in purſuance of this act, on *Thurſday* in every week, at ſome place within the hundred of *Oſſulſton*, in the county of *Middleſex*, and on the firſt *Tueſday* in every month, at ſome place within the hundreds of *Iſleworth* or *Elthorne*, and on the laſt *Tueſday* in every month, at ſome place within the hundred of *Edmonton*; provided the monthly court of the ſaid ſheriff be held as has been accuſtomed. *ſ.* 2.

Such perſons only ſhall be deemed ſuitors of the ſaid county court to be held under this act, as are qualified to ſerve on juries on trials at *niſi prius*, in the king's bench, common pleas, and exchequer, at *Weſtminſter*. *ſ.* 3.

No plaint entered in the ſaid county court, nor any order or other proceedings thereupon by virtue of this act, ſhall be removed out of the ſaid court, by any writ of *recordari facias loquelam*, *certiorari*, or falſe judgment or otherwiſe; but ſuch order made by the ſaid ſuitors and county clerk ſhall be final; provided all plaints in replevin be proceeded in, and removable in the ſame manner as if this act had not been made. And no perſon ſhall be liable to be ſummoned to the ſaid county court at the ſuit of any plaintiff, other than ſuch perſon as was liable to be ſummoned to the county court of *Middleſex*, before this act; and this act ſhall not extend to give the ſaid county court any juriſdiction to hold plea of any action, other than ſuch as the county court of *Middleſex* might have held plea of by plaint before this act. *ſ.* 4.

If after any plaint entered as aforeſaid, and the defendant being ſummoned, either the plaintiff or the defendant ſhall neglect to perform ſuch order as the ſaid ſuitors and county clerk ſhall make and ſet down in writing, the county clerk, by warrant in writing under his ſeal, may commit ſuch plaintiff or defendant to the county gaol, or any other common gaol within the ſaid county, for three months or any ſhorter time, at the diſcretion of the ſaid ſuitors and county clerk; provided that if the perſon ſo committed before the expiration of the time for which he is committed perform ſuch order, he ſhall forthwith be diſcharged. *ſ.* 5.

Where the ſaid ſuitors and county clerk make any order for payment of money, the ſaid county clerk, at the prayer of the party proſecuting ſuch order, may iſſue a precept

under

under his ſeal, in the nature of a *fieri facias*, directed to one of the bailiffs attending the court, who is to levy the ſum mentioned in ſuch precept, as any ſheriff may levy money by any *fieri facias* out of any court at *Weſtminſter*. *ſ.* 6.

The under ſheriff of *Middleſex* ſhall, ſix days before the end of every month, deliver to the county clerk of the ſaid county, three liſts, each containing the names and places of abode of twelve perſons, taken from the freeholders book of the county of *Middleſex*, as ſuitors to attend the ſaid county court for the ſucceeding month, for the ſeveral diviſions hereafter named; *viz.* one liſt for the hundred of *Oſſulſton*, one for the hundred of *Iſleworth* and *Elthorne*, and one for the hundred of *Edmonton*; and the county clerk ſhall cauſe the perſons in the ſaid liſts named, to be ſummoned to attend the ſaid court at the time and place mentioned in the ſummons; for each of which liſts the county clerk ſhall pay the ſaid under ſheriff 4 *d.*; and no other ſuitor, except the perſons ſo ſummoned, ſhall have any voice in the county court held under this act; and no perſon ſhall be liable to be put upon ſuch liſt, oftner than once in every year. *ſ.* 7.

If any ſuitor ſo qualified, after having been duly ſummoned, neglect to attend, and there be not a ſufficient number to proceed in the buſineſs of the court, it ſhall be lawful for the county clerk to amerce ſuch ſuitor as ſhall not attend, in any ſum not exceeding 20*s.* to the uſe of the poor of the pariſh where the court ſhall ſit, to be recovered by any one of the overſeers of the poor by plaint in the county court. *ſ.* 8.

No perſon reſiding within the hundreds of *Goare*, *Elthorne*, *Spelthorne* or *Iſleworth*, ſhall be liable to attend the ſaid county court either as a ſuitor or defendant, in any other place than within the hundreds of *Iſleworth* or *Elthorne*; and no perſon reſiding within the hundred of *Edmonton*, ſhall be liable to attend the ſaid court in any other place than within the hundred of *Edmonton*. *ſ.* 9.

Every ſuitor attending the court, before he enters on the hearing any matter in controverſy, ſhall take the following oath, to be adminiſtered by the county clerk or his deputy. *ſ.* 10.

'*I ſwear, that I will impartially and truly hear and determine the ſeveral matters in controverſy which ſhall be brought before me, as a ſuitor of this court, according to the evidence, and the beſt of my ſkill and judgment.*

'*So help me* GOD.'

If any perſon ſhall be guilty of any contempt or diſturbance of the ſaid court, ſitting the court, it ſhall be lawful for the ſuitors and county clerk to order ſuch perſon to be taken into the cuſtody of any officer attending the court, which officer is to detain ſuch perſon during the ſitting of the court; and the ſuitors and county clerk may amerce ſuch perſon in any ſum not exceeding 40*s.* to the uſe of the poor of the pariſh where the court ſhall ſit, to be recovered by any of the overſeers of the poor, by plaint, in the county court. *ſ.* 11.

The county clerk, and the other officers of the court, ſhall take the fees under-written, and no other or greater fees; *viz.*

The county clerk for entering the plaint 4 *d.*
For every warrant 4 *d.*
For every ſummons 4 *d.*
For every order 8 *d.*
For entering every order 4 *d.*
For hearing 6 *d.*
For execution 4 *d.*
For entering the appearance of the defendant or defendants 6 *d.*
The crier for every call 1 *d.*
The officer for ſummoning 4 *d.*
The officer for execution on the goods 2 *s.*
On the perſon 3 *s.*

a table of which fees ſhall be hung up in every place where the county court ſhall be held. *ſ.* 12.

So often as the office of county clerk ſhall become vacant, the ſheriff of *Middleſex* ſhall appoint the county clerk, who ſhall be a barriſter of three years ſtanding, and be approved by the lord chancellor, the lord chief juſtice of the king's bench, and the lord chief juſtice of the common pleas, or two of them; which perſon ſhall continue county clerk ſo long as he ſhall behave himſelf well. *ſ.* 13.

Every county clerk, within one month after appointment and approbation, ſhall take the following oath in the county court; *viz.*

'*I* A. B. *do ſwear, that I will well and truly execute the office of county clerk of the county of* Middleſex, *according to the beſt of my ſkill and knowledge, and that I will not deny or delay juſtice, and will not by myſelf, or knowingly by any deputies, clerks, or ſervants under me, or by any other perſon or perſons, receive or take, or cauſe or permit, or ſuffer to be received or taken, any greater or other fees in my ſaid office of county clerk, than ſuch as are directed to be taken in and by an act made in the twenty-third year of the reign of his majeſty king* George *the Second, intituled,* An act for preventing delays and expences in the proceedings in the county court of *Middleſex*, and for the more eaſy and ſpeedy recovery of ſmall debts within the ſaid county court.

'*So help me* GOD.'

Which oath ſhall be adminiſtered by any two ſuitors preſent, and ſhall be entered in the county court book, and ſigned by the county clerk, and atteſted by the ſuitors preſent. *ſ.* 14.

The county clerk may appoint his deputy, who, in the abſence of the county clerk, ſhall have the ſame authority as if himſelf was preſent, provided ſuch deputy be a barriſter of three years ſtanding, and nominated by the county clerk in open court, three weeks at leaſt before his appointment, and the majority of the ſuitors preſent aſſent thereto; and the deputy ſhall at every court before he proceeds to the hearing any matter in controverſy, take the oath before directed to be taken by the ſuitors, except the words, "as a ſuitor of this court;" which oath ſhall be adminiſtered by any two ſuitors preſent. *ſ.* 15.

If the county clerk ſhall not behave himſelf well in his office, twenty-four or more freeholders of the county may apply by petition to the lord chancellor, complaining of the miſbehaviour of the county clerk; and upon ſuch petition, the lord chancellor, the lord chief juſtice of the king's bench, and the lord chief juſtice of the common pleas, or two of them, may meet and hear the ſaid complaint in a ſummary way; and in caſe the county clerk be found upon proof to have been guilty of miſbehaviour, it ſhall be lawful for the lord chancellor, and the ſaid chief juſtices, or two of them, to amove the county clerk from his office. *ſ.* 16.

If any perſon make oath or give evidence in any cauſe in the ſaid county court, whereby he ſhall commit wilful

and corrupt perjury, and be convicted, he ſhall incur the like pains and penalties as any other perſon convicted of wilful and corrupt perjury. *ſ.* 17.

If any action be brought againſt any member, officer, or miniſter of the ſaid county court, or againſt any other perſon, for acting in purſuance of this act, ſuch perſon may plead the general iſſue; and the warrant or precept under the ſeal of the ſaid county clerk, being proved, ſhall be ſufficient proof of the authority of the ſaid county court, and of all other proceedings in the ſaid court, previous to the iſſuing of ſuch warrant or precept; and in caſe the plaintiff have a verdict paſs againſt him, be nonſuit, or diſcontinue his action, the defendant ſhall be allowed double coſts. *ſ.* 18.

In caſe any action of debt, or upon *aſſumpſit*, be proſecuted in any court of record at *Weſtminſter*, and the defendant at the time of ſuch action brought, ſhall live in the county of *Middleſex*, and be liable to be ſummoned to the ſaid county court, and the jury upon the trial find the damages under 40*s.* unleſs the judge in court certify on the back of the record, that the freehold or title to the plaintiff's land principally came in queſtion, or that an act of bankruptcy principally came in queſtion, no coſts ſhall be awarded to the plaintiff, but the defendant ſhall recover double coſts. *ſ.* 19.

Nothing in this act ſhall extend to his majeſty's *Tower* of *London*, or the *Tower Hamlets*. *ſ.* 20.

Nothing in this act ſhall extend to the city and liberty of *Weſtminſter*, and the precincts of the ſame, and ſo much of the pariſhes of *St. Clement Danes*, and *St. Mary le Strand*, in the county of *Middleſex*, as lies without the city and liberty of *Weſtminſter*, and alſo in the precincts of the *Savoy* adjoining thereto. *ſ.* 2.

By 24 *Geo.* 2. *c.* 42. All perſons admitted as attornies or ſolicitors, ſhall be ſubject to all the proceſſes of the court of requeſts for the city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto.

So much of 23 *Geo.* 2. *c.* 27. as relates to the dividing the ſaid city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto, into three diſtricts, ſhall be repealed. *ſ.* 2.

The commiſſioners nominated by virtue of the ſaid act, are to hold the ſaid court in two diviſions only; *viz.* the pariſhes of *St. Margaret*, *St. John the Evangeliſt*, *St. Martin in the Fields*, *St. Paul Covent Garden*, *St. Clement Danes*, *St. Mary le Strand*, and that part of the duchy of *Lancaſter* which adjoineth to the liberty of *Weſtminſter*, to be one of the diviſions; and the pariſhes of *St. George Hanover Square*, *St. James* and *St. Anne*, to be the other diviſion; *viz.* the commiſſioners for the pariſhes of *St. Margaret*, *St. John the Evangeliſt*, *St. Martin in the Fields*, *St. Paul Covent Garden*, *St. Clement Danes*, *St. Mary le Strand*, and that part of the duchy of *Lancaſter* which adjoineth to the liberty of *Weſtminſter*, on every *Thurſday*, or oftner if neceſſary, in ſome part of the ſaid diviſion; and the commiſſioners for the pariſhes of *St. George Hanover Square*, *St. James* and *St. Anne*, on every *Tueſday*, or oftner if neceſſary, in ſome part of the ſaid diviſion. *ſ.* 3.

Inſtead of the fees limited by the former act, the fees hereafter limited, ſhall be taken for the reſpective ſervices of the high bailiff of *Weſtminſter*, and the clerks of the ſaid court; *viz.*

For iſſuing every ſummons, to the clerks 4*d.*

For the ſervice of ſuch ſummons, to the high bailiff 4*d.*

For every hearing, to the clerks 6*d.* to the high bailiff 3*d.*

For an execution, to the clerks 1*s.* to the high bailiff 1*s.* 6*d.*

For paying money into court, to the clerks 7*d.*

For acknowledging ſatisfaction in full, to the clerks 6*d.*

For every ſearch, to the clerks 2*d.*

For calling the defendant before the court, to the clerks 2*d.* to the high bailiff 2*d.*

For every order upon hearing, and the entry thereof, to the clerks 4*d.*

For the ſervice of every ſuch order, to the high bailiff 2*d.*

For a nonſuit on the plaintiff's not appearing, to the clerks 4*d.*

A table of which fees ſhall be hung up by one of the clerks in the two court houſes, where the commiſſioners meet. *ſ.* 4.

Upon the death, reſignation, or removal of any one of the four clerks, the remaining three clerks ſhall continue to act; and upon the death, reſignation, or removal of any one of the ſaid three clerks, the remaining two ſhall act; nor ſhall the commiſſioners chooſe another clerk in the ſtead of any one ſo dying, reſigning, or being removed, until the number of the clerks be reduced to one; at which time the commiſſioners ſhall elect another clerk, to be joined with the remaining clerk, according to the directions in the former act, ſo as ſuch number of clerks ſhall not at any time exceed two. *ſ.* 5.

No clerk of the ſaid court ſhall act as a juſtice of peace in any matter relative to the proceedings of the ſaid court, or the juriſdiction of the ſame: but nothing in this or the former act ſhall exclude any clerk of the court from acting as a juſtice of peace, in any matter not relative to the buſineſs or juriſdiction of the ſaid court. *ſ.* 6.

All perſons reſiding within the city and liberty of *Weſtminſter*, or that part of the duchy of *Lancaſter* adjoining thereto, ſhall be ſubject to the proceſs and juriſdiction of the ſaid court, although the plaintiff ſuing out ſuch proceſs ſhall not inhabit within the ſaid city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto. *ſ.* 7.

By 32 *Geo.* 2. *c.* 6. All perſons inhabiting within the limits of the juriſdiction of the court of requeſts, conſtituted by 22 *Geo.* 2. *c.* 47. ſhall be ſubject to the juriſdiction of the ſaid court, for debts owing to any perſons not exceeding 40*s.* although the plaintiffs ſhall not reſide within the borough of *Southwark*, or any of the pariſhes mentioned in the ſaid act. *ſ.* 1.

The ſaid act ſhall extend and be executed with reſpect to the pariſhes of *Streatham*, *Clapham*, and *Camberwell*, and the manor of *Hatcham*, in the pariſh of *St. Paul Deptford*, in the county of *Surrey*, being the remaining part of the eaſtern half of the hundred of *Brixton*, which is not included in the ſaid act, and to all the inhabitants and perſons renting or keeping any ſhop or ſtand, or ſeeking a livelihood within the ſaid pariſhes and manor, and to all other perſons, in the ſame manner as if the ſaid pariſhes and manor were part of the borough of *Southwark*. *ſ.* 2.

Such of the pariſhioners of the reſpective pariſhes of *Streatham*, *Clapham*, and *Camberwell*, and of ſuch part of the pariſh of *St. Paul Deptford*, as lies within the manor of *Hatcham*, as have a right to aſſemble in veſtries, are required on every *Tueſday* next after the feaſt of *Eaſter*, to nominate in the whole twenty ſubſtantial perſons reſiding within the pariſhes of *Streatham*, *Clapham*, and *Camberwell*,

Camberwell, and ſuch part of the pariſh of *St. Paul Deptford*, who, together with the perſons nominated in manner directed by the ſaid act, are to be commiſſioners for putting the ſaid act and this act in execution; which perſons ſhall be nominated in the manner following; *viz.* ſuch pariſhioners of the pariſh of *Streatham* to nominate ſix; of *Clapham* ſix; of *Camberwell* ſix; and ſuch part of the pariſh of *St. Paul Deptford* as lies within the manor of *Hatcham* two; and the churchwardens of each pariſh, or one of ſuch churchwardens, ſhall within two days next after every ſuch nomination, cauſe two liſts to be made of the perſons ſo nominated; and one of the ſaid liſts, or a copy thereof, to be fixed on the church door of each reſpective pariſh; and ſhall deliver the other to the chief bailiff of *Southwark*, or his deputy, who ſhall forthwith cauſe a copy of ſuch liſts to be ſtuck up in ſome convenient part of the town hall of *Southwark*; and the perſons ſo nominated ſhall, together with the perſons appointed by virtue of the former act, be commiſſioners for putting the ſaid act and this act in execution; and the commiſſioners ſo nominated, or three of them, are authoriſed to put the ſaid act and this act in execution; except only as to the ſuſpenſion, removal, or election of any clerk of the ſaid court, which may be made by the major part of the commiſſioners aſſembled at a court to be ſummoned in manner preſcribed by the ſaid act. *ſ.* 3.

The ſaid chief bailiff or his deputy ſhall, within two days next after ſuch liſts returned to him, ſummon the two firſt perſons in the liſt for the pariſh of *Streatham*, the two firſt for the pariſh of *Clapham*, the two firſt for the pariſh of *Camberwell*, and the firſt perſon named for ſuch part of the pariſh of *St. Paul Deptford* as aforeſaid, to attend as commiſſioners for one month; and the like number out of every liſt as they ſtand in order, to ſerve as commiſſioners from month to month. *ſ.* 4.

If any ſuit be brought for any thing done in purſuance of this act, ſuch ſuit ſhall be brought within three calendar months after the fact; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 5.

By 19 *Geo.* 3. *c.* 68. It ſhall be lawful for the commiſſioners for the recovery of ſmall debts within the *Tower Hamlets*, to take cognizance of any debt under forty ſhillings, for rent of any tenement, or part of a tenement, within the *Tower Hamlets*, let by parol demiſe (except the precinct of the *Tower Within*); and alſo for the ſaid commiſſioners to hear and determine on ſuch debts, and to award execution, in the ſame manner as they may for any other cauſe of action. *ſ.* 20.

Provided that the commiſſioners ſhall not take cognizance of any ſuch demand for rent, unleſs the perſon making ſuch demand, *&c.* hath been in the actual poſſeſſion of the ſaid tenements, or in receipt of rent for the ſaid tenements, during twelve months immediately preceding the time for which ſuch rent ſhall be demanded; and provided alſo, that no recovery of rent in the ſaid court be given in evidence in ſupport of the title to any lands. *ſ.* 21.

Nothing herein ſhall prevent any perſon from making diſtreſs for, or bringing any action for rent, although the ſame ſhall not amount to 40*s.* *ſ.* 22.

In all caſes whatſoever, whenever any debtor or defendant, reſiding within the juriſdiction of the ſaid court, ſhall have been duly ſummoned to appear before the commiſſioners in the ſaid court, according to the uſual manner, and ſhall not appear, the ſaid commiſſioners, or three of them, when aſſembled in the ſaid court, upon due proof that ſuch defendant was duly ſummoned, may proceed to hear the complaint, touching ſuch debt, on the part of the plaintiff only, and may make or pronounce ſuch order or judgment, in reſpect of the debt demanded, as to them ſhall ſeem equitable: and the ſaid commiſſioners, or three of them, ſhall then appoint ſome certain time and place, for every ſuch defendant to ſhew cauſe before the commiſſioners, or three of them, againſt ſuch order or judgment; at which time and place, or at any other ſubſequent court, the ſaid commiſſioners, or three of them, ſhall (whether ſuch perſon appear to ſhew cauſe, or not) upon proof, on the oath of one of the beadles of the ſaid court (that ſuch order or judgment, or a copy thereof, had been delivered to ſuch debtor, or left at his uſual place of reſidence, or abode, or working) award execution thereupon, as in other caſes: and the clerks and beadles of the ſaid court are to take the like fees, for the call of the defendant, and making and ſerving or leaving of every ſuch order as aforeſaid, as they are to take upon any attachment, by virtue of this or the former act. *ſ.* 23.

No privilege ſhall be allowed to exempt any perſon from the juriſdiction of the ſaid court of requeſts, on account of his being an attorney or ſolicitor of any of the courts at *Weſtminſter*, or of any other court whatſoever, but they ſhall be ſubject to the proceſſes of the ſaid court of requeſts as others. *ſ.* 24.

No general meeting ſhall be held for any of the purpoſes in this or the former act, without the order of three of the commiſſioners, made upon one of the court days in the former act mentioned, whilſt they ſhall be in court; which order ſhall be in writing, and ſhall ſpecify the time and place, and alſo the purpoſe of ſuch general meeting, and ſhall be regiſtered by the clerks then preſent in court, and notice thereof in writing, or in print, ſhall be delivered to, or left at the uſual place of abode of all the commiſſioners, by the beadles, or by any other perſon, the commiſſioners requiring ſuch meeting ſhall direct, four days before the holding of ſuch general meeting. *ſ.* 25.

No victualler, or perſon who ſhall ſell ale, beer, or ſpirituous liquors by retail, ſhall be capable of acting as a commiſſioner in the execution of this or the former act. *ſ.* 26.

Nothing herein ſhall extend to the precinct of the *Tower Within*; nor to reſtrain the ancient court of record held for and within the liberty of the *Tower of London*, from holding plea within the ſaid liberty, or to take away, or abridge, any juriſdiction, or privilege, *&c.* of the chief governor of the *Tower*, or his deputy, or any officer or miniſter, or any inhabitants within the ſaid liberty. *ſ.* 28.

No action ſhall be commenced againſt perſons for any thing done in purſuance of this act, or on account of any order or decree of the commiſſioners, until twenty days notice ſhall be given thereof in writing, to be left at the office of the clerks of the ſaid court, or after ſufficient ſatisfaction or tender thereof hath been made to the party aggrieved, or after three months after the cauſe of action; and the defendant may plead the general iſſue; and if the plaintiff ſhall become nonſuited, *&c.* ſuch defendant ſhall have double coſts. *ſ.* 29.

By 25 *Geo.* 3. *c.* 45. No debtor or defendant committed to any priſon, by order of any court, or commiſſioners authoriſed by virtue of any act, to conſtitute or regulate any court for the recovery of ſmall debts, in the city of *London*, in the county of *Middleſex*, and town and borough of *Southwark*, in the county of *Surrey*, where the debt does not exceed twenty ſhillings, ſhall be kept in cuſtody on any pretence whatſoever, more than twenty days from the time of commitment, and where the debt does not exceed

exceed forty ſhillings, more than forty days from the time of commitment; and all gaolers are to diſcharge ſuch perſons accordingly. *ſ.* 1.

When the time ſhall expire for which ſuch perſons ſhall have been committed, ſuch perſons ſhall immediately be diſcharged without paying any fees, or other reward or gratuity whatſoever, to the gaoler, by way of gaol or diſcharge fees, or otherwiſe, on any pretence whatſoever; and every gaoler, or others, demanding, taking, or receiving any fee, or ſum of money whatſoever, upon the diſcharge of any ſuch perſon, or keeping or detaining any ſuch perſon priſoner, after the time for which he ſhall be committed as aforeſaid, ſhall forfeit five pounds. *ſ.* 2.

Two juſtices may hear and determine any offence againſt this act; and upon information or complaint before them of ſuch offence, are to ſummon the party accuſed, and alſo the witneſſes on either ſide, and to examine into the matter of fact; and upon due proof made thereof by the oath of one witneſs, or by the confeſſion of the party, to give judgment for the penalty, and to iſſue their warrant for levying the ſaid penalty of five pounds on the goods of the offender, and to cauſe ſale to be made thereof, if not redeemed in four days, rendering to the party the overplus (if any); and where goods cannot be found ſufficient, to commit ſuch offender to priſon, for two months, unleſs ſuch penalty ſhall be ſooner paid. *ſ.* 3.

All forfeitures by this act (the charges for recovery being deducted) ſhall be divided, one moiety to the churchwardens or overſeers of the poor, for the ſupport of the poor, and the other moiety to the perſon who ſhall ſue. *ſ.* 4.

No perſon ſhall be convicted, unleſs complaint or information ſhall be made or exhibited againſt ſuch perſon within two months. *ſ.* 5.

It ſhall not be lawful for any ſuch court of commiſſioners to iſſue any proceſs againſt the body of any perſon, where the party entitled to the benefit of any judgment, ſhall, at the ſame time, have obtained any warrant againſt the goods of the ſame perſon. *ſ.* 6.

No perſon ſhall be capable of acting as a commiſſioner in the execution of the acts before mentioned, unleſs ſuch perſon ſhall be a houſeholder within the diſtrict, city, liberty, or place, for which he ſhall act, and ſhall be poſſeſſed of a real eſtate of the annual value of twenty pounds, or of a perſonal eſtate of the value of five hundred pounds: and if any perſon, not ſo qualified, ſhall act, ſuch perſon ſhall forfeit twenty pounds to any perſon who ſhall ſue for the ſame; to be recovered in any of the courts of record at *Weſtminſter*, with full coſts, by action of debt, *&c.*; and the perſon ſo proſecuted ſhall prove that he is qualified, or otherwiſe pay the penalty, upon proof being given of his having acted as a commiſſioner, provided ſuch action be commenced within ſix months. *ſ.* 7.

(See alſo the general title "Debt and Debtors" in Part I.)

Dyers.

By 17 *Geo.* 3. *c.* 33. The 5 *Eliz. c.* 5. reſtraining perſons from exerciſing any craft, myſtery, or occupation, except brought up therein ſeven years, *&c.* as to journeymen or ſervants being employed in the trade of a dyer, ſhall be repealed, with reſpect to *Middleſex*, *Eſſex*, *Surrey*, and *Kent*; and perſons who carry on the trade of a dyer, within any of the ſaid counties, may employ ſo many journeymen, ſervants, and labourers, as they ſhall have occaſion for, without incurring any penalty under the ſaid act.

By 23 *Geo.* 3. *c.* 15.* *To prevent frauds in dying woollen goods*, the maſter, wardens, and court of aſſiſtants of the company of dyers of *London*, under the common ſeal of the ſaid company, together with *John Barchard*, *John Cole*, *Samuel Farmer*, *Chamberlain Goodwin*, *Chamberlain Goodwin* junior, *Jacob Mills*, *John Platt*, *Edward Seward*, *Joſeph Seward*, *Richard Still*, *Thomas Vincent*, and *Thomas Whitehead*, or any three of them, ſhall appoint ſuch number of perſons as they think proper, to be ſearchers of all ſhops, warehouſes, workhouſes, and tenter-grounds or drying-places, of all perſons, companies and corporations, uſing the trade of dying of cloths, bays, or other woollen goods of every kind whatſoever; and alſo of all perſons concerned in the dying, drying, or packing of any ſuch cloths, bays, or other woollen goods, and alſo all public warehouſes, and other public places where any cloths, bays, or other woollen goods, packed up for exportation, ſhall be depoſited, ſituate within *London*, and within ten miles of the ſaid city; and from time to time to appoint others in the room of ſuch as ſhall die, reſign, or be removed; and every ſearcher ſo appointed is empowered, in the day-time, to enter into any ſuch ſhop, warehouſe, workhouſe, tenter-ground, or drying-place, and other places as aforeſaid, and to ſearch for and examine all cloths, bays, and other woollen goods dyed black or blue, whether packed or unpacked, and alſo to cut and take away a pattern or ſample from either end of every piece, for the purpoſe of trying and proving the ſame, ſuch ſearcher taking to his aſſiſtance a conſtable, or other peace officer, who is required to be aiding to ſuch ſearcher in the execution of this act, whenever application ſhall be made to him. *ſ.* 5.

When any of the perſons herein before named, or to be appointed as herein after mentioned, to act in the appointment of ſearchers, ſhall die, or refuſe to act, the ſurviving perſons, or three of them, ſhall, by writing under their hands, appoint another perſon (uſing the trade of a dyer of woollen goods, and reſiding within the limits), in the room of the perſon dying or refuſing to act; and every perſon ſo appointed ſhall have the like power to act in the appointment of ſearchers as aforeſaid. *ſ.* 6.

The ſaid company of dyers, and the perſons herein before authoriſed to act in the appointment of ſearchers, or three of them, ſhall hold their firſt meeting for the appointment of ſearchers, at *Dyers Hall*, in *London*, upon the ſeventh day after the paſſing of this act, and may then, and from time to time afterwards, adjourn themſelves, and meet at the ſame or any other place within the city, as often as neceſſary, for the appointment of ſearchers within the limits aforeſaid; but if at any meeting, a ſufficient number of perſons authoriſed to appoint ſearchers, ſhall not attend, or ſhall omit to adjourn ſuch meeting, then any one of ſuch perſons may adjourn ſuch meeting to ſuch time and place within the ſaid city as he ſhall think proper. *ſ.* 7.

In caſe, at any meeting for the appointment of ſearchers, the ſaid company of dyers ſhall not attend, the perſons herein before named, or to be appointed to act in the appointment of ſearchers, or any three of them, are to appoint ſuch perſons as they think proper, to be ſearchers within the limits. *ſ.* 8.

If the ſaid company of dyers, and the ſeveral perſons herein before authoriſed to act in the appointment of ſearchers, or three of ſuch perſons, ſhall refuſe or neglect to appoint and continue a proper number of ſearchers, any

* See the other regulations of this act, and the penalty thereby impoſed upon perſons obſtructing the ſearchers, under the general title "Dyers," in Part I.

two perſons uſing the trade of a dyer of woollen goods, may apply to the juſtices, at any general quarter ſeſſions within the limits, and make complaint of ſuch refuſal or neglect; and the juſtices at ſuch ſeſſions may make inquiry touching ſuch complaint; and if it ſhall appear to them that a proper number of ſearchers ſhall not be appointed, the ſaid juſtices ſhall appoint ſuch perſons as they judge neceſſary to be ſearchers within the limits. *ſ.* 9.

Searchers are to take an oath, which ſee under the general title DYERS, *in Part I.*

Elections.

By 11 *Geo.* 1. *c.* 18. *ſ.* 1. Upon every election of citizens to ſerve in parliament for the city of *London*, and upon all elections of mayors, ſheriffs, chamberlains, and other officers, for the ſaid city by the liverymen, and upon all elections of aldermen and common council men, the preſiding officers ſhall, in caſe a poll be demanded by any of the candidates, or two of the electors, appoint clerks to take the ſame; which clerks ſhall take the poll in the preſence of the preſiding officer, and be ſworn by him, truly and indifferently to take the ſame, and to ſet down the name of each voter, and the place of his abode, and for whom he ſhall poll, and to poll no perſon who ſhall not be ſworn, or being a quaker, ſhall not affirm, according to this act: and every perſon, before he is admitted to poll at any elections of citizens to ſerve in parliament, or of any officers uſually choſen by the liverymen, ſhall take the following oath; or being a quaker, ſhall ſolemnly affirm the effect thereof; *viz.*

'*You do ſwear that you are a freeman of* London, *and* '*a liveryman of the company of* ———, *and have been* '*ſo for the ſpace of twelve calendar months, and that the* '*place of your abode is at* ——— *in* ———, *and that* '*you have not polled at this election.*

'*So help you* GOD.'

And at the election of any alderman or common council man, no perſon ſhall be admitted to poll before he hath taken the oath following, or being a quaker, hath affirmed; *viz.*

'*You do ſwear, that you are a freeman of* London, *and* '*an houſeholder in the ward of* ———, *and have not* '*polled at this election.*

'*So help you* GOD.'

All perſons having right to vote at ſuch elections, ſhall (if required by any of the candidates, or any two of the electors) take the oaths in the act of 1 *Geo.* 1. *c.* 13, *for the ſecurity of his majeſty's perſon and government*, &c. (ſee *oaths*), or being a quaker, affirm the effect thereof; and the preſiding officers at ſuch elections, and ſuch ſworn clerks, are impowered to adminiſter the above mentioned oaths; and if ſuch preſiding officer or clerk offend in the premiſes, he ſhall forfeit 60 *l.* beſides coſts. *ſ.* 2.

If any perſon ſhall falſely and corruptly take the ſaid oaths or affirmations, and be thereof convicted by indictment or information; or if any perſon ſhall corruptly procure or ſuborn any other perſon to take the ſame, and ſhall be thereof convicted, the offender ſhall ſuffer as perſons convicted of wilful and corrupt perjury at common law. *ſ.* 3.

If a poll ſhall be demanded at any of the above mentioned elections, the preſiding officer ſhall begin the poll the day it ſhall be demanded, or the next day, and ſhall proceed therein from day to day, until ſuch poll be finiſhed; and ſhall finiſh the poll at elections by liverymen within ſeven days, and the poll at the wardmote within three days after the commencing the ſame; and ſhall, upon adjourning the poll on each day, ſeal up the books with the ſeals, and in the preſence of ſuch of the candidates or perſons deputed by them, as ſhall deſire the ſame; and the poll books ſhall not be opened but at the time and place of meeting; and after the poll is finiſhed, the poll books ſhall within two days be publicly opened at the place of election, and caſt up; and within two days after the numbers of the votes ſhall be declared at the place of election: and if a ſcrutiny be demanded, it ſhall be granted, and the candidates ſhall nominate to the preſiding officers any number of perſons qualified to vote, not exceeding ſix, to be ſcrutineers, to whom the preſiding officers ſhall within ſix days, upon requeſt and at the charge of the candidates or ſcrutineers, deliver a copy, ſigned by ſuch officers of the poll; and the ſcrutinies upon any election by liverymen, ſhall begin within ten days after the delivery of the copies of the polls, and be proceeded upon day by day, and ſhall be finiſhed within fifteen days after commencement; and the preſiding officers ſhall within four days after the finiſhing ſuch ſcrutiny, declare at the place of ſuch election, which of the candidates is duly elected, and the number of legal votes for each candidate. And on the election of any officers at the wardmotes, if a ſcrutiny be demanded, the candidates or ſcrutineers ſhall, within ten days after the receipt of the copies of the poll, deliver to the preſiding officer the names in writing of the perſons againſt whoſe votes they ſhall object, with the particular objections againſt each name; and the preſiding officer ſhall within three days, at the requeſt and charges of any candidate, or the ſcrutineers, deliver copies ſigned of the paper containing ſuch names, and within ten days after having heard ſuch of the candidates as ſhall deſire it, or ſome perſons appointed by them, ſhall at the place of election declare which of the candidates are duly elected, and the number of legal votes; and if the preſiding officer, or any other perſon, ſhall offend in the premiſes, ſuch offender ſhall forfeit 200 *l.* with coſts, over and above all other penalties. *ſ.* 4.

After any election and ſcrutiny, the preſiding officer ſhall deliver under his hand, a liſt of the voters by him diſallowed, to any of the candidates who ſhall demand the ſame, within ſix days after ſuch demand, ſuch candidate paying for the ſame; provided that no ſuch liſt ſhall be given in evidence. *ſ.* 5.

The mayor of *London*, on requeſt made by any candidates or their agents, at any election of citizens to ſerve in parliament, or of a mayor or other officer to be choſen by the liverymen, where a ſcrutiny is granted, ſhall iſſue his precepts, requiring the maſters and wardens of the livery companies to cauſe their clerks to return two liſts of the liverymen of their companies; and the clerks ſhall return ſuch liſts upon oath within three days after the receipt of ſuch precepts; one of which liſts the mayor ſhall deliver to the candidates on each ſide, or their agents. *ſ.* 6.

The right of election of aldermen and common council men ſhall belong to freemen, being houſeholders, paying ſcot and bearing lot. *ſ.* 7.

Provided that the houſes of ſuch houſeholders be of the value of 10 *l.* a year; and that ſuch houſeholders be the ſole occupiers, and have been in poſſeſſion of a houſe of ſuch value in the ward twelve calendar months. *ſ.* 8.

The rates are declared to be, to the church, to the poor, to the ſcavenger, to the orphans, and to the rates in lieu of watch.

watch and ward, and to ſuch other annual rates as the citizens ſhall be liable to, except the annual aids granted by parliament; and if ſuch houſeholder ſhall have paid his ſcot to all the ſaid rates, or 30*s.* a year to all or ſome of them, he ſhall be deemed a perſon paying ſcot. *ſ.* 9.

Provided that ſuch houſeholder ſhall have paid his ſcot to all the ſaid rates, or 30*s.* a year in the whole, within the ſpace aforeſaid; and if any partners carry on a joint trade in any ſuch houſe, ſuch partners ſhall have votes, ſo as the houſe be of the value of as many ſums of 10*l.* a year as there are partners. *ſ.* 10.

Where two perſons, not being partners, ſhall have ſeverally inhabited in the ſame houſe, ſuch perſons ſhall have votes, ſo as the houſe be of the yearly value of 20*l.* and each of them pay the yearly rent of 10*l.* *ſ.* 11.

This act ſhall not oblige any perſons to pay ſcot, or bear lot, from which they are exempted by act of parliament, charter, or writ of privilege. *ſ.* 12.

Perſons aggrieved by aſſeſſments for the orphans, or for watch and ward, may appeal to the mayor and court of aldermen. *ſ.* 13.

No perſon ſhall have right to vote at any election by the liverymen, who have not been upon the livery twelve calendar months, and who ſhall not have paid their livery fines, or who ſhall have received ſuch fines back again in part, or in all, or ſhall have had any allowance in reſpect thereof; and no perſons ſhall have a right to vote who have within two years next before requeſted to be, and have been diſcharged from paying taxes, or have within that time received alms. *ſ.* 14.

Nothing in this act ſhall extend to any election in common council, of any common ſerjeant, town-clerk, judges of the ſheriffs court, coroner, common cryer, commiſſioners of ſewers, garbler, and the governor and aſſiſtants of *London*, of the new plantation of *Ulſter* in *Ireland*. *ſ.* 16.

All the forfeitures hereby enacted ſhall be diſtributed; one third to the king, one other third to the chamberlain for the uſe of the city, and the remaining third to the proſecutor, who will ſue within ſix calendar months after the ſame ſhall be incurred. *ſ.* 20.

Error.

By 28 *Edw.* 3. *c.* 10. The mayor, ſheriffs and aldermen, which have the governance of the city, ſhall cauſe to be redreſſed errors, upon a certain pain, *viz.* the firſt default 1000 marks to the king, and the ſecond default 2000 marks, and the third default, that the franchiſe of the city be taken into the king's hand: and if they do not cauſe to be made due redreſs, it ſhall be inquired of their defaults by inqueſts of foreign counties, *viz.* of *Kent*, *Eſſex*, *Suſſex*, *Hertford*, *Buckingham*, and *Berks*, as well at the king's ſuit as others. *ſ.* 1.

If the mayor, ſheriffs, and aldermen, be by ſuch inqueſts indicted, they ſhall be cauſed to come before the king's juſtices aſſigned, out of the city: and if they put themſelves in inqueſts, the inqueſts ſhall be taken by foreign people: and if they be attainted, the pain ſhall be levied of the mayor, ſheriffs, and aldermen; and the plaintiffs ſhall recover treble damages againſt them. And the conſtable of the *Tower*, or his lieutenant, ſhall ſerve in the place of the ſheriffs to receive the writs: and proceſs ſhall be made by attachment and diſtreſs, and by exigent if need be; ſo that at the king's ſuit, the exigent ſhall be awarded after the firſt *capias* returned, and at the third *capias* returned at the ſuit of the party: and if the mayor, ſheriffs, and aldermen, have lands out of the city, proceſs ſhall be made againſt them by attachments and diſtreſſes in the counties where the lands be: and every of the ſaid mayor, ſheriffs and aldermen, ſhall anſwer particularly for himſelf, as well at the peril of other which be abſent as of himſelf: and this ordinance ſhall extend to all cities and boroughs where ſuch defaults be uſed, and not duly corrected; ſaving that the inqueſts ſhall be taken by foreign people of the county where ſuch cities or boroughs be; and the pain of thoſe of the ſaid boroughs and towns ſhall be judged by the juſtices aſſigned. *ſ.* 2.

By 1 *Hen.* 4. *c.* 15. The penalty in *ſtat.* 28 *Edw.* 3. *c.* 10. as well of the 1000 marks, as of the 2000 marks, and of the ſeiſure of the franchiſe, ſhall not be limited in certainty, but be by the diſcretion of the juſtices aſſigned.

Eſtrepement.

By *ſtat. Glouceſt.* 6 *Edw.* 1. *c.* 13. After a plea is moved in *London* by writ, the tenant ſhall have no power to make waſte or eſtrepement of the tenement, hanging the plea; if he do, the mayor and bailiffs ſhall cauſe it to be kept ſafe at the ſuit of the demandant: and the ſame ſhall be obſerved in other cities and boroughs, and throughout the realm.

Felons.

See the general title in Part I.

Fire and Fireworks.

See the general title in Part I.

Fiſh.

By 17 *Ric.* 2. *c.* 9. The mayor or warden of *London* ſhall have the conſervation of the ſtatutes, *Weſtm.* 2. *c.* 47. and 13 *Ric.* 2. *c.* 19. *(ſee the general title* "*Fiſh and* "*Fiſheries,*" in Part I.) in the *Thames*, from the bridge of *Stanes* to *London*, and from thence over the ſame water, and in the *Medway*, as far as is granted to the citizens. *See* 2 Hen. 6. c. 15.; 39 Eliz. c. 10. ſ. 6. & 43 Eliz. c. 9. *under the general title* "Fiſh and Fiſheries," *in Part I.*

By 10 & 11 *Will.* 3. *c.* 24. *Billingſgate* market in *London*, ſhall be every day (except *Sundays)* a free market for all fiſh; and any perſon may buy or ſell fiſh in the ſaid market. *ſ.* 1.

No perſon ſelling ſea-fiſh in the ſaid market, ſhall pay any other toll for coming with his veſſel, or landing, ſtanding or ſelling, at the ſaid market, than is herein mentioned. *ſ.* 2.

Viz. For every veſſel with ſalt fiſh, for groundage, 8*d. per* day, and 20*d. per* voyage, for all demands, to be diſpoſed of as the lord mayor and court of aldermen ſhall yearly direct, according to the right of the perſons entitled.

For every lobſter boat, for groundage *per* day, 2*d.* and *per* voyage, 13*d.*

For every veſſel of freſh ſea fiſh, for groundage *per* day, 2*d.* and *per* voyage, 13*d.*

For every dogger boat or ſmack with ſea fiſh, for groundage *per* day, 2*d.* and *per* voyage, 13*d.*

For every oyſter veſſel or cock, for groundage *per* day, 2*d.*; for metage one halfpenny *per* buſhel, and *per* voyage 13*d.* to be diſpoſed of as aforeſaid.

Any

Any perſon who ſhall buy fiſh in the ſaid market, may ſell the ſame again in any other place in *London*, or elſewhere, by retail; except that none but fiſhmongers ſhall ſell in public or fixed ſhops or houſes. *ſ.* 3.

This act ſhall not alter any law concerning fiſh caught by foreigners. *ſ.* 4.

Any perſon taking or demanding any toll or ſample, or other impoſition or ſet price of any ſea fiſh of *Engliſh* catching, contrary to 5 *Eliz. c.* 5. (*ſee the general title* "Fiſh, *&c.*" *in* Part I.) ſhall forfeit 10 *l.* one moiety to his majeſty, and the other moiety to ſuch as ſhall ſue for the ſame. *ſ.* 5.

Whereas an evil practice hath been uſed by the fiſhmongers, in imploying one or two perſons to buy up the fiſh brought to *Billingſgate*, and afterwards dividing the ſame amongſt the fiſhmongers by lots; no ſuch practices ſhall be hereafter uſed. *ſ.* 6.

No perſons ſhall imploy, or be imployed by any other in buying at the ſaid market any quantity of fiſh, to be divided, in order to be afterwards put to ſale; nor ſhall any fiſhmonger ingroſs or buy in the ſaid market, any quantity of fiſh, but what ſhall be for his own ſale or uſe, and not for any other fiſhmonger, under pain of forfeiting for each offence 20 *l.* one moiety to the poor of the pariſh, and the other moiety to his uſe who ſhall ſue for the ſame. No perſon ſhall bring on ſhore, or put to ſale, any lobſters that are not eight inches from the peak of the noſe to the end of the middle fin of the tail, under pain of forfeiting for every lobſter 1 *s.* the one moiety to the poor of the pariſh, the other moiety to the proſecutor, to be recovered upon conviction before the chief magiſtrate of any city or town corporate, or before the next juſtice of peace. *ſ.* 7.

No fiſh (except ſtock-fiſh and live eels) taken by foreigners (except proteſtant ſtrangers inhabiting within this kingdom) ſhall be imported in any foreign bottom, not being wholly *Engliſh* property, and ſold or expoſed to ſale in this kingdom, under pain of forfeiture of ſuch ſhip, and of all ſuch fiſh ſo imported and ſold; one moiety to the poor of the pariſh where the ſame ſhall be ſeiſed, the other moiety to his uſe who ſhall ſeiſe the ſame. *ſ.* 8.

Nothing in this act ſhall prohibit the importation of anchovies, ſturgeon, botargo or cavear; nor ſelling of mackarel before or after divine ſervice on *Sundays*. *ſ.* 9.

Nothing in this act ſhall take away an ancient duty of cod and ling, payable to the king for the ſervice of his houſehold, by ſuch merchants as trade to *Weſtmoney* and *Iſeland*. *ſ.* 10.

By 9 *Ann. c.* 26. The court of aſſiſtants of the company of fiſhermen of the river *Thames*, may make bye-laws and ordinances for the government of the ſaid company, ſo as the ſame be firſt approved of or amended by the court of the lord mayor and aldermen of *London*, and likewiſe allowed and confirmed according to the ſtatute; and there ſhall be yearly elected by the next court of lord mayor and aldermen, after the 10th of *June*, out of the ſix wardens of the ſaid company, to be nominated by the court of aſſiſtants, one perſon to be maſter of the ſaid miſtery of fiſhermen; and out of twelve aſſiſtants to be nominated as aforeſaid, ſix wardens of the ſaid art (whereof the water-bailiff of *London* ſhall be one), and in like manner out of ſixty of the commonalty, to be nominated as aforeſaid, thirty aſſiſtants; which maſter, wardens and aſſiſtants, or ſixteen of them, with three of the ſaid wardens, ſhall be the court of aſſiſtants of the ſaid company, and ſhall meet on the firſt *Thurſday* in every calendar month, in the hall of the ſaid company, for reforming abuſes in the ſaid fiſhery, and for the governance of the company; to which court the water-bailiff ſhall be always ſummoned; and the ſaid court of aſſiſtants ſhall call before them all ſuch perſons as ſhall uſe to fiſh or drudge within the limits of the ſaid fiſhery, as common fiſhermen or drudgermen, or cauſe every ſuch perſon, being duly qualified, or having ſerved on board her majeſty's navy for two years, to have his name regiſtered by the court of aſſiſtants, with his place of abode, and the name of every apprentice or ſervant belonging to him in the trade; and ſhall cauſe ſome mark to be placed on every boat and craft which ſhall be uſed in fiſhing or drudging within the limits aforeſaid; which figure or mark ſhall not be changed. And every perſon duly ſummoned by direction of the court of aſſiſtants, to appear before them, in order to ſerve on board her majeſty's navy, who ſhall without lawful cauſe neglect to appear, ſhall be ſent on board her majeſty's navy, and be diſabled from fiſhing on the *Thames* for two years. *ſ.* 1.

No perſon ſhall wilfully kill or expoſe to ſale any ſpawn, fry, or brood of fiſh, or ſpat of oyſters, or any unſizeable, ſmall, or unwholeſome fiſh, or catch or deſtroy any fiſh out of ſeaſon, or expoſe ſuch fiſh to ſale, or knowingly buy, receive or uſe any ſuch; and no perſon ſhall fiſh for, or wilfully hurt or deſtroy any ſalmon or ſalmon-kind fiſh within the ſaid limits, betwixt the 24th of *Auguſt* and the 11th of *November*; and the lord mayor, upon application by the court of aſſiſtants, may order ſtakes to be driven in any place within the river, betwixt the *London* mark-ſtone, above *Stains Bridge* and *London Bridge*, for preſerving the fry, ſpawn, and brood of fiſh, ſo as the ſame be no ways prejudicial to the navigation; and no perſon ſhall without lawful authority remove the ſame. *ſ.* 2.

No fiſh ſhall be ſold more than once within the market, or within 150 yards of *Billingſgate* dock; nor ſhall any perſons, other than free fiſhmongers, in their houſes and ſhops within 150 yards of the ſaid dock, and not in the market of *Billingſgate*, and other than fiſhermen, or the firſt importers of, or perſons bringing up ſuch fiſh to the market, their wives, apprentices, factors or ſervants, hired for that purpoſe, ſell or expoſe to ſale any fiſh at the ſaid market, or within 150 yards of the ſaid dock. *ſ.* 3.

The court of aſſiſtants ſhall yearly, by equal portions, on the feaſt days of *Eaſter* and *Michaelmas*, pay to the water-bailiff, or his aſſigns, 30 *l.* free from taxes, in lieu of ſuch ancient fees as were due to him, and which will be diminiſhed by this act, except the granting licenſes for taking fiſh in their ſeveral ſeaſons, the benefit whereof is intended to be continued to the water-bailiff. *ſ.* 4.

No fiſh ſhall be ſold or expoſed to ſale on board or on ſhore (within the limits of the ſaid market, or within 150 yards of the dock) before three o'clock in the morning from *Lady-day* to *Michaelmas*, and before five o'clock from *Michaelmas* to *Lady-day*; and the proper officer ſhall ring the bell at the time aforeſaid. *ſ.* 5.

The lord mayor and aldermen of *London*, or any one of them, for all offences committed within the juriſdiction of the lord mayor as conſervator of the river, and the juſtices of peace of the reſpective counties, or one of them, for all offences committed out of the juriſdiction of the conſervator, ſhall have power upon view or complaint, to examine, hear, and determine, by the oath of any perſon, or by confeſſion of the party, all offences committed againſt this act; and upon conviction, to impoſe a fine not exceeding 10 *l.* nor leſs than 5 *s.* to be levied on ſuch offender's goods, at the diſcretion of the lord mayor, aldermen, or juſtices, unleſs ſuch offender pay ſuch fine, or give ſecurity to ſuch magiſtrate to abide ſuch order as

ſhall be made by the court of conſervancy upon ſuch conviction made by the ſaid lord mayor and aldermen, or at the quarter ſeſſions upon conviction made before the juſtices, in caſe the offender ſhall appeal; and in caſe no diſtreſs can be found, the offender ſhall be ſent to the houſe of correction, to be kept to hard labour for any time not exceeding two months; and all penalties ariſing by this act for offences committed within the juriſdiction of the conſervator ſhall be paid, one moiety to the informer, the other to the lord mayor as conſervator; and all penalties for offences committed out of the juriſdiction of the conſervator, ſhall be paid, one moiety to the poor of the pariſh, and the other moiety to ſuch perſon who ſhall proſecute. *ſ.* 6.

Saving to the queen, and all courts and perſons, all fines, *&c.* *ſ.* 7.

This act ſhall not prejudice the rights of the city of *London* exerciſed by the lord mayor as conſervator of the river of *Thames*, and waters of *Medway*, or elſewhere, or the rights of the admiralties or vice-admiralties of *Kent* or *Eſſex*, or the fiſhings appertaining to the city of *London*, or any other city or town corporate, or any lords of manors, owners of rivers or fiſheries, or the rights of any other perſon. *ſ.* 8.

Nothing in this act ſhall extend to any fiſhermen or drudgermen who ſhall dwell in any of the cinque ports, or their members, or in the city of *Rocheſter*, or towns of *Strood*, *Chatham*, *Finſbury*, *Gillingham*, *Milton*, *Queenborough*, *Feverſham*, *Whitſtaple*, or the places adjacent. *ſ.* 9.

This act ſhall be a public act; and in caſe any action be proſecuted againſt any perſon for what he ſhall do in purſuance of this act, ſuch perſon may plead the general iſſue. *ſ.* 10.

The 22 Geo. 2. c. 49. *appointed a free and open market to be held in the city of* Weſtminſter *for all ſorts of fiſh, with various regulations, but it does not appear to have been carried into execution.*

Any perſon entering into any contract for buying up fiſh to be ſold again by retail, before ſuch fiſh be brought to an open market, and there expoſed to public ſale, ſuch contract is declared to be void; and every party ſo contracting, as well the buyer as the ſeller, ſhall forfeit for every ſuch offence fifty pounds, to be levied in manner after-mentioned; *one moiety to be paid to the truſtees appointed by this act, or their order, to be placed to the general account*, and the other moiety to ſuch perſon as ſhall inform and ſue for the ſame. *ſ.* 9.

If either of the parties ſo contracting, before any information againſt him, inform againſt the other, ſuch party ſo informing, ſo as ſuch other party may be duly convicted, ſhall not only be acquitted from the ſaid penalty, but alſo be entitled to ſue for in his own name, and recover the whole forfeiture incurred by the other; one moiety to be paid to the truſtees, and appropriated as aforeſaid, and the other moiety to ſuch perſon who ſhall ſue for the ſame. *ſ.* 10.

Nothing in this act ſhall make void any contracts already made, or prevent any contracts to be made by any perſon in regard to freſh ſalmon or ſoles brought by land carriage, or to oyſters, or ſalt, or dried fiſh. *ſ.* 11.

If any perſon, natives or foreigners, keep any fiſh at *Queenborough*, *Graveſend*, or other place, in any well-boat, ſtore-boat, or any other manner, ſo as not to ſell off their whole cargo within eight days from their arrival on the *Britiſh* coaſt, between *North Yarmouth* and *Dover*, every perſon ſo offending, and convicted by confeſſion or the oath of one witneſs, ſhall for every ſuch offence forfeit his whole cargo of fiſh, and the veſſel with her furniture, to be levied by diſtreſs and ſale, by warrant of any juſtice of peace for the county where the offence is committed; and the produce thereof ſhall be applied, one moiety to the uſe of the informer, and the other moiety to the poor of the pariſh where the offence is committed. *ſ.* 12.

By 30 *Geo.* 2. *c.* 21. The court of mayor and aldermen of *London*, ſhall before the 29 *Sept.* 1757, make rules for the governing all perſons who ſhall fiſh or drudge in the river of *Thames*, and waters of *Medway*, within the juriſdiction of the ſaid mayor as conſervator; and for declaring in what manner they ſhall demean themſelves in fiſhing, and with what nets and engines, and at what times they ſhall uſe fiſhing in the ſaid river and waters of *Medway*, within the juriſdiction aforeſaid; and for aſcertaining the aſſize of fiſh to be there taken, and for the preſervation of the ſpawn and fry of fiſh; and for obliging every perſon who ſhall fiſh with a boat, veſſel, or craft in the *Thames* and *Medway*, within the juriſdiction aforeſaid, to have in his boat, *&c.* both his chriſtian and ſurname, and the name of the pariſh or place in which he dwelleth, painted in large characters, in ſome place where any one may read the ſame; and for preventing ſuch name from being altered or defaced, and to annex penalties for the breach of ſuch rules not exceeding five pounds for any one offence, and ſuch rules from time to time to alter, and new rules to make, ſo as the ſame be approved of by the lord chancellor, the lord chief juſtice of the king's bench, the lord chief juſtice of the common pleas, the lord chief baron of the exchequer, or any two of them, and they or two of them are to allow or alter the ſame as they think fit; and for the doing thereof no fee ſhall be paid. *ſ.* 1.

No perſon ſhall within the juriſdiction of the ſaid mayor, wilfully take, deſtroy, or expoſe to ſale, or exchange any ſpawn, fry, or brood of fiſh, or ſpat of oyſters, or any unſizeable or unwholeſome fiſh, or fiſh out of ſeaſon, or bring ſuch fiſh on ſhore for ſale, or uſe or keep any net, engine, or other device prohibited by ſuch rules, upon pain of forfeiting for every offence ſuch ſum as by ſuch rules ſhall be appointed, to be recovered as is after-mentioned. *ſ.* 2.

Such rules ſhall within thirty days after the ſame ſhall be approved as aforeſaid, be printed and made public. *ſ.* 3.

The ſaid court of mayor and aldermen ſhall, between the 25th of *June* and 29th of *Sept.* next (and ſo yearly, if occaſion require) order to be ſummoned before them, ſuch and ſo many perſons who fiſh in the *Thames* or *Medway*, within the juriſdiction aforeſaid, as common fiſhermen or drudgermen (not exceeding twelve) as to them ſhall ſeem meet, to be examined upon oath (if the court think fit) touching the fiſhery; and if any ſuch fiſherman or drudgerman being perſonally ſummoned by writing to attend the court of mayor and aldermen by the ſpace of fourteen days at leaſt, neglect ſo to do, or refuſe to be examined upon oath, not making appear before the ſaid court ſome juſt excuſe, he ſhall on proof by oath in ſuch court, of the ſervice of the ſummons, forfeit 40*s.* to be levied by diſtreſs and ſale of goods, by warrant of the ſaid mayor, or the recorder, or any alderman of the ſaid city, directed to any aſſiſtant of the water-bailiff, or any conſtable, headborough, or peace officer; and the ſaid diſtreſs ſhall be ſold after five days from the making ſuch diſtreſs, rendering the overplus to the offender; which penal ſum ſhall be paid to the treaſurer of *Greenwich* hoſpital, for the benefit of the hoſpital. *ſ.* 4.

The deputy of the ſaid mayor as conſervator, called *The Water*

Water Bailiff, and his aſſiſtants, appointed by warrant under the hand and ſeal of the mayor, and all perſons authoriſed by warrant of the mayor, may enter into any veſſel of any perſon fiſhing upon the *Thames* or *Medway*, within the juriſdiction aforeſaid, and there ſearch for and ſeiſe all ſpawn, fry, brood of fiſh, ſpat of oyſters, and unſizeable, unwholeſome, or unſeaſonable fiſh, and all unlawful nets, engines, and inſtruments, for taking or deſtroying fiſh, and to ſeiſe on the ſhore adjoining, within the juriſdiction aforeſaid, all ſuch ſpawn, fry, brood of fiſh, ſpat of oyſters, unſizeable, unwholeſome, or unſeaſonable fiſh; and ſuch deputy and aſſiſtants, or other perſons authoriſed, ſhall with all ſpeed, after the ſeiſing any ſuch unlawful nets, *&c.* or any ſpawn, *&c.* cauſe the ſame to be brought before the mayor of *London*, or the recorder, or one of the aldermen, if ſeiſed within the limits of the city of *London* and liberties thereof, either upon the ſaid river or on ſhore, or before the mayor of the ſaid city, or the recorder, or one of the aldermen, or a juſtice of peace of the county in which ſuch ſeiſure ſhall be made, if made upon the ſaid river or waters out of the limits of the ſaid city or the liberties thereof, but within the juriſdiction of the ſaid mayor as conſervator, or before a juſtice of peace of the county in which the ſame ſhall be ſeiſed on ſhore; who ſhall cauſe ſuch nets, *&c.* or ſpawn, *&c.* ſo ſeiſed to be examined; and if the ſame upon examination, or on proof on oath, appear to be unſizeable, unwholeſome, or unſeaſonable, or unlawful, and that the ſame were ſeiſed as aforeſaid, the ſaid mayor, recorder, or any alderman of the ſaid city, or juſtice, within their reſpective juriſdictions, ſhall cauſe to be burnt or deſtroyed, as well all ſuch unlawful nets, *&c.* as alſo all ſuch ſpawn, *&c.* *ſ.* 5.

If any perſon obſtruct the ſaid water-bailiff, his aſſiſtants, or any of the ſaid officers, or any conſtable, headborough, or other peace officer, in the execution of any of the powers veſted in them by this act, or of any warrant iſſued by the ſaid mayor, recorder, or any alderman of the ſaid city, or juſtice reſpectively, in purſuance of this act, or if any perſon reſcue any perſon apprehended by virtue of the powers given by this act, the perſon offending ſhall for every ſuch offence forfeit 10*l.* on conviction by the oath of one witneſs, before the ſaid mayor, recorder, or one of the aldermen of the ſaid city, within the ſaid city and liberties, or the juriſdiction aforeſaid, or before a juſtice of the county where the offence ſhall be committed, or the offender apprehended. *ſ.* 6.

The mayor, recorder, or any one alderman of the ſaid city, within the ſaid city and juriſdiction aforeſaid, and the juſtices of peace of the reſpective counties within the juriſdiction aforeſaid, or any one of them, ſhall have power to hear in a ſummary way complaints touching any unlawful fiſhing, or other offences contrary to the rules made in purſuance of this act; and the ſaid mayor, recorder, aldermen, and juſtices, and each of them, ſhall upon view or upon complaint on oath of any ſuch offence within their reſpective juriſdictions within ten days after the commiſſion of ſuch offence, iſſue his warrant directed to the water-bailiff of the ſaid city, or ſuch his aſſiſtants as aforeſaid, or to ſuch conſtables, headboroughs, or other peace officers, as the mayor, recorder, aldermen, or juſtices, or any one of them, ſhall think fit, requiring him to apprehend ſuch offender, and to bring him before the ſaid mayor, *&c.* within their reſpective juriſdictions, to anſwer the complaint contained in ſuch warrant; which warrant the perſons to whom the ſame ſhall be directed, and their aſſiſtants are to execute on the *Thames* or *Medway*, within the juriſdiction aforeſaid, or on any ſhore adjoining; and they and every of them are to go on board any veſſel in the ſaid rivers, or in the day-time, with a peace officer, to enter any houſe wherein any ſuch offender ſhall be, for the apprehending him, and to carry him as ſoon as may be before the ſaid mayor, recorder, or one of the aldermen of the ſaid city, if apprehended in the city of *London*, or the liberties thereof; and if apprehended out of the city of *London*, or the liberties thereof, then before a juſtice of the county where the ſaid offender ſhall be taken; and the ſaid mayor, *&c.* within their reſpective juriſdictions, is to ſummon witneſſes on either ſide, and to examine them on oath, and thereupon to determine the ſame; and in caſe any offender ſhall be convicted, he ſhall incur ſuch penalty as ſhall be by ſuch rules impoſed; and ſuch warrant or other act of the ſaid mayor, *&c.* and the acts of the water bailiff and his aſſiſtants, and of all perſons in obedience to ſuch warrant, ſhall be as valid as if the ſame were executed within the limits of their own city or juriſdiction. *ſ.* 7.

If any witneſs ſummoned in purſuance of this act neglect to appear, or refuſe to be examined on oath, and no juſt excuſe be offered, every perſon ſo offending, on proof on oath of ſuch ſummons having been ſerved on him, ſhall for every ſuch offence forfeit not exceeding five pounds, nor leſs than 20*s.* as the ſaid mayor, *&c.* ſhall by warrant direct. *ſ.* 8.

If any aſſiſtant of the water-bailiff of the ſaid city, or any peace officer, ſhall willingly neglect to ſerve or execute any warrant to him directed in purſuance of this act, or otherwiſe wilfully omit the performance of his duty in the execution of this act, and be convicted by the oath of one witneſs, before the ſaid mayor, *&c.* he ſhall forfeit not exceeding five pounds, as the ſaid mayor, *&c.* ſhall direct. *ſ.* 9.

If the ſaid water-bailiff, or any of his aſſiſtants, receive any money or reward from any perſon to delay or hinder any proſecution, or compound for or wilfully conceal any offence, and be convicted by the oath of one witneſs before the ſaid mayor, recorder, or aldermen of the ſaid city, or one of them, for every ſuch offence he ſhall forfeit five pounds. *ſ.* 10.

The mayor of *London*, recorder, and aldermen of the ſaid city, or one of them, within the ſaid city or liberties, or within the juriſdiction aforeſaid, and any juſtice within their reſpective counties, on the conviction of any perſon, for any offence contrary to this act, the forfeiture not being paid, may iſſue a warrant directed to the aſſiſtant or aſſiſtants of the water-bailiff, or any peace officer, within their juriſdictions, impowering him to make diſtreſs of the goods of the offender for the ſum to be levied by ſuch warrants, and to cauſe ſuch goods after five days from the diſtreſs taken to be ſold, rendering the overplus, after deducting the forfeiture and charges, to the owners; which charges ſhall be aſcertained by the magiſtrate before whom ſuch offender is convicted; and for want of ſuch diſtreſs and non-payment, the ſaid mayor, *&c.* may by warrant commit ſuch offender to the common gaol or houſe of correction of the city or county where convicted for three months, unleſs payment be made before; and one moiety of all ſuch penalties ſhall be paid to the informer, and the other moiety to the treaſurer of *Greenwich Hoſpital* for the uſe of the hoſpital; but in caſe any ſuch offender ſhall think himſelf aggrieved by ſuch conviction, and within the ſaid five days, enter into a recognizance with two ſureties in twenty pounds, before ſuch magiſtrate before whom he is convicted (which recognizance ſhall be returned within fourteen days to the court of the mayor and aldermen) conditioned for his perſonal appearance at ſome court of

the mayor and aldermen, within ſix weeks after the acknowledging ſuch recognizance, or at the next court of conſervancy for the county in which ſuch offence is committed, and to abide ſuch order as ſhall be made by ſuch court, then the goods ſo diſtrained ſhall be returned; and the court of mayor and aldermen, or court of conſervancy, is upon a petition of appeal to appoint a time for the hearing ſuch appeal, and to cauſe notice to be given to the parties, and to ſummon witneſſes, and to examine ſuch witneſſes upon oath, and finally to determine the matter; and the ſaid courts reſpectively ſhall order all or any of the penalties incurred by any of the parties complaining to be mitigated, or ſet aſide ſuch conviction, or confirm the ſame, and award reaſonable coſts to be paid by the appellant; and the ſaid court of mayor and aldermen, or court of conſervancy, may, on forfeiture of any ſuch recognizance, eſtreat the ſame into the exchequer, there to be proceeded upon as eſtreats from any court of conſervancy held by the mayor of the ſaid city. *ſ.* 11.

The mayor, recorder, or any alderman or juſtice, ſhall cauſe ſuch conviction to be drawn up in the form following; *viz.*

to wit. } *Be it remembered, That on this ——— day of ——— in the ——— year of his majeſty's reign,* A. B. *is convicted before me, one of his majeſty's juſtices of the peace for the city or county of* ——— [as the caſe ſhall be] *for* ——— [here ſet forth the offence] *and I do adjudge him to pay and forfeit for the ſame the ſum of* ———.

Given under my hand and ſeal, the day and year aforeſaid.

And the ſaid mayor, *&c.* ſhall cauſe the ſame ſo drawn up to be written upon parchment, and tranſmitted to the court of mayor and aldermen, or court of conſervancy, to be filed amongſt the records of the court to which the ſame is tranſmitted; and in caſe any perſon ſo convicted appeal from the judgment of the ſaid mayor, *&c.* to the court of mayor and aldermen, or court of conſervancy, the ſaid court of mayor and aldermen, or court of conſervancy, ſhall, upon receiving the conviction, proceed to the hearing the appeal. *ſ.* 12.

No *certiorari* or other proceſs for removal of any ſuch conviction, or any proceedings thereon, into any court at *Weſtminſter* ſhall be granted. *ſ.* 13.

In caſe any perſon againſt whom a warrant ſhall be iſſued by the ſaid mayor, *&c.* either before or after conviction ſhall eſcape, or be in any other county or place out of the juriſdiction of ſuch perſon granting ſuch warrant, or if the goods of any offender convicted in purſuance of this act ſhall be in a different county, *&c.* than where the ſaid party was convicted, or the warrant of diſtreſs granted, it ſhall be lawful for the ſaid mayor, recorder, or alderman, or any juſtice of peace of the county, *&c.* into which ſuch perſon ſhall eſcape, or where his goods ſhall be after ſuch conviction, upon proof upon oath of the hand-writing of the ſaid mayor, *&c.* granting ſuch warrant, to indorſe his name on ſuch warrant; and the ſame, when ſo indorſed, ſhall be a ſufficient authority to all peace officers to execute ſuch warrant in ſuch other county, *&c.* out of the juriſdiction of the perſon granting the ſaid warrant; and the ſaid mayor, *&c.* after indorſing the ſaid warrant, may on the offender's being brought before him, within his juriſdiction, proceed to hear the complaint, as if it had originally aroſe within his juriſdiction, or direct the offender to be carried to the perſon who granted the warrant. *ſ.* 14.

Nothing in this act ſhall prejudice the rights of the city of *London*, or any rights exerciſed by the mayor of the ſaid city as conſervator; or alter any power which at the time of making this act, the mayor, commonalty, and citizens of *London*, or the mayor of the city of *London*, as conſervator of the *Thames* and *Medway*, did or might lawfully claim or exerciſe; and it ſhall be lawful for the mayor of the ſaid city as he hath uſed to do in other caſes, to inquire of and determine by preſentment or indictment taken before him as conſervator of the ſaid rivers, all unlawful fiſhing, and all other offences contrary to ſuch rules as ſhall be made by the court of mayor and aldermen, and approved of as aforeſaid; and upon conviction of any offender, to impoſe a fine not exceeding the penalties inflicted by the ſaid rules; which fine ſhall be applied as the penalties inflicted by the court of conſervancy; but no perſon ſhall be puniſhed twice for the ſame offence. *ſ.* 13.

All actions and informations for any thing done in purſuance of this act, ſhall be commenced within ſix months after the cauſe of action ſhall accrue; and the defendant may plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover double coſts; and this act ſhall be taken as a public act. *ſ.* 16.

The 24 *Geo.* 2. *c.* 44. (*See the general title* "Juſtices of "Peace,") ſo far as it relates to the rendering juſtices of peace more ſafe in the execution of their office, ſhall extend to the mayor, recorder, and every alderman of *London*, and to every juſtice acting in the execution of this act: and no action ſhall be commenced againſt, nor any writ ſued out, or copy of writ ſerved upon the water-bailiffs, his aſſiſtants, or any officer, for any thing done in execution of this act, until notice in writing be given him, or left at his uſual place of abode, by the attorney for the party, one month before the commencing ſuch action, *&c.* which notice ſhall contain the name and place of abode of the perſon who is to bring ſuch action, together with the cauſe of action, and the name and place of abode of the ſaid attorney ſhall be under-wrote or indorſed thereon; and the ſaid water-bailiff, his aſſiſtants, and the other officers may at any time within one month after ſuch notice, tender amends for the injury complained of to the party complaining, or to the ſaid attorney; and if the ſame is not accepted, the defendant may plead ſuch tender in bar of ſuch action, together with the general iſſue, or any other plea, with leave of the court; and if upon iſſue joined upon ſuch tender, the jury find the amends tendered to have been ſufficient, they ſhall find a verdict for the defendant; and in ſuch caſe, or if the plaintiff become nonſuit, *&c.* the defendant ſhall be entitled to double coſts; and if the jury find that no ſuch tender was made, or that the amends tendered were not ſufficient, and alſo find againſt the defendant on ſuch other plea, they ſhall find a verdict for the plaintiff, and ſuch damages as they think proper; for which the plaintiff ſhall have judgment together with his coſts. *ſ.* 17.

Saving to the king and all bodies politic, and to the high court of admiralty, and all other courts and perſons, all fines, forfeitures, penalties, amerciaments, and wreck of ſea, payable in reſpect of the ſaid fiſhery or drudging, or otherwiſe, and all rights; and all ſuch right and conſervation, and inquiry and puniſhment for the offences aforeſaid, as they lawfully have or ought to have. *ſ.* 18.

This act ſhall not prejudice any of the rights of the admiralties or vice-admiralties of *Kent* or *Eſſex*, or any piſcaries belonging to the city of *London*, or any other city or town corporate, or any lords of manors, owners or occupiers of any rivers, creeks, ſtreams or fiſheries adjacent

jacent to, or within any part of the ſaid limits, or the rights of any other perſons within the limits aforeſaid. *ſ.* 19.

Nothing in this act ſhall extend to any fiſherman or drudgerman, who do or ſhall inhabit in any of the cinque ports, or their members, or in the city of *Rocheſter*, or the towns or places of *Strood*, *Chatham*, *Frindſbury*, *Gillingham*, *Milton*, *Queenborough*, *Feverſham*, *Whitſtaple*, or the places adjacent; but ſuch fiſhermen and drudgermen may uſe their trades of fiſhing, and drudging, and ſelling, as they have heretofore lawfully done. *ſ.* 20.

Nothing herein ſhall extend to impower the ſaid mayor, court of mayor and aldermen, the water-bailiff, or any other perſon, to grant any licenſe, or to make any rules whereby any licenſe ſhall be required to be taken by any fiſherman, drudgerman, or other perſon, for going out to fiſh, fiſhing or drudging, or whereby any gratuities ſhall be paid by any fiſherman, *&c.* to the water-bailiff or his ſucceſſors, or to any other perſon; or whereby any ſuch fiſherman, *&c.* ſhall be obliged to appear before the ſaid mayor, water-bailiff, or other perſon, to enter his name in any regiſter, or whereby any ſuch fiſherman, *&c.* ſhall be reſtrained from keeping any number of boys in any one boat, notwithſtanding 9 *Ann. c.* 26. or any other law. *ſ.* 21.

By 29 *Geo.* 2. *c.* 39. If any fiſherman, maſter, or owner of any fiſhing veſſel, coming from ſea, or other perſon having the conduct of ſuch fiſhing veſſel, natives or foreigners, employed either in catching, bringing, or vending of fiſh, for the ſupply of *London* and *Weſtminſter*, break bulk, or make ſale of any part of their fiſh, between *Harwich* and the *Nore*, or between *Margate* and the *Nore*, to any perſon to ſell again, or keep any ſhell fiſh or other fiſh in their fiſhing veſſel, or in any well-boat or ſtore-boat, after their arrival, ſo as not to ſell off their whole cargo within eight days from the day of their arrival at the *Nore*, and thereof be convicted before a juſtice of peace for the counties of *Kent* or *Eſſex*, or before the mayor, recorder, or ſuch aldermen who have power to act as juſtices within *Queenborough* or *Graveſend*, on his own confeſſion under his hand, or on the oath of one witneſs (which conviction ſhall be final and without any appeal), ſuch fiſhing veſſel, ſtore-boat, or other boat, into which the ſaid fiſh are unloaded, with all furniture, together with the whole cargo of fiſh, ſhall be forfeited by the owners; ſuch forfeitures to be levied by diſtreſs and ſale, by warrant of any juſtice of peace within the counties of *Kent* or *Eſſex*, or of the ſaid mayor, recorder, or aldermen acting as magiſtrates within the towns of *Queenborough* and *Graveſend*, or ſuch mayor, recorder, or aldermen of any other corporate town, between *Queenborough* and *Graveſend*, and *Weſtminſter*; which warrant the ſaid juſtice or mayor, *&c.* is to iſſue accordingly, directed to the high conſtable, petty conſtable, headborough or tythingman, of either of the ſaid towns of *Queenborough* or *Graveſend*, or any other towns as aforeſaid, near unto where any ſuch offences be committed, or where ſuch fiſhing veſſel, ſtore-boat, or other boat then is, to ſeiſe and ſell the ſame within fourteen days; and one moiety of the produce of ſuch ſale, after charges deducted, ſhall be paid to the informer or informers, as the ſaid juſtices appoint *, *and the other moiety to the truſtees appointed to put the* 22 Geo. 2. c. 49. *and this act in execution, to be placed by them, or five of them, or their order, to the general account of ſurplus of profits ariſing from the fiſh market in the ſaid act mentioned, and to be appropriated as the ſaid ſurplus.* *ſ.* 1.

In caſe any ſuch fiſhing veſſel is loaded with lobſters, or whoſe part-loading may be lobſters, and the fiſhermen, or other perſons, natives or foreigners, who are owners of ſuch lobſters, or have the power to ſell the ſame, ſell off her whole cargo of lobſters within twelve days after the arrival of ſuch veſſel at the place herein before appointed, and in all other reſpects conform to the directions of 22 *Geo.* 2. *c.* 49. and this act; then the ſale of the whole cargo of lobſters ſhall be as good a ſale as if ſuch ſale had been completed within eight days. *ſ.* 2.

Every fiſherman, maſter, or owner of any fiſhing veſſel coming from ſea, and every perſon having the conduct of ſuch fiſhing veſſel, may, as often as need requires, during their voyages at ſea, and before their arrival at the *Nore*, remove any part of their cargoes of fiſh into any other veſſel, for the eaſe of their wells, the preſervation of their fiſh, and the ſeparating ſuch as are dead, dropt, or ſickly, from thoſe which are ſound; ſo that no part of ſuch cargo of fiſh be ſold until their arrival at or above the *Nore*. *ſ.* 3.

Any fiſherman or owner of any *Peter*-boat, or other ſmall fiſhing veſſel employed for ſerving the inhabitants of any city, town, or village, or the neighbourhood thereof, on or near the banks of the ſaid river, between the mouth of the river and the towns of *Queenborough* or *Graveſend*, may ſell their fiſh as hath been heretofore uſed, in caſe ſuch boats or fiſhing veſſels are only employed for the conſumption of ſuch fiſh within ſuch city, towns, or villages, and the inhabitants thereof, or of the neighbourhood. *ſ.* 4.

The truſtees for putting the ſaid former and this act in execution, ſhall appoint inſpectors of the fiſhing veſſels, to ſearch every fiſhing veſſel between the Nore *and* Billingſgate Dock; *to take account, as well of the arrival of ſuch veſſel as of the time of ſelling the whole cargo of fiſh, and of the breaking bulk and unloading ſuch veſſel, and ſhifting the cargo or part into well-boats, and of the delivery or ſelling off ſuch cargo in ſuch manner as directed by* 22 Geo. 2. c. 49. *or this act; and remove ſuch officers at their pleaſure: which inſpectors are to enter and examine ſuch fiſhing-veſſels, well-boats and ſtore-boats; and every perſon on board is to give to the ſaid inſpector ſuch account thereof; and in caſe any perſon refuſe to give ſuch account, or moleſt ſuch inſpector, every one ſo offending, being convicted before a juſtice, by confeſſion, or oath of one witneſs, ſhall forfeit* 10 *l. to be recovered and applied as the other penalties in this act.* *ſ.* 5.

It ſhall be lawful for the high conſtable, petty conſtable, headborough, or tythingman of *Queenborough*, *Graveſend*, or any other towns being corporations, or of any county, city, or liberty, to whom warrant of diſtreſs is directed, to execute the ſame in any part of the river *Medway* or river *Thames*, or any creek thereof, between the *Nore* and the city of *Weſtminſter*; and ſuch warrant or other act of the ſaid mayors, recorders, aldermen, or juſtices of peace, and the acts of the conſtable, headborough, tythingman or other perſon in obedience to ſuch warrant, ſhall be as good in law as if the ſame were executed within the proper limits of their own juriſdiction. *ſ.* 8.

Sect. 9. *inflicted a penalty on ſelling fiſh within* 500 *yards of the* Weſtminſter *fiſh market.*

Such part of the penalties which by 22 Geo. 2. c. 49. *are to be paid to the poor, ſhall be paid to the truſtees mentioned in the ſaid act, to the increaſe of the ſurplus of the tolls and profits thereby appropriated to the putting out apprentices to fiſhermen, maſters of ſhips, or other perſons employed in the ſea-*

* As 22 *Geo.* 2. *c.* 49. for erecting a fiſh market in *Weſtminſter* does not appear to have been carried into execution.—*Quere* therefore as to the effect of this act.

ſea ſervice. And all the truſtees under the ſaid act ſhall execute this. ſ. 15.

Actions for any thing done in purſuance of this act ſhall be brought within ſix months, and in the county where the offence is committed; and the defendant may plead, the general iſſue; and if the plaintiff become non-ſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 16.

By 33 *Geo.* 2. *c.* 27. The maſter, owner, chief officer, or mariner, who ſhall have the care of any veſſel made uſe of for the catching or importing fiſh *(for the ſupply of* London *and* Weſtminſter) ſhall within three days after the arrival of ſuch fiſhing veſſel at the *Nore* with any ſuch fiſh, report the time of ſuch arrival to the perſon who ſhall act as deputed clerk in the coaſt office, under the collector outward in the port of *London* at the cuſtom houſe in *London*; who is to enter the ſame in a book to be kept for that purpoſe, and to give a certificate thereof if required to ſuch maſter, *&c.*; and there ſhall be paid to ſuch deputed clerk for entering ſuch report, and giving a certificate two ſhillings, which ſhall be applied in manner following; *viz.* ſixpence ſhall be retained by ſuch deputed clerk, and one ſhilling and ſixpence ſhall be paid by ſuch deputed clerk to the truſtees of the fiſh market in *Weſtminſter*, or ſuch perſon as they or five of them ſhall by writing appoint; and the receipt of ſuch perſon ſhall be a diſcharge to ſuch deputed clerk: and the money received by ſuch perſon ſhall be applied by the ſaid truſtees to the like uſes, as the money by the 29 *Geo.* 2. *c.* 49.* to be paid them by the ſearchers at *Graveſend*, was directed to be applied (viz. *to pay the inſpectors of the fiſhing veſſels mentioned in the ſaid act for their trouble and the charges of a boat, ſuch yearly ſum as the ſaid truſtees or nine of them ſhould think fit, and the ſurplus to be applied as the ſurplus ariſing from the tolls and duties of* 22 Geo. 2. c. 49. viz. *in apprenticing boys to the ſea ſervice). ſ.* 2.

If the maſter, *&c.* of any ſuch fiſhing veſſel ſhall not within three days next after his arrival at the *Nore*, enter ſuch fiſhing veſſel with ſuch deputed clerk at the ſaid coaſt office, then on information on oath before any juſtice of the counties of *Kent*, *Surrey*, *Eſſex*, or *Middleſex*, or of the cities of *London* or *Weſtminſter*, or before the mayor, recorder, or aldermen acting as magiſtrates within the towns of *Queenborough* and *Graveſend*, or before the mayor, recorder, or aldermen of any other corporate town between *Queenborough* and *Graveſend*, and the city of *Weſtminſter*; and on ſuch maſter, *&c.* being convicted of having neglected to make ſuch entry, either on confeſſion or by the oath of one witneſs, the owner of every ſuch fiſhing veſſel ſhall for every ſuch offence forfeit fifty pounds. *ſ.* 3.

Every maſter, *&c.* ſhall, at the time of his making the report hereby required, give to the ſaid deputed clerk at the ſaid coaſt office, an account, either in writing or printed, of all freſh ſalmon, ſalmon trouts, turbots, and large freſh cod, and half freſh cod fiſh, haddock, ſcate fiſh, freſh ling, lobſters, ſoles, and whitings, brought alive to the *Nore* in ſuch fiſhing veſſel, upon pain that the owner of every ſuch fiſhing veſſel whoſe maſter, *&c.* ſhall neglect to give ſuch account, or ſhall give any falſe account, ſhall on ſuch maſter, *&c.* being convicted either on confeſſion or by the oath of one witneſs, before any ſuch juſtice, forfeit twenty pounds. Or if any ſuch maſter, *&c.* or any perſon on board ſuch fiſhing veſſel, after her arrival at the *Nore*, ſhall wilfully deſtroy or throw away any fiſh, which the ſaid fiſhing veſſel ſhall have brought from the ſea, that is not unwholeſome or unmarketable, ſuch maſter, *&c.* ſhall be committed to the houſe of correction to be kept to hard labour, for any time not exceeding two months nor leſs than one month. *ſ.* 4.

All the above mentioned forfeitures ſhall be levied by warrant of any juſtice of peace as aforeſaid, by diſtreſs and ſale of the goods of the owners of the fiſhing veſſel, whoſe maſter, *&c.* ſhall be convicted of any ſuch offence, or by diſtreſs and ſale of the fiſhing veſſel, or of any nets, tackle, or furniture belonging to ſuch fiſhing veſſel, with the coſts of ſuch diſtreſs and ſale. *ſ.* 5.

The perſon who ſhall act as deputed clerk at the ſaid coaſt office, under the collector outward, ſhall receive at the ſaid coaſt office, every report of the time of the arrival of every ſuch fiſhing veſſel at the *Nore*, and enter the ſame in a book; and ſhall receive at the ſaid coaſt office every account of the freſh ſalmon, ſalmon trout, turbot, and large freſh cod, and half freſh cod fiſh, haddock, ſcate fiſh, freſh ling, lobſters, ſoles, and whitings, brought in any ſuch fiſhing veſſel to the *Nore*; and ſhall with all convenient ſpeed cauſe the ſame to be entered in a book; which book ſhall be kept at the ſaid coaſt office, and may be in office hours inſpected by any perſon. *ſ.* 6.

Such deputed clerk ſhall on *Monday*, *Wedneſday*, and *Friday* in every week, return unto the mayor of *London* in *London*, and to ſuch perſon as the truſtees of the fiſh market at *Weſtminſter* ſhall appoint in *Weſtminſter*, and to the inſpector as aforeſaid, at ſuch place as the ſaid truſtees ſhall by any writing appoint and give notice thereof to the deputed clerk, an account of the time when every fiſhing veſſel ſhall have been entered at the ſaid coaſt office, as having arrived at the *Nore*, and alſo of the aforeſaid fiſh entered at the ſaid coaſt office as brought to the *Nore*; upon pain that if ſuch deputed clerk offend in the premiſes, and be convicted either on confeſſion, or by the oath of one witneſs, before any juſtice as aforeſaid, he ſhall forfeit five pounds. *ſ.* 7.

No live ſalmon, ſalmon trout, turbot, large freſh cod, half freſh cod, haddock, ſcate, freſh ling, ſoles, or whitings, ſhall, after the arrival thereof at the *Nore*, be put into any well-boat or ſtore-boat, out of any ſuch fiſhing veſſel in which the ſame is brought to the *Nore*, upon pain that every perſon offending ſhall forfeit twenty pounds; and no ſuch fiſh ſhall be unloaded out of any fiſhing veſſel, unleſs by retail, into any other veſſel after her arrival at the *Nore*, but into a veſſel or boat employed to carry the fiſh directly to the market of *Billingſgate* or *Weſtminſter*; and no ſuch boat after ſuch fiſh put therein ſhall loiter or keep from going on directly to the market to which ſuch boat is appointed; and in caſe ſuch boat remain above one tide with her fiſh in her way between the place of ſuch taking in and the market at *Billingſgate* or *Weſtminſter*, or remain without delivering her fiſh there at or before the next market (accidents of winds and weather excepted), every perſon acting contrary to the ſaid prohibitions, ſhall be committed to the houſe of correction, to be kept to hard labour for any time not exceeding two months, nor leſs than one month. *ſ.* 8.

The inſpector appointed under 29 Geo. 2. c. 39. *ſhall employ himſelf as the ſaid truſtees ſhall direct, in examining whether the entries made at the ſaid coaſt office (and whereof copies ſhall be tranſmitted to him) were made within the time the ſame ought to have been, and according to the account tranſmitted from the ſaid coaſt office to ſuch inſpector, ſo as the better to diſcover and prevent the frauds deſigned to be remedied by the ſaid act and this act; and ſee that no fiſh be put in any ſtore or well boats contrary to this act; and if*

* Not carried into execution.

any ſuch inſpector be negligent or wilfully miſbehave himſelf, being convicted either on confeſſion, or the oath of one witneſs, before any juſtice as aforeſaid, he ſhall forfeit for every ſuch neglect or wilful miſbehaviour twenty pounds. ſ. 9.

No perſon who ſhall ſell or be concerned in the ſale of any freſh fiſh by commiſſion, ſhall directly or indirectly buy any freſh fiſh to ſell again for his own ſeparate account, or for the joint account of himſelf and any other perſon. And if any perſon offend, and be convicted either on confeſſion, or by the oath of one witneſs, by any ſuch juſtice as aforeſaid, he ſhall forfeit fifty pounds. *ſ.* 10.

Bret or turbot, brill or pearl, although under the dimenſions mentioned in 1 *Geo.* 1. *c.* 18. *ſ.* 7. *(ſee general title* "Fiſh, *&c.*" *in* Part I.) may be expoſed to ſale in *England*, ſo as the ſame be not ſold by retail at a price exceeding ſixpence a pound for every pound any ſuch bret or turbot under the dimenſion of ſixteen inches, or any ſuch brill or pearl under the dimenſion of fourteen inches ſhall weigh: and if any perſon aſk, or take for any ſuch bret, turbot, brill or pearl, under the dimenſions aforeſaid, any higher price than at the rate of ſixpence the pound, or refuſe or neglect to weigh and meaſure any ſuch bret or turbot, brill or pearl, expoſed to ſale, when required, every ſuch bret or turbot, brill or pearl, ſhall be forfeited: and any perſon may ſeize and deliver the ſame into the hands of a conſtable, and charge ſuch conſtable with the party who aſked or took any higher price: and ſuch conſtable is to carry the party ſo charged, and alſo the bret or turbot, brill or pearl, ſo ſeized and delivered to him, with all convenient ſpeed before ſome juſtice of peace, within whoſe juriſdiction any higher price than as aforeſaid was aſked or taken: and if the perſon charged with ſuch offence be convicted either on confeſſion or by the oath of one witneſs, he ſhall forfeit twenty ſhillings for every ſuch offence, and the bret or turbot, brill or pearl, ſo ſeized, ſhall, by order of ſuch juſtice, be given to the perſon who ſhall proſecute to conviction ſuch offender; and the money paid for ſuch bret or turbot, brill or pearl, ſhall be returned to the party who paid the ſame. *ſ.* 11.

No perſon ſhall ſell or expoſe to ſale at the firſt hand, at any fiſh market within the limits of the weekly bills of mortality, or within one hundred and fifty yards of any ſuch fiſh market, and during the market hours, any freſh ſalmon, ſalmon trout, turbot, large freſh cod fiſh, or half freſh cod fiſh, haddock, ſcate fiſh, freſh ling, lobſters, ſoles, or whitings, before he has firſt placed up in ſome conſpicuous manner on or over the place at which he ſhall expoſe ſuch fiſh to ſale, an account wrote or printed of all ſuch fiſh which he then has to ſell; diſtinguiſhing the ſorts and the quantity of every ſort: and if at any time of the day, in which ſuch account has been ſo placed up, and before the fiſh market of that day be ended, any other freſh ſalmon, *&c.* be brought to ſuch ſaleſman to ſell, before he expoſes to ſale any of ſuch other freſh ſalmon, *&c.* he ſhall add an account thereof to the account before put up; and ſhall take care that every ſuch account continue up where firſt placed, until all the fiſh ſpecified therein be ſold, or the fiſh market of the day be ended, without being defaced; upon pain that every one offending, and convicted (except of the taking down, or defacing ſuch account) on confeſſion, or by oath of one witneſs, before any ſuch juſtice as aforeſaid, ſhall forfeit 10*l.* and every perſon convicted of taking down or wilfully defacing any ſuch account whilſt the ſame ought to have continued up, ſhall forfeit 40*s.* *ſ.* 12.

No perſon ſhall take or deſtroy, or knowingly have in his poſſeſſion, either on the water or on ſhore, or bring to ſhore, or cry, carry about, or expoſe to ſale, or exchange for any goods, any ſpawn, fry or brood of fiſh, or any unſizeable fiſh, or any fiſh out of ſeaſon, or any ſmelt which ſhall not be full five inches in length from the noſe to the utmoſt extent of the tail; and if any offend, any perſon may ſeize all ſuch ſpawn or unſizeable fiſh, *&c.* wherever found, with all baſkets and package in which found, and charge a conſtable or other peace officer with ſuch offender; and after ſeizure the ſpawn or fiſh with the baſkets ſhall be delivered to ſome conſtable or peace officer; and ſuch conſtable, *&c.* is to carry ſuch offender and ſuch ſpawn or fiſh with the baſkets, *&c.* before ſome juſtice to be dealt with according to law; and on conviction ſuch offender ſhall forfeit all ſuch ſpawn, fry or brood of fiſh, unſizeable fiſh, and fiſh out of ſeaſon, and every ſmelt of leſs ſize than five inches ſo ſeized, with all baſkets or package in which ſeized; and all ſuch ſpawn or unſizeable fiſh, *&c.* with the package, ſhall, by order of the juſtice, be delivered to the perſon who ſeized the ſame; and every offender convicted ſhall beſides forfeit for every ſuch offence 20*s.* *ſ.* 13.

The under water-bailiff of *London*, and the officers of the city of *London* called *The yeomen of the waterſide*, ſhall take care that the proviſions hereby made concerning the ſale of freſh fiſh in the fiſh-market at *Billingſgate*, and for puniſhing perſons who ſhall have there any ſpawn, brood or fry of fiſh, or unſizeable fiſh, or fiſh out of ſeaſon, or ſmelts of leſs ſize than five inches, be carried into execution; and ſhall take care that the proviſions made by 9 *Ann.* *c.* 26. againſt regrating of fiſh at the market of *Billingſgate* or within 150 yards of *Billingſgate* dock be obſerved; and lay information from time to time before ſome juſtice of peace of the city of *London*, againſt every perſon whom the ſaid under-bailiff, or any yeoman of the waterſide at any time finds to offend: and the perſons appointed by the truſtees to ſuperviſe the fiſh-market of the city of *Weſtminſter* ſhall take care that the proviſions hereby made concerning the ſale of freſh fiſh in the fiſh-market at *Weſtminſter*, and for puniſhing perſons who have there any ſpawn, brood or fry of fiſh, or unſizeable fiſh, or fiſh out of ſeaſon, or ſmelts of leſs ſize than five inches, be carried into execution: and if the under water-bailiff, or any yeoman of the waterſide of the city of *London*, or perſon appointed to ſuperviſe the fiſh-market of *Weſtminſter*, be negligent, or offend in the premiſes, and be convicted, either on confeſſion or by the oath of one witneſs before any juſtice of peace within whoſe juriſdiction any ſuch neglect or offence is committed, every ſuch offender ſhall forfeit 5*l.* *ſ.* 14.

Any juſtice of peace as aforeſaid within his juriſdiction ſhall on application grant his warrant to levy any money forfeited by this act, on the conviction of any offender, by diſtreſs and ſale of the goods of the perſon convicted, with the coſts of diſtreſs and ſale (except in the caſes before provided to charge the owners of ſuch fiſhing veſſels), and one moiety of all the money forfeited for any offence againſt this act (the application whereof is not before appropriated) ſhall be paid to the perſon who proſecutes, and the other moiety, except where the conviction is for any offence in the city of *Weſtminſter*, or for not making the entry at the coaſt office at the time of the arrival of any ſuch fiſhing veſſel at the *Nore*, ſhall be paid to the uſe of the poor of the pariſh in which the offence is committed; and where any conviction is for any offence in the city of *Weſtminſter*, or for not reporting the time of the arrival

of

of any ſuch fiſhing veſſel, the moiety of the money forfeited ſhall be paid to the truſtees appointed to put the recited acts in execution, to be placed to the general account of ſurplus of profits ariſing from the fiſh-market in *Weſtminſter*, and to be appropriated as the ſaid ſurplus in the 22 *Geo.* 2. *c.* 49. is directed: and if ſufficient diſtreſs cannot be found, every ſuch offender, ſhall by warrant of one juſtice directed to ſome peace officer be committed to ſome houſe of correction of the county or place where apprehended, to be kept to hard labour for any time not exceeding three months, unleſs the money forfeited be ſooner paid. *ſ.* 15.

No perſon ſhall be puniſhed for any offence againſt this act, unleſs a proſecution be commenced within two months after ſuch offence, or who has been puniſhed for ſuch offence under any other law; and where any perſon is committed to any houſe of correction for default of payment, or for want of ſufficient diſtreſs, and remains there during the time for which he is committed, no ſuch perſon ſhall be liable afterwards to be proſecuted again for non-payment of ſuch money forfeited. And any perſon inhabiting any pariſh in which any offence againſt this act is committed ſhall be a competent witneſs. *ſ.* 16.

Any juſtice before whom any offender is convicted may mitigate any of the penalties under 5 *l.* not above one half; and ſuch mitigation ſhall be a diſcharge to the perſon offending for ſo much. *ſ.* 17.

The juſtice ſhall cauſe ſuch conviction to be drawn up in the form following: *ſ.* 18.

To wit, *Be it remembered, That on this* ——— *day of* ——— *in the* ——— *year of the reign of* ——— A. B. *is convicted before* ——— *of his Majeſty's juſtices of the peace for the county of* ——— *or city of* ——— *or corporation of* ——— (as the caſe ſhall be) *for* ——— *and* ——— *do adjudge him, her or them,* (as the caſe ſhall be) *to pay and forfeit the ſum of* ———.

Given under our hands and ſeals (or my hand and ſeal) the day and year aboveſaid.

Any perſon who thinks himſelf aggrieved by the conviction of any juſtice againſt this act, or 29 *Geo.* 2. *c.* 39. may appeal to the next general or quarter ſeſſions, firſt entering into a recognizance in double the ſum forfeited before ſuch juſtice, to proſecute ſuch appeal with effect, and abide by the order made on ſuch appeal, and giving eight days notice in writing of ſuch intention to appeal to the party on whoſe proſecution ſuch conviction was made; and the juſtices are in their next general or quarter ſeſſions after ſuch appeal to determine ſuch appeal, and make ſuch order, and award ſuch coſts as ſeems reaſonable; and to levy by their order or warrant the coſts with ſuch money as they adjudge forfeited by diſtreſs and ſale of goods; and for want of diſtreſs to commit the party to the common gaol of the county, *&c.* in which he is apprehended, to be kept to hard labour for ſix months, unleſs the money adjudged forfeited as well as the coſts be ſooner paid; and ſuch order of ſuch ſeſſions ſhall be final. And no proceedings of any juſtices out of or in ſeſſion ſhall be removable by *certiorari*. *ſ.* 19.

If any action be commenced againſt any perſon for any thing done in purſuance of this act, ſuch action ſhall be brought within ſix months, and laid in the county or place in which the offence is committed; and the defendant may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall be paid treble coſts. *ſ.* 20.

By 2 *Geo.* 3. *c.* 15. It ſhall be lawful for any perſon, although not brought up a fiſhmonger, to buy at any market, ſea coaſt, creek, port, haven, bank of any river, or place, in *Great Britain*, any fiſh in ſeaſon, not unſizeable, or under the dimenſions, by the laws now in force, allowed to be ſent to the city of *London*, paying the uſual dues at the places where purchaſed; and afterwards to ſell again in public or fixed ſhops, ſtalls, or houſes, in any other market where fiſh or fleſh are uſually ſold, paying the ſtallage or market dues, without incurring any penalty. *ſ.* 1.

Nothing herein ſhall extend to permit any perſon to ſell fiſh in *Covent Garden* market, or the precincts thereof. *ſ.* 2.

No fiſh allowed to be bought as aforeſaid, ſhall be ſold again by the firſt purchaſer, before conveyed to the cities of *London* or *Weſtminſter*, or ſuch other places in *Great Britain*, as the proprietor ſhall think fit to conſign the ſame, under pain of twenty pounds for every offence. *ſ.* 3.

All ſuch fiſh ſhall be permitted to be conveyed to the place to which the proprietor ſhall think fit to conſign the ſame, without being ſubject to be ſtopped in any place, in order to be ſold there. *ſ.* 4.

Every carriage uſed for the conveyance of ſuch fiſh, ſhall only carry fiſh, and ſhall be marked on the outſide *fiſh machine only*; and ſhall have the name and abode of the owner entered at the office for licenſing hackney coaches; and for every ſuch entry only one ſhilling ſhall be paid; and afterwards the number of ſuch carriage ſhall be marked on ſome conſpicuous part of the outſide, in large figures, painted, or elſe put on lead or other metal, fixed on ſome conſpicuous part; and no fiſh carriage ſhall be deemed a common ſtage waggon: and if any one ſhall neglect what is herein before directed, touching the marking, regiſtering, numbering, and keeping the number of ſuch carriage on ſome part thereof, he ſhall forfeit for every neglect forty ſhillings. *ſ.* 5.

Every ſuch fiſh carriage, numbered and marked as aforeſaid, ſhall be permitted to travel by horſes in pairs not exceeding four, or by a ſingle horſe, or by horſes at length not exceeding three, although the fellies of the wheels ſhall not be nine inches from ſide to ſide; and every ſuch fiſh carriage ſhall only pay toll, as chaiſes drawn by a like number of horſes, or by a ſingle horſe. *ſ.* 6.

Every ſuch fiſh carriage ſhall be allowed to travel on *Sundays* and holydays, laden or empty. *ſ.* 7.

No toll ſhall be paid for any ſuch carriage returning without fiſh, or for any horſes which ſhall draw the ſame back empty, or for any horſes returning from drawing any ſuch fiſh carriage laden, although rode on by any driver. *ſ.* 8.

If any perſon ſhall put any game, or other thing except fiſh, and the neceſſary package and implements of ſuch carriage, into any ſuch fiſh carriage to be conveyed thereby; every perſon, other than the driver, ſhall, on being convicted thereof, forfeit for every offence, five pounds: and if the driver take up, or ſuffer any paſſenger, game, or other thing except fiſh, to be at any time carried in or by any ſuch fiſh carriage; every driver thereof convicted ſhall forfeit forty ſhillings: and if, on the conviction of any driver, the ſum forfeited ſhall not be forthwith paid, the juſtice ſhall, by warrant, commit every ſuch driver to the houſe of correction, there to remain and be kept to hard labour, for not exceeding one month, as any juſtice ſhall order, unleſs the money forfeited ſhall be ſooner paid. *ſ.* 9.

If the owner or other perſon who ſhall have the care of any ſuch fiſh carriage loaded with fiſh, and conſigned for *London* or *Weſtminſter*, ſhall break bulk before brought within

within the bills of mortality, or ſell, or expoſe to ſale, any of the fiſh loaded in ſuch carriage, before brought to *London* or *Weſtminſter*, or within the bills of mortality, and expoſed there to ſale, as after directed, he ſhall forfeit for every offence ten pounds. *ſ.* 10.

All fiſh brought by land carriage to *London* or *Weſtminſter*, or within the weekly bills of mortality, ſhall, with all convenient ſpeed, after brought, be ſorted, and the next morning ſhall be publicly expoſed to ſale in ſome public market within the bills (except ſuch next day ſhall be *Sunday*, and then on *Monday*) and until ſuch fiſh ſhall be ſo expoſed to ſale, no part thereof ſhall be ſold, or offered to ſale, by retail; upon pain that every perſon thereof convicted ſhall forfeit for every ſuch offence ten pounds. *ſ.* 11.

Nothing in this act ſhall prohibit the ſelling any mackrell brought by ſuch carriage, before or after divine ſervice on a *Sunday*. *ſ.* 12.

If any perſon ſhall enter into any contract for buying up any fiſh, except ſalmon and lobſters, before brought to open market, or ſome uſual place for the ſale of fiſh, and before the ſame ſhall be there expoſed in the ordinary manner, and for the uſual time, ſuch contract to be void, and every party thereto ſhall forfeit for every ſuch contract fifty pounds. *ſ.* 13.

No contract for the buying of ſalmon or lobſters taken in *Great Britain*, ſhall be in force for longer than one year, from the date of ſuch contract, and if not entered into writing, then only for one year, from the time of making ſuch parol contract. *ſ.* 14.

No perſon ſhall employ or be employed by any other perſon in buying, or to buy, at any market in *London*, or in the city of *Weſtminſter*, or elſewhere within the bills of mortality, any fiſh brought there to be ſold, to be divided by lots amongſt fiſhmongers or other perſons, in order to be afterwards put to ſale again, or ſold by retail; nor ſhall any fiſhmonger or other perſon buy in any market any fiſh, but what ſhall be for his own ſale only; upon pain of twenty pounds for every offence. *ſ.* 15.

If any proprietor of fiſh, or any ſaleſman, ſhall refuſe to ſell, or enter into any agreement or confederacy not to ſell to any particular perſon, any fiſh which ſhall be expoſed to ſale in any public market; every perſon for every ſuch offence ſhall forfeit twenty pounds. *ſ.* 16.

All fiſh of the ſorts after ſpecified brought for ſale to *London* or *Weſtminſter*, or within the bills, ſhall be publicly expoſed for ſale at the firſt hand, and ſhall be ſold in no greater number or quantity, or by any greater weight in any one lot, in *Billingſgate* market, or within one hundred and fifty yards of *Billingſgate* dock, or in any other market within the weekly bills of mortality, than herein after directed, and every lot ſhall conſiſt only of one ſort of fiſh.

Freſh ſalmon, ſturgeon, large freſh cod, ſkaite, pike, turbot, bret, bril, pearl, kingſton, ling, and doreys	*by the ſingle fiſh.*
Half freſh cod,	*two in a lot.*
Quarter freſh cod,	*four in a lot.*
Mullets, cole-fiſh, ſalmon trout, and trouts	*two in a lot.*

	At Billingſgate.	Elſewhere.
And all ſmall cod,	24	8
Small pike,	6	4
Haddock, large,	4	2
Haddock, ſmall,	24	8
Perch above ſix inches,	12	8
Carp, gurnet, tench and ſea baſs	6	4
Thornbacks,	2	1
Soals, large	4 pair	2 pair
Soals, ſmall	8 ditto	4 ditto
Mackrell, whitings, whiting pouts, plaice, dabs, herrings, pilchards, garb fiſh, flounders, and maids	60	30
Smelts,	52	26
Eels,	20 lb.	10 lb.
Lobſters and crabs, large	20	10
Ditto ſmall	40	20

And if any perſon or perſons ſhall ſell or buy any of the fiſh aforeſaid, at the firſt hand, in any market in *London*, or within one hundred and fifty yards of *Billingſgate* dock, or in any market in *Weſtminſter*, or within the bills, in any lot, any greater number, or any greater weight in any lot than directed; or if any one ſhall ſell, or offer for ſale, in any ſuch lot, more than one ſort of fiſh; he ſhall for every ſuch offence forfeit five pounds. *ſ.* 17.

Notwithſtanding any thing herein before contained, it ſhall be lawful for any perſon to expoſe to ſale, and to ſell in *Billingſgate* market, or in any other market within the bills, any of the ſaid fiſh, where more than one is in any lot, in any ſmaller number, or any eels by any leſſer weight than herein before preſcribed. *ſ.* 18.

No perſon ſhall a ſecond time ſell or expoſe to ſale in *Billingſgate* market, or within one hundred and fifty yards of the dock, or within any other market in *London*, or within the weekly bills of mortality, any fiſh which in the ſame day ſhall have been before ſold in the ſame market; but any buyer may ſell the ſame again, whilſt ſound and wholeſome, in any other place, upon pain that every one who ſhall offend ſhall, for every offence, forfeit ten pounds. *ſ.* 19.

No perſon ſhall ſell, or expoſe to ſale, at the firſt hand, in any market, any of the ſorts of fiſh before ſpecified, before he ſhall have firſt placed in ſome conſpicuous manner, on or over the place at which he ſhall expoſe for ſale ſuch fiſh, a true account, and in a large and legible character, either wrote or printed, diſtinguiſhing the ſeveral ſorts of all ſuch fiſh, and the quantity which he ſhall then have, or have been employed to ſell, except as to the number of flounders, plaice, dabs, mackrell, maids, herrings, and pilchards: and if at any time of the morning or day in which ſuch account ſhall have been placed up, and before the market ſhall be ended, any other fiſh ſhall be brought to ſuch market to be ſold, the perſon employed to ſell the ſame, before he ſhall expoſe to ſale ſuch other fiſh, ſhall add a true account thereof to the account before put up; and the party hereby directed to put up ſuch account ſhall take care that ſuch account ſhall continue up where firſt placed, until all the fiſh ſpecified therein ſhall be ſold, or the market ended, without being defaced; upon pain that every one who ſhall neglect to put up, or continue ſuch account, ſhall, for every offence, forfeit five pounds; and every perſon wilfully taking down, defacing, or altering, or cauſing to be taken down, *&c.* any ſuch account hereby directed to be placed up, ſhall, for every laſt-mentioned offence, forfeit forty ſhillings. *ſ.* 20.

No fiſherman, mariner, or other perſon, employed on board any fiſhing ſhip, ſloop, ſmack, veſſel, or boat, ſhall, after her arrival from fiſhing, wilfully deſtroy, or throw

away fiſh, which any ſuch veſſel ſhall have brought from ſea, or caught in any navigable river, that is not unwholeſome, periſhed, or unmarketable, except ſprats, which ſhall remain unſold, when the market, to which the ſame ſhall be ſent for ſale, ſhall be ended; and ſuch fiſherman, mariner, or other perſon thereof convicted, ſhall be committed to the houſe of correction, there to remain and be kept to hard labour, not exceeding two months, nor leſs than one week, as the juſtice ſhall order. *ſ.* 21.

All perſons within the four degrees after ſpecified, employed in the fiſheries of theſe kingdoms, ſhall be exempted from being impreſſed, except in the caſes after excepted; that is to ſay, Firſt, every maſter of any fiſhing veſſel employed on the ſea coaſts of *Great Britain*, or in any navigable rivers, and who, or ſome owner of which fiſhing veſſel, ſhall have, or within ſix months before applying for any protection herein-after allowed, ſhall have had one or more apprentices, under ſixteen years each, bound to him, or to ſuch owner, for five years; and which apprentice actually ſhall be, or have been, in the ſervice of ſuch maſter or owner, in the buſineſs of a fiſherman. Secondly, every ſuch apprentice, not exceeding four, to every maſter or owner of any fiſhing veſſel, of or above the burthen of thirty tons, and two under thirty tons, during the time ſuch apprentice ſhall continue in actual ſervice, in the buſineſs of a fiſherman, and in no other ſervice, and until the age of twenty years. Thirdly, one mariner, beſides the maſter and apprentices as aforeſaid, who ſhall be employed to navigate or fiſh, in any veſſel, of ten tons or upwards, during the time ſuch mariner ſhall continue and be actually employed in the fiſhing ſervice. And, Fourthly, any landman who ſhall enter on board any ſuch fiſhing veſſel, of the burthen of ten tons or upwards, and be actually employed therein for two years, to be computed from his firſt going to ſea, employed as aforeſaid in any ſuch fiſhing ſhip, ſloop, ſmack, or veſſel, of the burthen of ten tons or upwards, as aforeſaid, and to the end of any fiſhing voyage he may then be engaged in, and if he ſhall continue ſo long really employed in ſuch ſervice. *ſ.* 22.

On an affidavit ſworn before ſome juſtice, making out that the perſon deſcribed in ſuch affidavit is within one of the deſcriptions before ſpecified, and inſerting therein the tonnage of every ſuch veſſel, and the port to which ſhe belongs, and the deſcription of every maſter, and the age of every apprentice, and the term for which ſuch apprentice ſhall be bound, and the date of his indenture, and the deſcription of every ſuch mariner and landman reſpectively, and the time of ſuch landman's firſt going to ſea, being offered to the commiſſioners of the admiralty, or any three or more of them, or left at the office of admiralty, the commiſſioners are with all convenient ſpeed (unleſs they have cauſe to ſuſpect the truth, and in ſuch caſe they are to cauſe inquiry to be made into the truth of ſuch affidavit), from time to time, to grant a ſeparate protection to every ſuch perſon without fee; and every perſon impreſſed contrary to this act, ſhall, on producing the protection to the commanding officer, be diſcharged. *ſ.* 23.

If, during any protection, any perſon ſhall be impreſſed other than in the caſe of an actual invaſion of theſe kingdoms, or imminent danger thereof, ſignified by ſome order of his majeſty, or privy council, to the admiralty, and on producing the protection to the commanding officer, or if offering to produce the ſame for the inſpection of ſuch commanding officer, any ſuch commanding officer ſhall refuſe or neglect to examine ſuch protection, or ſhall detain the ſame protection from the party entitled thereto, and ſhall not forthwith diſcharge the party; or if the party impreſſed ſhall be carried on board any veſſel in the ſervice of his majeſty, and the captain, or any officer, who ſhall command ſuch veſſel, ſhall not, on any ſuch protection being produced; or if ſuch protection ſhall have been taken away, then, if on an affidavit being made before ſome juſtice, that ſuch protection was granted, and in force, and was taken away from the party to whom granted; and being tendered to the captain or officer who ſhall have the command on board any ſuch ſhip or veſſel as aforeſaid, ſuch captain or officer ſhall not forthwith diſcharge the party impreſſed and brought on ſhipboard; or if any captain or officer having command, or any of the crew under him, ſhall take away or detain ſuch protection; then every perſon in any of the ſaid caſes ſhall forfeit to the party impreſſed, if not an apprentice, and if an apprentice, then to the maſter, twenty pounds. *ſ.* 24.

If any maſter or owner of any fiſhing veſſel ſhall knowingly harbour or employ any ſeaman or landman who ſhall have deſerted from his majeſty's ſervice; every ſuch maſter or owner ſhall, for every ſuch offence, forfeit twenty pounds. *ſ.* 25.

All juſtices of the peace ſhall hear and determine all offences againſt this act; and all pecuniary forfeitures, whereof the time for payment is not directed, ſhall be paid within twenty-four hours after the conviction of the offender, either by confeſſion, or by the oath of one or more witneſſes; and any juſtice may iſſue a warrant, directed to any peace officer, to levy the ſame by diſtreſs of the goods of the perſon convicted within the juriſdiction of ſuch juſtice; and if within five days from diſtreſs taken, the money ſhall not be paid with the coſts, the goods ſhall be appraiſed and ſold, rendering the overplus, after deducting the penalty, coſts and charges, to the owner; which charges ſhall be aſcertained by ſome juſtice; and if ſufficient diſtreſs cannot be found (other than the driver of any fiſh carriage as aforeſaid), then on proof thereof upon oath before ſome juſtice, ſuch juſtice ſhall, on the application of any proſecutor, iſſue a warrant, directed to ſome peace officer, to apprehend ſuch offender, if he can be found, and to convey and commit every ſuch offender to the houſe of correction, there to remain and be kept to hard labour for not exceeding two months, as ſuch juſtice ſhall order, unleſs the money forfeited ſhall be ſooner paid. *ſ.* 26.

No perſon ſhall ſuffer puniſhment, unleſs the proſecution be commenced within three months after offence committed; and where any perſon ſhall ſuffer impriſonment, ſuch perſon ſhall not be liable afterwards to pay ſuch penalty. *ſ.* 27.

If any perſon who ſhall contract for fiſh contrary to this act, ſhall, before information made againſt him, inform againſt any other party who ſhall have entered into any ſuch contract, and the party informed againſt ſhall afterwards, on ſuch information, be convicted, then the perſon who ſhall have ſo informed againſt and proſecuted to conviction ſuch other perſon, ſhall be releaſed from all penalties and forfeitures, and ſhall be intitled to one moiety of the penalty. *ſ.* 28.

If it ſhall be made out by the oath of any credible perſon to the ſatisfaction of any juſtice, that any one, within the juriſdiction of ſuch juſtice, is likely to give material evidence on behalf of the proſecutor, or the perſon accuſed, and will not voluntarily appear and be examined, every ſuch juſtice is required to iſſue his ſummons, to convene every ſuch witneſs at ſuch time as in ſuch ſum-

mons ſhall be fixed; and if any perſon ſummoned ſhall neglect or refuſe to appear, and no juſt cauſe ſhall be offered for ſuch neglect or refuſal, then, after proof by oath of ſuch ſummons having been duly ſerved upon the party ſummoned, every ſuch juſtice is required to iſſue his warrant to bring ſuch witneſs before him; and on the appearance of ſuch witneſs, every ſuch juſtice is empowered to examine upon oath every ſuch witneſs; and if ſuch witneſs on his appearance, or being brought before ſuch juſtice, ſhall refuſe to be examined on oath concerning the premiſes, without juſt cauſe, ſuch juſtice may, by warrant, commit any perſon ſo refuſing to priſon, there to remain for not exceeding fourteen, nor leſs than three days, as ſuch juſtice ſhall direct. *ſ.* 29.

In caſe any perſon againſt whom a warrant ſhall be iſſued ſhall go into any other county, it ſhall be lawful for any juſtice of the county into which ſuch offender ſhall go or be, to indorſe his name on ſuch warrant (proof being firſt made, on oath of ſuch warrant having been ſigned by ſuch other juſtice), and every warrant ſo indorſed ſhall be ſufficient authority to all perſons to execute ſuch warrant, out of the juriſdiction of the juſtice who firſt granted ſuch warrant; and every ſuch juſtice, after indorſing ſuch warrant, may, on the offender being apprehended, and brought before ſuch juſtice, hear and determine the matter, in the ſame manner as if the complaint originally aroſe within the juriſdiction of ſuch juſtice who ſhall have backed ſuch warrant; or may direct the offender to be carried before a juſtice, within whoſe juriſdiction the offence was committed. *ſ.* 30.

One moiety of all money forfeited (not appropriated) ſhall go to the perſon who ſhall proſecute to conviction any offender; and the other moiety ſhall go to the treaſurer of *Greenwich* hoſpital for the benefit of the hoſpital. *ſ.* 31.

Perſons aggrieved may appeal to the general or quarter ſeſſion of the peace next after conviction, firſt giving ſecurity in double the ſum forfeited, before ſuch juſtice, to proſecute ſuch appeal with effect, and to abide by the order made on ſuch appeal, and giving eight days notice in writing of his intention to appeal, to the party on whoſe proſecution conviction ſhall be made, if there ſhall be ſo many days within the conviction and ſeſſion; and if not, then the party may appeal to the next general or quarter ſeſſion but one after conviction; and the juſtices in their general or quarter ſeſſion are to determine the appeal, and make ſuch order therein, and award ſuch coſts, as ſhall appear juſt, and to cauſe to be levied, under the order of ſuch ſeſſion, the coſts awarded, with ſuch money as ſuch ſeſſion ſhall adjudge to be forfeited, by diſtreſs and ſale of the goods of the perſon who ſhall refuſe to pay ſuch coſts and money forfeited; and if ſufficient goods cannot be met with, then by diſtreſs and ſale of the goods of the perſons who ſhall have become ſureties for the party who ſhall have appealed. *ſ.* 32.

No order or proceedings had before any juſtice ſhall be quaſhed for want of form only; and the order at general or quarter ſeſſion ſhall be final; and no proceedings in purſuance of this act ſhall be removable by *certiorari*, or otherwiſe. *ſ.* 33.

Actions for any thing done in purſuance of this act, ſhall be brought within ſix months after cauſe accrued, and ſhall be brought, laid, and tried in the county, city or place, in which the cauſe ſhall have ariſen, and the defendant may plead the general iſſue; and if judgment ſhall be for the defendant, then ſuch defendant ſhall have treble coſts. *ſ.* 34.

All the proviſions and regulations herein-before contained with reſpect to the weekly bills of mortality, ſhall extend to the pariſh of Saint *Mary le Bone* in the county of *Middleſex*. *ſ.* 35.

Nothing in this act ſhall make void any contract, in regard to ſalt or dried fiſh, oyſters, carp, or tench. *ſ.* 36.

No juſtice ſhall receive any information againſt any perſon, by reaſon of being a party to, or concerned in, any contract for buying up fiſh to be ſold again contrary to this act; but all money forfeited by reaſon of ſuch contract ſhall be recoverable only, with double coſts, by the perſon who ſhall ſue for the ſame in one of his Majeſty's courts of record at *Weſtminſter*, and one moiety of the money forfeited ſhall go to the treaſurer of *Greenwich* hoſpital for the benefit of the hoſpital, and the other moiety to the perſon who ſhall inform. *ſ.* 37.

Fuel.

By 9 *Ann. c.* 15. All billet that ſhall lie expoſed on wharfs, or other places, where billet is uſually landed, laden or unladen, or that ſhall be put to ſale, or that ſhall be in any hoy or veſſel within the port of *London*, or any other port, ſhall be aſſiſed and marked in manner following, *viz.* All billets ſhall contain in length 3 foot and 4 inches; every billet named a ſingle, being round bodied, ſhall contain in compaſs 7 inches and a half; every billet called a caſt ſhall be marked one, and being round, ſhall contain in compaſs 10 inches and a half, being half round, ſhall contain 12 inches and a quarter, being quarter cleft, ſhall contain 12 inches; every billet called a trois ſhall be cut with three notches in the middle, and being round, ſhall contain in compaſs 13 inches, being half round 15 inches, being quarter cleft 14 inches and three quarters; every billet called two caſt ſhall be marked two, and being round, ſhall contain in compaſs 15 inches, being half round 17 inches and a quarter, being quarter cleft 17 inches; every billet called three caſt ſhall be marked with a notch at each end, and another in the middle, and being round, ſhall contain in compaſs 18 inches and a quarter, being half round 21 inches and a quarter, being quarter cleft 21 inches; every billet called four caſt ſhall be marked four, and being round, ſhall contain in compaſs 21 inches and a quarter, being half round 24 inches and a half, being quarter cleft 24 inches; every billet called five caſt ſhall be marked five, and being round, ſhall contain in compaſs 23 inches and three quarters, being half round 27 inches and a half, being quarter cleft 27 inches; every billet called ſix caſt ſhall be marked ſix, and being round, ſhall contain in compaſs 26 inches, being half round 30 inches, being quarter cleft 29 inches and a half; every billet called ſeven caſt ſhall be marked ſeven, and being round, ſhall contain in compaſs 28 inches, being half round 32 inches and a half, being quarter cleft 32 inches; every billet called eight caſt ſhall be marked eight, and being round, ſhall contain in compaſs 30 inches, being half round 34 inches and three quarters, being quarter cleft 34 inches; every billet called nine caſt ſhall be marked nine, and being round, ſhall contain in compaſs 31 inches and three quarters, being half round 36 inches and three quarters, being quarter cleft 36 inches and a quarter; every billet called ten caſt ſhall be marked ten, and being round, ſhall contain in compaſs 33 inches and a half, being half round 38 inches and three quarters, being quarter cleft 38 inches; every billet called eleven caſt ſhall be marked eleven, and being round, ſhall contain in compaſs 35 inches and a quarter; every billet called

twelve caſt ſhall be marked twelve, and being round, ſhall contain in compaſs 36 inches and three quarters; every billet called thirteen caſt ſhall be marked thirteen, and being round, ſhall contain in compaſs 38 inches and a quarter; every billet called fourteen caſt ſhall be marked fourteen, and being round, ſhall contain in compaſs 39 inches and three quarters; every billet called fifteen caſt ſhall be marked fifteen, and being round, ſhall contain in compaſs 41 inches; every billet called ſixteen caſt ſhall be marked ſixteen, and being round, ſhall contain in compaſs 42 inches and a half; every billet called ſeventeen caſt ſhall be marked ſeventeen, and being round, ſhall contain in compaſs 43 inches and three quarters; every billet called eighteen caſt ſhall be marked eighteen, and being round, ſhall contain in compaſs 45 inches; every billet called nineteen caſt ſhall be marked nineteen, and being round, ſhall contain in compaſs 46 inches and a quarter; every billet called twenty caſt ſhall be marked twenty, and being round, ſhall contain in compaſs 47 inches and a half. *ſ.* 1.

All billet expoſed on wharfs, or other places where billet is uſually landed, laden or unladen, or that ſhall be put to ſale, or that ſhall be in any hoy or veſſel within the port of *London*, or any other port, and ſhall not be aſſiſed or marked as before directed; upon information to any juſtice of peace of the county, or to the mayor, bailiff, or other head officer of the city, borough, or town corporate; ſuch juſtice, mayor, or other head officer, ſhall have power to call before them ſix good men of the town, pariſh, or city, where the billet is, and ſhall ſwear them truly to inquire and preſent whether the ſaid billet be of good aſſiſe; and if they ſhall preſent, that any of the ſaid billets are not aſſiſed and marked, as is before directed, the ſaid juſtice of peace for the county, or the ſaid mayor, *&c.* of the ſaid city, *&c.* ſhall take ſuch of the ſaid billets as ſhall not be marked, or be falſe aſſiſed, as forfeited, and ſhall deliver the ſame to the overſeers of the poor, to be given to the poor. *ſ.* 2.

If any action ſhall be brought againſt any perſon for any thing which he ſhall do in putting in execution this act, it ſhall be lawful for ſuch perſon to plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall have treble coſts. *ſ.* 3.

Any owner of trees may cut billet of what aſſiſe he pleaſes, for the private uſe of the ſaid owner only. *ſ.* 4.

By 10 *Ann. c.* 6. No perſon ſhall ſell billet made of beech wood by retail within *London* and *Weſtminſter*, or the weekly bills of mortality, unleſs the ſame be aſſiſed according to the uſage of marking beech billet before 9 *Ann. c.* 15. or by weight, if the buyer ſhall require the ſame to be weighed. *ſ.* 2.

Fuſtians.

By 11 *Hen.* 7. *c.* 27. No iron inſtruments, or other untrue ſlight, ſhall be uſed upon any fuſtian within this realm, but only by the broad ſhears, upon forfeiture of 20 *s.* the one half to the king, and the other half to them that will ſue for the ſame by action of debt, *&c.* And the mayor and wardens of ſhearmen of *London*, ſhall have authority to enter and ſearch the workmanſhip of all perſons occupying the broad ſhear, as well fuſtians as cloth.

By 39 *Eliz. c.* 13. The lord mayor of *London*, or his deputy, and the maſter and wardens of the myſtery of cloth-workers of *London*, or ſuch diſcreet perſons as the ſaid maſter and wardens ſhall appoint, may enter and make ſearch, as the mayor of *London* and wardens of ſhearmen might have done by 11 *Hen.* 7. *c.* 27. upon pain that the perſons which ſhall make reſiſtance ſhall forfeit 20 *s.* the one half to her majeſty, and the other half to them that will ſue for the ſame by action of debt, *&c.* after the courſe of the common law. *ſ.* 3.

Gauging.

By 31 *Eliz. c.* 8. No brewer ſhall put to ſale any beer or ale in veſſels brought from beyond the ſea, within the city of *London* or ſuburbs of the ſame, or within two miles compaſs without the ſuburbs, before the ſame be gauged, and the true content of every ſuch veſſel ſet upon the ſame, by the gallon appointed for beer and ale according to the ſtandard by the maſter and wardens of the coopers of *London*; nor ſhall put to ſale any beer or ale in any ſuch veſſels, in any other place within *England* and *Wales*, before the ſame be gauged, and the content ſet upon the ſame, by ſuch as by 23 *Hen.* 8. *c.* 4. *(ſee Coopers)* are to have the gauging of barrels, kilderkins, and firkins, made for beer or ale in ſuch other place, upon pain to forfeit all ſuch veſſels, and the beer or ale therein contained, to them that will ſeize the ſame, and upon pain alſo to forfeit for every ſuch veſſel 10 *s.* the one moiety of which forfeitures ſhall be to the queen, and the other moiety to him that will ſue for the ſame. And there ſhall be taken for the gauging of every ſuch veſſel in *London*, and within two miles compaſs without the ſame, by the maſter and wardens of the coopers of *London*; for every butt 1 *d.* for every pipe 1 *d.* for every puncheon one halfpenny, for every hogſhead one halfpenny, and for every tierce one halfpenny, and for every other veſſel after like rates; and there ſhall be taken for the gauging of every ſuch veſſel in all other places, after ſuch rates as are herein appointed to be taken within the city of *London*. *ſ.* 1.

This act ſhall extend to all which uſe the myſtery of brewing, as well *Engliſh* born as ſtrangers; and it ſhall be lawful to every perſon which ſhall have authority to gauge any veſſel, to retain every veſſel gauged until the money due for gauging be paid. *ſ.* 2.

The maſter and wardens of coopers, or their deputies, within eight-and-forty hours after requeſt made, ſhall come to any place in the city of *London* and ſuburbs, or two miles diſtance of the ſame; and with all reaſonable expedition ſhall gauge and mark the caſks, upon pain for every default to forfeit to the party for whom ſuch requeſt ſhall be made, 20 *s.* to be recovered againſt the corporation of coopers, by action of debt, *&c.* *ſ.* 3.

If any ſtranger ſhall bring from beyond the ſeas to the ſaid brewers, any foreign caſk, and ſhall require to have beer put into the ſame, and will tranſport the ſame over the ſeas, there to be drunk, it ſhall be lawful for the brewer to fill ſuch caſks at ſuch rate as he and his merchant can agree, without having them gauged or marked. *ſ.* 4.

Continued indefinitely by 3 Car. 1. c. 4.; 16 Car. 1. c. 4.

Gold and Silver.

See the general title in Part I.

Gunpowder.

See the general title in Part I.

Hay.

By 2 *Will. & Mar. ſtat.* 2. *c.* 8. Every truſs of old hay offered to be ſold in the cities of *London* and *Weſtminſter*,

ber, and within the bills of mortality, between the laſt of *Auguſt* and the firſt of *June*, ſhall contain 56 pounds; and every truſs of hay offered to be ſold between the firſt of *June* and the laſt of *Auguſt*, being new hay of that ſummer's growth, ſhall contain 60 pounds, and being old hay 56 pounds; and the perſons bringing the ſame ſhall forfeit for every truſs of leſs weight 18*d*. *ſ*. 16.

No perſon ſhall ſuffer his waggon or cart to ſtand in the *Hay Market* or *Southwark*, or other place within the bills of mortality, with hay or ſtraw to ſell, from *Michaelmas* to *Lady-day*, after two in the afternoon, and from *Lady-day* to *Michaelmas*, after three in the afternoon, on pain of 5*s*. *ſ*. 17. *See* 31 *Geo*. 2. *c*. 40. *ſ*. 13 & 14.

Every juſtice within *Middleſex* and *Surrey*, and *Weſtminſter*, &c. ſhall have power upon his own knowledge, confeſſion of the party, or proof of one witneſs, to convict any perſon of the offences aforeſaid, whereby ſuch perſon ſhall incur the penalties; one moiety whereof ſhall be for relief of the poor, and the other moiety for him that ſhall proſecute the ſame; and if the conviction ſhall be by the view of any juſtice, one half of the penalty ſhall be to the relief of the poor, and the other moiety, if for a default of payment, to be imployed for the repairing the ſtreets, to be paid to the ſcavengers, or otherwiſe to the relief of the poor; and all the ſaid penalties ſhall be levied by diſtreſs and ſale of goods, by warrant of any juſtice of peace directed to the conſtables and headboroughs of the pariſh where the offence was done; and in default of diſtreſs or nonpayment of the penalties within ſix days after demand, or notice left at the dwelling-place, by the ſaid conſtable, &c. the offender, not being a peer, ſhall be committed to the common gaol, by warrant of any ſuch juſtice, until payment. *ſ*. 18.

By 8 *Will*. 3. *c*. 17. The owner of every cart-load or parcel of hay which ſhall ſtand to be ſold in the ſtreet called the *Haymarket*, ſhall pay to ſuch perſons as ſhall be appointed by the juſtices of peace of *Middleſex* and *Weſtminſter* 3*d*.; and the owner of every cart load or parcel of ſtraw which ſhall ſtand to be ſold in the ſaid ſtreet, ſhall pay 1*d*. in eaſe of the pariſhioners of *St. Martin's in the Fields* and *Saint James Weſtminſter*, towards the paving and amending the *Haymarket*. *ſ*. 1.

The owner of any ſuch cart load or parcel of hay or ſtraw having paid the ſums aforeſaid, and the ſame being not ſold, ſuch cart load or parcel of hay or ſtraw ſhall not pay again the next market-day for ſtanding there. *ſ*. 2.

In caſe any owner of ſuch cart load or parcel of hay or ſtraw ſhall refuſe to pay the 3*d*. and the 1*d*. it ſhall be lawful after demand to levy the ſame upon the goods of the offenders, by warrant of diſtreſs, which any juſtice of peace of *Middleſex* or *Weſtminſter* is authoriſed to grant, on oath made before him by the party who demanded the ſame; which goods may be ſold within three days after the diſtreſs made. *ſ*. 3.

The ſaid ſtreet ſhall be conſtrued to extend in length from the old toll-poſt at the upper end of the *Haymarket*, over-againſt *Coventry Houſe*, to the *Phœnix Inn*, at the lower end, and in breadth from the kennel by the houſes on the eaſt-ſide to the kennel on the weſt-ſide, at which places poſts or ſtones ſhall be ſet up by direction of the ſaid juſtices. *ſ*. 4.

The perſons appointed to collect the toll ſhall twice on every market-day, *viz*. on *Tueſday*, *Thurſday*, and *Saturday*, ring a bell round the *Haymarket*, before any forfeiture of 5*s*. upon the *ſtat*. 2 *Will*. & *Mar*. *ſtat*. 2. *c*. 8. *ſect*. 17. ſhall be incurred, whereof the firſt time to be an hour before, and the laſt time at the expiration of the hours in the act 2 *Will*. & *Mar*. *ſtat*. 2. *c*. 8. appointed for perſons uſing the ſaid market to leave the ſame; on default of ringing ſuch bell twice, no perſon uſing the *Haymarket* the next market-day after ſuch default, ſhall be liable to pay any toll. *ſ*. 5.

All forfeitures for ſtaying longer in the ſaid market than is by the ſaid act appointed, ſhall be demanded in the market-place, by the perſon ringing the bell, the ſame day on which ſuch offences ſhall be committed; and complaint ſhall be made of every ſuch offence to ſome juſtice of the *quorum* within the ſaid county or city of *Weſtminſter* before the next market-day, of which complaint notice ſhall be given to the party offending the next time he comes to the market, or elſe no perſon uſing the *Haymarket* ſhall be liable to any forfeiture for ſtaying longer in the market than by the ſaid act is limited. *ſ*. 6.

The perſons that ſhall collect and diſpoſe of the money ariſing by the toll, ſhall yearly every *Eaſter* ſeſſions, give the juſtices of the ſaid county and city a particular account upon oath of all monies collected by virtue of this act, and how the ſame is diſpoſed of; and in caſe on the foot of any ſuch yearly account any money ſhall remain undiſpoſed of, ſuch remainder ſhall be diſpoſed of for the benefit of the county of *Middleſex*, as the juſtices at ſuch ſeſſions ſhall think fit. *ſ*. 7.

By 31 *Geo*. 2. *c*. 40. All ſtraw ſold or delivered in, or brought to or expoſed for ſale in *London*, or within the limits of the weekly bills of mortality, ſhall be ſold and delivered in bundles or truſſes, each whereof ſhall be tied up, and be the weight of 36 pounds of good and ſound ſtraw, excluſive of any other thing put therein; and if any perſon ſhall ſell or deliver, or bring into, or expoſe for ſale, in *London*, or within the bills of mortality, or within 30 miles from the extent of any part of the limits of the ſaid weekly bills of mortality, where ſtraw is ſold in truſſes, any truſs of ſtraw of leſs weight than thirty-ſix pounds of good and ſound ſtraw, or in the inſide of different goodneſs from what the ſame by the outſide appears to be, being convicted, he ſhall forfeit every time any ſuch ſtraw is brought for ſale, or ſold or delivered in *London*, or within the bills of mortality, not in truſſes, twenty ſhillings; and one ſhilling for every truſs which he ſhall ſell, or bring into, or expoſe for ſale in *London*, or within the bills of mortality, or within thirty miles from the extent of the bills of mortality, where ſtraw is uſually ſold by the truſs, not being of the ſaid weight of thirty-ſix pounds of good and ſound ſtraw, or proved to be in the inſide, of different goodneſs from what the ſame, by the outſide, appears to be. *ſ*. 1.

Every truſs of hay ſold in, or brought into, or expoſed for ſale in *London*, or within the bills of mortality, or ſold within thirty miles from the extent of the bills of mortality, where hay is ſold in truſſes, ſhall be made up with good and ſound hay only, and ſuch as the ſame appears to be by the outſide; and ſuch hay only as is good and ſound ſhall be deemed to be the hay which is to make up the weight every truſs by law ought to be. *ſ*. 2.

The pair of bands with which any truſs of hay is bound, ſhall not exceed the weight of five pounds, upon pain that every perſon ſelling any truſs of hay with bands of a greater weight ſhall, for every ſuch offence, forfeit one ſhilling. *ſ*. 3.

If any perſon employed to bind hay or ſtraw, ſhall not bind up the ſame into bundles or truſſes of ſuch weight and quality as is directed by this act, he ſhall forfeit threepence for every truſs of hay or ſtraw, not being of ſuch weight and quality: provided the ſame be objected to by the owner:

owner within twenty-four hours after the ſame ſhall be ſo bound up, and before the ſame be removed. *ſ.* 4.

No perſon acting as a common ſaleſman in ſelling hay or ſtraw for any other perſon, for gain or by commiſſion, in *London*, or within the bills of mortality, ſhall directly or indirectly buy any hay or ſtraw on his own account, other than to ſpend for his own uſe; and if any ſuch ſaleſman buy any hay or ſtraw on his own account to ſell again, or ſell in *London*, or within the bills of mortality, any hay or ſtraw bought by him on his own account, being convicted, he ſhall for every ſuch offence forfeit 1*s.* for every truſs ſo ſold by or for him. *ſ.* 5.

There ſhall be kept in the *Haymarket* in the city of *London*, and at every other hay-market within the bills of mortality, where hay or ſtraw is allowed to be ſold, a regiſter for entering an account of all hay and ſtraw ſold in ſuch hay-market; and ſuch regiſter ſhall be kept in *London* by the hay-weigher, appointed by the mayor, commonalty, and citizens of *London*, or his deputy; and out of the city of *London* within the bills of mortality, by the clerk or toll-gatherer of every hay-market, or his deputy; and every perſon ſelling any hay or ſtraw in *London*, or within the bills of mortality, his ſervant or agent, ſhall within ſix hours after any hay or ſtraw ſold in any public hay-market in *London*, or within the bills of mortality, and within ſeven days after every ſale of hay or ſtraw in *London*, or within the bills of mortality, out of any ſuch hay-market, make an entry in the regiſter of the hay-market in which ſuch hay or ſtraw is ſold, or where the ſame is not ſold in any ſuch hay-market, then in the regiſter of the hay-market moſt contiguous to the place of ſale; diſtinguiſhing therein the names and places of abode of the owners and ſellers, and the names and places of abode of the buyers, and of the perſons for whom bought, and the day, and the price; and every perſon ſelling ſuch hay or ſtraw, his ſervant or agent, ſhall ſign his name, or ſet his mark to ſuch entry, and pay for the ſame to the hay-weigher, clerk, or toll gatherer, of the market, who keeps ſuch regiſter, one penny: and every ſuch hay-weigher, *&c.* or his deputy, ſhall, at all ſeaſonable times in the day, and during the market hours, permit any perſon to inſpect ſuch regiſter, paying one halfpenny. And if the ſeller of any ſuch hay or ſtraw in *London*, or within the bills of mortality, his ſervant or agent, ſhall not make ſuch entry within ſix hours after any ſale in any public hay-market in *London*, or within the bills of mortality, and within ſeven days after every ſale in *London*, or within the bills of mortality, out of any ſuch hay-market, or not ſign his name or put his mark thereto, or refuſe to pay for ſuch entry, or cauſe to be entered any falſe account of the quantity of hay or ſtraw ſold, or of the price, or of the name or place of abode of any buyer, every owner or ſeller, his ſervant or agent, ſo offending, ſhall on being convicted for every ſuch offence, forfeit any ſum not exceeding 20*s.* nor leſs than 10*s.*: and if any hay-weigher in *London*, or clerk, or toll-gatherer of any hay-market within the limits aforeſaid, or his deputy, ſhall neglect to keep ſuch regiſter, or delay or refuſe to let any entry hereby directed be made therein, or demand any greater price than one penny for ſuch entry, or one halfpenny for permitting ſuch regiſter to be peruſed, or knowingly ſuffer any untrue entry to be made, or refuſe at any ſeaſonable time in the day, in market hours, to permit any perſons to inſpect any entry; every ſuch perſon ſhall for every ſuch offence on being convicted, forfeit any ſum not exceeding 20*s.* nor leſs than 10*s.* *ſ.* 6.

Nothing in this act ſhall oblige any perſon to regiſter hay or ſtraw ſold within the limits aforeſaid, in leſs quantity than four truſſes in a day to one perſon. *ſ.* 7.

Nothing in this act ſhall oblige any perſon to regiſter any hay or ſtraw which he ſhall deliver in *London*, or within the bills of mortality, on ſpecial contract; but ſuch hay and ſtraw only brought into *London*, or within the bills of mortality, to be ſold, and accordingly there ſold, ſhall be regiſtered. *ſ.* 8.

There ſhall be provided by the hay-weigher of the city of *London*, and by every clerk or toll gatherer of every hay-market within the bills of mortality, and kept at every ſuch hay-market in *London*, and within the bills of mortality, proper ſcales and weights, or engines for the weighing all hay and ſtraw there brought for ſale, or required to be there weighed; and ſuch hay-weigher, clerk, or toll-gatherer of the hay-market, or his deputy, ſhall on application, cauſe all hay or ſtraw there brought and required to be weighed, to be weighed with all convenient ſpeed after requeſt; and ſuch hay-weigher, clerk, or toll-gatherer of the market, or his deputy, ſhall be paid by the party requiring ſuch hay or ſtraw to be ſo weighed, one ſhilling for weighing every load; and if leſs than a load be weighed, then one halfpenny for every truſs. And if any doubt ariſe, whether any hay or ſtraw brought into *London*, or within the bills of mortality, and not weighed at any ſuch hay-market, is of the due weight, it ſhall be lawful for the buyer, on the delivery of ſuch hay or ſtraw, where agreed by the ſeller to be delivered, to cauſe the ſame to be weighed in the preſence of the ſeller, or his ſervant, who delivers the ſame; and if the buyer or ſeller, or his ſervant, be diſſatisfied with ſuch weighing, it ſhall be lawful for ſuch buyer or ſeller, or his ſervant, with all convenient ſpeed to apply to the hay-weigher, clerk, or toll-gatherer of the hay-market, or his deputy, neareſt to the place where ſuch hay or ſtraw is delivered, to ſee the ſame weighed over again; and on ſuch application, the hay-weigher, *&c.* ſo applied to, or his deputy, ſhall with all convenient ſpeed come to the place where ſuch hay or ſtraw ſhall be, within the limits aforeſaid, and there ſee ſuch hay or ſtraw again weighed; and the weight aſcertained by ſuch hay-weigher, *&c.* ſhall be concluſive to all parties; but the perſon requiring ſuch hay-weigher, *&c.* to attend and weigh ſuch hay or ſtraw out of any ſuch hay-market, ſhall pay to ſuch hay-weigher, *&c.* two ſhillings, before ſuch hay-weigher, *&c.* be obliged to go to ſee ſuch hay or ſtraw weighed out of any ſuch hay-market; and if any hay or ſtraw weighed out of any ſuch hay-market, be found of the due weight, then the two ſhillings paid to ſuch hay-weigher, *&c.* ſhall be forthwith repaid by the buyer to the ſeller, in caſe the ſeller paid ſuch two ſhillings; and if the hay or ſtraw ſo weighed, be found not to be of the due weight, then if the buyer paid the ſaid two ſhillings, the ſame ſhall be forthwith repaid to him by the ſeller; and if any hay-weigher, clerk, or toll-gatherer, or his deputy, omit to keep proper ſcales and weights, or engines for the weighing hay or ſtraw at ſuch hay-market, or neglect to weigh any hay or ſtraw required to be there weighed, or to attend to ſee the ſame weighed out of ſuch hay-market, at any place within the limits aforeſaid, when required, at any ſeaſonable time in the day-time, and ſo as the ſaid ſum of 2*s.* be paid or tendered, ſuch hay-weigher, *&c.* ſhall for every ſuch offence, forfeit any ſum not exceeding 20*s.* nor leſs than 10*s.* *ſ.* 9.

All hay or ſtraw ſold within thirty miles from the extent of the limits of the bills of mortality, and touching which there is any doubt of want of weight, ſhall on the delivery at the place where delivered by the ſeller, be weighed; and no

no perſon ſhall incur any penalty for ſelling, or expoſing to ſale, any hay or ſtraw of leſs weight, or worſe quality than the ſame ought to be, unleſs ſuch hay or ſtraw be weighed either at or before the delivery, with the privity of the buyer, his ſervant, or agent, or complained of in reſpect of the quality, at the time and place agreed to be delivered at by the ſeller, in the preſence of ſuch ſeller, his ſervant, or agent; unleſs ſuch ſeller, his ſervant, or agent, on requeſt or on notice to attend to ſee ſuch hay or ſtraw ſo weighed, neglect to attend. *ſ.* 10.

No perſon ſhall permit his waggon, cart, or car, loaden with hay or ſtraw for ſale, to ſtand in the hay-market in *Smithfield* in *London*, or in any hay-market within the bills of mortality, from *Lady-day* to *Michaelmas*, after four in the afternoon, and from *Michaelmas* to *Lady-day*, after three in the afternoon; upon pain to forfeit for every ſuch offence 5 *s.*; but before any forfeiture be incurred, the hay-weigher, clerk, or toll-gatherer of the hay-market, or his deputy, ſhall on every market-day, (to wit) *Tueſday*, *Thurſday*, and *Saturday*, in every week, ring a large hand-bell round the hay-market one hour before the expiration of the time above appointed for perſons bringing hay or ſtraw for ſale into ſuch hay-market to leave the ſame; and on any default of ringing ſuch bell, no perſon uſing ſuch hay-market ſhall the next market-day after ſuch default be liable to pay any toll for any waggon, *&c.* ſtanding in ſuch hay-market, to ſell hay or ſtraw; and every ſuch hay-market is, in that caſe, and on the next market-day in which any ſuch default of ringing ſuch bell is made, declared to be toll-free. *ſ.* 12.

No perſon ſhall inour any penalty for ſuffering his waggon, *&c.* loaden with hay or ſtraw for ſale, to be in any ſuch hay-market from *Lady-day* to *Michaelmas*, after three in the afternoon, and from *Michaelmas* to *Lady-day*, after two in the afternoon. *ſ.* 13. (See 2 *Will. & Mar. ſtat.* 2. *c.* 8. *ſ.* 17.)

No perſon ſhall be convicted for any of the before-mentioned offences, unleſs proſecution be commenced within three days after the offence. *ſ.* 14.

On complaint on oath to any juſtice of peace of any offence againſt this act within his juriſdiction, ſuch juſtice is to iſſue his ſummons to convene the perſon charged, and any witneſſes for any of the parties, at a time and place in ſuch ſummons ſpecified; and if any one ſo ſummoned ſhall not appear, or offer ſome reaſonable excuſe for the default, then ſuch juſtice ſhall iſſue his warrant for apprehending the party ſo making default within the juriſdiction of ſuch juſtice; and upon the party complained againſt appearing, or being brought before ſuch juſtice on his warrant, or in caſe the party complained againſt ſhall not appear on ſuch ſummons being ſerved on him or left at his uſual place of abode, and proof be made thereof by oath before ſuch juſtice, then ſuch juſtice is to make enquiry touching the matters complained of by the oaths of any perſons requiſite, and to determine ſuch complaint; and, upon confeſſion or proof of one witneſs upon oath, to convict or acquit the party againſt whom complaint is made; and if the money forfeited be not paid on conviction, ſuch juſtice ſhall iſſue his warrant for levying thereof within his juriſdiction by diſtreſs on the goods of ſuch offender, and to cauſe ſale to be made of ſuch goods, in caſe the money forfeited with the charges be not paid within five days after ſuch diſtreſs, rendering the overplus to the owner, after deducting the charges of diſtreſs and ſale; and if any ſuch offender have not goods within the juriſdiction of ſuch juſtice, any juſtice within whoſe juriſdiction ſuch offender ſhall be, ſhall iſſue a warrant on the application of any informer to apprehend ſuch offender, and to commit him to ſome public priſon or houſe of correction of the county or place in which ſuch offence is committed, for any time not exceeding one calendar month, nor leſs than ten days, unleſs ſuch offender ſooner pay the money forfeited: and if any witneſs refuſe to be examined, he may be committed by ſuch juſtice to ſome priſon of the county, *&c.* where ſuch witneſs ſo makes default, for any time not exceeding ten days. *ſ.* 15.

If any perſon convicted of any offence puniſhable by this act, or for ſelling any truſs of hay of leſs weight than the ſame ought to be, ſhall think himſelf aggrieved by the judgment of any juſtice, ſuch perſon may appeal to the general or quarter ſeſſions of the peace of the county or place in which ſuch conviction is made, next after ſuch conviction, unleſs ſuch next ſeſſions ſhall be held within ſix days after ſuch conviction, and then ſuch perſon may appeal to the ſecond general or quarter ſeſſions next after ſuch conviction; but the party ſo appealing ſhall, before ſuch appeal be received, enter into a recognizance with two ſureties, before ſuch juſtice, in double the ſum which ſuch perſon is adjudged to forfeit, to proſecute ſuch appeal with effect, and to abide by the judgment of the ſeſſions; and ſhall alſo give three days notice in writing of ſuch appeal to, or leave the ſame at the uſual place of abode of the perſon who proſecuted to conviction the party ſo appealing; and the juſtices at ſuch ſeſſions are finally to determine ſuch appeal, and to make ſuch order, and award ſuch coſts, as they deem meet; and the determination of ſuch ſeſſions on every ſuch appeal ſhall be final; and no *certiorari* ſhall be allowed to remove any ſuch proceedings or determination. *ſ.* 16.

One moiety of all money forfeited by this act ſhall be paid to the perſon proſecuting to conviction any offender, and the other moiety to the uſe of the poor of the pariſh or place where the offence is committed. *ſ.* 17.

Any inhabitant of the pariſh or place in which any offence is committed againſt this act, ſhall be a competent witneſs. *ſ.* 18.

If any action be commenced for any thing done in purſuance of this act, the ſame ſhall be commenced within ſix months after the offence committed, and ſhall be laid in the county or city where the offence is committed; and the defendant may plead the general iſſue; and if a verdict be found for the defendant, *&c.* the defendant ſhall recover treble coſts. *ſ.* 19.

By 11 *Geo.* 3. *c.* 15. The hay-market in the *High Street*, in the pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, ſhall be held from *Lady-day* to *Michaelmas*, from ſeven in the morning till one in the afternoon; and from *Michaelmas* to *Lady-day*, from eight in the morning till twelve at noon, and at no other time; and if any perſon ſhall at any time continue or ſuffer his waggon, wain, cart, or car, laden with hay, ſtraw, or fodder, to ſtand or be in any part of the ſaid *High Street* or hay-market, otherwiſe than as above mentioned, he ſhall forfeit 5 *s.*; to be recovered and applied as 31 *Geo.* 2. directs.

Horners.

By 4 *Edw.* 4. *c.* 8. repealed by 1 *Jac.* 1. *c.* 25. and revived by 7 *Jac.* 1. *c.* 14. No alien ſhall buy any *Engliſh* horns unwrought, gathered or growing within the city of *London*, and 24 miles on every ſide of the ſaid city; and no perſon ſhall ſell any *Engliſh* horns unwrought to any ſtrangers, *or cauſe* them to be ſent over the ſea, upon pain of forfeiture of all ſuch horns. And the wardens of the myſtery

myſtery of horners ſhall have power to ſearch all ware pertaining to their myſtery within the ſaid city of *London*, and 24 miles on every ſide; and if they find any ſuch ware within *London* and 24 miles next adjoining, to ſell, that is defective, it ſhall be lawful to them to take the ſame ware, and bring it before the mayor of *London*, the ſame there being proved defective, to be forfeit, the one half to the king, and the other half to the ſaid wardens.

Inſurance.

By 43 *Eliz. c.* 12. The lord chancellor may award under the great ſeal, one ſtanding commiſſion, to be renewed yearly at leaſt, for the hearing and determining of cauſes ariſing on policies of aſſurance entered within the office of aſſurances in *London*; which commiſſion ſhall be directed unto the judge of the admiralty, the recorder of *London*, two doctors of the civil law, two common lawyers, and eight diſcreet merchants, or to any five of them; which commiſſioners, or the greater part of them which ſhall ſit, ſhall have power to hear, examine, and decree all ſuch cauſes concerning policies of aſſurance in a ſummary courſe, without formalities of proceedings. *ſ.* 1.

The commiſſioners as well may warn the parties as examine upon oath any witneſs, and commit any perſon that ſhall contemn their decrees; and they ſhall once every week at leaſt ſit upon the execution of the commiſſion in the office of aſſurances, or ſome other place; and no perſon by this act may claim any fee. *ſ.* 2.

Any perſon grieved by ſentence of the commiſſioners, may within two months of the decree made, exhibit his bill in chancery for the re-examination of ſuch decree, ſo as every complainant before he exhibit ſuch bill, do either execute the ſentence or lay down *in depoſito* with the commiſſioners ſuch money as he ſhall be awarded to pay; and the lord chancellor in every ſuch ſuit brought, by ſuch aſſurers, and decreed againſt the aſſurers, ſhall award double coſts. *ſ.* 3.

No commiſſioner ſhall intermeddle in the execution of ſuch commiſſion in any cauſe where himſelf ſhall be a party; nor any commiſſioner (other than the judge of the admiralty, and the recorder of *London*) ſhall proceed in the execution of any ſuch commiſſion, before he have taken his oath before the lord mayor and court of aldermen, to proceed uprightly and indifferently between party and party. *ſ.* 4.

By 13 & 14 *Car. 2. c.* 23. It ſhall be lawful for the lord chancellor to iſſue yearly or oftener, one ſtanding commiſſion, impowering the commiſſioners, or three of them (whereof a doctor of the civil law, or a barriſter of five years ſtanding to be one), to make a court, and proceed, as by the act 43 *Eliz. c.* 12. five might have done. And the commiſſioners are impowered to ſummon parties and witneſſes, and in caſe of contempt in the witneſſes upon the firſt ſummons and tender of reaſonable charges, and in the parties upon their ſecond ſummons, to puniſh the offenders by impriſonment or coſts; and it ſhall be lawful for every ſuch commiſſioner to proceed in the execution of the commiſſion, having firſt taken an oath before the lord mayor of *London*, to proceed uprightly and indifferently between party and party; and no perſon ſhall proceed in the execution of the commiſſion before he be ſworn before the lord mayor. *ſ.* 2.

In caſe the commiſſioners find cauſe to examine witneſſes beyond the ſeas, or any remote parts of his majeſty's dominions, like commiſſions or proceſs ſhall iſſue out of the court of admiralty, as have formerly been for the purpoſes aforeſaid, returnable before the commiſſioners; and the commiſſioners ſhall have power to give their final ſentence and executions, as well againſt the body of the party evicted or his goods, as alſo againſt the executors and adminiſtrators of ſuch party, and to aſſeſs coſts. *ſ.* 3.

One commiſſioner may adminiſter an oath to any witneſs legally ſummoned, timely notice being given to the adverſe party, and ſet up in the office before ſuch examination. *ſ.* 4.

The commiſſioners ſhall in no caſe proceed both againſt perſon and goods for one debt; and nothing in this act ſhall prejudice the appeal to chancery. *ſ.* 5.

By 6 *Geo.* 1. *c.* 18. It ſhall be lawful for his majeſty, by two charters, to grant that ſuch perſons (who ſhall be named therein) and admitted as members into the ſaid corporations, ſhall be each a ſeparate body politic and corporate, for the aſſurance of ſhips and merchandiſes at ſea, or going to ſea, or for lending money upon bottomry. And the ſaid corporations ſhall have power to chooſe their governors, directors, and other officers; and the governors and directors ſhall continue in their offices for three years; and in caſe of death or removal be ſupplied as ſhall be preſcribed in the charters; and each of the ſaid corporations ſhall be capable in law to purchaſe lands not exceeding 1000 *l. per annum*. *ſ.* 1.

Each of the two corporations ſhall be obliged to cauſe ſuch ſtock of ready money to be provided, as ſhall be ſufficient to anſwer all juſt demands for loſſes, and ſhall ſatisfy all ſuch demands; and in caſe of refuſal or neglect, the parties aſſured may bring action of debt, *&c.* in any of his majeſty's courts of record at *Weſtminſter*, in which the plaintiffs may declare that the ſame corporation is indebted to them in the monies demanded, and have not paid the ſame according to this act. *ſ.* 4.

The corporations in general courts may raiſe ſuch capital ſtocks, either by taking ſubſcriptions of particular perſons, or by call of money from their members, or by ſuch other ways, as to ſuch general courts ſhall ſeem expedient; and all ſubſcribers ſhall have a ſhare in the capital ſtock, and ſhall be admitted members; but no perſon ſhall be entitled to any greater ſhare in the ſtock than the money which they ſhall have paid. *ſ.* 6.

The corporations ſhall have power in their general courts to call in from their members any farther ſums as ſhall be judged neceſſary; and in caſe any member ſhall refuſe to pay his ſhare at the times appointed by notice in the *Gazette*, and upon the *Royal Exchange*, the corporation may not only ſtop the dividends payable to ſuch member, but alſo ſtop the transfers of the ſhares of ſuch defaulter, and charge him with intereſt at 8 *l. per cent. per ann.* and if the principal and intereſt ſhall be unpaid three months, the corporations, or their courts of directors, may authoriſe perſons to ſell ſo much of the ſtock of ſuch defaulter as will ſatisfy the ſame; and the money ſo called in ſhall be deemed capital ſtock. Nevertheleſs the corporations, in a general court, may cauſe any ſums called in to be divided amongſt the then members, and the ſhares in the capital ſhall be proportionally abated. *ſ.* 7.

For enabling the corporations to lend money on parliamentary ſecurities, they ſhall have power to borrow money upon bonds, under their common ſeal, at ſuch intereſt, for any time not leſs than ſix months, as they ſhall think fit, ſo as the principal ſhall not exceed the principal monies then owing to them on ſuch parliamentary ſecurities; and ſuch bonds ſhall not be chargeable with ſtamp-duties. *ſ.* 8.

The ſhares in the capital ſtock ſhall be transferable and deviſable;

deviſable; and their bonds ſhall be aſſignable and recoverable as his majeſty by the charters ſhall preſcribe; and the capital ſtock ſhall be adjudged a perſonal and not a real eſtate, and ſhall go to the executors, and not to the heir. *ſ.* 9.

The ſtock ſhall be exempted from taxes; and no governor, director, or other officer of the corporations, ſhall for that cauſe be diſabled from being a member of parliament, nor in reſpect of ſuch ſhare be liable to be a bankrupt; and no ſtock in the corporations ſhall be ſubject to foreign attachment by the cuſtom of *London* or otherwiſe. *ſ.* 10.

His majeſty by the ſaid charters may grant to each of the corporations power to make bye-laws, and ſuch farther powers relating to the aſſurance of ſhips, *&c.* or lending money upon bottomry, as to him ſhall ſeem meet. *ſ.* 11.

All other corporations, and all partnerſhips for aſſuring ſhips or merchandiſes at ſea, or for lending money upon bottomry, ſhall be reſtrained from under-writing any policies, or making any contracts for aſſurance of ſhips or merchandiſes at ſea, or going to ſea, or for lending money by way of bottomry. And if any corporation, or perſons acting in ſuch partnerſhip (other than one of the two corporations to be eſtabliſhed), ſhall under-write any ſuch policy, or make ſuch contract for aſſurance of ſhips, *&c.* or agree to take any premium for ſuch policies, every ſuch policy ſhall be void, and every ſum ſo under-written ſhall be forfeited, and may be recovered, one moiety to the uſe of the crown, the other to the perſon who ſhall ſue for the ſame, in any court of record at *Weſtminſter*; and if any corporation, or perſons acting in ſuch partnerſhip, agree to lend money by way of bottomry, contrary to this act, the ſecurity ſhall be void, and ſuch agreement ſhall be adjudged an uſurious contract: nevertheleſs, any particular perſon ſhall be at liberty to under-write policies, or may lend money by way of bottomry, ſo as the ſame be not on the account or riſque of a corporation, or of perſons acting in partnerſhip. *ſ.* 12.

Forging their ſeal, policies, &c. *felony without benefit of clergy. ſ.* 13.

No perſon ſhall be capable of being elected governor, ſub-governor, deputy-governor, or director, of either of the ſaid corporations, during the time he ſhall be governor, *&c.* of the other corporation; and if any governor, *&c.* or member of either of the ſaid corporations, having any ſhare in the capital ſtock of that corporation, ſhall in his own name, or in the name of any other, purchaſe any ſhare in the ſtock of the other corporation, the ſhare ſo purchaſed ſhall be forfeited, one moiety to the uſe of his majeſty, the other to the proſecutor, to be recovered as before mentioned. *ſ.* 14.

Upon three years notice to be printed in the *Gazette*, and affixed upon the *Royal Exchange*, by authority of parliament, at any time within 31 years, to be reckoned from the dates of the two charters, and upon payment by parliament to the corporations of the ſums of 300,000 *l.* which the corporations were to pay to his majeſty without intereſt, the corporations ſhall ceaſe; and any vote of the houſe of commons, ſignified by the ſpeaker in writing, to be inſerted in the *Gazette*, and affixed on the *Royal Exchange*, ſhall be deemed ſufficient notice. *ſ.* 15.

After the expiration of 31 years, if his majeſty ſhall judge the farther continuance of the ſaid corporations to be hurtful to the public, it ſhall be lawful, by letters patent under the great ſeal, to make void the ſame corporations; and the ſame ſhall become void accordingly, without any inquiſition, *ſcire facias*, *&c.* *ſ.* 16.

In caſe the corporations ſhall be redeemed within 31 years, or be revoked by letters patent after 31 years, the ſame corporations, or any corporation with like powers, *&c.* ſhall not be grantable again. *ſ.* 17.

It ſhall be lawful for the *South Sea* company, and for the *Eaſt India* company, to lend on the bottom of any ſhip, and on the goods on board any ſhip, in the ſervice of the ſaid companies reſpectively, to any captains or other perſons imployed in the ſervice of the companies, any money by way of bottomry, this act notwithſtanding. *ſ.* 26.

If any governor or member of either of the corporations ſhall, on account of the ſaid corporations, lend to his majeſty, money by way of loan or anticipation, on any part of the revenues, other than ſuch funds on which a credit of loan ſhall be granted by parliament, the ſaid governor, *&c.* or other members conſenting to ſuch loan, being convicted thereof, ſhall forfeit treble the value of the ſums ſo lent; one fifth part to the informer, to be recovered in any court of record at *Weſtminſter*, by action of debt, *&c.* and the reſidue to be diſpoſed of to public uſes, as ſhall be directed by parliament. *ſ.* 29.

By 7 *Geo.* 1. *c.* 27. The corporation called *The London Aſſurance*, having paid into the exchequer 111,250 *l.* in part of 300,000 *l.* and having covenanted to pay 38,750 *l.* farther part thereof in three months; and the corporation called *The Royal Exchange Aſſurance of houſes and goods from fire* having done the like, the reſidue of the ſaid ſums, amounting together to 300,000 *l.* ſhall be releaſed. *ſ.* 26.

By 8 *Geo.* 1. *c.* 15. Where the *Royal Exchange Aſſurance*, and the *London Aſſurance*, are ſubjected to pay double damages beſides coſts, the plaintiffs ſhall recover againſt them only ſingle damages and coſts. *ſ.* 25.

By 11 *Geo.* 1. *c.* 30. On all actions of debt againſt either of the corporations called *The Royal Exchange Aſſurance*, and *The London Aſſurance*, upon any policies under the common ſeal for the aſſuring of any ſhip or merchandiſes at ſea, or going to ſea, it ſhall be lawful for the ſaid corporations to plead generally, that they owe nothing to the plaintiff; and in all actions of covenant againſt either of the ſaid corporations upon any policy under the common ſeal, for the aſſuring any ſhip or merchandiſes at ſea, or going to ſea, it ſhall be lawful for each of the corporations to plead generally, that they have not broke the covenant in ſuch policy contained; and if thereupon iſſue be joined, it ſhall be lawful for the jury to give ſuch part only of the ſum demanded, if it be an action of debt, or ſo much in damage, if it be an action of covenant, as it ſhall appear upon the evidence that the plaintiff ought in juſtice to have. *ſ.* 43.

When any veſſel or merchandiſes ſhall be inſured, a policy duly ſtamped ſhall be iſſued or made out within three days at fartheſt; and the inſurer neglecting to make out ſuch policy, ſhall forfeit 100 *l.* to be recovered and divided as other penalties may be by the laws relating to the ſtamp-duties; and all promiſſory notes for aſſurances of ſhips or merchandiſes at ſea, or going to ſea, are declared void. *ſ.* 44. (*See the general title* "Stamps.")

Juries.

By 7 *Hen.* 7. *c.* 5. The challenge called *riens deins le gard* ſhall be of no effect.

By 11 *Hen.* 7. *c.* 21. No perſon ſhall be impanelled in any jury in *London*, except he be of lands or chattels to the value of forty marks; and no perſon ſhall be impanelled in any jury in the ſaid city for lands or tenements, or action perſonal wherein the debt or damages amount to forty marks, except he be in lands and goods to the value of a hundred marks, and the ſame cauſe of chal-

lenge ſhall be admitted as a principal challenge; and every ſuch perſon ſummoned to appear in any jury before any of the judges of the ſame city, making default at firſt ſummons, ſhall loſe in iſſues 12 *d.* and at the ſecond default 2 *s.* and ſo at every ſuch default the iſſues to be doubled; and all ſuch iſſues loſt in the mayor's court ſhall be levied to the uſe of the mayor and commonalty; and all ſuch iſſues loſt in the ſheriffs courts ſhall be levied to the uſe of the ſheriffs toward their fee-farm. *ſ.* 1. *See the reſt of this act under Attaint*, Part II. p. 13.

By 4 *Hen.* 8. *c.* 3. For all iſſues to be loſt in the mayor's court, according to 11 *Hen.* 7. *c.* 21. it ſhall be lawful to the mayor to diſtrain; and in like manner it ſhall be lawful to the ſheriffs to diſtrain for ſuch iſſues loſt in their courts. *ſ.* 2.

The ſheriffs of *London* ſhall have power to return in panels or arrays of all actions in the courts of king's bench and common pleas, or exchequer, perſons being citizens, having goods to the value of 100 marks, to try the iſſues joined in ſuch action, as other perſons having lands of the yearly value of 40 *s.* *ſ.* 4.

The ſheriffs of the ſaid city ſhall return upon the firſt diſtreſs upon every of the jurors 20 *d.* and upon the ſecond diſtreſs 40 *d.* and upon every diſtreſs after that the double, till a full jury appear; and the ſheriffs that ſhall make any return contrary to the form aforeſaid, ſhall forfeit 10 *l.* the one half to the king, and the other half to the party that will ſue. *ſ.* 5.

By 5 *Hen.* 8. *c.* 5. The act 4 *Hen.* 8. *c.* 3. ſhall be expounded, that the ſheriffs be bound to return at every firſt diſtreſs of *niſi prius*, to be had at Saint *Martins*, upon every of the jurors 20 *d.* and upon the ſecond diſtreſs of *niſi prius*, 40 *d.* and upon every diſtreſs of *niſi prius* after that the double, till a full jury appear; and no ſheriff ſhall forfeit by force of the ſaid ſtatute for any return, except only upon writs of diſtreſſes before juſtices of *niſi prius* within the ſaid city; and upon all other proceſſes awarded out of the ſaid courts or exchequer, it ſhall be lawful to the ſheriffs to make their returns as they were wont to do. *ſ.* 2. See further, 7 *Will.* 3. *c.* 32. 29 *Geo.* 2. *c.* 19. *under the general title* "*Juries*," in Part I.

Juſtices of Gaol Delivery.

By 25 *Geo.* 3. *c.* 18. When any ſeſſion of oyer and terminer and gaol delivery of the gaol of *Newgate* for the county of *Middleſex*, ſhall have been begun to be holden before the eſſoign day of any term, the ſame ſeſſion may be continued to be holden, and the buſineſs thereof finally concluded, notwithſtanding the happening of ſuch eſſoign day of any term, or the ſitting of the court of king's bench at *Weſtminſter*, or elſewhere in *Middleſex*; and all proceedings at ſuch ſeſſion ſhall be valid, any law, uſage, or cuſtom, to the contrary notwithſtanding. *ſ.* 1.

Leather.

By 5 and 6 *Edw.* 6. *c.* 15. No ſadler, girdler, cordwainer, or other artificer, within *London* and the ſuburbs, which ſhall cut tanned leather (to the intent to make wares thereof), ſhall curry or dreſs any of the aforeſaid tanned leather in his own houſe, or by his ſervants; upon pain of forfeiture of all the ſaid tanned leather to be curried; the one moiety to the king, and the other moiety to him that will ſue for the ſame. *ſ.* 7.

By 1 *Mar. ſtat.* 3. *c.* 8. No perſon (occupying the myſtery of currying tanned leather) within *London* or the ſuburbs, ſhall occupy about currying the ſame any ſtuff or tallow but his own, upon pain of forfeiture of all leather ſo curried. *ſ.* 3.

By 1 *Jac.* 1. *c.* 22. Every artificer uſing to convert tanned leather into made wares, as well ſtrangers born as others, may lawfully buy tanned leather to make the ſame into made wares, at *Leadenhall* in *London* upon every *Monday*, the ſame being firſt ſearched, ſealed and regiſtered. *ſ.* 9.

The maſter and wardens of the myſteries of cordwainers, curriers, girdlers, and ſadlers of *London*, upon pain to forfeit 40 *l.* for every year they make default, the one half to the king, and the other half to him that will ſue for the ſame, ſhall four times in the year, *viz.* once every quarter or oftner, make ſearch for all boots, ſhoes, and other wares made of tanned leather, in all places as well within the city of *London* and ſuburbs, as in every other place within three miles of the ſame, where any artificer uſing cutting, working or dreſſing leather ſhall dwell; and the ſaid maſters and wardens may ſeize and carry away to their common halls, all ſuch boots, ſhoes, or other things, which they ſhall find in their ſearches inſufficiently made, curried or wrought. *ſ.* 29.

None of the ſaid maſters and wardens ſhall ſearch any perſons but ſuch as uſe the occupation of the ſaid maſter and wardens; and the coachmakers of *London*, or three miles from the ſame, ſhall be under the ſurvey of the maſter and wardens of the company of ſadlers. *ſ.* 30.

The mayor of *London*, and the aldermen, upon like pain of 40 *l.* ſhall yearly appoint eight perſons, being freemen of ſome of the companies of cordwainers, curriers, ſadlers, or girdlers, whereof one ſhall be a ſealer, and keep a ſeal for ſealing leather, who ſhall be ſworn before the mayor and aldermen: which ſearchers and ſealers ſhall ſearch every tanned hide, ſkin or leather, which ſhall be brought as well to *Leadenhall* as to any other fair or market within three miles of the city; and finding it ſufficiently tanned and dried, ſhall ſeal the ſame. *ſ.* 31.

The mayor of *London*, within ſix days after notice of any ſeizure within the city, or three miles from the ſame, either by the owners or the ſeizors of the ſaid leather, ſhall appoint ſix men, whereof there ſhall be of the better ſort of cordwainers two, of curriers two, and other two of the better ſort of tanners uſing *Leadenhall* market, who ſhall be no kin to the owners, who upon their oaths, ſhall, on the ſecond or third market-day, upon the *Monday*, for leather next after the ſeizure, in the afternoon, try whether the leather ſo ſeized ſhall be ſufficient or not. *ſ.* 33.

If the mayor of *London* ſhall make default in the nomination of triers, he ſhall forfeit 5 *l.* the one moiety to the king, and the other to him that will ſue for the ſame in any of the king's courts of record. And the perſons elected for trial of the ſaid leather, ſhoes, boots, or other wares, ſhall proceed therein without delay, upon pain to forfeit 5 *l.* *ſ.* 35.

Four of the ſaid ſearchers and ſealers in *London* ſhall be every year changed, and ſo many new choſen: and no perſon ſhall continue in the office of ſearching or ſealing of leather in *London* above two years together; and they, which ſhall ſerve in the office two years, ſhall not be choſen again until the end of three years; upon pain that every perſon offending ſhall forfeit for every month 10 *l.* *ſ.* 36.

If any ſearcher or ſealer ſhall refuſe with convenient ſpeed to ſeal any leather ſufficiently tanned, wrought, and uſed, or allow that which ſhall be inſufficient, he ſhall forfeit 40 *s.* And if any ſearcher ſhall receive any bribe,

or

or exact any other fee than is by this ſtatute limited, for the ſearching, ſealing, and regiſtering of leather, he ſhall forfeit 20 *l.* And if any perſon elected to the office of ſearching or ſealing of leather refuſe to execute the ſaid office, he ſhall forfeit 10 *l.* *ſ.* 37.

All red tanned leather which ſhall be brought to *London*, or within three miles from the ſame, ſhall be brought to *Leadenhall* before it be houſed, and there viewed, and ſhall be regiſtered by the ſearchers, with half fees for ſuch tanned leather as ſhall be brought out of *London*, or three miles from the ſame, and ſhall be ſearched and ſealed before it be brought within the city; upon pain that every perſon houſing, or not bringing his leather to *Leadenhall*, ſhall forfeit for every hide or ſkin 6 *s.* 8 *d.* provided that this article ſhall not extend to leather bought in *Bartholomew* fair or *Southwark* market, being ſearched, ſealed and regiſtered. *ſ.* 38.

No tanned leather ſhall be ſold within *London*, or three miles diſtant from the ſame, before the ſame have been ſearched and ſealed; upon pain of forfeiture of all ſuch tanned leather, or the value thereof. *ſ.* 39.

If any perſon wilfully deny ſuch ſearch to be made, or will not ſuffer the maſters and wardens of the companies, or ſearchers ſo appointed, to enter into his houſe, or other place, to ſearch all tanned leather, and all ſhoes, boots, mails, ſaddles, coach-coverings and harneſs, and all wares made of leather, and to ſeize and carry away all ſuch leather, ſhoes and wares, as they ſhall find inſufficiently tanned, curried or wrought, or made of ill ſtuff, every perſon ſo denying, *&c.* ſhall forfeit 5 *l.* *ſ.* 40.

Such ſearchers and ſealers ſhall keep one book, wherein they ſhall enter all bargains made for leather, hides or ſkins, during the time of fair or market, being required by the buyer or ſeller, and the prices, taking for ſearching, ſealing, and regiſtering of every ten hides, backs or buts, with the necks, wombs and dibbings, or other offal, of the ſeller, 2 *d.* and for every ſix dozen of calves-ſkins or ſheep-ſkins, 2 *d.* and of the buyer the ſame. *ſ.* 41.

No perſon ſhall ſell or put away any tanned leather, red and unwrought, except he regiſter the ſaid leather and the price thereof, upon pain of forfeiture of the value of the leather. *ſ.* 42.

It ſhall not be lawful to buy any tanned leather before the ſame be ſearched and ſealed, nor to carry out of the fair or market any leather till it be regiſtered; upon pain to forfeit the ſaid leather, or the value thereof. *ſ.* 43.

If any currier within *London*, or three miles of the ſame, curry any leather inſufficiently tanned, or do not curry ſuch leather as he ſhall curry, ſubſtantially; or if any ſhoemaker or cobler within *London*, or three miles of the ſame, put any tanned leather into ſhoes, or other things made of tanned leather, which ſhall not be well tanned, or put any curried leather into any boots, *&c.* which ſhall not be well tanned, curried and ſealed; or make boots, *&c.* of *Engliſh* tanned leather in other manner than is above ſpecified; or if any ſhoemaker, ſaddler, or other artificer, working leather, make any wares of leather inſufficiently tanned or curried, or do not make their wares ſubſtantially; every perſon ſo offending ſhall forfeit the ſaid wares and the value thereof. *ſ.* 44.

No perſon ſhall utter or ſell within *London*, or three miles of the ſame, any wares appertaining to the myſtery of an artificer uſing cutting of leather, but only in open ſhop, fair or market, upon forfeiture of the wares and 10 *s.* *ſ.* 45.

All perſons being free of *London*, and all foreigners dwelling within *London*, or three miles of the ſame, uſing any occupation of cutting or working of leather into made wares, ſhall be under the ſurvey of the maſters and wardens of ſuch companies of *London*, as the artificers uſing the ſame occupation, being freemen of *London*, be, and ſhall pay to the maſters and wardens as the artificers, being freemen, and of the ſame companies, ſhall pay; the ſame to be recovered by diſtreſs or action of debt in any of the king's courts of record: all which forfeitures of money (except ſuch as are by this act otherwiſe diſpoſed) ſhall be divided into three parts; one part to the king, and another part to him that ſhall ſue for the ſame, and the third part to the city, town or lord of liberties, where the offence ſhall be committed. And all ſuch leather, wares, or things made of tanned leather or curried leather, which ſhall be ſeized and found inſufficient, ſhall be forfeited and diſtributed as followeth, *&c.* ſuch ſtuff ſeized within *London*, or three miles of the ſame, to be brought to *Guildhall* to be prized, and the value thereof to be divided into three parts, whereof one to be to the ſeizor, and another part to the chamber of *London*, and the other part to the poor, as well within the hoſpital of St. *Bartholomew* as to poor houſholders in the circuit aforeſaid, at the diſcretions of ſuch perſons as the mayor and four aldermen ſhall appoint.

The mayor of *London* for the ſaid city and three miles compaſs, ſhall inquire of the premiſes, and hear and determine the ſame, and alſo examine all perſons ſuſpected to offend againſt this act. *ſ.* 50.

By 13 and 14 *Car.* 2. *c.* 7. The market for leather in *Leadenhall* in *London* ſhall be kept on the *Tueſday*. *ſ.* 9.

Every artificer cutting leather, or other perſon which ſhall buy any red tanned leather within *London*, or three miles thereof, ſhall before the next market-day give notice to one of the company of curriers then uſing the art of a currier in *London*, and three miles thereof, and within three weeks after ſuch notice ſhall deliver the leather, except ſuch part as ſhall be uſed for ſoals without being curried, tallowed or dreſſed, unto the currier to whom ſuch notice was given, that the ſame may be curried, tallowed or dreſſed, as by act 1 *Jac.* 1. *c.* 22. upon penalty of forfeiture of 6 *s.* 8 *d.* for every back, but, hide or calves-ſkin, ſo bought and not delivered. *ſ.* 13.

The maſter and wardens of the company of curriers, or ſuch as they ſhall aſſign, ſhall at all ſeaſonable times in the day-time enter into any warehouſe, ſhop, cellar, or other place, within the city of *London*, or three miles of the ſame, belonging to any cordwainer, ſadler, girdler, or other artificer cutting leather, and in the preſence of any two of them ſearch for and ſeize all leather prohibited to be uſed by *ſtat.* 1 *Jac.* 1. *c.* 22.; as alſo all wares made of ſuch leather; and if any ſuch artificers ſhall refuſe to permit the ſaid maſter and wardens, *&c.* to make ſuch ſearch or ſeizure, they ſhall forfeit 20 *l.*; and if any of the ſaid artificers refuſe to be preſent with the ſearchers when the ſame ſhall be deſired by the maſter and wardens of the company of curriers, or ſuch perſons aſſigned by them, the perſons ſo refuſing ſhall forfeit 10 *l.* as aforeſaid. *ſ.* 14.

By 1 *Will.* and *Mar.* *ſtat.* 1. *c.* 33. Every hide, ſkin, or piece of tanned leather, ſhaved or liquored, and well curried, according to 1 *Jac.* 1. *c.* 22. ſhall be adjudged made ware and manufacture of the currier, and ſubject to the view, ſearch and ſeizure, of the maſter and wardens; and ſhall be liable to the ſame penalties as other wares inſufficiently made of tanned leather. *ſ.* 3.

Nothing in this act ſhall give power to the maſter and wardens of the company of curriers to ſearch or ſeize any leather, hide or ſkin, but ſuch as ſhall be curried in *London*, or within three miles thereof, by ſome members of their own company; nor in any other place but the open market-place, or in the ſhops, houſes, or warehouſes of ſuch curriers. *ſ.* 4.

Malt.

By 17 *Ric.* 2. *c.* 4. The malt made in the counties of *Huntingdon*, *Cambridge*, *Northampton*, and *Bedford*, that ſhall be ſold and brought to *London*, ſhall be well ſifted before ſale, ſo that the buyers may have eight buſhels of clean malt for the quarter, and the mayor's bailiffs and wardens of towns where ſuch malt ſhall be ſold ſhall have power at every man's ſuit to ſearch the malt and make redreſs.

Market.

By 22 *Car.* 2. *c.* 11. No houſe, ſhed, or other building, ſhall ſtand upon the market-place at *Newgate* market, other than the market-houſe, without the conſent of the dean and chapter of St. *Paul*'s. *ſ.* 61.

Mayor.

By 24 *Geo.* 2. *c.* 48. The ſolemnity of preſenting and ſwearing the mayors of *London* in the court of exchequer at *Weſtminſter*, after every annual election, in the manner heretofore uſed on the 29th of *October*, ſhall be obſerved on the 9th of *November* in every year, unleſs the ſame ſhall fall on a *Sunday*, and then on the day following. *ſ.* 11.

By 25 *Geo.* 2. *c.* 30. *ſ.* 4. The annual admiſſion and ſwearing of the mayor of *London*, at the *Guildhall* there, and all annual meetings for that purpoſe, ſhall be, in the accuſtomed manner, on the 8th of *November* in every year; being the day next preceding the 9th of *November*, whereon the preſenting and ſwearing the mayor of the ſaid city in the *Exchequer* is appointed by 24 *Geo.* 2. *c.* 48. *ſ.* 11.

Merchants.

See 25 *Edw.* 3. *ſtat.* 4. *c.* 2. 7 *Hen.* 4. *c.* 9. under the general title, "Merchants."

Militia.

By 13 & 14 *Car.* 2. *c.* 3. His Majeſty's lieutenants for the militia of the city of *London* ſhall continue to liſt and levy the trained bands and auxiliaries of the ſaid city, in ſuch manner as was uſed; and it ſhall be lawful for his majeſty's lieutenants of the ſaid city, by warrant from his majeſty, to levy yearly ſo much money as they ſhall find needful for defraying the charge of thoſe that ſhall be raiſed, with the ammunition and other incident expences of their militia, in ſuch manner as the aſſeſſment is levied, and not exceeding in one year the proportion of one month's tax, which the city now pays towards the tax of 70,000 *l.* by the month, *charged by* 12 *Car.* 2. *c.* 29. *viz.* 4666 *l.* 13 *s.* 4 *d.* *ſ.* 27.

It ſhall be lawful for his majeſty's conſtable or lieutenant of the *Tower*, to continue to levy the trained bands of the diviſion or hamlets of the *Tower*, in ſuch manner as to the number and quality of perſons, as was obſerved in forming the preſent forces thereof. *ſ.* 31.

The act 12 Car. 2. c. 29. *referred to in this act for the militia, directs the ſum of* 70,000 l. *to be raiſed for one month's aſſeſſment, according to the proportions, and in the manner mentioned in* 12 Car. 2. c. 21. *which directs a monthly aſſeſſment of* 70,000 l. *to be raiſed according to an ordinance of both houſes made in his majeſty's abſence, which is to the effect following,* viz.

That the ſum of threeſcore and ten thouſand pounds by the month ſhall be aſſeſſed in the ſeveral counties and places within England, Wales, *and* Berwick, *according to the proportions, and in ſuch manner as therein expreſſed, whereof the proportion of the city of* London *was* 4666 l. 13 s. 4 d.

The commiſſioners were to cauſe the proportions to be equally aſſeſſed, and to appoint aſſeſſors in each pariſh, who are to aſſeſs the ſame by a pound-rate according to all eſtates, both real and perſonal, within the limits of their pariſhes.

The aſſeſſors are to deliver one copy of their aſſeſſments unto the commiſſioners; and the commiſſioners are to ſign and ſeal two duplicates, and the one to deliver to ſub-collectors, with warrant to collect; and the commiſſioners are to deliver the other of the duplicates to the receiver general, of whom ſecurity ſhall be taken by the commiſſioners.

Which receiver general ſhall be allowed one penny in the pound.

The ſub-collectors ſhall have one penny in the pound.

The head-collectors ſhall have one penny in the pound.

The receiver general (in caſe he hath received the duplicates of each pariſh) ſhall allow one penny in the pound for the commiſſioners clerks.

If any perſon ſhall neglect to pay any money whereat he ſhall be aſſeſſed, it ſhall be lawful for the collectors to levy the ſum by diſtreſs and ſale of goods, and to break open in the day-time any houſe, cheſt or box, where ſuch goods are, and to call to their aſſiſtance the conſtables, tithingman and headborough.

If any queſtion happen upon taking of ſuch diſtreſs, the ſame ſhall be determined by the commiſſioners.

If any perſon ſhall neglect to pay his aſſeſſment, and convey his goods, whereby the money cannot be levied, the commiſſioners are authoriſed to impriſon the perſon (except a peer) until the money and charges be paid; and the tenants which ſhall be rated are required to pay ſuch money, and deduct out of the rent ſo much as the landlord ought to pay.

If any difference ariſe between landlord and tenant concerning the rates, the commiſſioners ſhall ſettle the ſame as they ſhall think fit; and if any perſons find themſelves aggrieved in that the aſſeſſors have over-rated them, and ſhall within ſix days after demand complain to the commiſſioners who allowed their aſſeſſment, the commiſſioners ſhall have power to relieve ſuch perſons.

In caſe the proportions ſhall not be fully paid, or if any of the aſſeſſments ſhall be rated upon perſons not of ability to pay, or upon any empty houſe or land where the ſame cannot be levied, the commiſſioners are required to re-aſſeſs ſuch money.

If any perſon ſhall wilfully neglect to perform his duty in the execution of this ordinance, the commiſſioners have power to impoſe fines, to be levied by diſtreſs and ſale of goods; provided that no fine ſhall for one offence exceed 20 l. *and all fines ſhall be paid to the receivers general.*

If any receiver general or collector ſhall neglect to pay any money by him received, the commiſſioners are empowered to impriſon and ſeize the eſtate, both real and perſonal, of ſuch receiver general, &c. *their heirs, executors, or adminiſtrators.*

The commiſſioners who ſhall ſeize the eſtate of any receiver general, &c. *ſhall be empowered to appoint a time for the general meeting of the commiſſioners at the uſual place, and there*

there to cauſe public notice to be given ten days before; and the commiſſioners at ſuch meeting ſhall ſell eſtates.

At the expiration of the time preſcribed for the payment of the aſſeſſment, the commiſſioners ſhall call before them the collectors, to aſſure themſelves of the whole payment of the ſums charged upon the diviſion; and in caſe of any failure, the commiſſioners are to cauſe the ſame to be levied.

In caſe any controverſies ariſe concerning the aſſeſſments which concern any of the commiſſioners, the commiſſioners concerned ſhall have no voice, but ſhall withdraw.

No privileged place or perſon ſhall be exempted from the aſſeſſments.

Nothing in this ordinance ſhall charge any houſes or lands, belonging to Chriſt's hoſpital, Bartholomew, Bridewell, Thomas *and* Bethlehem *hoſpitals in* London *and* Southwark, *in reſpect of any rents payable to the ſaid hoſpitals, being to be diſburſed for the immediate relief of the poor.*

Provided that no tenants that hold any lands or houſes by leaſe from the ſaid hoſpitals, claim any exemption; but that all the houſes and lands which they hold, ſhall be aſſeſſed for ſo much as they are yearly worth over and above the rents reſerved.

Where any perſon inhabiting within the city of London *hath his dwelling-houſe in one of the pariſhes or wards, and hath any office or merchandize in the other pariſhes,* &c. *ſuch perſon ſhall be aſſeſſed for ſuch office or merchandize where he dwelleth.*

Where any perſon inhabiting without the city of London *hath any office within the city, ſuch perſon ſhall be aſſeſſed in the place where he dwelleth.*

In caſe the way of aſſeſſing by a pound-rate ſhall prove obſtructive to the ſpeedy bringing in of the aſſeſſment, the commiſſioners are authoriſed to direct the aſſeſſors to aſſeſs the ſums according to the moſt juſt and uſual way of rates practiſed in ſuch places.

Provided that the apportionment of the aſſeſſment ſhall not be drawn into precedent.

Nothing herein contained ſhall be drawn into example to the prejudice of the ancient rights belonging to the peers.

Confirmed by 12 *Car.* 2. *c.* 2.

By 26 *Geo.* 3. *c.* 107. The ſeveral lieutenants who are or ſhall be commiſſioned for the militia of the city of *London*, ſhall continue to liſt and levy the train bands and auxiliaries of the ſaid city, in manner as heretofore. *ſ.* 110.

It ſhall be lawful for the conſtable or lieutenant of the *Tower Hamlets* to appoint deputy lieutenants, and to give commiſſions to officers to train and diſcipline the militia, to be raiſed within and for the ſaid hamlets, purſuant to 13 & 14 *Car.* 2. *c.* 3. and to form the ſame into two regiments, of eight companies each, as the ſaid conſtable hath uſed to do; and for defraying the neceſſary charges of trophies, and other incident expences of the militia of the ſame hamlets, the ſaid conſtable may raiſe in every year a fourth part of one month's aſſeſſment of trophy money within the ſaid hamlets, in ſuch manner as he hath uſed to do, by virtue of ſaid act. *ſ.* 111.

When the lieutenant of the *Tower Hamlets* ſhall be out of the kingdom, the deputy lieutenants, or the major part of them, aſſembled at a public meeting called for that purpoſe, may do all acts relating to the militia of the hamlets, which might have been done by the lieutenant, and the ſame ſhall be good in law; and no commiſſion, warrant, or appointment, granted to any deputy lieutenant, or other perſon, for the militia of the *Tower Hamlets*, ſhall be vacated by the death or removal of the lieutenant. *ſ.* 112.

The conſtable of the *Tower*, or lieutenant of the *Tower Hamlets*, ſhall appoint a treaſurer of the trophy money, for receiving and paying ſuch monies as ſhall be levied by virtue of the 13 & 14 *Car.* 2. which ſaid treaſurer ſhall yearly account, in writing, and upon oath, for the ſame to the ſaid conſtable or lieutenant, or his deputy lieutenants, or three of them, which accounts ſhall be certified to the juſtices for the hamlets, at their next general or quarter ſeſſions; and the ſaid conſtable or lieutenant ſhall not iſſue out warrants for raiſing any trophy money, until the juſtices, or the major part at ſuch ſeſſions, ſhall have examined, and allowed the accounts of the trophy money collected for the preceding year, and certified the ſame under the hands and ſeals of four of ſuch juſtices, unleſs where it ſhall appear to ſuch juſtices that ſuch accounts cannot be paſſed. *ſ.* 113.

Nuiſance.

See 12 *Ric.* 2. *c.* 13. in general title, "Nuiſance."

Oaths.

By 11 *Geo.* 1. *c.* 18. There ſhall be omitted out of the oath of a freeman the words following, *viz.* [*Ye ſhall know no foreigner to buy or ſell any merchandize with any other foreigner within the city or the franchiſe thereof, but ye ſhall warn the chamberlain thereof, or ſome miniſter of the chamber*] and alſo the words following, *viz.* [*Ye ſhall implead or ſue no freeman out of the city, whilſt ye may have right and law within the ſaid city*] and after theſe words, [*Ye ſhall take no apprentice*] the words immediately following ſhall alſo be omitted, that is to ſay, [*but if he be free-born, that is to ſay, no bondſman's ſon, nor the child of any alien*] and for [*no*] and inſtead thereof theſe words [*for any*] ſhall be inſerted. *ſ.* 19.

Oil.

By 3 *Hen.* 8. *c.* 14. The mayor of *London*, with the maſter and wardens of the craft of tallow chandlers, ſhall have power to ſearch all oils brought to *London* to be ſold; and the mayor, with the maſter and wardens, ſhall overſee that the oils put to ſale be not mixt or altered from their right kinds; and it ſhall be lawful to the mayor, with the maſter and wardens, to caſt away all ſuch oils as they ſhall find defective, or deceivably mixed and altered, and to commit ſuch perſons as ſhall be found defective, for uſing ſuch deceit, to ward, and to puniſh them according to the laws and cuſtoms within the city uſed for other offenders. And the mayor in every city and town where a mayor is, or the governors or rulers of every other city, borough, and town corporate, ſhall have power to make like ſearch and correction of all oils being defective, or deceivably mixed and altered, as the mayor, maſter and wardens, of the city of *London*.

Orphans.

By 5 & 6 *Will.* & *Mar.* *c.* 10. Towards raiſing a perpetual fund to pay the yearly intereſt of four *per cent.* of all money due to any orphan of the city of *London*, or the executors, adminiſtrators, or aſſigns, of ſuch, or any other creditors of the city, all the manors, meſſuages, lands, markets and fairs, and other hereditaments and income, of the mayor, commonalty, and citizens (except the lands, *&c.* of *Chriſt's Hoſpital*, *St. Bartholomew*, *Bridewell*, *St. Thomas* and *Bethlehem Hoſpitals*, or any other hoſpital in *London* or *Southwark*, and ſuch as are chargeable for the repairs

repairs of *London Bridge)*, ſhall be yearly charged for the raiſing the annual ſum of 8000 *l.* for ever free from deduction. *ſ.* 2.

The aqueducts and right of bringing water belonging to the mayor, commonalty, and citizens, and the rents and profits which ſhall ariſe by any aqueducts or right of bringing water (other than ſuch water as ſhall be for the ſupply of the public conduits, hoſpitals, halls, and priſons) ſhall be applied towards the payment of the ſaid money. *ſ.* 3.

The mayor, commonalty, and citizens, ſhall yearly raiſe 2000 *l.* by an equal aſſeſſment upon the perſonal eſtates of the inhabitants, to be yearly aſſeſſed and paid, or in default of payment diſtrained for, in ſuch manner as the mayor, *&c.* in common council or otherwiſe ſhall annually appoint. *ſ.* 4.

All profits which the mayor, commonalty, and citizens, may lawfully make by granting licenſes for the lighting the ſtreets, ſhall be appropriated to the uſes aforeſaid. *ſ.* 5.

Every perſon being free of any of the companies, who ſhall take any apprentice, ſhall bind his apprentice before the maſter or wardens of ſuch company whereof the maſter is a member, or their deputy; which apprentice at the time of his binding, ſhall pay to the maſter or wardens 2 *s.* 6 *d.* which they ſhall pay to the chamberlain twice in the year, *viz.* on the 15th of *December* and 18th of *June*, for the uſes aforeſaid: and every maſter or wardens ſhall keep in their halls books of vellum or parchment, in which ſuch ſum ſhall be entered; and every perſon may view the books between nine and twelve in the forenoon, without fee: and for every ſum which ſuch maſter or wardens ſhall receive, and ſhall not be tranſmitted to the chamberlain, ſuch maſter or wardens ſhall forfeit 5 *l.* to be recovered in the name of the chamberlain, in any of their majeſties courts of record. *ſ.* 6.

Every perſon who ſhall be admitted a freeman of the city, ſhall pay unto the mayor, commonalty, and citizens, 5 *s.* above the uſual fees. *ſ.* 7.

A duty of 4 *s. per* tun ſhall be impoſed upon all wines imported into the port of *London*, or the members thereof, by way of merchandiſe, which ſhall be paid by the importer unto the mayor, commonalty, and citizens, and appropriated towards raiſing the ſaid fund. *ſ.* 8.

Perſons ſhall be appointed by the mayor and court of aldermen, to collect the ſaid duty, during the pleaſure of the court; and the ſaid impoſition ſhall be collected as in 12 *Car.* 2. *c.* 4. *(See title* "Importation," *&c.)* *ſ.* 9.

For all coals brought into the port of *London*, or the river of *Thames*, within the liberty of the city, to be ſold by the chaldron or tun, there ſhall be paid according to the rates after mentioned, *viz.* for all ſuch coals or culm as are uſually ſold by the chaldron, for every chaldron 4 *d.* metage, over and above what is now paid for the metage; which ſum ſhall be paid in like manner as the preſent duty for metage, and paid to the mayor, commonalty, and citizens, by the officers receiving the metage. And for all ſuch coals or culm (over and above all other duties) the further ſum of 6 *d.* for every chaldron. And for ſuch coals as are ſold by the tun, for every tun 6 *d.* which impoſition of 6 *d.* ſhall continue from the 29th of *September* 1700, for the term of fifty years; and the ſaid impoſitions of 6 *d.* for every chaldron ſhall, during the continuance of the ſame, be paid unto the mayor, commonalty, and citizens, by the maſter of any ſhip, whereupon the ſame ſhall be laden, before they break bulk, or have a meter aſſigned; the ſame to be paid at ſuch places as by the mayor and court of aldermen ſhall be appointed within the city; and the impoſition of 6 *d. per* tun or chaldron ſhall be collected as by an act 19 *Car.* 2. *c.* 3. *for the rebuilding the city of* London, viz. *the coal meter ſo ſoon as any ſhip ſhall be unladen, ſhall deliver a certificate to the officers appointed to receive the impoſition, of the ſorts and quantities meaſured or weighed from ſuch ſhip, on pain to be ſuſpended from his office for one year. And in caſe it ſhall appear that there was on board any ſuch ſhip a greater number of chaldrons or tuns than for which the impoſition ſhall have been paid, there ſhall be paid to the mayor and commonalty for every chaldron or tun concealed* 5 *s. for which ſuch ſhip or the tackle may be attached by warrant from the mayor: provided that if the importer, upon ſuch certificate delivered, ſhall within twenty-four hours give in his poſt-entry, and pay the whole duty, the penalty ſhall be diſcharged.* All which impoſitions of 4 *d.* and 6 *d.* or additional duty in caſe of concealment, and all other money hereby appointed as part of the ſaid fund, ſhall be paid into the receipt of the chamber of the city of *London*, and appropriated towards the raiſing ſuch a fund, and applied to the diſcharge of the ſaid debts. *ſ.* 10.

The ſaid duties were continued by the acts 21 Geo. 2. c. 29. *and* 7 Geo. 3. c. 37. *which ſee* infra.

Every perſon concerned in the receipt of the ſums by this act appropriated, before he ſhall take upon him the execution of the office, ſhall be bound with ſureties to the mayor, commonalty, and citizens, for the faithful execution of ſuch office, in ſuch reaſonable ſum as by the mayor or court of aldermen ſhall be thought fitting. *ſ.* 11.

After the impoſition of 6 *d.* ſhall ceaſe, all the lands, *&c.* markets, fairs, and other revenues of the city, ſhall be charged with the yearly ſum of 6000 *l.* (over and above the ſaid yearly ſum of 8000 *l.*) to be applied to the ſame uſes. *ſ.* 12. *(By* 21 Geo. 2. c. 29. ſ. 2. *to be charged with* 2000 *l. and by* 7 Geo. 3. c. 37. *with* 1500 *l.* per annum *only).*

The ſaid rents ſhall (deducting reaſonable ſalaries and allowances as the mayor and court of aldermen ſhall think fit for collecting the ſame) in the firſt place be applied for the payment of the annual ſum of 4 *l.* for the intereſt of every 100 *l.* of the above mentioned debts; the ſaid payments to be made twice in every year on the feaſt days of *St. Thomas the Apoſtle* and *St. John the Baptiſt*, or within fourteen days after. *ſ.* 13.

The proviſion hereby made for the ſaid intereſt money for ever, ſhall be in full ſatisfaction of the debts; and the orphans and creditors ſhall according to cuſtom acknowledge ſatisfaction, paying to the officers ſuch fees as the mayor and court of aldermen ſhall appoint, not exceeding 13 *s.* 4 *d.* for every 1000 *l.* *ſ.* 14.

There ſhall be kept by the chamberlain books of vellum or parchment, in which all monies before mentioned ſhall be entered; and like books, wherein the accounts of payments ſhall be entered; and it ſhall be lawful for all perſons to view the ſaid books, between nine and twelve in the forenoon, without fee; and the receipts and payments of the monies aforeſaid ſhall be audited yearly upon oath, before one of the auditors of the impreſt, between the feaſt days of *St. Michael* and *St. Thomas the Apoſtle*; and the auditor ſhall receive of the chamberlain 20 *s.* for every 1000 *l.* the ſaid accounts ſhall amount to; which accounts ſhall be ſigned by the auditor, and allowed by the mayor and court of aldermen, and entered and remain in the chamber. *ſ.* 15.

If any perſon ſhall after receipt of any of the ſaid monies, miſapply the ſame, ſuch perſon ſhall forfeit treble the ſum, which ſhall be recovered by any the orphans or creditors

ditors that ſhall ſue for the ſame in any of their majeſties courts of record. *ſ.* 16.

The chamberlain and common ſerjeant ſhall upon requeſt, give unto every of the orphans and creditors, a note of the principal and intereſt owing to ſuch orphan or creditor; and any perſon, to whom any money ſhall be payable by this act, may by writing transfer his intereſt, which being entered in a book to be kept by the mayor and court of aldermen, and the note of the debt being delivered up to the officer appointed by the court of aldermen, who ſhall give his note of the debt aſſigned to the party to whom ſuch aſſignment ſhall be made, ſuch aſſignee ſhall be entitled. *ſ.* 17.

No perſon ſhall be compelled by any cuſtom within the city, or by any order or proceſs of the court of orphans or otherwiſe, to pay into the chamber, any money or eſtate belonging to any orphan of any freeman. *ſ.* 18.

If any of the ſums by this act appropriated ſhall be miſapplied, the mayor, commonalty and citizens, ſhall be anſwerable for the ſame in any action to be brought by any of the orphans or other creditors, their heirs or aſſigns. *ſ.* 20.

All amercements, fines, iſſues, or diſtreſſes, againſt the mayor, commonalty, and citizens, levied upon account of ſuch actions, ſhall be applied to the uſes aforeſaid, nor ſhall the ſame be pardoned by any letters of ſignet, privy ſeal, or great ſeal. *ſ.* 21.

When any application ſhall be made to the mayor and court of aldermen, on behalf of any orphan of the city, by the executors or adminiſtrators of the father of ſuch orphans, to pay in any money of ſuch orphan in the ſaid chamber, and to have the benefit of the proviſion hereby made, it ſhall be lawful for the mayor and court of aldermen to order the chamberlain to pay off the like ſum to ſuch perſons entitled to the ſaid yearly payments as they think fit, not being orphans under the age of one-and-twenty years, and giving three months notice; at the end of which three months, upon payment or tendering of the principal and intereſt at the office of the chamberlain in *Guildhall*, the annual ſum payable to ſuch perſon ſhall ceaſe, and become due to ſuch orphans, who ſhall have paid in the monies for the ſame. *ſ.* 22.

This act ſhall not extend to the *New River* water. And nothing in this act ſhall hinder the governor and company of undertakers for raiſing the *Thames* water in *York Buildings*, from taking water out of the *Thames*, or from laying or repairing their pipes, according to a private act of parliament, 2 *Will. & Mar. ſtat.* 2.; provided that neither the ſaid governor and company, nor the ſaid mayor and commonalty, hinder each other in laying or amending their pipes. *ſ.* 26.

Nothing in this act ſhall hinder the governor and company of the water-works and water-houſes in *Shadwell*, of any right to take water out of the *Thames*, nor to obſtruct them in laying pipes in the ſtreets, or uſing any right which by an act 3 & 4 *Will. & Mar.* or by any other lawful ways they do enjoy. *ſ.* 27.

This act ſhall not extend to the water-works of *Thomas Morris* at *London Bridge*, which he holdeth by grant made to *Peter Morris*, from the mayor, commonalty, and citizens of the city of *London*, for 500 years, by indenture dated the 24th of *November*, in the 25th year of queen *Elizabeth*. *ſ.* 28.

If any action be proſecuted againſt any perſon for what he ſhall do in execution of this act, ſuch perſon may plead the general iſſue. *ſ.* 30.

By 21 *Geo.* 2. *c.* 29. The impoſition of 6*d.* for every chaldron or ton of coals imported into the port of *London*, or river *Thames*, within the liberty of the ſaid city, granted by 5 & 6 *Will. & Mar.* *c.* 10. to the mayor, commonalty, and citizens of *London*, during 50 years, from 29 *September* 1700, for the purpoſes therein mentioned, ſhall be continued for the further term of thirty-five years, from the expiration of the ſaid 50 years; all which monies received upon account of the ſaid impoſition, ſhall be paid into the chamber of *London*, and be appropriated to the purpoſes herein after declared. *ſ.* 1.

The court of mayor and aldermen of *London*, ſhall be impowered and directed to order the chamberlain, out of any monies in his hands, ariſing from the impoſitions appropriated to pay the intereſt on the debt due to the orphans, and other creditors of the ſaid city, after reſerving ſufficient monies to pay all intereſt at that time due, to any perſon the ſaid court ſhall think fit, ſuch ſum as ſhall be due to him or her for principal and intereſt, by virtue of the ſaid act, giving three months notice to the perſon ſo to be paid off, at the end of which three months, upon payment or tendering of the principal and intereſt, to the perſon to whom ſuch notice ſhall be given, at the office of the ſaid chamberlain in *Guildhall*, *London*, from thenceforth the intereſt payable to ſuch perſon ſhall ceaſe, nevertheleſs the monies ſo tendered ſhall be paid to ſuch perſon upon their demand, and giving a diſcharge. *ſ.* 3.

No perſon being an orphan of the city of *London*, under the age of 21 years, ſhall have the principal debt due to ſuch orphan paid off, ſo long as there ſhall be any perſon, not an orphan, under the age of 21 years, proprietor of any part of the ſaid principal debt. *ſ.* 4.

The chamberlain of *London* ſhall every year lay before each houſe of parliament, an account of the ſurplus ariſen in that year, to the 24th of *June* preceding; how much applied to the payment of the ſaid principal debt, and how much of the ſaid debt remains unpaid. *ſ.* 5.

If any action or information be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff or proſecutor become nonſuit, *&c.* the defendant ſhall recover coſts. *ſ.* 6.

By 7 Geo. 3. c. 37. *For completing the bridge croſs the river* Thames, *from* Black Friars, *in the city of* London, *to the oppoſite ſide, in the county of* Surrey, *and the avenues thereto on the* London *ſide*; *for redeeming the tolls on the ſaid bridge, and on* London Bridge; *for rebuilding the gaol of* Newgate, *in the ſaid city*; *for repairing the* Royal Exchange *within the ſame*; *for embanking part of the north ſide of the ſaid river, within certain limits*; the common council were impowered to raiſe 156,000*l.* upon the orphans fund. Contributors to be entitled to redeemable annuities at 3*l.* 10*s.* *per cent.* Common council to give bonds for ſuch annuities, aſſignable by indorſement. The orphan's fund charged with the ſaid 141,000*l.*

And for rendering the ſaid fund ſufficient to diſcharge not only the principal and intereſt of the debt remaining due to the orphans and other creditors of the city, but likewiſe of the ſaid ſum of one hundred and forty-four thouſand pounds, ſo charged thereon by this preſent act, and alſo to pay and redeem the annuities which will be payable in reſpect of the ſaid ſum of one hundred and fifty-ſix thouſand pounds borrowed upon the credit thereof; the ſaid impoſition of ſix pence for every chaldron or ton of coals or culm, by 5 & 6 *Will. & Mar.* granted during fifty years, and by 21 *Geo.* 2. further continued for thirty-five years, ſhall be continued for a further term of forty-ſix years from the expiration of the ſaid term of thirty-five years: and all powers in the ſaid two acts for collecting the ſaid impoſition, and all penalties thereby impoſed, and

regulations

regulations therein made for preventing fraud, ſhall remain in force, and be exerciſed for collecting and recovering the ſaid impoſition, for the time by this act limited: and all monies received upon account of the ſaid impoſition, ſhall be paid into the receipt of the chamber of the ſaid city, towards the increaſe of the ſaid fund. *ſ.* 38.

"City revenues charged with 1500*l. per annum* to the ſaid "fund. Said fund appropriated to pay the intereſt of the or- "phans debt, and of ſaid 144,000*l.* and 156,000*l.* Surpluſſes "of ſaid fund to be applied, for the firſt four years, towards "diſcharge of the principal of the orphans debt; then of ſaid "144,000*l.* then of the remainder of the orphans debt, and "afterwards to redeem the ſaid annuities."

The court of mayor and aldermen ſhall give, or cauſe to be given, ſix months notice of their intention to pay off ſuch principal ſums, or to redeem ſuch annuities, to the perſons to whom the ſame ſhall belong; at the end of which ſix months, upon payment or tender of the ſums due, or for which ſuch annuities ſhall have been granted, to the perſons to whom ſuch notice ſhall be given, at the office of the chamberlain in *Guildhall*, the intereſt or annuity ſhall ceaſe: nevertheleſs, the monies ſo tendered ſhall be paid to ſuch perſon, upon demand, and giving a diſcharge. *ſ.* 42.

For four years from 24 *June* 1777, the ſurpluſſes of the ſaid fund ſhall be applied to the purpoſes aforeſaid yearly, at the end of each year; but after the expiration of the four years, at the end of every half year. *ſ.* 43.

If the ſaid fund ſhall at any time hereafter prove inſufficient to pay the intereſt of the principal debts, and annuities charged thereon; the ſum wanting ſhall be paid out of the chamber of the city, and made good out of the next ſurpluſſes of the ſaid fund. *ſ.* 44.

"City to pay an annuity of 800*l.* towards the *Weſtmin-* "*ſter* pavement, for which ſee 25 *Geo.* 2. *c.* 23.; 2 *Geo.* 3. "*c.* 21. 3 *Geo.* 3. *c.* 23. 4 *Geo.* 3. *c.* 39. 5 *Geo.* 3. *c.* 30 "& 50. under § *Weſtminſter*, *poſt.* of 480*l.* towards the "*Borough* pavement, for which ſee 6 *Geo.* 3. *c.* 24. under § "*Southwark*, *poſt.* and for that purpoſe to iſſue bonds under "their common ſeal. Bonds (if more than one) to be num- "bered, and aſſignable by indorſement. Annuities to be "redeemable by the city, on notice. Tolls of *London* "*Bridge* and *Black Friars Bridge* to ceaſe on the city's be- "ing reimburſed ſaid annuities, *&c.*"

Nothing in this act ſhall vacate any agreement between the mayor, aldermen, and commons, in common council aſſembled, or any committee of them, or their agents, and the benchers of the *Middle* and *Inner Temple*, with reſpect to the embankment, or any payment relating thereunto. *ſ.* 48.

Nothing in this act ſhall take away, alter, or abridge any right, claim, privilege, franchiſe, exemption, or immunity, to which the ſaid ſocieties are entitled. *ſ.* 49.

"Amerciaments, *&c.* againſt the city to be applicable to "the uſes of this act, and not to be diſcharged, *&c.* Cham- "berlain to lay accounts before parliament annually. "Bonds, *&c.* directed by this act not chargeable with any "duty."

Outlawry.

See 6 *Hen.* 8. *c.* 4. under the general title "Outlawry."

Painters.

By 1 *Jac.* 1. *c.* 20. No perſon being a plaiſterer, or ſet on work by any plaiſterer, ſhall uſe the art of a painter-ſtainer in *London*, unleſs he be ſervant or apprentice of a painter, or have ſerved as an apprentice ſeven years to a painter-ſtainer; upon pain to forfeit 5*l.* the one moiety to the king, and the other moiety to him that will ſue for the ſame. *ſ.* 4.

Provided that it ſhall be lawful for the plaiſterers to uſe whiting, blacking, red lead, red okar, yellow okar, and ruſſet, mingled with ſize and not with oil. *ſ.* 5.

No painter ſhall take above 16*d.* by the day, for laying of any flat colour mixed with oil or ſize, upon timber, ſtone, iron or lead. *ſ.* 6.

Pariſhes.

By 22 *Car.* 2. *c.* 11. The pariſhes united, as to all rates and other reſpects, ſhall remain diſtinct; and the ſeveral patrons of the churches ſo united ſhall preſent by turns to that church which is appointed to be the pariſh church of the pariſhes ſo united; the firſt preſentment to be made by the patron of ſuch of the ſaid churches, the endowments whereof are of the greateſt yearly value. *ſ.* 68.

Papiſts.

See 1 *Will. & Mar. ſtat.* 1. *c.* 9. under the general title "Papiſts."

Paving, lighting, cleanſing, and watching.

By 10 *Geo.* 2. *c.* 22. The mayor, aldermen, and commons, of the city of *London*, in common council, ſhall in every year between the firſt of *October* and the 20th of *November*, order what number of watchmen and beadles ſhall be kept within the ſeveral wards for one year, commencing from the 25th of *December*, and ſhall direct how they ought to be armed, how long they are to watch, what wages ſhall be given them, and what number of conſtables ſhall attend every night in each ward; and ſhall make ſuch other regulations as the nature of each ſervice ſhall require. *ſ.* 1.

The common council ſhall direct what money ſhall be raiſed upon each ward for the purpoſes aforeſaid, and direct the alderman, deputy, and common council men of each ward, to make an equal rate (regard being had to the abilities of, and likewiſe to the rent paid by the inhabitants and occupiers), which rates ſhall be collected quarterly by the conſtables or beadles; and in caſe any ſhall neglect to pay, it ſhall be lawful for ſuch collectors, by warrant of the lord mayor, or the alderman of the ward, to levy by diſtreſs and ſale of goods; and for want of diſtreſs, by like warrants, to commit the party to one of the counters for one month, or until payment. *ſ.* 2.

Any perſon aggrieved by ſuch rate may, within twenty days after the ſum ſhall be demanded, appeal to the court of lord mayor and aldermen. *ſ.* 3.

The alderman, deputy, and common council men, of each ward, or the major part of them, whereof the alderman or deputy to be one, ſhall, within 14 days after the number of watchmen ſhall be appointed, aſſemble and chuſe honeſt and able watchmen, and ſhall ſet down in writing, at what ſtands it is fit for the watchmen to be placed, and how often it ſhall be required of them to go their rounds, and ſhall then make ſuch other regulations concerning the watchmen and beadles, as the nature of each ſervice ſhall require; and it ſhall be lawful for the aldermen, with the conſent of their deputies and common council men, at any time to remove the watchmen and appoint more; and alſo to make further regulations for the government of the watchmen and beadles, as they

ſhall think proper: provided that ſuch regulations be not repugnant to the regulations made by the common council. *ſ.* 4.

The orders made by the common council, and ſuch appointments and regulations as ſhall be made by the aldermen, deputies, and common council men of the reſpective wards, ſhall be ſigned by the alderman or his deputy, and the major part of the common council men of each ward, and delivered to the conſtables. And one or more of the conſtables of each ward, as ſhall be judged neceſſary by the common council, ſhall attend every night by turns, *viz.* from the tenth of *March* to the tenth of *September*, from ten till five, and from the tenth of *September* to the tenth of *March*, from nine till ſeven; and the conſtables ſhall uſe their beſt endeavours to prevent fires, murders, robberies, and other diſorders, and ſhall apprehend all night-walkers, malefactors, and ſuſpected perſons, who ſhall be found wandering or miſbehaving themſelves, and carry them as ſoon as conveniently may be, before a juſtice of peace, and ſhall twice or oftner every night go about their wards, and take notice whether all the watchmen perform their duties; and in caſe any ſuch watchman ſhall miſbehave himſelf, or neglect his duty, the conſtables ſhall give notice to the alderman or his deputy. *ſ.* 5.

If any of the conſtables ſhall wilfully neglect to attend in his turn, or ſhall not come at the hours appointed, or ſhall depart during the hours appointed by this act, or ſhall neglect to go about his ward, or otherwiſe miſbehave himſelf, he ſhall forfeit 20*s.* *ſ.* 6.

It ſhall be lawful for the watchmen, in the abſence of the conſtable, to apprehend all night-walkers, malefactors, rogues, vagabonds, and diſorderly perſons, whom they ſhall find diſturbing the peace, or ſhall have juſt cauſe to ſuſpect of any evil deſigns, and to deliver them to the conſtable, who is to carry them before a juſtice of peace. *ſ.* 7.

If any collectors of the rates ſhall neglect the office they ſhall forfeit 10*l.* and ſhall continue liable to be appointed into the office again the year following; and it ſhall be lawful for the alderman, deputy, and common council men of ſuch ward, to appoint any perſons inhabiting in ſuch ward to be collectors in the room of ſuch who ſhall refuſe to take upon them the office, or ſhall die. *ſ.* 8.

The collectors ſhall enter in books the ſums which they ſhall receive, and the names of the perſons from whom; which books they ſhall upon demand ſhew to the deputies of their wards; and they ſhall pay the money to the deputy, ſo as that ſuch collector ſhall never have a ſum exceeding 5*l.* in his hands five days; and if the collectors neglect to make ſuch entries, or refuſe to ſhew the deputy the book, or retain in their hands more than 5*l.* longer than five days, they ſhall reſpectively forfeit 40*s.* and on payment of money to the deputy, ſuch collector ſhall take a receipt, which ſhall be produced to the alderman at the time he ſhall ſettle his yearly account; and the collectors ſhall, within twenty days after the end of every three months, deliver to the alderman of the ward, or ſuch as he ſhall appoint, the book of the rates, and a true account of ſuch perſons as ſhall have neglected to pay. *ſ.* 9.

Every freeman of *London*, liable to pay the rates, who ſhall have neglected to pay (the ſame having been demanded), or ſhall have deſired to be excuſed from paying, ſhall be under the ſame incapacity of voting at elections, as perſons now are who do not pay ſcot and lot. *ſ.* 10.

The deputy of each ward ſhall pay all draughts on him made by the alderman, with the advice of the major part of the common council men of each ward, in diſcharge of the watchmen and beadles, and incident charges in relation to the watching of ſuch ward; and the deputies ſhall keep a book for that purpoſe, which ſhall be produced yearly at the wardmote, if required; and the deputies ſhall have the account audited between the firſt of *February* and the firſt of *March* yearly, by the alderman and common council men of each ward. *ſ.* 11.

It ſhall be lawful for the lord mayor, or any two juſtices of peace, to hear and determine any offences puniſhable by pecuniary penalties by this act; and they are required, upon any complaint in that behalf within ten days after ſuch offence, to ſummon the parties and witneſſes; and in caſe the party accuſed ſhall not appear (and after oath made of the commiſſion of any of the offences by one witneſs) to iſſue a warrant for apprehending the party offending; and upon the appearance of the party accuſed, or his contempt in not appearing, to proceed to the examination of the witneſs, and to give ſuch judgment as ſhall be juſt; and it ſhall be lawful for ſuch lord mayor or juſtices, to iſſue warrants, for levying the penalties on the goods of the offender, and to cauſe ſale to be made, in caſe they ſhall not be redeemed in five days; and in caſe no goods can be found, it ſhall be lawful for the lord mayor or juſtices, to commit ſuch offender to the houſe of correction, to be kept to hard labour, for any time not exceeding three months, or until ſuch penalty be paid. *ſ.* 12.

It ſhall be lawful for ſuch lord mayor or juſtices to mitigate the ſaid forfeitures, ſo as ſuch mitigation do not remit above one moiety. *ſ.* 13.

Any perſon unſatisfied in the judgment of the lord mayor or juſtices, may appeal to the next quarter ſeſſions. *ſ.* 14.

The penalties ſhall be applied, one moiety to the perſon who ſhall inform, and the other moiety to the alderman of the ward towards defraying the charges of the nightly watch. *ſ.* 15.

In caſe there ſhall be a deficiency in any year's rate in any of the wards, the deficiency ſhall be paid out of the next year's rate; and if there ſhall be any ſurplus, ſuch ſurplus ſhall be carried on to the credit of the next year's rate. *ſ.* 16.

It ſhall be lawful for the alderman of each ward, with the conſent of his deputy and common council men, to rate the owners of ſuch houſes as ſhall be occupied by three or more tenants; which rate ſhall be paid by one or more of the occupiers; and in caſe any occupier ſhall refuſe to pay, the ſaid rate ſhall be levied by diſtreſs and ſale of his goods; and ſuch occupiers are to deduct the ſame out of the rent. *ſ.* 17.

No perſon, who ſhall be rated and pay in purſuance of this act, ſhall be liable to watch or ward by ſtat. *Wincheſter*, 13 *Edw.* 1. *ſt.* 2. or any other ſtatutes. *ſ.* 18.

If any action be brought for any thing done in purſuance of this act, the action ſhall be brought within ſix months after the fact, and ſhall be laid in *London*, and the defendant may plead the general iſſue; and if the plaintiff become nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 22.

By 11 *Geo.* 3. *c.* 29. The ſole power of ordering, deſigning, making, enlarging, widening, deepening, raiſing, altering, removing, repairing, cleanſing, and ſcouring, of all common ſewers, drains, and vaults; and of paving, cleanſing, and lighting the ſeveral ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, within the city

of *London* and liberties thereof, ſhall be veſted in the mayor and commonalty and citizens of the ſaid city, to be executed by ſuch perſons as by the mayor, aldermen, and commons of the ſaid city, in common council aſſembled, ſhall, from time to time, be nominated, and under the common ſeal be appointed for that purpoſe, which ſaid perſons ſhall be commiſſioners for carrying this act into execution. *ſ.* 1.

The authority of the commiſſioners ſhall not be ſuſpended or taken away, ſave by the appointment of new commiſſioners; alſo the recorder and common ſerjeant for the time being, ſhall be two of the commiſſioners. *ſ.* 2.

The powers by this act granted, may be exerciſed by the major part of the commiſſioners preſent at a public meeting not being leſs than ſeven (except for the purpoſe of adjourning). *ſ.* 3.

The major part of the commiſſioners preſent at any public meeting (not being leſs than three) may adjourn ſuch public meeting, provided every commiſſioner ſhall have notice to attend at ſuch adjourned public meeting, by ſummons from the clerk to the commiſſioners. *ſ.* 5.

The mayor may appoint a public meeting, at any time and place within the city or liberties, notwithſtanding any adjournment or non-adjournment of the commiſſioners; and ſhall cauſe the commiſſioners to be ſummoned. *ſ.* 6.

The commiſſioners ſhall appoint clerks, ſurveyors, and officers, for the execution of this act (fourteen days notice of their intention to proceed to ſuch appointment having been firſt publiſhed in two daily papers, and notice thereof being alſo expreſſed in the ſummons); and the commiſſioners ſhall take ſecurity for the execution of ſuch offices; and may remove any of the officers, and appoint others: and the commiſſioners may, out of the monies ariſing by this act, pay ſalaries, gratuities, and allowances, to officers and others executing this act. *ſ.* 7.

If any clerk, ſurveyor, or other officer or ſervant, employed by the commiſſioners, ſhall take any fee (other than ſuch ſalaries, *&c.*) for any thing done, or for forbearing to do any thing, relative to the execution or non-execution of this act, or ſhall any way be concerned in intereſt, in any bargain made by the commiſſioners, for any of the purpoſes intended by this act, every perſon ſo offending ſhall for ever be incapable of being employed; and forfeit fifty pounds to any perſon who ſhall ſue for the ſame, in any of the courts of record at *Weſtminſter*, or within the city, by action of debt, *&c.* within ſix months. *ſ.* 8.

All proceedings of the commiſſioners ſhall be entered in books, and ſhall be ſigned by their clerk; and ſuch entries ſhall be deemed originals; and ſuch books may be produced in evidence. *ſ.* 9.

The commiſſioners may employ perſons, whether free of the city or not, in the works to be performed by virtue of this act, and may contract for the performance of ſuch works, with any perſons whatſoever: and no perſon ſo employed or contracted with, nor any perſons under them, ſhall be liable to any action, *&c.* upon 5 *Eliz.* *(ſee general title* "*Labourers*") or for any breach of the cuſtom of *London*, *&c.* *ſ.* 10.

Previous to the making of any ſuch contract, notice ſhall be given in ſome of the daily papers, that the commiſſioners intend to make ſuch contract, and that all perſons willing to engage therein may make propoſals to the commiſſioners, at a certain time and place in ſuch notice ſpecified; and all contracts ſhall ſpecify the works to be done, and the prices, and the times when they are to be completed, together with the penalties for non-performance; and the ſame ſhall be ſigned by the clerk, and alſo by the perſon contracting, and ſhall be entered in a book. *ſ.* 11.

No member of the common council ſhall be, directly or indirectly, intereſted or concerned in any contract, concerning the works or any materials to be uſed therein, upon pain that ſuch contract ſhall be void; and the member of the ſaid court, intereſted therein, ſhall forfeit one hundred pounds to any perſon who ſhall ſue for the ſame, in any of the courts of record at *Weſtminſter*, or in the ſaid city, by action of debt, *&c.* within ſix months; and every perſon againſt whom the ſaid penalty ſhall be recovered, ſhall for ever be diſabled from being elected a member of the ſaid common council. *ſ.* 12.

The commiſſioners may cauſe new ſewers, drains, and vaults, to be dug and made, in, along, or acroſs any of the ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, within the ſaid city and liberties, and alſo any of the ſewers, and public drains, and vaults, which now are, or hereafter ſhall be, within the ſaid city and liberties, to be enlarged, widened, deepened, raiſed, altered, removed, repaired, cleanſed, or ſcoured; and alſo may cauſe the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, to be new-paved or repaired; and for the ſaid purpoſes may cauſe to be dug, carted, and carried out of, or brought into the ſaid ſtreets or places, gravel, ſtones, bricks, and other materials, and may cauſe the ground to be raiſed or lowered, the courſe of the channel to be altered, and the water pipes which now lie, or hereafter ſhall be laid under ground, to be taken up and new laid; and may cauſe poſts, bars, and chains to be removed; and likewiſe all ſteps, bulks, ſhew-glaſſes, ſhew-boards, balconies, windows, window frames, and ſtall boards, encroaching upon or extending over the foot-ways, and alſo all ſteps and doors opening or leading from the foot-ways into vaults or cellars, to be taken away, or altered. *ſ.* 13.

No new ſewer, drain, or vault, ſhall be made, nor ſhall any common ſewer, public drain, or vault already made, be enlarged, widened, deepened, raiſed, or altered, ſo as to communicate with, or any ways injure or affect any ſewer, *&c.* now belonging to the cathedral church of *Saint Paul*, ſituate in the church-yard, as well without as within the rails thereof, without the conſent of the truſtees for the fabric, and of the dean and chapter, firſt had in writing. *ſ.* 14.

The commiſſioners may cauſe all ſigns, ſign-poſts, ſign-irons, balconies, penthouſes, ſhew-boards, ſpouts, and gutters, projecting into any of the ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, and all other incroachments, projections, and annoyances whatſoever, within the ſaid city or liberties, to be taken down and removed, and ſhall cauſe all ſigns, *&c.* as they think fit, to be affixed on the fronts of the houſes, ſhops, warehouſes, or buildings; and for the future, all ſigns, ſign-boards, and gutters, ſhall be placed or fixed on the fronts of the houſes, and not otherwiſe; and if any perſon ſhall, at any time hereafter, hang, place, erect, or build any ſign, ſign-poſt, or other poſt, ſign-iron, balcony, pent-houſe, ſhew-board, ſpout, gutter, or other projection, obſtruction, or annoyance, contrary to the direction aforeſaid, every perſon ſo offending ſhall forfeit five pounds, and the further ſum of 20*s.* for every day ſuch offence ſhall continue. *ſ.* 15.

Any perſon may keep or affix any crane to warehouſes, and make uſe of ſuch cranes, ſo as they be turned and kept cloſe to the walls when not in actual uſe. *ſ.* 16.

If any common ſtage waggon, or other waggon, or any

cart, dray, or other carriage, ſhall, for loading or unloading, be ſuffered to ſtand in any of the ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, above one hour at one time; or if any cart, waggon, dray, or other carriage, ſhall be placed and ſuffered to ſtand acroſs any ſtreet or place, for loading or unloading, or any other purpoſe; or if any ſuch cart, waggon, dray, or other carriage, ſhall be ſuffered to ſtand in any part of any ſuch ſtreets or places, longer than is neceſſary for loading or unloading; or if any goods, materials, or things whatſoever, ſhall be laid and left in any ſuch ſtreet or place, ſo as to obſtruct the free paſſage thereof; then, in every ſuch caſe, any one of the commiſſioners, or one of their officers, to be by them appointed to remove nuiſances, ſhall ſeize, or cauſe to be ſeized, the carriage ſo placed or ſuffered to ſtand, together with the horſes, or the goods ſo laid, and remove the ſame to the common pound of the city, called *The Green Yard*, there to be kept until the owner or his ſervants ſhall claim the ſame, and pay to the perſon in whoſe cuſtody the ſame ſhall then be, 20*s.* together with the charges of removing and keeping; and in caſe the ſame ſhall not be claimed, and the ſaid 20*s.* and charges paid, within three days after ſeizure, the commiſſioners may cauſe the ſame or part to be appraiſed and ſold, for payment of the penalty and charges, returning to ſuch owner the goods not ſold, together with the overplus of the ſale. *ſ.* 17.

If any perſon ſhall erect any poſts, bars, rails, boards, or other things, by way of incloſure, for making mortar, or depoſiting bricks, lime, or other materials, for building or repairing any building or other works, within the city or liberties, in any other manner, or ſhall ſuffer the ſame to remain any longer time than neceſſary, or ſhall lay any rubbiſh within ſuch incloſure, or in any public ſtreet, paſſage, or place, and complaint thereof ſhall be made to the commiſſioners by two houſeholders, and the commiſſioners ſhall, upon view, or other proof of the complaint, find the ſame to be true; then ſuch perſon ſhall forfeit 20*s.*; and the commiſſioners may cauſe ſuch incloſure to be pulled down and removed, and the materials thereof, as alſo all bricks, mortar, lime, or other valuable things contained within the ſame, or thereto belonging, to be depoſited in the *Green Yard*, there to be kept until the owner or his ſervants ſhall pay to the perſon in whoſe cuſtody the ſame ſhall be, the charges of pulling down and removing; and in caſe the ſame ſhall not be claimed, and the charges paid within eight days after ſeizure, the commiſſioners may order the ſame to be appraiſed and ſold, and the money ariſing therefrom ſhall be applied to the purpoſes of this act; and the commiſſioners are to remove ſuch rubbiſh to ſuch place as they think convenient, and every perſon laying ſuch rubbiſh, or cauſing the ſame to be laid, within, or on the outſide, or near to ſuch incloſure, or in any public ſtreet, paſſage, or place within the ſaid city or liberties, ſhall forfeit 20*s.* together with the expence of removing. *ſ.* 18.

No perſon ſhall ſlake lime in the foot or carriage-way of any of the ſaid ſtreets or places, or in any houſe within the ſame, upon pain to forfeit 40*s.* *ſ.* 19.

Nothing herein ſhall reſtrain any bricklayer or plaſterer from ſlaking lime within the yards or cellars of houſes, building or repairing, or within the yards or cellars belonging to the dwelling-houſe of any ſuch bricklayer or plaſterer, ſo that the ſteam of ſuch lime be conveyed into and through the chimney of ſuch houſe; and no lime be ſlaked in any cellar or yard after ſeven in the morning, from *Lady-day* to *Michaelmas*, nor after eight in the morning from *Michaelmas* to *Lady-day*; and if any lime ſhall be ſlaked contrary to this act, every perſon offending ſhall forfeit 40*s.* *ſ.* 20.

If any perſon ſhall carry, run, drive, roll, or draw, or cauſe to be carried, *&c.* any bier, or any wheel, empty caſk, ſledge, wheelbarrow, or other carriage whatſoever, or ſhall ride, lead, or drive any horſe, aſs, mule, or other cattle, coach, or other carriage whatſoever, along any part of the foot-pavements; then any perſon who ſhall ſee any ſuch offence committed, may ſeize and aſſiſt in ſeizing ſuch offender, and convey or deliver him into the cuſtody of a peace officer, in order to be conveyed before ſome juſtice; and the party accuſed being brought before him, ſuch juſtice ſhall examine upon oath any witneſſes touching ſuch offence, and if the party accuſed ſhall be convicted, either by his own confeſſion, or upon ſuch information, he ſhall forfeit 10*s.* for the firſt time of offending; 20*s.* for the ſecond; and 40*s.* for the third, and every other time of offending. *ſ.* 21.

The commiſſioners may cauſe to be painted, engraved, or deſcribed in ſtone, or otherwiſe, and to be affixed in a conſpicuous part of one or more houſes or buildings, at or near each end, corner, or entrance, of each of the ſaid ſtreets, *&c.* the name by which each ſtreet, *&c.* is called or known; and may alſo cauſe every houſe, ſhop, or warehouſe in the ſaid ſtreets, *&c.* to be numbered; and if any perſon ſhall deſtroy, pull down, obliterate, or deface any ſuch names or numbers, or any part thereof, or cauſe the ſame to be done, he ſhall forfeit 40*s.* *ſ.* 22.

No perſon ſhall, without authority from the commiſſioners, alter, or cauſe to be altered, the form of the pavement of any of the ſtreets, *&c.* or in any way incroach thereupon, upon pain to forfeit five pounds, over the expence of reinſtating the ſame, according to the directions of the commiſſioners; the ſaid forfeitures and expences to be recovered by action of debt, *&c.* in any of the courts of record at *Weſtminſter*, in the name of the mayor and commonalty, and citizens, within ſix months. *ſ.* 23.

If any two houſekeepers within the city and liberties ſhall make complaint, in writing, under their hands, to the commiſſioners, of any defect of repair in any of the pavements of any of the ſaid ſtreets, *&c.* then the commiſſioners ſhall cauſe the pavement complained of to be inſpected by their ſurveyor; and if found defective, and ſo reported to be to the commiſſioners, unleſs ſuch defect ſhall appear to ariſe from a defect in the water-pipes under ſuch pavement, they the commiſſioners ſhall give orders to their contractor or pavior, to repair the ſame; and if the contractor or pavior ſhall not, within four days, repair the ſaid defective pavement, then he ſhall forfeit 20*s.* for every day that the ſaid pavement ſhall remain unrepaired, after the expiration of the four days. *ſ.* 24.

When any pipe belonging to any of the water companies, which lie under ground, in any of the ſaid ſtreets, *&c.* ſhall break, burſt, or decay, ſo as to require reparation, the ſurveyor of the commiſſioners, or ſuch perſon as the commiſſioners ſhall appoint, ſhall give notice thereof in writing, to the pavior of the water company to whom he apprehends the ſaid pipes belong, who is to take up the pavement, and open the ground where ſuch reparation ſhall appear to be wanting; and if the ſaid pavior ſhall, upon taking up ſuch pavement, and opening ſuch ground, diſcover that the pipes do not belong to the water company whoſe pavior he is; then he ſhall give notice thereof in writing, to the pavior of the company to whom the ſaid pipes belong, in which caſe, ſuch laſt mentioned

pavior is, upon demand, to make ſatisfaction for the taking up ſuch pavement, and opening ſuch ground, to the pavior giving notice as aforeſaid; and the pavior of ſuch water company, to whom the ſaid pipes belong, is to cauſe the ſaid pipes to be repaired, and afterwards to fill up the ground, and ram down the ſame, within two days after ſuch notice; and as ſoon as ſuch pipe ſhall have been repaired, and the ground filled up and rammed down, he ſhall give notice thereof, in writing, to the pavior or contractor of the commiſſioners: and if the pavior of any of the water companies to or for whom ſuch notice ſhall be given or left, ſhall for two days after ſuch notice refuſe or neglect to take up ſuch pavement, and open ſuch ground; or if, upon diſcovering that the pipes do not belong to the company whoſe pavior he is, he ſhall not give immediate notice thereof in writing to the pavior of the company to whom they belong, or if the pavior of the water company to whom the ſaid pipes ſhall belong, ſhall for two days after ſuch notice, refuſe or neglect to cauſe ſuch pipes to be amended, or afterwards to fill up the ground, or to give notice of his having ſo done, to the pavior or contractor of the commiſſioners, then the perſon ſo refuſing or neglecting, ſhall forfeit five pounds; and if any pipes not belonging to any of the water companies, ſhall break, burſt, or decay, then the owners thereof ſhall cauſe the ground over the ſame to be opened, and ſuch pipes to be repaired, and notice thereof in writing to be given to the clerk of the commiſſioners, or, in caſe of refuſal or neglect ſo to do, ſhall forfeit five pounds; and if any pavement ſhall be broken or taken up, for making, repairing, or altering any vault or drain, or any other purpoſe, then the perſon taking up the pavement, ſhall, as ſoon as the work will permit, cauſe the ground to be filled up, and notice thereof in writing to be given to the clerk of the commiſſioners, or forfeit forty ſhillings; and the clerk ſhall, upon ſuch notice, tranſmit ſuch notice to the pavior or contractor of the commiſſioners; and if the ſaid clerk ſhall not in two days after ſuch notice, tranſmit ſuch notice to the ſaid pavior, or if ſuch pavior, to whom ſuch notice ſhall be ſo tranſmitted, ſhall, two days after ſuch notice, refuſe or neglect to relay and repair the pavement broken up; then the perſon ſo refuſing or neglecting ſhall forfeit 20 *s.* for every day ſuch pavement ſhall continue unrepaired, after the expiration of two days. *ſ.* 25.

If there ſhall be no fixed pavior of any of the water companies, ſuch notice ſhall be delivered to, or left at the office of the clerk of ſuch company, who ſhall, in ſuch caſe, be ſubſtituted in the room of ſuch pavior. *ſ.* 26.

The paviors employed by the water companies within the city or liberties ſhall, within three days after they ſhall be appointed, give notice in writing to the clerk of the commiſſioners, of their names and places of abode, and of the company whoſe paviors they are, and of the diſtrict to which they are appointed; and, in like manner, the clerk of the commiſſioners ſhall, within the time aforeſaid, give notice to the paviors of the water companies, of the paviors or contractors of the commiſſioners; and if the paviors, or clerk of the commiſſioners ſhall not give ſuch notice within the time aforeſaid, each of them ſhall forfeit 20 *s.* *ſ.* 27.

The expences of relaying the pavement taken up, for repairing pipes, ſhall be paid to the commiſſioners, by the water companies, or the owners thereof, and the expences of relaying the pavement taken up for repairing, cleanſing, or emptying any ſewer, public drain, or vault, or of making any new, or repairing old grates belonging to ſuch ſewer, *&c.* ſhall be paid out of the rates raiſed under this act, for repairing and cleanſing the ſaid ſewers: and if the clerk or treaſurer to any of the water companies, or the owner of ſuch pipes, liable to pay ſuch charges, ſhall not pay the ſame within ten days after demand in writing, ſigned by the clerk of the commiſſioners, and left at their dwelling houſes, or laſt places of abode, together with a bill to be annexed to ſuch demand, containing an account of ſuch charges; then the money expended may be recovered by the commiſſioners, by action of debt, *&c.* in any courts of record at *Weſtminſter*, in the name of the mayor, and commonalty, and citizens, within three months next after ſuch demand. *ſ.* 28.

If it ſhall be neceſſary for the purpoſes of making, enlarging, widening, deepening, raiſing, altering, repairing, or removing any ſewer or drain, or of new paving, or altering the pavement of any of the ſaid ſtreets, *&c.* to raiſe, ſink, or alter the poſition of any of the pipes or plugs, the charges attending the ſame ſhall be paid out of the monies ariſing by this act, for the purpoſes of paving, *&c.* *ſ.* 29.

The water companies ſhall within ſeven days after the appointment of any turnock, give notice in writing to the commiſſioners, of the names and places of abode of their turncocks, diſtinguiſhing the diſtricts to which they belong, upon pain to forfeit 40 *s.*; and the commiſſioners ſhall yearly cauſe to be printed and diſtributed through every ward within the city and liberties, to and amongſt the ſeveral houſeholders within the ſame, a liſt of the names and places of abode of the turncocks. *ſ.* 30.

The commiſſioners may cauſe the ſtreets to be watered, and any well to be ſunk in ſuch places as they think proper; and alſo any pump to be erected in or near ſuch places, and alſo any pumps now ſtanding, to be removed or altered, and to defray the expences out of the monies raiſed by this act, for paving, *&c.* *ſ.* 31.

The commiſſioners may cauſe moveable or fixed duſt boxes, duſt holes, or conveniencies, wherein duſt and aſhes may be depoſited for the ſcavengers or rakers, to be erected and placed in ſuch of the ſtreets, *&c.* as they judge neceſſary; and the occupiers of houſes or tenements are every day to cauſe all their duſt and aſhes to be depoſited in the ſaid boxes where any ſuch ſhall be; or, in default thereof, to keep all ſuch duſt and aſhes in their houſes, until the ſame ſhall be carried away by the rakers: and in caſe ſuch perſons ſhall depoſit any aſhes or duſt in any part of the ſaid ſtreets, *&c.* except in ſome of the duſt holes, *&c.* where ſuch ſhall be, or if any perſon ſhall depoſit in the ſaid duſt holes, *&c.* any dirt, dung, or filth, other than duſt or aſhes, or ſhall lay any dirt, dung, *&c.* in any of the ſaid ſtreets, *&c.* every perſon ſo offending ſhall forfeit 10 *s.* *ſ.* 32.

Every occupier of any houſe or tenement, and (in houſes let to inmates) every houſe owner ſhall, every day, before ten in the forenoon, ſcrape, ſweep, and cleanſe the foot-way all along the front of their reſpective houſes or tenements, or forfeit 5 *s.* *ſ.* 33.

The commiſſioners may cauſe ſo many lamps to be ſet up in ſuch places within the city and liberties, and to be placed in ſuch manner, and at ſuch diſtances, as they ſhall judge neceſſary; and the commiſſioners ſhall order at what time the ſame ſhall be lighted, and how long they ſhall continue lighted; and ſhall give ſuch other orders as they think needful. *ſ.* 34.

If any perſon ſhall *wilfully* take away, break, or throw down, or damage any lamp, or wilfully extinguiſh the lights within the ſame, or damage the irons or other furniture thereof, any perſon who ſhall ſee ſuch offence committed may ſeize or aſſiſt in ſeizing the offender, and deliver

ſiver him to a peace officer, in order to be conveyed before ſome juſtice of the city; and ſuch juſtice ſhall examine upon oath any witneſſes touching ſuch offence; and if the party accuſed ſhall be convicted, either by his own confeſſion, or ſuch oath, he ſhall forfeit twenty ſhillings for each lamp broken, thrown down, or damaged, or for every light extinguiſhed; and moreover, ſhall make full ſatisfaction to the commiſſioners for the damage by him done: and in caſe ſuch offender ſhall not on conviction pay ſuch forfeiture, and make ſuch ſatisfaction, ſuch juſtice is to commit him to *Bridewell*, to be kept to hard labour for not exceeding one month, unleſs ſuch forfeiture and ſatisfaction ſhall be ſooner paid. *ſ.* 35.

In caſe any perſon ſhall careleſsly or accidentally break, throw down, or damage, any of the ſaid lamps, or the irons or furniture, and ſhall not immediately, upon demand, make ſatisfaction for the damage, then one juſtice may, upon complaint to him made, by one perſon upon oath, ſummon before him the party complained of; and, upon hearing the allegations and proofs, or upon the non-appearance of the party, award ſuch ſatisfaction for ſuch damage as ſuch juſtice ſhall think reaſonable; and in caſe of refuſal or neglect of the ſaid party to pay the money awarded within three days after demand, he may cauſe the ſame to be levied by diſtreſs and ſale of his goods. *ſ.* 36.

All lamps put up by any perſon at his own private expence, ſhall be placed in ſuch manner as the commiſſioners direct. *ſ.* 37.

The property of the ſewers, and public drains and vaults, and of the pavements, and all materials, ſhall be veſted in the mayor and commonalty, and citizens; and the commiſſioners are to bring actions, in the name of the ſaid mayor and commonalty, and citizens, or prefer indictments againſt perſons who ſhall ſteal any part of ſuch materials; and if any perſon ſhall wilfully deſtroy, damage or ſpoil, any of the materials or any of the works, ſuch perſon being thereof convicted, by the oath of one witneſs, before any juſtice, ſhall forfeit twenty ſhillings for the firſt time of offending, forty ſhillings for the ſecond, and five pounds for every other time, together with all coſts, in reſpect of ſuch damage, as the commiſſioners ſhall be put unto, ſuch coſts to be recovered in any court of record at *Weſtminſter*, by action of debt, in the name of the principal clerk to the commiſſioners. *ſ.* 38.

No perſon ſhall, without licence of the commiſſioners, make any drain into any of the public ſewers, drains, or vaults, upon pain to forfeit twenty pounds; to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, in the name of the principal clerk. *ſ.* 39.

All private drains which ſhall iſſue into any of the public ſewers, ſhall be repaired and cleanſed under the direction of the ſurveyor of the commiſſioners at the coſts of the owner. *ſ.* 40.

For defraying the expence of paving, cleanſing, and lighting the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, and preventing annoyances therein, and of making, enlarging, widening, deepening, altering and removing, all or any the common ſewers, public drains, and vaults, within the ſaid city and liberties, one or more rates ſhall at ſuch times as the commiſſioners, or ſeven of them, ſhall think fit to order, by writing under their hands and ſeals, be made in the ſeveral wards of the city, by the aldermen or their deputies, and the major part of the common council men of each ward, upon all perſons who ſhall occupy any land, *&c.* and who ſhall be liable to be rated towards the relief of the poor, for raiſing ſuch money as the commiſſioners ſhall direct, ſo as ſuch rates do not in one year exceed one ſhilling and ſixpence in the pound of the yearly rents of the land or houſe ſituate in ſtreets, *&c.* actually begun to be new paved, and one ſhilling in the pound of the yearly rents of ſuch of the lands, houſes, as ſhall not be ſo ſituate; ſuch rates to be aſcertained by the land tax. *ſ.* 41.

The major part of the common council of each ward may compound with the owners of houſes, the annual rent whereof ſhall be under ten pounds, for the rate to be laid upon ſuch houſe, ſo as there be not remitted more than one half of the rate. *ſ.* 42.

The farmers or leſſees of markets ſhall, upon demand of the commiſſioners, or their principal clerk, pay into the chamber of *London* all ſuch money as the commiſſioners ſhall actually expend in paving, cleanſing, and lighting the ſaid markets; which ſaid money ſhall, in caſe of refuſal or neglect to pay the ſame, be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or within the city, in the name of the principal clerk. *ſ.* 43.

But the commiſſioners may compound with the farmers or leſſees for a certain ſum, in lieu of the ſums to be aſſeſſed, the account of which compoſition ſhall be entered in books. *ſ.* 44.

If any of the lands, houſes, *&c.* ſhall, at the time of making the rates, be empty, then the alderman or his deputy, with the major part of the common council men of the ward, may rate the ſaid premiſes; and in ſuch caſe, as well as in caſe the premiſes ſhall, after the making ſuch rate, become empty, one half of ſuch rate ſhall be charged on ſuch premiſes, and be paid by the firſt tenant who may deduct the ſame out of his rent, and the landlord is to allow ſuch deduction upon receipt of his rent, and the tenant ſhall be diſcharged for ſo much of his rent as the rate ſhall amount unto. *ſ.* 45.

It ſhall be lawful to rate the owner of all houſes let for leſs than ten pounds *per annum*, or occupied by two or more tenants, which rate ſhall be paid by the occupier, who is to pay ſuch money as ſhall be ſo rated upon the owner, and to deduct the ſame out of his rent, and the landlord is to allow ſuch deductions, and ſuch occupier paying ſuch aſſeſſment ſhall be diſcharged for ſo much of his rent; and in default of payment of the ſaid rate, the ſame ſhall remain a charge upon the premiſes, and may be recovered from the landlord by action of debt, *&c.* in any court of record at *Weſtminſter*, or within the city, in the name of the principal clerk. *ſ.* 46.

As ſeveral manufactures, trades, occupations, and callings, require great room, and it may be a great hardſhip upon perſons to be rated to the full extent of their rents; *and it may be reaſonable to excuſe ſome perſons from payment on account of poverty*; in any of the ſaid caſes, any perſon may apply to the commiſſioners by petition, in writing, ſetting forth the circumſtances of his caſe, giving notice to the alderman or his deputy; and ſuch petition ſhall be taken into conſideration by the commiſſioners, at their next public meeting, of which the alderman or his deputy ſhall have notice: and upon hearing the petitioners, the commiſſioners are to award ſuch relief as they think juſt. *ſ.* 47.

If the alderman, or his deputy, or the major part of the common council men, think ſuch award unjuſt, or if the party concerned ſhall think himſelf aggrieved, any of them may appeal to the court of mayor and aldermen, who ſhall finally determine whether the petitioners are intitled to relief. *ſ.* 48.

No perſon ſhall, in reſpect of any wharf, or of any warehouſe,

warehouſe, vault, or cellar upon any wharf, not fronting any ſtreet or lane, be rated, or be liable to pay more than two-thirds of the rates; but the alderman of the ward, or his deputy, and the common council men, or the major part of them, ſhall purſue ſuch determination as they ſhall receive from the commiſſioners, and which they are hereby to ſignify by their principal clerk in writing, as to what part of the ground ought to be deemed a wharf, and ſhall rate the ſame accordingly. *ſ.* 49.

The aldermen, or their deputies, and alſo the commiſſioners, may cauſe any of the books of the aſſeſſment of the land tax, and alſo any of the books of the aſſeſſments of the poor rates, to be brought before them, and to take copies without fee; and if any perſon, in whoſe cuſtody the ſaid books ſhall be, ſhall refuſe or neglect to attend with ſuch books, or to permit them to take copies; then ſuch perſon ſhall forfeit forty ſhillings. *ſ.* 50.

It ſhall be lawful to rate all pariſh churches, church-yards, chapels, meeting-houſes, and other public buildings whatſoever, not charged to the land tax, and all void ſpaces of ground, except the cathedral church of *Saint Paul* in *London*, and the church-yards and ground within the iron rails encompaſſing the ſaid church, at ſuch rate as the commiſſioners, or any of them, by writing under their hands and ſeals, ſhall direct, for every ſquare yard of ſuch churches, *&c.* not exceeding four pence *per* ſquare yard; and alſo to rate all dead walls for every yard running meaſure, not exceeding ſixpence *per* yard; ſuch rates upon any pariſh church, church-yard, or chapel, to be paid by their church or chapel wardens; and the rates upon any meeting-houſe to be paid by the miniſter: and if ſuch perſon ſhall refuſe or neglect to pay the ſame upon demand, then ſuch rate ſhall be recovered from the perſon ſo required to pay the ſame, by action of debt, *&c.* in any court of record at *Weſtminſter*, or within the city, proſecuted in the name of the principal clerk to the commiſſioners; and in default of payment of ſuch rate by the miniſter of ſuch meeting-houſe, the ſame ſhall be a charge upon ſuch meeting-houſe, and may be recovered by ſuch action againſt the landlord or owner thereof; and ſuch rate ſo made upon any public building (not an hoſpital), or upon any dead wall or void ſpace of ground, ſhall be paid by the owner; and in caſe he ſhall not be known or found, then the ſaid rate ſhall be advanced by the chamberlain of *London* out of the city caſh, and the ſaid ground ſhall be a ſecurity for repayment. *ſ.* 51.

The tenants of all lands, houſes, *&c.* belonging to hoſpitals, ſhall be aſſeſſed, and pay the rates. *ſ.* 52.

The pavement lying between the fence of the church-yard belonging to Saint Paul, *and the channels of the ſtreets ſurrounding the ſaid church, containing two thouſand two hundred and forty ſquare yards*, the alderman of the ward of *Caſtlebaynard*, or his deputy, with the major part of the common council of the ſaid ward, are to rate the cathedral church of *Saint Paul*, not exceeding one ſhilling and three pence by the year for every ſquare yard of the pavement now kept in repair; and ſuch rates ſhall be paid by the lord archbiſhop of *Canterbury*, lord biſhop of *London*, and lord mayor for the time being, or their treaſurer, out of the ſurplus monies of the duties on coals veſted in them. *ſ.* 53.

It ſhall be lawful for the commiſſioners to agree with the lord archbiſhop of *Canterbury*, biſhop of *London* for the time being, and lord mayor, truſtees for the fabric of the ſaid cathedral church, or any two of them, and with the dean and chapter for the time being (who are empowered to contract with the commiſſioners), for opening and laying into the public ſtreet all or any part of the ground, area, or ſpace, lying weſtward of the great ſteps leading up to the ſaid church (except that part encompaſſed with an iron rail, whereon the ſtatue of queen *Anne* is erected), and the commiſſioners are, out of the monies ariſing from the rates, to make ſuch compenſation for the ſame to the ſaid truſtees as ſhall be agreed for; and thereupon to cauſe the ſaid ground to be opened and laid into the public ſtreet. *ſ.* 54.

The alderman of *Farringdon Ward Without*, or his deputy, with the major part of the common council men of the ward, are to rate the inns of court and chancery herein-after named, in the ſeveral ſums herein-after mentioned, as a compoſition for the repairs of the pavements, *viz.* *The Inner Temple*, 2*l.* 2*s.* *per annum*; *the Middle Temple*, 6*l.* 6*s.* *per annum*; *Serjeants Inn* in *Chancery Lane*, 10*l.* *per annum*; *Staples Inn*, 14*l.* *per annum*; *Furnival's Inn*, 20*l.* *per annum*; *Bernard's Inn*, 6*l.* *per annum*; *Clifford's Inn*, 2*l.* 2*s.* *per annum*; which rates ſhall be paid by the treaſurer, principal, or other proper officer of the ſaid inns; and in default of payment may be ſued for, as the rates upon pariſh churches, *&c.* *ſ.* 55.

It ſhall be lawful for the commiſſioners to view any ſtreet, lane, ſquare, yard, court, alley, paſſage, or place, now or hereafter built, or building upon; and if they ſhall be of opinion that the ſame, or any part is fit to be paved, they ſhall order their ſurveyor, or other perſon appointed for that purpoſe, to give notice to the owner or leſſee of any land, houſe, *&c.* in any ſuch ſtreet, *&c.* or if no owner or leſſee can be found, then ſuch notice ſhall be ſtuck againſt the premiſes, which notice ſhall require ſuch owner, *&c.* to meet ſuch commiſſioners at a time not leſs than fourteen days from the date of ſuch notice, to compound for the paving, not exceeding three ſhillings for every ſquare yard of pavement, whether carriage or foot way, which compoſition the commiſſioners are authoriſed to make; and if ſuch owner or leſſee ſhall not attend, or ſhall not compound, the commiſſioners may order the ſame to be paved, and all charges ſhall be paid by the owner or leſſee, and may be recovered by action of debt in any court of record at *Weſtminſter*, or within the city, in the name of the clerk to the commiſſioners. *ſ.* 56.

Nothing in this act ſhall make void any contract between landlord and tenant; and in caſe any diſpute ſhall ariſe concerning ſuch contract, the court of mayor and aldermen ſhall finally determine the ſame. *ſ.* 57.

The commiſſioners may compound with any perſon, againſt whom they ſhall bring any action for any penalty contained in any contract, on account of any breach thereof, ſo as the ſum compounded for be not leſs than the injury ſuſtained, and all coſts, and ſo as ſuch compoſition doth not extend to remit more than one half of the penalty. *ſ.* 58.

If any perſon againſt whom complaint ſhall be made to one alderman for offence againſt this act, ſhall not, after three days notice ſerved upon him, attend ſuch alderman, he ſhall upon the oath of one witneſs forfeit twenty ſhillings. *ſ.* 59.

If any perſon liable to pay any rate ſhall become bankrupt, the aſſignees ſhall out of the effects, after paying the petitioning creditor his coſts, pay unto the chamberlain all rates due at the time of ſuing out the commiſſion, or as much as the effects will pay; and in caſe of non-payment for one month after demanded, the commiſſioners may commence actions in the name of the principal clerk, *&c.* againſt ſuch aſſignees. *ſ.* 60.

"Duplicates of rates are to be made." *ſ.* 61.

"Collectors

" Collectors are to be appointed, who are to take an " oath, that they will, according to the beſt of their ſkill " and knowledge, well and truly perform and execute the " office, and, on refuſal to take the oath, or ſerve, they " are to forfeit 50 *l.*" *ſ.* 62.

" In caſe of refuſal or neglect to take the office or va- " cancy, the alderman, *&c.* of the ward, *&c.* may ap- " point others, who are to take the oath and ſerve, on " like penalty of 50 *l.*" *ſ.* 63.

" Perſons not to ſerve who are by law exempted." *ſ.* 64.

" On refuſal or neglect of aldermen to do any act, com- " miſſioners empowered to execute the ſame." *ſ.* 65.

" If no collector appointed, commiſſioners to appoint." *ſ.* 66.

If any perſon ſhall come with any night cart, or begin to empty any bog-houſe, or to take away any night-ſoil within any of the ſtreets, *&c.* before eleven in the night, or ſhall continue to take away ſuch ſoil after five in the morning; or if any perſon ſhall put any ſuch ſoil, or wilfully or negligently permit the ſame to run out of any cart, tub, or pail, or otherwiſe into any of the ſaid ſtreets, *&c.* then it ſhall be lawful for any conſtable, beadle, or watchman (and they are enjoined ſo to do), and for any other perſon, to apprehend the perſon offending, and to carry him to one of the compters, and thereafter, as ſoon as may be, convey him before one of the aldermen, who, upon oath made of ſuch offence, ſhall commit ſuch offender to *Bridewell*, for not exceeding one month, nor leſs than ten days, there to be kept to hard labour; and the commiſſioners are to order not exceeding twenty nor leſs than five ſhillings, to be paid out of the rates to the perſon by whom the ſaid offender ſhall be detected, and conveyed to the compter. *ſ.* 67.

If any ſugar-baker, ſugar-refiner, ſoap-boiler, or ſoap-maker, or any other perſon, ſhall depoſit any lime or clay uſed in his trade, in any of the ſtreets, *&c.* and ſuffer the ſame to remain for any longer time than is neceſſary for carting away the ſame; or ſhall depoſit, or throw any ſuch lime or clay into any of the channels within the ſaid city or liberties; then ſuch perſon ſhall, for the firſt offence, forfeit twenty ſhillings; for the ſecond, forty ſhillings; and for the third, and every other offence, five pounds. *ſ.* 68.

For defraying the expence of repairing and cleanſing the public ſewers, drains and vaults, within the city and liberties, the commiſſioners, or ſeven of them, by writing under their hands and ſeals, may aſſeſs all perſons who ſhall inhabit any land, houſe, ſhop, warehouſe, cellar, vault, or other tenements or hereditaments, for raiſing ſuch money as the commiſſioners ſhall think needful, ſo as ſuch rates do not in one year exceed four pence in the pound of the real yearly rack rents of the ſaid lands, *&c.* and the tenants are to pay ſuch ſums as ſhall be rated upon them to ſuch perſon as the commiſſioners ſhall appoint, and to deduct the ſame out of their rent; and the landlord, mediate and immediate, are to allow ſuch payments upon receipt of the reſidue of their rents. *ſ.* 69.

" Commiſſioners are to appoint collectors." *ſ.* 70.

When the commiſſioners of ſewers have exerciſed the power of repairing ſewers, *&c.* and of aſſeſſing inhabitants, *&c.* they are authoriſed to order the repairing and cleanſing all ſuch ſewers as often as neceſſary, and alſo to make rates for defraying the expences thereof on the tenants, to be in like manner allowed to them by their landlords. *ſ.* 71.

If any ſugar-baker, or ſugar-refiner, ſoap-boiler, or ſoap-maker, or any other perſon, ſhall throw any lime or clay uſed in their trade, into any of the public ſewers, drains, or vaults, under the management of the commiſſioners, ſuch perſon ſhall, for the firſt offence, forfeit forty ſhillings; for the ſecond, five pounds; and for the third, and every other offence, ten pounds; and ſhall alſo pay all expences, which the commiſſioners ſhall be put unto for opening, cleanſing, cloſing up, and paving over the ſewer, *&c.* to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or within the city, in the name of the clerk to the commiſſioners. *ſ.* 72.

The commiſſioners ſhall keep an account of all money raiſed for cleanſing ſewers, *&c.* and of the expenditure thereof. *ſ.* 73.

If any perſon ſhall, for ten days after his aſſeſſment ſhall be due and demanded by the collector (ſuch demand being either perſonally made, or left in writing at the houſe *), then it ſhall be lawful for ſuch collector, having a warrant under the hand and ſeal of the commiſſioners, or three of them (which the collector is to apply for, and the commiſſioners, or three, are to grant), and, with the aſſiſtance of a conſtable, or other peace-officer, where the perſon refuſing or neglecting ſhall reſide, to enter his houſe or apartment, and diſtrain his goods; and if the ſame ſhall not be replevied, or ſuch rate paid, within five days after diſtreſs, together with coſts, then to appraiſe and ſell ſo much of the ſaid goods, as ſhall be ſufficient to pay the rate, with coſts, returning the overplus to the owner; the coſts to be ſettled by the commiſſioners. *ſ.* 74.

No ſuch diſtreſs ſhall be made out of the limits of the city and liberties, unleſs the warrant ſhall be firſt counterſigned by ſome magiſtrate of the county, *&c.* where ſuch diſtreſs is to be made, which warrant any magiſtrate who ſhall be applied to for that purpoſe ſhall counterſign without fee. *ſ.* 75.

The diſtreſs ſhall not be deemed unlawful, nor the parties making the ſame treſpaſſers, on account of any want of form, nor ſhall the parties be deemed treſpaſſers *ab initio*, on account of any irregularity; but the perſons aggrieved may recover ſatisfaction by any action on the caſe. *ſ.* 76.

But no plaintiff ſhall recover, if tender of amends ſhall be made, and if not, the defendant, by leave of the court before iſſue joined, may pay into court ſuch money as he ſhall think fit. *ſ.* 77.

If any collector ſhall refuſe or neglect to apply for ſuch warrant, or to make ſuch diſtreſs and ſale, except where diſpenſed with by the alderman or his deputy, and the major part of the common council men, by writing under their hands, in reſpect of the poverty of the party aſſeſſed, ſuch collector ſhall forfeit five pounds; and if any juſtice upon application to him made to counterſign ſuch warrant ſhall refuſe or neglect ſo to do, ſuch juſtice ſhall forfeit five pounds; and if any conſtable ſhall refuſe or neglect to aid in making ſuch diſtreſs and ſale, he ſhall forfeit forty ſhillings. *ſ.* 78.

If any freeman of *London* ſhall have neglected or refuſed to pay the rates, or any part thereof, after demand; or if any ſuch freeman ſhall, in reſpect of poverty or inability, have deſired to be excuſed, and accordingly ſhall have been excuſed from paying any ſuch rate; then every ſuch freeman ſhall be under the incapacity of voting at elections within the city. *ſ.* 79.

* So in the act at large.

Any

Any perſon aggrieved by any rate may, within thirty days after ſuch rate ſhall have been demanded, appeal to the commiſſioners, and they are to appoint a day for hearing ſuch appeal, and the party appealing ſhall give three days notice of the day appointed, to the alderman of the ward, or to his deputy; and ſuch notice having been given, the commiſſioners ſhall, upon the day appointed, determine ſuch appeal, which ſhall be final, and no fees ſhall be paid on ſuch appeal. *ſ.* 80.

If the alderman of any ward, or his deputy, with the major part of the common council men, ſhall neglect to rate any perſon liable, or any lands, or the occupiers thereof, within their ward, in proportion to the yearly rent of ſuch lands rated towards the land tax; then, upon complaint thereof made by any inhabitant of the ſaid city to the commiſſioners, they are to appoint a day for hearing ſuch complaint, and the party complaining ſhall give three days notice of the day appointed to the alderman of the ward, or to his deputy; and ſuch notice having been given, the commiſſioners ſhall determine ſuch complaint, and may ſummon witneſſes, and examine them upon oath; and if the commiſſioners ſhall judge the matter true, they ſhall make ſuch alterations in the rate as ſhall be juſt. *ſ.* 81.

Every collector ſhall pay the monies as he ſhall receive the ſame to the chamberlain; and, upon ſuch payment, the chamberlain, or one of his clerks, ſhall, without fee, give receipts in writing to ſuch collector; and if ſuch collector ſhall keep in his hands twenty pounds above two days (the chamber of *London* being within that time open to receive the ſame); then ſuch collector ſhall forfeit ten ſhillings for every day he ſhall retain the ſaid ſum beyond the ſaid two days. *ſ.* 82.

Every collector ſhall, upon three days notice in writing, given to or left for him, at his uſual place of abode, by the alderman of the ward, or his deputy, attend the ſaid alderman, or his deputy; or upon notice in writing given, or left as aforeſaid by the clerk to the commiſſioners, ſhall attend the commiſſioners, and then, if required, deliver to ſuch alderman, or his deputy, or to the commiſſioners, upon oath, or affirmation, a true account in writing, under the hand of ſuch collector, of all money received; and alſo a true liſt of the names of all perſons who ſhall have neglected to pay their rates, with a true account of the ſums which ſuch perſons ſhall be in arrear; and if any collector, after ſuch notices, ſhall not attend or deliver in his accounts, or produce vouchers, or account for any money collected, and pay the ſame as herein directed; then ſuch collector ſhall forfeit ſuch ſum of money as the rates which he ſhall have been authoriſed to collect ſhall amount unto, after deducting the ſum actually paid to the chamberlain; which forfeiture ſhall be recovered by action of debt, *&c.* in any court of record in the name of the clerk of the commiſſioners, in which action ſuch collector ſhall be held to ſpecial bail. *ſ.* 83.

If any collector ſhall have in his hands any of the rates collected, and ſhall refuſe to account for and pay the ſame, any juſtice for the city may by warrant cauſe ſuch collector to be brought before him, to determine the complaint in a ſummary way; and if upon the confeſſion of ſuch collector, or the teſtimony of any credible witneſs upon oath, it ſhall appear that any of the monies collected ſhall then be in the hands of ſuch collector, and that he refuſeth to pay the ſame according to this act, the ſaid juſtice is by warrant to cauſe ſuch money to be levied by diſtreſs and ſale of the goods of ſuch collector; and if no goods can be found ſufficient to anſwer the ſaid money and charges of diſtreſs and ſale, then the ſaid juſtice may commit ſuch collector to one of the compters, until he ſhall pay the ſame, or ſuch compoſition as the commiſſioners ſhall agree to accept. *ſ.* 84.

Every collector ſhall, upon three days notice in writing, given to or left for him at his uſual place of abode, by the clerk of the commiſſioners, attend the commiſſioners, and, if required, anſwer upon oath or affirmation, touching any neglect of duty, or other complaint againſt him; and if ſuch collector ſhall refuſe or neglect to attend on ſuch notice, the commiſſioners, or three of them, are by warrant under their hands and ſeals, to cauſe ſuch collector to be brought before them, and to determine the complaint in a ſummary way; and if ſuch collector ſhall not ſhew good excuſe for his neglecting to attend, he ſhall forfeit forty ſhillings, to be levied by diſtreſs and ſale of goods; and if no goods can be found ſufficient to anſwer the ſame, and the charges of ſuch diſtreſs and ſale, then the commiſſioners, by warrant, ſhall commit ſuch collector to any of the compters for not longer than one month, nor leſs than fourteen days. *ſ.* 85.

If any collector ſhall die, or become bankrupt, before he ſhall have paid all the money by him received, or ſuch compoſition as aforeſaid; then the executors or adminiſtrators of ſuch collector, or other perſons poſſeſſing his eſtate, ſhall, in the firſt place, out of ſuch eſtate pay unto the chamberlain all money in the hands of ſuch collector at the time of his death; and the aſſignees of his eſtate, in caſe of bankruptcy, ſhall, after paying to the petitioning creditor his coſts, in the next place pay unto the ſaid chamberlain all money in the hands of ſuch collector at the time of the ſuing out of any commiſſion of bankruptcy againſt him, or ſo much thereof as the ſaid eſtate will extend to pay; and in caſe of non-payment for one month after demand, the commiſſioners may commence actions for the ſame in the name of the clerk in any court of record. *ſ.* 86.

In caſe any collector ſhall become inſolvent, or embezzle any money collected, and the ſame ſhall not be paid by his executors; then ſuch money ſhall be again rated on the inhabitants. *ſ.* 87.

If any perſon ſhall obſtruct any of the commiſſioners, or any ſurveyor, or other officer, workmen, or perſons in the performance of their duty, ſuch perſon ſhall, for the firſt offence, forfeit five ſhillings; for the ſecond, twenty ſhillings; and for the third, and every other, five pounds. *ſ.* 88.

" Chamberlain to pay all ſums of money by order of the " commiſſioners, and to make entries. *ſ.* 89. Com- " miſſioners are empowered to borrow money upon the " credit of the rates. *ſ.* 90. Money by annuities on " lives may be borrowed. *ſ.* 91. If annuitants die, any " perſons may purchaſe annuities for their lives. *ſ.* 92. " Clerk to enter all ſecurities for monies borrowed, or an- " nuities granted. *ſ.* 93. Annuities ſhall not be liable " to taxes. *ſ.* 94. Securities may be aſſigned. *ſ.* 95. " Felony in caſe any perſon ſhall forge, *&c.* any aſſign- " ment, certificate, *&c.* of annuitants, or perſonate " them. *ſ.* 96. Annuities to be paid out of money " ariſing from the rates. *ſ.* 97."

The powers hereby veſted in the commiſſioners ſhall in all reſpects be executed within ſuch parts of *Holborn*, the *Minories*, and *Alderſgate Street*, as are, or ſuppoſed to be, out of the liberties of the ſaid city, and the courts and alleys leading into the ſame, or communicating therewith; and the inhabitants of the ſeveral places aforeſaid ſhall be rated by the alderman of the ward next adjoining

ing to the ſame, or by his deputy, with the major part of his common councilmen; and ſuch rates ſhall be recovered as before directed. *ſ.* 98.

Nothing in this act ſhall extend to the liberty of *St. Martin le Grand*, belonging to the dean and chapter of *Weſtminſter*. *ſ.* 99.

The commiſſioners ſhall exerciſe all powers given to commiſſioners of ſewers. *ſ.* 100.

For increaſing the fund for paving, *&c.* there ſhall be paid to the receivers appointed as after mentioned, before any cattle or carriage ſhall paſs on a *Sunday* through any of the turnpikes herein-after mentioned, or through any turnpike to be erected by virtue of this or any other act near the ſame, *viz.* The turnpikes at *Mile End*; at *Bethnal-green*; at *Hackney*; at *Kingſland*; at *Ball's Pound*, or *Pond*, *Iſlington*; at *Holloway*; at the end of *Saint John's Street*; at the end of *Goſwell Street*; and the turnpike on the *City Road*, the following tolls:

For every coach, chariot, berlin, chaiſe, chair, calaſh, or other carriage, drawn by ſix or more horſes or mules, ten pence; by four, eight pence; by three or two, ſixpence.

For every chaiſe, chair, calaſh, or other carriage, drawn by one horſe or mule, three pence.

And for every horſe, mule, or aſs, not drawing, one penny.

Which money ſhall be taken in the name of a ſtreet-toll, excluſive of all other tolls collected upon the ſaid roads; and the monies ariſing therefrom ſhall be veſted in the mayor and commonalty, and citizens, and ſhall be diſpoſed of for the paving, cleanſing, and lighting the ſaid city and liberties, and making common ſewers, *&c.*; and the commiſſioners are by themſelves, or any perſon by them authoriſed, to levy the toll upon any perſon who ſhall, after demand, neglect to pay the ſame, or deny any paſſage through the ſaid turnpikes until payment thereof; which ſaid toll may be levied by diſtreſs of any horſes or cattle upon which the toll is impoſed, or upon any of the goods of ſuch perſon who ought to pay the ſame; and all ſuch horſes, cattle, or goods, may be detained until ſuch toll, with the charges of diſtreſs, ſhall be paid; and the perſon diſtraining, after four days, may ſell the horſes, cattle, or goods, rendering to the owner the overplus upon demand, after ſatisfaction of the toll and charges. *ſ.* 101.

The commiſſioners may erect turnpikes at the places afore-mentioned, for the purpoſe of collecting the tolls, and alſo erect a toll-houſe near each turnpike, and, from time to time, remove or alter the ſame; and the property of theſe ſhall be veſted in the mayor and commonalty, and citizens; and they are to bring actions in the name of the corporation, and prefer indictments againſt any perſons who ſhall injure the ſame, or diſturb them in the poſſeſſion thereof, or hold poſſeſſion thereof, after being required by order of the commiſſioners to deliver up the ſame. *ſ.* 102.

"Tolls may be collected at the turnpikes already "erected. *ſ.* 103."

No perſon ſhall pay the ſaid ſtreet-toll more than once for paſſing or re-paſſing at any time on the ſame day, with the ſame cattle and carriage; but every perſon, after having paid ſuch toll once as aforeſaid, ſhall, during the remainder of ſuch day, paſs toll-free, with reſpect to the ſaid ſtreet-toll, with the ſame cattle and carriages, through the gate at which ſuch toll was paid, and alſo through all other gates whereat the ſaid tolls are made payable, upon producing a ticket, denoting the payment of ſuch toll; which tickets the collector is to give *gratis*, on receipt of ſuch tolls. *ſ.* 104.

"Commiſſioners may leaſe, *&c.* the tolls. *ſ.* 105."

The commiſſioners may appoint collectors of the tolls, who are to pay the ſame into the office of the chamberlain of the ſaid city, in like manner as expreſſed concerning the rates; and ſhall alſo upon oath, from time to time, account for all monies received; and if ſuch collector ſhall not make, or ſhall refuſe to verify upon oath, any ſuch account, or to make payment as aforeſaid; then one juſtice upon complaint is to make inquiry concerning ſuch default, as well by confeſſion of the party as by the teſtimony of witneſſes upon oath; and if ſuch collector ſhall be convicted of the offence, ſuch juſtice ſhall commit ſuch offender to the common county gaol, until he ſhall account and pay, or until he ſhall have compounded with the commiſſioners, which compoſition the commiſſioners are empowered to make; and the commiſſioners ſhall out of the tolls make ſuch allowance unto their collectors as they ſhall think fit. *ſ.* 106.

The commiſſioners of any one of the ſaid turnpikes, or any three of the commiſſioners of each of the ſaid turnpikes, may agree with the commiſſioners conſtituted by this act for taking or farming any of the ſaid tolls. *ſ.* 107.

"Tolls may be aſſigned for money borrowed. Aſſign-"ments to be entered in a book. All creditors deemed "equal in degree. *ſ.* 108."

If any perſon ſhall forcibly or wilfully paſs with any horſe, beaſt, or carriage through any turnpike, without paying ſuch toll, or producing a ticket, or ſhall knowingly aſſault, interrupt, or obſtruct any of the collectors in the execution of his office, or ſhall forge or alter, or ſhall deliver to, or receive from any other perſon any ticket with an intent to avoid the payment of the ſaid tolls, every perſon ſo offending ſhall forfeit forty ſhillings, beſides ſuch damages as they ſhall be liable to by law; and the collectors, and all perſons required by them to aſſiſt, may ſeize any horſe, cattle or goods, belonging to, or under the care of any perſon offending, and take ſuch offenders before any juſtice, and before him make complaint of ſuch offence; and ſuch juſtice is to inquire into the ſame, as well by examination of the parties, as by the teſtimony of witneſſes upon oath; and if the ſaid juſtice ſhall ſee cauſe to convict the party complained of in the penalty, for non-payment thereof, and of the tolls that ſhall be due (though the ſame ſhall not be demanded), he by warrant under his hand and ſeal, may cauſe the ſaid horſes, cattle or goods, to be ſold for payment of the tolls, and the charges of ſeizing and keeping the ſame, and of ſuch ſale, rendering the overplus to the owner; and if no ſeizure can be made, then the penalty and tolls ſhall be levied by ſuch means, and applied in ſuch manner, as herein-after mentioned. *ſ.* 109.

The collectors who ſhall be aſſaulted or interrupted in the execution of their offices, and all perſons required by them to aſſiſt, may take ſuch offender before any juſtice, who is to inquire into the ſame in manner above directed; and (if he ſhall ſee cauſe) convict the party complained of in the penalty laſt mentioned; to be levied as hereafter directed. *ſ.* 110.

All monies raiſed by this act ſhall be veſted in the mayor and commonalty, and citizens, and ſhall be applied to the purpoſes of this act, and no other. *ſ.* 111.

No nomination, contract, bond, warrant, judgment, or other writing whatſoever relating to the execution of this act, ſhall be chargeable with any duty. *ſ.* 112.

The number of coaches to ſtand for hire between the end of *Freeman's Court* in *Cornhill* and the end of *Cornhill* eaſtward, ſhall be no more than ten at one time; and from the end of *Bucklerſhury* to the end of *King-ſtreet*, *Cheapſide*,

Cheapſide, no more than five, and not to approach or continue nearer the one to the other than twenty feet; and every other coach, ſtanding for hire in any other ſtreet or place within the city and liberties, ſhall ſo ſtand, except where the ſtanding ſhall be againſt any dead wall, at the ſpace of eight feet from each other; and all coaches plying for hire within the ſaid city and liberties, ſhall give way to, and make room for all waggons, drays, carts, and other carriages, to paſs or repaſs along or acroſs any of the ſtreets, upon pain that the owner or driver *in either of the caſes*, ſhall forfeit twenty ſhillings; to be recovered and levied as any of the penalties incurred by hackney coachmen may be now recovered and levied. *ſ.* 113.

Within ſeven days after the owner of every hackney coach ſhall be licenſed by the commiſſioners appointed for licenſing hackney coaches, ſuch owner ſhall leave at the office of the commiſſioners under this act, at *Guildhall*, with the principal or aſſiſtant clerk to the commiſſioners, a true account in writing of his place of abode, with the number of each coach; and ſo from time to time, every licenſed hackney coachman ſhall, within ſeven days after his place of abode ſhall be changed, give the like account at the ſaid office, upon pain to forfeit twenty ſhillings. *ſ.* 114.

The juſtices may mitigate any of the ſaid penalties, to not leſs than one half thereof. *ſ.* 115.

Where any perſon ſhall, either upon confeſſion, or by the oath of one witneſs, be convicted before one juſtice, of any offence againſt this act, for which any penalty is enacted, the recovering whereof is not directed, ſuch juſtice is, upon the party's refuſal or neglect to pay down ſuch penalty, immediately to commit him to one of the compters, for not exceeding one month, and not leſs than fourteen days; and all penalties ſhall be paid into the chamber of the ſaid city, and applied to ſome of the purpoſes to which any of the rates are to be applied. *ſ.* 116.

No proceeding touching the conviction of any offender, or other thing done in the execution of this act, ſhall be quaſhed for want of form. *ſ.* 117.

No action ſhall be commenced againſt any perſon, for any thing done in purſuance of this act, until twenty-one days notice ſhall be thereof given in writing to the clerk of the commiſſioners, or after ſufficient ſatisfaction or tender thereof hath been made to the party aggrieved, or after ſix months; and ſuch action ſhall be laid, and tried where the cauſe of action ſhall ariſe; and the defendant may plead the general iſſue; and if the plaintiff ſhall become nonſuited, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 118.

By 26 *Geo.* 3. *c.* 37. The following toll was laid upon all horſes and carriages paſſing on a *Sunday* over *Black Friar's Bridge*, to be applied for watching, lighting, cleanſing, watering, and repairing the ſaid bridge, *viz.*

For every carriage with ſix or more horſes	10 *d.*
with four - -	8
with three or two -	6
with one - -	3
And for a ſingle horſe, not drawing -	1

Phyſicians, Apothecaries, and Surgeons.

By 3 *Hen.* 8. *c.* 11. No perſon within *London*, nor within ſeven miles of the ſame, ſhall exerciſe as a phyſician or ſurgeon, except he be examined and approved by the biſhop of *London*, or by the dean of *St. Paul*'s, calling to them four doctors of phyſic, and for ſurgery other expert perſons in that faculty, of them that have been ſo approved; upon the pain of forfeiture for every month, 5*l.* one half to the king, and the other half to any that will ſue. *ſ.* 1.

No perſon out of the ſaid city and precinct of ſeven miles, except he have been (as aforeſaid) approved, ſhall exerciſe as a phyſician or ſurgeon in any dioceſe; but if he be examined and approved by the biſhop or his vicar-general, calling to them ſuch expert perſons as their diſcretion ſhall think convenient, and giving their letters, teſtimonials, upon like pain. *ſ.* 2.

This act ſhall not be prejudicial to the univerſities. *ſ.* 3.

By 5 *Hen.* 8. *c.* 6. The wardens and fellowſhip of ſurgeons in *London*, ſhall be diſcharged of conſtableſhip, watch, and all manner of office bearing armour, and alſo of inqueſts and juries in *London*; and this act ſhall extend to all barbers ſurgeons admitted according to the ſtatute, ſo that they exceed not at one time the number of twelve.

By 14 *&* 15 *Hen.* 8. *c.* 5. The corporation of the commonalty and fellowſhip of the faculty of phyſic, erected by king *Henry* 8. and every thing contained in the letters patent of incorporation, are confirmed in parliament; and the ſix perſons in the letters patent named, chuſing to them two or more of the commonalty, ſhall be called elects, and the elects ſhall yearly chuſe one of them preſident; and as oft as any of the places of the elects ſhall be void by death or otherwiſe, the ſuperviſors of the elects (within forty days) ſhall chuſe more of the faculty in *London*, to ſupply the number of eight; ſo that they be firſt by the ſaid ſuperviſors ſtraightly examined after a form deviſed by the elects, and by the ſuperviſors approved. *ſ.* 2.

No perſon ſhall be ſuffered to practiſe in phyſic through *England*, until he be examined at *London* by the preſident and three of the elects, and have from them letters teſtimonials; except he be a graduate of *Oxford* or *Cambridge*, *&c.* *ſ.* 3.

By 32 *Hen.* 8. *c.* 40. The preſident of the commonalty and fellowſhip of phyſicians, and the commons and fellows of the ſame, ſhall be diſcharged to keep watch or ward in *London*, and ſhall not be choſen conſtable or any other officer in the city. *ſ.* 1.

The ſaid preſident, commons, and fellows, may yearly elect four of the ſaid commons and fellows; and the ſaid four perſons, after oath miniſtered by the preſident or his deputy, ſhall have power to enter the houſe of every apothecary within the city, to ſearch ſuch apothecary wares as they have in their houſes; and all ſuch drugs as the ſame four perſons ſhall find defective, the ſame four perſons, calling to them the wardens of the myſtery of apothecaries, or one of them, ſhall cauſe to be burnt, or otherwiſe deſtroy the ſame; and if the apothecaries do obſtinately or willingly refuſe the ſaid perſons to enter their houſes for the purpoſe before rehearſed, they ſhall forfeit 100*s.* the one half to the king, and the other half to him that will ſue for the ſame; and if the four perſons elected refuſe to be ſworn, or do obſtinately refuſe to make the ſearch once in the year, having no lawful impediment, for ſuch default every of the ſaid four perſons ſhall forfeit 10*s.* *ſ.* 2.

Any of the fellowſhip of phyſicians, being admitted by the ſaid preſident and fellowſhip, may practiſe the ſcience of phyſic including ſurgery. *ſ.* 3.

By 32 *Hen.* 8. *c.* 42. The two companies of ſurgeons, *viz.* both the barbers and the ſurgeons of *London*, ſhall be united and made one body corporate called by the name of *maſters and governors of the myſtery and commonalty of barbers and ſurgeons of* London. And all perſons of the ſaid

ſaid company that ſhall be admitted to ſurgery after the ſtatute ſhall be exempt for bearing armour, or to be put in any watches or inqueſts; and they ſhall have the overſight and correction as well of freemen as of foreigners, for ſuch offences as they ſhall do againſt the good order of barbery or ſurgery, according to the rules by them made, and approved by the lord chancellor, treaſurer, and chief juſtices. *ſ.* 1.

The ſaid maſters or governors yearly at their pleaſure may take four perſons put to death for felonies for anatomies. *ſ.* 2.

No perſon within the city of *London*, and one mile compaſs of the ſame, uſing barbery or ſhaving, ſhall occupy any ſurgery, letting of blood or other thing belonging to ſurgery, drawing of teeth except. And whoſoever uſeth the craft of ſurgery within the circuit aforeſaid, ſhall not exerciſe the craft of barbery. And all perſons uſing ſurgery within the city and one mile compaſs of the ſame, ſhall have an open ſign on the ſtreet ſide where they dwell. *ſ.* 3.

No perſon ſhall keep any ſhop of barbery within *London*, except he be a freeman of the ſame corporation. *ſ.* 4.

At times accuſtomed there ſhall be choſen by the ſame company, four maſters or governors, of which two ſhall be expert in ſurgery, and the other in barbery; which maſters ſhall have power to have the overſight and correction of all defaults found among the ſaid company uſing barbery and ſurgery within the circuit aforeſaid; and if any perſon uſing barbery or ſurgery offend in any of theſe articles, then for every month he ſhall forfeit 5 *l.* one moiety to the king, and the other moiety to any that will ſue. *ſ.* 5.

Provided that the barbers and ſurgeons bear and pay lot and ſcot. *ſ.* 6.

It ſhall be lawful to any of the king's ſubjects, not being a barber nor ſurgeon, to keep in his houſe as ſervant any perſon being a barber or ſurgeon, which may uſe thoſe arts in his maſter's houſe, or elſewhere by his maſter's licenſe. *ſ.* 7.

By 34 & 35 *Hen.* 8. *c.* 8. It ſhall be lawful to every perſon being the king's ſubject, having knowledge of the nature of herbs, roots, and waters, to miniſter to any outward ſore, wound, apoſtemations, ſwelling or diſeaſe, any herbs, ointments, baths, pulteſs and plaiſters, according to their experience, or drinks for the ſtone, ſtrangury or agues. *ſ.* 3.

By 1 *Mar. ſtat.* 2. *c.* 9. The ſtatute 14 *Hen.* 8. *c.* 5. ſhall continue in force. *ſ.* 2.

Whenſoever the preſident of the college of phyſic of *London*, or ſuch as the ſaid preſident and college ſhall yearly authoriſe to correct offenders in the ſaid faculty, ſhall commit any offenders to any gaol within the ſame city and precinct (the *Tower* of *London* except), the gaoler ſhall receive ſuch perſons, until ſuch offenders be diſcharged by the ſaid preſident, and ſuch perſons as by the ſaid college ſhall be authoriſed; upon pain that every ſuch gaoler doing the contrary ſhall forfeit the double of ſuch fines and amercements as ſuch offender ſhall be aſſeſſed to pay, ſo that the ſame be not at one time above 20 *l.* the moiety thereof to the queen, the other moiety to the preſident and college. *ſ.* 4.

The wardens of the grocers may go with the phyſicians in their ſearch, and every ſuch perſon as ſhall reſiſt ſuch ſearch ſhall forfeit 10 *l.* *ſ.* 5.

All juſtices, mayors, ſheriffs, conſtables, and other officers, upon requeſt ſhall aſſiſt the preſident of the ſaid college, and all perſons by them authoriſed, for the due execution of the ſaid ſtatutes, upon pain to run in contempt of the queen's majeſty. *ſ.* 6.

By 6 *Will.* 3. *c.* 4. made perpetual by 9 *Geo.* 1. *c.* 8. All perſons uſing the art of an apothecary within the city of *London*, and ſeven miles thereof, being free of the ſociety of apothecaries of *London*, and who ſhall be examined and approved, ſo long as they ſhall uſe the ſaid art, ſhall be exempted from the offices of conſtable, ſcavenger, overſeer of the poor, and all other pariſh, ward, and leet offices, and from ſerving upon juries; and if any ſuch perſon ſhall be choſen into any of the ſaid offices, or returned to ſerve in any jury, ſuch perſon producing a teſtimonial under the common ſeal of the corporation, of ſuch his examination, approbation, and freedom, ſhall be diſcharged. *ſ.* 3.

All perſons uſing the ſaid art of an apothecary within any other parts of this kingdom, *Wales* or *Berwick*, and who ſhall be brought up and ſerve in the ſaid art as an apprentice ſeven years, ſhall likewiſe be exempted from the offices and duties aforeſaid, ſo long as they ſhall uſe the ſaid art. *ſ.* 4.

By 18 *Geo.* 2. *c.* 15. The union and incorporation of the barbers and ſurgeons of *London*, made by 32 *Hen.* 8. *c.* 42. ſhall be diſſolved; and ſuch of the members of the ſaid united company who are freemen and admitted ſurgeons within the rules of the ſaid company, and their ſucceſſors, ſhall be made a ſeparate and diſtinct body corporate, to be called by the name of *Maſters, governors, and commonalty of the art and ſcience of ſurgeons of* London; and by the ſame name ſhall implead and be impleaded, and purchaſe and take to them and their ſucceſſors, any lands or hereditaments not exceeding the yearly value of 200 *l.* without incurring the penalties of the ſtatutes of mortmain. *ſ.* 1.

The ſaid company may elect one principal maſter or governor, two other governors or wardens, ten examiners of ſurgeons, and 21 perſons to be the court of aſſiſtants of the ſaid company, to be qualified and admitted in ſuch manner, and to continue in the ſaid offices for ſuch time, as by the laws of the company ſhall be directed. *ſ.* 2.

The maſter and governors of the ſaid company, or two of them, with nine of the court of aſſiſtants, as often as to two of the ſaid maſter and governors ſhall ſeem meet, may hold courts to conſult about the rule and government of the ſaid company; and the maſter and governors and court of aſſiſtants, or the major part of them, may make or abrogate bye laws. *ſ.* 3.

Provided the ſeveral bye-laws made for the regulation of the united company relating to ſurgery only, and which on the 23d of *June* 1745, ſhall not be repealed by virtue of this act, ſhall continue and be obſerved by the company of ſurgeons until the ſame be repealed by virtue of this act. *ſ.* 4.

The maſter, governors, and court of aſſiſtants for the time being, of the company of ſurgeons, ſhall upon the 1ſt *Thurſday* in *July* in every year, meet at ſuch place as the maſter and governors, or two of them ſhall appoint; and elect out of their body, by the majority of votes of ſuch who ſhall be preſent, one principal maſter or governor, and two governors or wardens for the ſucceeding year; and elect out of their own body, ſuch other perſon to be examiner of ſurgeons, in the place of ſuch examiner, as ſhall have happened to die, or have been removed in the preceding year; and elect out of the freemen ſuch perſon to be of the court of aſſiſtants in the place of ſuch perſon who ſhall have happened to die or have been removed from the ſaid office. *ſ.* 7.

The company of ſurgeons and their ſucceſſors, and all freemen of the ſame company, ſhall enjoy the ſame liberties, privileges, franchiſes, powers, and authorities, as the members of the united company, being freemen, and admitted ſurgeons, within the rules of the ſaid company, could have had by 32 *Hen.* 8. *c.* 42. and the letters patent of *Car.* 1. and other royal grants and patents therein mentioned, ſo far as the ſame relate to ſurgery only: and they, and all ſuch who have been or ſhall be examined and approved, purſuant to the rules of the ſaid company, ſhall be entitled to practiſe ſurgery throughout his majeſty's dominions. *ſ.* 8.

The examiners of the company of ſurgeons eſtabliſhed by this act, ſhall upon requeſt examine every candidate to ſerve as a ſurgeon, or ſurgeon's mate, of any regiment, troop, company, hoſpital, or garriſon of ſoldiers in the ſervice of his majeſty, as they examine any ſurgeon appointed to ſerve on board any ſhip in the ſervice of his majeſty. *ſ.* 9.

All freemen of the company of ſurgeons incorporated by this act, who have been or ſhall be examined and approved purſuant to the rules of the ſaid company, for ſo long time as they ſhall uſe the art or ſcience of ſurgery, ſhall be exempted from the offices of conſtable, ſcavenger, overſeer of the poor, and all other pariſh, ward, and leet offices, and from ſerving upon any jury or inqueſt: and if any ſuch perſon ſhall be choſen into any of the ſaid offices, or returned to ſerve on any jury, leet, or inqueſt, or be diſturbed by reaſon thereof, ſuch perſon producing a teſtimonial, under the common ſeal of the ſaid corporation, of his examination, approbation, and freedom, to the perſon by whom he ſhall be ſo appointed, or by or before whom he ſhall be ſummoned, ſhall be diſcharged from the ſame. *ſ.* 10.

This act ſhall not extend to prejudice any of the privileges heretofore granted by any act or by any letters patent to the preſident and college, or commonalty, of the faculty of phyſic in *London*, *ſ.* 11.

Such of the members of the ſaid united company who are freemen of the ſaid company, and are not admitted ſurgeons, and their ſucceſſors, ſhall be a body corporate, to be called by the name of *The maſter, governors, and commonalty of the myſtery of barbers of* London; and by the ſame name may plead and be impleaded, and purchaſe and take to them and their ſucceſſors lands, not exceeding the yearly value of 200*l.* *ſ.* 12.

The maſter and governors of the company of barbers, or two of them, with 11 of the court of aſſiſtants, as often as to two or more of the ſaid maſter and governors ſhall ſeem meet, may hold courts at the hall of the ſaid company, to conſult about the rule and government of the ſaid company of barbers; and the maſter and governors and court of aſſiſtants, or the major part of them, may make bye-laws, and the ſame alter or repeal. *ſ.* 15.

Provided the ſeveral bye-laws made for the regulation of the united company, ſo far as the ſame do not relate to ſurgery, and which on the ſaid 23d of *June* ſhall not be repealed by virtue of this act, ſhall continue and be obſerved by the company of barbers incorporated by this act, until the ſame be repealed by virtue of this act. *ſ.* 16.

The maſter and governors of the ſaid company of barbers of *London* ſhall be yearly elected on the ſecond *Thurſday* in *Auguſt*, by the court of aſſiſtants, or the major part of them, or in ſuch manner as by the bye-laws of the ſame company ſhall be ordained; and as often as any member of the ſaid court of aſſiſtants ſhall die, or be removed, the ſurviving members of the ſaid court, or the major part, may elect one other perſon, being a freeman of the ſame company, to be a member of the ſaid court of aſſiſtants, in his room; and the perſon elected ſhall continue in the ſaid office for life, or until he be removed. *ſ.* 17.

The maſter, governors, and commonalty, of the myſtery of barbers of *London*, hereby incorporated, and their ſucceſſors, and all who ſhall be free of the ſame company, ſhall enjoy the ſame liberties, privileges, franchiſes, powers, and authorities, as the united company, with reſpect to every thing but ſurgery, and the members thereof occupying the craft of barbery or ſhaving, could have enjoyed by virtue of 32 *Hen.* 8. *c.* 42. and the letters patent of *Car.* 1. and other royal grants and patents therein mentioned, ſo far as the ſame do not concern ſurgery. *ſ.* 18.

The ſum of 510*l.* now veſted in the united company, and which was given to them by *Edward Arris*, for the uſe of the anatomy lectures on the muſcles, and alſo the annuity of 16*l.* given to them by the will of *John Gale*, gentleman, for one anatomy lecture, by the name of *Gale's Anatomy*, and charged upon certain tenements at *Snow Hill*, in *London*, ſhall be veſted in the company of ſurgeons; and the ſaid 510*l.* ſhall be accordingly paid by the company of barbers, out of the effects of the united company, within three months after the ſaid 24th of *June*; and the ſaid 510*l.* and the annuity of 16*l.* *per annum*, ſhall be held by the company of ſurgeons, upon truſt, to be applied for the purpoſes intended by the donors; and the barbers, and their ſucceſſors, ſhall be diſcharged thereof, and indemnified by the ſurgeons on account thereof; and all the reſidue of the real and perſonal eſtate of the united company, and the arms or enſigns armorial of the ſame company, ſhall be veſted in the company of barbers of *London*, for their ſeparate uſe. *ſ.* 19.

Such of the books, papers, and writings, which now belong to the united company, and relate to the ſurgeons or ſurgery only, ſhall be delivered to the company of ſurgeons, and the maſter, governors, and court of aſſiſtants of the company of ſurgeons, or any of them, or ſuch perſon as they ſhall by writing appoint, may upon notice inſpect in the hands of ſuch perſon as the company of barbers ſhall appoint to have the cuſtody thereof, all the reſt of the books, papers, and writings, and alſo all the charters and deeds which now belong to the united company; and may take ſuch copies or extracts of the ſame, as the ſaid maſter, governors, and court of aſſiſtants of the company of ſurgeons, or perſon appointed, ſhall deſire; and the company of barbers ſhall upon reaſonable notice produce the ſaid books, papers, writings, charters, and deeds, at the expence of the company of ſurgeons, upon any trial at law, or hearing in equity, or examination of witneſſes, or otherwiſe, where the company of ſurgeons ſhall have occaſion to make uſe thereof. *ſ.* 20.

Every perſon bound apprentice to any member of the united company, ſhall be admitted to his freedom in the company of ſurgeons, if his maſter was an examined ſurgeon; or elſe to his freedom in the company of barbers; and in either caſe ſhall be admitted to his freedom of *London*. *ſ.* 20.

Poor.

By 13 & 14 *Car.* 2. *c.* 12. There ſhall be one or more corporations or work-houſes within the cities of *London* and *Weſtminſter*, and the weekly bills of mortality, conſiſting of a preſident, a deputy preſident and a treaſurer. And the lord mayor of *London* ſhall be preſident of the workhouſes within the city, and the aſſiſtants ſhall be the aldermen

aldermen of *London*, and fifty-two other citizens to be choſen by the common council; and the preſident and aſſiſtants may elect a deputy, preſident, and treaſurer, and all other neceſſary officers: and upon the vacancy of any aſſiſtant, the power to elect in their rooms ſhall be in the common council, and the election of the deputy, preſident, or treaſurer, and all other officers, in the preſident and aſſiſtants. And a preſident, deputy preſident, treaſurer and aſſiſtants, ſhall be nominated by the lord chancellor, out of the moſt fit perſons inhabiting in the city of *Weſtminſter*, for the workhouſes within the ſame. *ſ.* 4.

For the places within the bills of mortality, there ſhall be elected by the juſtices of peace in their quarter ſeſſions, out of the inhabitants and freeholders of the counties of *Middleſex* and *Surrey* reſpectively, a preſident, deputy preſident, treaſurer, and aſſiſtants, for the workhouſe of the places aforeſaid in *Middleſex* and *Surrey*; and upon the vacancy of the preſidents, deputy preſidents, treaſurers or aſſiſtants, in the city of *Weſtminſter*, and places aforeſaid in *Middleſex* and *Surrey*, the power to elect others ſhall be in the juſtices of peace. And at every quarter ſeſſions they ſhall take an account in writing of the receipts and diſburſements of the treaſurer of ſuch workhouſes, how many poor people have been imployed, and what ſtock is remaining. Which preſident, deputy preſident and treaſurer, ſhall be bodies politic and corporate, by the name of *the preſident and governors for the poor of the* reſpective places; and may without licenſe in mortmain purchaſe lands not exceeding the yearly value of 3000 *l.* of any perſons, who are hereby enabled to give the ſame; and each corporation, or any ſeven of them, ſhall have power to meet and keep courts at ſuch time and place as ſhall be appointed, by the preſident, his deputy, or the treaſurer, who are upon the deſire of any four of the corporation to cauſe a court to be warned. *ſ.* 5.

It ſhall be lawful for the ſaid preſident and governors, or any two of them, or any perſon appointed by them, to apprehend any rogues, vagrants, ſturdy beggars, or idle or diſorderly perſons, within the ſaid cities and places, and cauſe them to be ſet to work in the workhouſes. *ſ.* 6.

If the preſident and governors of any of the ſaid corporations ſhall certify under their common ſeal their want of ſtock, and what money they ſhall think fit for the ſame, to the common council of *London*, and the burgeſſes and juſtices of peace in their quarter ſeſſions of *Weſtminſter*, or the juſtices of *Middleſex* and *Surrey* in their quarter ſeſſions, the common council, the burgeſſes of *Weſtminſter*, and the juſtices, are required to aſcertain ſuch ſums of money, not exceeding one year's rate uſually ſet for the relief of the poor, and the ſame to proportion out upon the ſeveral wards and pariſhes; and the aldermen, deputies, and common council men, of every ward in *London*, and burgeſſes and juſtices of *Weſtminſter*, and juſtices of *Middleſex* and *Surrey*, ſhall have power equally to tax the inhabitants; with which tax, if the perſons find themſelves aggrieved, ſuppoſing the ſame to be unequal, they may make their complaint to the juſtices at the next ſeſſions. *ſ.* 7.

It ſhall be lawful for any alderman of *London*, or his deputy, or the burgeſſes and juſtices of *Weſtminſter*, or any two of them, or any two juſtices of peace of *Middleſex* and *Surrey*, by their warrant to authoriſe the church wardens or overſeers within the places aforeſaid, to gather ſuch ſums aſſeſſed; and for default of payment within ten days after demand, to levy the ſame by diſtreſs and ſale of goods. *ſ.* 8.

The preſident and governors, or any ſeven of them, ſhall have power to make bye-laws for the relieving, regulating, and ſetting the poor to work, and the apprehending and puniſhing of rogues, vagabonds, and beggars, *&c.* *ſ.* 11.

Provided the ſaid bye-laws be preſented to the quarter ſeſſions, to be confirmed by order of the court. *ſ.* 12.

The preſident and governors of any of the workhouſes, or any fourteen of them, ſhall have power to chooſe officers and others to be imployed in the premiſes, *&c.* *ſ.* 13.

All ſheriffs, bailiffs, conſtables, and other officers of juſtice, ſhall be aſſiſting to the ſaid corporations, and all officers imployed by them. *ſ.* 14.

This act ſhall not be to the prejudice of any franchiſes granted to the dean and chapter of the collegiate church of *St. Peter Weſtminſter*. *ſ.* 24.

Made perpetual 12 Ann. ſtat. 1. c. 18.

By 22 & 23 *Car.* 2. *c.* 18. The officers of the corporations erected in purſuance of 13 & 14 *Car.* 2. *c.* 12. and their treaſurers, ſhall give quarterly accounts to the juſtices of peace. *ſ.* 1.

No money to be levied upon the inhabitants of any of the ſaid pariſhes, according to the former or this act, ſhall in any year exceed one fourth part of the aſſeſſment to the poor for that year; which ſum ſhall be paid by the inhabitants at two payments, to the treaſurers for the ſaid corporations, *viz.* at *St. Michael*, and the annunciation, or within fourteen days after. *ſ.* 4.

No aſſeſſment ſhall be made on any of the pariſhes aforeſaid, after the 29th of *September* 1765. *ſ.* 5.

Nothing herein ſhall extend to the vacating any powers given by the ſaid act to the lord mayor and governors for the corporation within the city of *London*, or the pariſh of *St. Margaret Weſtminſter*. *ſ.* 6.

By 2 *Geo.* 3. *c.* 22. The churchwardens and overſeers of the poor of every pariſh within the bills of mortality, ſhall enter in the book * belonging to their pariſh, all infants under four years, which ſhall be in the workhouſe or other place provided for the maintenance of the poor, on 1ſt *July* 1762, or under their care, with the times when received, their names, age, and deſcription, as far as can be traced. *ſ.* 2.

After the ſaid firſt *Jul.* all infants under four years, brought to any workhouſe, ſhall be, by the churchwardens or overſeers, entered regularly in the book aforeſaid, with the times of their admittance, and all circumſtances relating to them. *ſ.* 3.

The firſt annual regiſter ſhall commence on the ſaid firſt *Jul.* and ſhall end on the thirty-firſt of *Dec.* enſuing; and after that time, the ſaid annual regiſter ſhall commence the firſt *Jan.* and end thirty-firſt *Dec.* *ſ.* 4.

After the expiration of each year, all infants under four years of age, then living and regiſtered, and not diſcharged, ſhall be transferred to the regiſters for the year enſuing, under the deſcription in the preceding regiſters, previous to any further entry; ſo that each annual regiſter ſhall contain a full regiſter of the number at that time, as well as the children received under the ſaid age, in the current year, without being intermixed with the deaths or diſcharges of the preceding years. *ſ.* 5.

The regiſters ſhall be ſigned within thirty days after the expiration of each year by the veſtry, or any five of them, and by the churchwardens, overſeers, veſtry clerk, and maſter of the workhouſe; and where there is no veſtry,

* The mode of keeping ſuch book was appointed by this act, but altered by 7 *Geo.* 3.

by

by the churchwardens, overſeers, and maſter of the workhouſe; and where there is no maſter of the workhouſe, by the churchwardens and overſeers. *ſ.* 6.

In caſe any infant is received before baptized, due care ſhall be taken to baptize the ſame within fourteen days after the reception of ſuch infant, ſo that the chriſtian and the true ſurname, if known, and, if not known, a ſurname to be given by the churchwardens and overſeers of the poor, be regularly entered in the books, and regiſtered in the pariſh regiſter: and in caſe of a difficulty of diſtinguiſhing children, ſome proper mark ſhall be affixed to the child's cloaths, or hung round his neck. *ſ.* 7.

Nothing herein contained ſhall extend to ſuch children whoſe parents receive money from the pariſh in aid of the maintenance of ſuch children, not being in the workhouſe. *ſ.* 8.

A copy of the regiſter wrote up, from time to time, ſhall, every month, be laid by the veſtry clerk, before the veſtries, or parochial meetings, to be reviſed by them. *ſ.* 9.

The ſaid copy of the regiſter being completed at the end of the year, ſhall be depoſited in the veſtry room, or other place of parochial meetings, to remain there for the uſe of the veſtry. *ſ.* 10.

The original veſtry book ſhall remain with the reſt of the pariſh books in the hands of the pariſh officers. *ſ.* 11.

All the pariſhes within the bills of mortality, by the hand of their veſtry clerk, or where there is no veſtry clerk, by the hands of the churchwardens, ſhall before 15 *Feb.* in every year, deliver fair copies of their regiſters, ſigned in manner hereby directed, into the hands of the clerk of the company of pariſh clerks, or ſuch perſon as the company ſhall appoint, he returning a receipt for the ſame ſigned by himſelf. *ſ.* 12.

The ſaid clerk, or other perſon appointed, ſhall receive the ſaid copies, and cauſe the ſame to be bound in a book, collecting and ranging together the regiſters of the ninety-ſeven pariſhes within *London*, thoſe of the ſeventeen pariſhes without, thoſe of the twenty-three pariſhes in *Middleſex* and *Surrey*, and thoſe of the ten pariſhes in the city and liberty of *Weſtminſter*, in alphabetical order; and in this order he ſhall, before the 25th *March* in every year, make out one general abſtract of the ſame. *ſ.* 13.

The ſaid regiſters, together with the ſaid general abſtract, being bound in a book together, ſhall remain in the cuſtody of the ſaid company of pariſh clerks. *ſ.* 14.

The ſaid clerk, or other perſon appointed by the company, ſhall print the general abſtract, and deliver ſix copies thereof to every veſtry clerk, or one of the churchwardens, of all the pariſhes within the bills, for the uſe of the pariſhioners and officers. *ſ.* 15.

Each pariſh ſhall, by the hands of the veſtry clerk or churchwardens, pay into the hands of the clerk, or other perſon appointed by the company of pariſh clerks, the ſum of 15*s.* at the time the copies of regiſters are delivered to him, he paſſing a receipt for the ſame. *ſ.* 16.

If any churchwarden, overſeer of the poor, veſtryman, clerk of the veſtry, maſter of the workhouſe, maſter or warden of ſuch company of pariſh clerks, or any clerk of ſuch company, or any other perſon, ſhall neglect his duty directed by this act, ſuch churchwarden, *&c.* ſhall for every offence, forfeit to the informer 40*s.*; to be recovered before one juſtice, and to be levied by diſtreſs and ſale, by warrant of ſuch juſtice. *ſ.* 17.

By 7 *Geo.* 3. *c.* 39. All children who ſhall be born in any workhouſe or pariſh houſe, or received by any ſelect veſtries, governors, directors, or managers, for parochial affairs, or by any churchwardens, overſeers of the poor, or other officers authoriſed by the ſeveral pariſhes following; that is to ſay, the ſeventeen pariſhes without the walls of *London*; the twenty-three pariſhes of *Middleſex* and *Surrey*, within the bills of mortality, and the liberty of the *Tower of London*; and the ten pariſhes within the city and liberty of *Weſtminſter*; ſhall be nurſed and taken care of in manner as after mentioned. *ſ.* 1.

All children who ſhall be born in or received into workhouſes or pariſh-houſes, not being ſuckled by the mother, under the age of two years, ſhall, within fourteen days after their birth or reception, be ſent into the country, not leſs than five miles from *London* or *Weſtminſter*; and all children received above the age of two, and under ſix years, ſhall, within fourteen days after their reception, be ſent into the country, not leſs than three miles from *London* and *Weſtminſter*, to be nurſed. *ſ.* 3.

For the nurſing and maintenance of each child ſo put out as aforeſaid, the ſums following ſhall be paid; *viz.* for the firſt ſix years of their age, not leſs than two ſhillings and ſixpence; and from that time until put out apprentice or returned to the workhouſe, not leſs than two ſhillings *per* week; and ſhall alſo over the ſaid charge, pay to every nurſe who ſhall have received any child of or under the age of nine months (the ſaid child being alive, and having been treated properly, and to the ſatisfaction of the guardians hereafter mentioned), after having been under her care twelve months, not leſs than ten ſhillings, as a reward for her pains: and the governors, directors, managers, or overſeers of the poor, ſhall find good, proper, and ſufficient cloathing, and ſhall defray the conveyance, medicines, burials, and all other neceſſary expences incurred on account of the ſaid children; and ſhall keep ſeparate and exact accounts of all expences in relation thereto. *ſ.* 4.

Five noblemen or gentlemen, inhabitants of each pariſh, ſhall be appointed guardians of the pariſh poor children; two or more of which ſhall be choſen out of the ſelect veſtry, or out of the governors, directors, or managers of the poor; and where there is no ſelect veſtry, governors, directors, or managers, then the ſaid five guardians to be appointed out of the noblemen and gentlemen inhabitants of each pariſh; and the election to be made upon *Tueſday*, or ſome other day in *Eaſter* week, by the veſtry: and in caſe there ſhall be no noblemen or gentlemen, or not a ſufficient number of ſuch noblemen or gentlemen who will accept of the office of guardians; then the ſaid guardians ſhall be choſen out of the principal inhabitants: and if any of the parties choſen ſhall refuſe to act, or ſhall afterwards reſign, or die, a further choice ſhall be made within fourteen days after. *ſ.* 5.

Such noblemen, gentlemen, or principal inhabitants, who ſhall be firſt appointed, ſhall continue in office till *Eaſter* one thouſand ſeven hundred and ſeventy; and the guardians then choſen, or at any time thereafter to be choſen, ſhall remain in office for three years then next enſuing: and all appointments in future ſhall be once in three years only; except in caſes of death, reſignation, or refuſal. *ſ.* 6.

No churchwarden or overſeer ſhall be elected guardian. *ſ.* 7.

The guardians, or any one of them, ſhall have free admittance to viſit and ſee the pariſh poor children; and alſo have full liberty to examine all regiſters, books, and accounts, relating to the ſaid children: and in caſe the life or health of a child may appear to be in danger, to report the ſame to the ſelect veſtry, governors, directors, or managers, or to the churchwardens or overſeers: and if they do not take meaſures to remedy the evil complained of; then it ſhall be lawful for the guardians, or one of them,

them, to inform one juſtice, and give evidence of the facts; and the ſaid juſtice is to give ſuch orders therein, as he ſhall think proper. *ſ.* 8.

The guardians ſhall be ſummoned by the veſtry clerk, once in ſix weeks, to meet at the veſtry room, or other convenient place: and two of the guardians ſhall make a *quorum*, either having the liberty of calling in one of the churchwardens or overſeers; and when only one of the guardians is preſent, he ſhall have liberty of calling in two, who ſhall attend; and when any number of the five guardians meet, they ſhall have liberty of calling in two, as the majority think proper. *ſ.* 9.

The ſelect veſtries, governors, directors, or managers, churchwardens, or overſeers, ſhall be at liberty to ſend their pariſh poor children, under the age of ſix years, to the hoſpital for the maintenance and education of expoſed and deſerted young children: and the ſelect veſtries, governors, directors, managers, churchwardens, or overſeers, are to agree with the governors and guardians *of the hoſpital*, for the ſupport and maintenance of each child. *ſ.* 10.

The ſums agreed to be paid for the admiſſion, maintenance, and education of ſuch pariſh poor children as ſhall be ſent to the ſaid hoſpital, ſhall be paid by the overſeer, out of the poors rate: and if not paid by ſuch overſeer to the perſon authoriſed by the governors to receive the ſame, it ſhall be lawful for one juſtice to ſummon the overſeer, and order immediate payment, together with coſts incurred, in conſequence of ſuch refuſal or neglect: and if the overſeer ſhall refuſe or neglect to obey the order of ſuch juſtice, the ſum directed to be paid thereby ſhall be recovered by diſtreſs and ſale of the goods of ſuch overſeer, with coſts. *ſ.* 11.

At the death, diſcharge, or apprenticeſhip of any ſuch pariſh poor child, a certificate thereof ſhall be ſent by the ſecretary of the ſaid governors and guardians, to the veſtry clerk, or overſeers of the poor, of ſuch pariſh to which the child did belong. *ſ.* 12.

The hoſpital account ſhall be kept with each pariſh diſtinct, in a proper book, with marginal columns, according to ſchedule (A); and ſhall be ſigned by the ſecretary of the hoſpital. *ſ.* 13.

It ſhall be lawful to bind out boys as well as girls apprentices, for ſeven years, or till they attain the age of twenty-one years, and no longer. *ſ.* 14.

No ſuch pariſh child ſhall be bound out with leſs than four pounds two ſhillings as an apprentice fee; forty ſhillings whereof to be paid to the maſter or miſtreſs within ſeven weeks after executing the indentures, and the remaining forty-two ſhillings after the apprentice ſhall have ſerved three years of apprenticeſhip. *ſ.* 15.

The veſtries, governors, directors, managers, overſeers of the poor, or other officers, ſhall provide at the expence of the pariſhes wherein there is or ſhall be a workhouſe, hoſpital, or other place for the maintenance of the poor, a book of royal paper, which ſhall be ruled with diſtinct columns, and the title of each column ſhall be wrote or printed in ſuch page agreeable to the ſchedule (B); and the book belonging to each pariſh, where there is not any workhouſe, or place, ſhall in every page be ruled with diſtinct columns, and the title of each column ſhall be wrote or printed in ſuch page agreeable to ſchedule (C). *ſ.* 16.

There ſhall be mentioned at the foot of each regiſter, the groſs number of children remaining in the hands of mothers relieved by the pariſhes during the year, not entered in the regiſter; and the number of ſuch who are alive. *ſ.* 17.

The abſtract of the regiſter of the ſaid infant poor ſhall be according to ſchedule marked (D). *ſ.* 18.

A full liſt of all apprentices placed out ſhall be made out by the veſtry clerks, or other proper officer, and delivered, in the month of *February* in every year, to the company of pariſh clerks, to be written on royal paper according to ſchedule (E), to be bound up and depoſited by the company of pariſh clerks; and the ſaid company ſhall make out an abſtract thereof, diſtinguiſhing the number from each pariſh, and how many of them were born in the workhouſe, and ſhall cauſe the ſame to be printed: and ſend ſix copies of the abſtract to each pariſh. *ſ.* 20.

The ſaid annual regiſter and liſts ſhall commence the firſt day of *January*, and end the thirty-firſt day of *December* following. *ſ.* 21.

All expences incident to the nurſing, maintenance, education, placing out apprentice, or the matters herein contained, not herein particularly ordered, ſhall be paid out of the poors rates. *ſ.* 22.

If any churchwarden, overſeer, veſtryman, clerk of the veſtry, maſter of the workhouſe, or maſter or warden or clerk of ſuch company of pariſh clerks, or any other perſon, ſhall neglect his duty directed by this act, he ſhall forfeit to the informer five pounds; to be recovered before two juſtices, and levied by diſtreſs and ſale of the goods of the offender, by warrant of the juſtices, directed to any conſtable or peace officer; and the overplus ſhall be returned to the owner, after the charge of diſtreſs and ſale ſhall be deducted. *ſ.* 23.

SCHEDULE A.

Account of the hoſpital for the maintenance and education of expoſed and deſerted young children, with the pariſh of (according to an act of parliament of the ſeventh of his majeſty king *George* the third) of the infant pariſh poor received by the ſaid hoſpital.

When received into the hoſpital.	Number in the hoſpital regiſter.	Male M. Female F.	Name, If legitimate or parochial P. If illegitimate I. If caſual C. If foundling F.	When born, or age when received in the work-houſe. If born B.	When ſent to nurſe.	Inſpector's name and pariſh.	Nurſe's name and pariſh.	Price of nurſing *per* week.			Reward to the nurſes for their care.			If returned from nurſe to the hoſpital. When.	If has had the ſmall pox. When.	If died, when, and of what diſtemper.	If apprenticed out, or put to ſervice, claimed, or diſcharged, when, and the page in the regiſter of apprentices.
								l.	*s.*	*d.*	*l.*	*s.*	*d.*				

SCHEDULE B.

Annual regiſter of the pariſh poor children, until they are apprenticed out from the day of to the 31ſt day of *December* of the pariſh of (where there is a workhouſe or pariſh houſe) according to the acts of parliament of the ſecond and ſeventh of his majeſty king *George* the third.

Name of the child. If a foundling, mark F. If a baſtard B. If a caſual C. If the ſame child is taken in a ſecond time, mark the ſecond entry of the name 2. If a third time — 3. &c.	Age real or reputed at the time when received. Years Y. Mon. M. Days D.			If born in the workhouſe, when.	If not born in the workhouſe, when admitted.	If money received with any child, what ſum (ſuch ſum not to be transferred from year to year).			When died in the workhouſe.	When ſent from the workhouſe, and by whom nurſed till ſent.	What workchildren paſt 6 years of age are employed in. If can read r. If can ſay his or her pray. p. If both r. p.	When ſent to the hoſpital for expoſed and deſerted young children.	If diſcharged from the pariſh, to whom delivered, and where living. If removed or paſſed, to what place.	Nurſe's name, to whom delivered to be nurſed. If a wet nurſe, mark W. If a dry nurſe, — D. If a nurſe dies or is charged, write the na. of the new nurſe under the former. If nurſed by the mother, mark — M.	Place where the nurſe lives, in what place, or near what ſign, ſo as to be found.	Price of nurſing each week.	Reward to nurſes.			If died at nurſe, when.	If paſt 6 years of age, and brought to the workh. mark W. If diſcharged, mention to whom, and where living; if apprenticed, mention folio of the regiſter of apprentices.
	Y.	M.	D.			l.	s.	d.									l.	s.	d.		

SCHEDULE C.

Annual regiſter of the pariſh poor children, until apprenticed out from the day of to the 31ſt day of *December* of the pariſh of (where there is not a workhouſe or pariſh houſe) according to the acts of parliament of the ſecond and ſeventh of his majeſty king *George* the third.

Name of the child. If a foundling, mark F. If a baſtard, B. If a caſual, C. If the ſame child is taken in a ſecond time, mark the ſecond entry of the name 2. If a third time, — 3. &c.	Age, real or reputed. Years Y. Mon. M. Days D.			When received under the care of the pariſh. If born B.	If money be received with any child, what ſum (ſuch ſum not to be transferred from year to year).			Name and place of abode of the perſon by whom the child is received on the pariſh account till ſent into the country.	Where ſent if received paſt ſix years of age, and in what work employed. If can read, r. If can ſay his or her prayers, p. If both, — r. p.	When ſent to the hoſpital for expoſed and deſerted young children. If removed or paſſed, to what place. If diſcharged from the pariſh, to whom delivered, and where living.	Nurſe's name to whom delivered to be nurſed. If a wet nurſe, mark — W. If a dry nurſe D. If the nurſe dies, or is changed, write the name of the new nurſe under the former. If nurſed by the mother, mark — M.	Place where the nurſe lives, in what ſtreet, or near what ſign, ſo as to be found.	Price of nurſing each week.	Reward to nurſes for their care.			If died at nurſe, when.	If diſcharged from the pariſh, mention to whom, and where living. If apprenticed out, or placed out to ſervice, mention folio in the apprentice regiſter.
	Y.	M.	D.		l.	s.	d.									l.	s.	d.		

S C H E D U L E D.

An abſtract of the annual regiſters of pariſh poor of the bills of mortality, from the birth until apprenticed out.

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SCHEDULE E.

Regiſter of the apprentices placed out by the pariſh of from the of to the 31ſt day of *December* according to the acts of parliament of the ſecond and ſeventh of his majeſty king *George* the third.

Name of the Apprentice.	When born or received. If born in the workhouſe or pariſh houſe, B.	Age when received in years, months, and days.			When placed out apprentice.	Name of the perſon to whom placed out.	What trade or buſineſs.	Where living, ſtreet, ſign, or other diſtinction.	Age when placed out in years and months.		For what time placed out.	Apprentice fee paid down.	When the additional fee is paid down.
		Y.	M.	D.					Y.	M.			

Poſt.

See the general title "Poſt."

Privileged Places.

See 8 & 9 *Will.* 3. *c.* 27. *ſ.* 15. 9 *Geo.* 1. *c.* 28. 11 *Geo.* 1. *c.* 22. under the general title "Priſons and pretended privileged Places."

Recoveries.

By *Stat. Glouc.* 6 *Edw.* 1. *c.* 11. If any man leaſe his tenement in *London* for term of years, and he to whom the freehold belongeth, cauſeth himſelf to be impleaded by colluſion, and maketh default after default, or cometh into the court and giveth it up, to make the termor loſe his term, and the termor may recover by writ of covenant; the mayor and bailiffs may inquire by inqueſt, in the preſence of the termor and the demandant, whether the demandant moved his plea upon good right, or by colluſion; and if it be found that the demandant moved his plea upon good right, judgment ſhall be given; and if it be found that he impleaded him by fraud, to put the termor from his term, then ſhall the termor enjoy his term, and the execution ſhall be ſuſpended until the term be expired; and in like manner it ſhall be of equity before the juſtices in ſuch caſe, if the termor challenge it before judgment.

Recuſants.

See 3 *Jac.* 1. *c.* 5. *ſ.* 4. under the general title "Recuſants."

Rents.

Stat. de Gavelet, 10 *Edw.* 2. It ſhall be lawful for them that have rents in *London*, to diſtrain their tenants for their arrearages; and if they have nothing in the fee, the tenant ſhall be impleaded by a writ of gavelet of cuſtoms and ſervices in the huſtings; and if they deny their ſervices, the demandants ſhall name two witneſſes, whoſe names ſhall be inrolled, and ſhall have day to bring them forth at the next huſtings; at which day, if they bring forth witneſſes, and it is ſhewed by them that the plaintiffs have received the rents, the tenants ſhall loſe their fees; if they will not acknowledge the ſervices, the arrearages ſhall be doubled, and they ſhall give to the ſheriff 100 *s.*; and if they do not come in after due ſummons in the huſtings, the ſame fees ſhall be delivered unto the plaintiffs, to be holden in their own hands for one year and a day; within which time if the tenants come, and do offer to ſatisfy the arrearages double, and the ſheriff for his amercement, they ſhall have their tenements again. The ſame ordinance ſhall be obſerved if the tenants acknowledge the arrearages, and be not able to make ſatisfaction.

Rivers.

See *Thames* and *Water*.

Robbery.

See 6 *Geo.* 1. *c.* 23. *ſ.* 8. under the general title Felons, &c. § *Robbery*.

Scavage.

Scavage.

By 19 *Hen.* 7. *c.* 3. The mayor, ſheriffs, and commonalty of *London*, ſhall have all ſuch ſums of money for ſcavage *, as by the king and council ſhall be determined.

Sewers.

By 3 *Jac.* 1. *c.* 14. The walls, ditches, banks, gutters, ſewers, cauſeways, bridges, ſtreams, and watercourſes, within two miles of the city of *London*, which waters fall into the *Thames*, ſhall be ſubject to the commiſſion of ſewers, as if the water had ebbed and flowed, and therein free paſſage with boats to the ſea had been uſed. *ſ.* 2.

Shoemakers.

By 9 *Geo.* 1. *c.* 27. If any journeyman ſhoemaker within the bills of mortality ſhall be accuſed by the maſter employing him, of having fraudulently purloined, ſold, pawned or exchanged, any boots, ſhoes, ſlippers, cut leather, lace, laſts, or other materials, not being the goods of the perſon accuſed; it ſhall be lawful for any juſtice of peace where the offence ſhall be committed, or where the party accuſed ſhall reſide, on complaint on oath, to ſummon the party, or to iſſue his warrant to apprehend him; and on his appearance or default, to proceed to examine the fact, and on proof on the oath of one witneſs to convict the offender and award ſatisfaction; and upon neglecting to pay, to levy the ſame by warrant on the offender's goods, and for want of diſtreſs to cauſe the offender to be whipt in the place where the offence ſhall be committed; and in caſe of conviction for any ſecond or other offence, to commit the offender to the houſe of correction to hard labour, for any time not exceeding one month, nor leſs than fourteen days. *ſ.* 1.

Every perſon who ſhall buy, receive, or take in pawn, any boots, ſhoes, *&c.* or materials for making them, not being the proper goods of him that ſells or pawns them, ſhall (being convicted in manner aforeſaid) make ſuch recompenſe within two days after the fact ſhall be determined, as ſhall be awarded; or elſe be ſubject to ſuch diſtreſs, and be liable to like puniſhment, as is inflicted on journeymen ſo purloining, *&c.* *ſ.* 2.

Two juſtices dwelling within the bills of mortality, on complaint upon oath, may iſſue their warrant for ſearching in the day-time the houſe of ſuch perſon as they ſhall ſuſpect to have received or taken to pawn any ſuch goods ſo fraudulently imbezzled, and on refuſal, to break open any ſuch houſe; and every perſon oppoſing ſuch ſearch ſhall forfeit 10*l.* to any perſon who ſhall ſue for the ſame within two months in the courts at *Weſtminſter*. And if it ſhall appear by the oath of one witneſs, or on ſearch of ſuch houſe, that ſuch perſon hath in his cuſtody any ſuch goods, the juſtices ſhall cauſe them to be reſtored to the owner, and oblige the party offending to make ſatisfaction; and the party refuſing ſo to do, ſhall be ſubject to the like puniſhment as is inflicted on ſuch journeymen, *&c.* ſo fraudulently imbezzling, *&c.*

Every perſon retained in the making up of any boots, ſhoes, *&c.* for any one maſter, and who ſhall neglect the performance thereof, by ſuffering himſelf to be retained by any other maſter, before he ſhall have finiſhed the work firſt delivered; ſuch offender, on conviction on oath before one juſtice, ſhall be ſent to the houſe of correction, to be kept to hard labour for any time not exceeding one month. *ſ.* 4.

Perſons aggrieved by any order made by ſuch juſtice, may appeal to the next quarter ſeſſions, giving eight days notice, and the quarter ſeſſions have power to make ſatisfaction to either party, and their determination ſhall be final. *ſ.* 5.

Silk.

By 13 & 14 *Car.* 2. *c.* 15. Such laws as ſhall be made for government of the trade *of ſilk throwers*, ſhall be agreeable with the laws of the realm and the cuſtoms of the city of *London*. *ſ.* 4.

The maſter, wardens, aſſiſtants, and commonalty, of the trade, art, or myſtery of ſilk-throwers of the city of *London*, ſhall have, and may execute, within the cities of *London* and *Weſtminſter*, or within twenty miles compaſs of them, all ſuch privileges and authorities as by this act *(ſee general title "Manufactures, § Silk,")* or by the letters patent of the incorporation, are given for regulation of the trade. *ſ.* 5.

It ſhall be lawful for any freeman of the ſaid company, to ſet on work any perſons being native ſubjects to his majeſty, and no others, to turn the mill, tie threads, double ſilk, and wind ſilk, as formerly. *ſ.* 9.

The ſaid corporation of ſilk-throwers, ſhall not make any bye-laws to ſet prices upon the throwing of ſilk to bind their members to work at. *ſ.* 10.

By 20 *Car.* 2. *c.* 6. The company of ſilk-throwers in *London* are diſabled from making any bye-law which ſhall reſtrain the number of mills, ſpindles, or other utenſils, to be employed by any of the freemen of the ſaid company. *ſ.* 2.

No bye-law of the company ſhall limit any freeman to take a leſs number than three apprentices. *ſ.* 4.

By 13 *Geo.* 3. *c.* 68. The wages of journeymen weavers within the city of *London*, ſhall be ſettled by the lord mayor, recorder, and aldermen of the ſaid city; and in the county of *Middleſex*, by the juſtices for the county; and within the city and liberty of *Weſtminſter*, at the general quarter ſeſſions of the peace for the ſaid city; and within the liberty of the *Tower of London*, at the general quarter ſeſſions for the ſaid liberty, at their general quarter ſeſſions reſpectively; and the lord mayor, recorder, and aldermen, of the city of *London*, and the ſaid juſtices, are authoriſed upon application made to them for that purpoſe, to ſettle and declare the wages of the journeymen weavers working within their juriſdictions; and ſhall within fourteen days after making ſuch order, cauſe the ſame to be printed and publiſhed, at the expence of the perſons applying for the ſame, three times, in any two daily news-papers publiſhed in *London* or *Weſtminſter*; which publication ſhall be deemed notice; and afterwards, all weavers, and their journeymen, are to obſerve the ſame. *ſ.* 1.

If any maſter weaver ſhall give more or leſs wages to any of the journeymen weavers, for their work, than ſhall be allowed, and ſhall be convicted of the ſaid offences before two juſtices, on the oath of one witneſs, he ſhall forfeit fifty pounds; to be levied by diſtreſs and ſale of goods; and the ſaid penalty, when recovered, ſhall be paid into the hands of the maſter of the weavers company, firſt deducting the expence of ſuch proſecution, to be diſtributed to any diſtreſſed journeymen weavers, or their families. *ſ.* 2.

* *See general title "Importation, &c."*

If any journeyman weaver ſhall aſk, or take more or leſs wages, or larger or leſs prices, or ſhall enter into any combination to raiſe the wages or prices of the work, or for this purpoſe ſhall decoy, ſolicit, or intimidate any journeyman, ſo that he or they quit their maſters for whom they ſhall then be employed; or ſhall aſſemble themſelves in numbers exceeding ten, in order to frame or deliver petitions touching their wages, except to the juſtices, or to the lord mayor, recorder, and aldermen, at the quarter ſeſſions, and ſhall be convicted of any of the ſaid offences, on the oath of one witneſs, before two juſtices, ſhall forfeit not exceeding 40*s.*: and if not immediately paid, the juſtices may commit the offender to the houſe of correction to hard labour, for not exceeding three months; the ſaid forfeiture, when recovered, to be applied as the forfeiture of fifty pounds. *ſ.* 3.

Two juſtices on information upon oath, that there is reaſon to ſuſpect that any maſter or journeyman hath been guilty of any of the offences, at the requeſt of ſuch informant, may iſſue their ſummons, in writing, ſigned by ſuch two juſtices, requiring any clerk, foreman, apprentice, ſervant, or other perſon employed by ſuch perſon ſuſpected or any other perſon whatſoever, to attend and teſtify concerning the premiſes: and if any perſon ſo ſummoned ſhall not attend, and proof ſhall be made of the ſervice of ſuch ſummons, either perſonally, or by leaving the ſame at the abode of ſuch perſon, ſuch two juſtices, or any other two juſtices, are (unleſs a reaſonable excuſe be made for ſuch non-attendance) to iſſue their warrant, for apprehending and bringing him before them, or ſome other two juſtices, to be examined touching the premiſes; and if ſuch perſon ſhall refuſe to be examined or give teſtimony, ſuch perſon ſhall by the ſaid juſtices be committed to the houſe of correction for one month, unleſs he ſhall ſooner ſubmit to be examined. *ſ.* 4.

If any maſter weaver reſiding within the limits, ſhall directly or indirectly, employ any journeyman out of the limits, with intent to evade this act, or ſhall give more or leſs wages than ſettled, ſuch perſon ſhall forfeit fifty pounds; to be ſued for by action of debt, in any court of record at *Weſtminſter*, wherein coſts ſhall be paid; one moiety of which forfeiture ſhall be paid to his majeſty, and the other moiety to the perſon who ſhall ſue. *ſ.* 5.

Nothing in this act ſhall regulate the wages to be paid to ſervants, *bona fide* employed as foremen. *ſ.* 6.

No weaver within the diſtricts, ſhall have in his ſervice at one time, more than two apprentices, upon pain of forfeiting twenty pounds; to be levied by diſtreſs and ſale of goods, upon conviction, on the oath of one witneſs, before two juſtices; and the ſaid penalty ſhall be paid into the hands of the maſter of the weavers company, to be applied as aforeſaid; and the ſaid juſtices are to diſcharge every apprentice exceeding two. *ſ.* 7.

Any perſon convicted before two juſtices, may appeal to the next general quarter ſeſſions or general ſeſſions, giving immediate notice of ſuch appeal, and finding ſufficient ſecurity to the ſatisfaction of ſuch juſtices for being perſonally preſent at ſuch ſeſſions, and for proſecuting the appeal with effect, and abiding the judgment of the court; and ſuch ſeſſions ſhall finally determine the matter, and may award coſts to either party; and if ſuch conviction ſhall be affirmed at ſeſſions, ſuch appellant ſhall be committed to priſon for the time ſpecified in the conviction, and until payment of coſts. *ſ.* 8.

No action ſhall be brought againſt any perſon, for any thing done under this act, unleſs brought within ſix months. *ſ.* 9.

Perſons may plead the general iſſue; and if the plaintiff ſhall become nonſuited, *&c.* the defendant ſhall recover coſts. *ſ.* 10.

Southwark.

By 28 *Geo.* 2. *c.* 9. No market ſhall be kept in the high ſtreet of the borough of *Southwark*, in the county of *Surrey*, leading from *London Bridge* to *St. Margaret's Hill*. *ſ.* 1.

It ſhall not be lawful for any perſon to erect or uſe any ſtall, truſſel, block, or other ſtand, in the ſaid high ſtreet, or to expoſe to ſale any peas, beans, herbs, victuals, or other commodities, in any ſtall, *&c.* or carriage, in the ſaid high ſtreet in *Southwark*. *ſ.* 2.

Every erecting, placing, or uſing in any part of the ſaid high ſtreet, of any ſtall, truſſel, block, or other thing, and alſo the expoſing to ſale any commodities on them, and every ſtanding of any empty coach, cart, dray, or other carriage, in the ſaid high ſtreet (except only during the time of loading or unloading) ſhall be deemed a common nuiſance. *ſ.* 3.

It ſhall not be lawful for any coachman or driver to ſtand or ply for hire with any coach or other carriage in the ſaid high ſtreet, or for any driver of any carriage to ſtand with any cart or other carriage in the ſaid high ſtreet, except only during the time of loading and unloading; and no carriage ſhall ſtand to load or unload with its tail at or before any dwelling-houſe, ſhop, or warehouſe; and if any coachman, carman, or driver, offend herein, it ſhall be lawful for any conſtable or inhabitant of the place where the offence is committed, to apprehend and take every ſuch perſon ſo offending, before ſome juſtice of peace for the ſaid borough, or for the county of *Surrey*; and upon conviction, either by the confeſſion of the party, or the oath of one witneſs, before ſuch juſtice, every perſon ſo offending ſhall forfeit for every ſuch offence, a ſum not exceeding 10*s.* nor leſs than 5*s.* as ſuch juſtice ſhall direct, to be applied to the uſe of the poor of the pariſh where ſuch offence is committed; and in default of payment, the offender ſhall be committed to the houſe of correction, to be kept to hard labour, for any time not exceeding ſeven days, or until he have paid the ſame. *ſ.* 4.

By 28 *Geo.* 2. *c.* 23. and 30 *Geo.* 2. *c.* 31. *the inhabitants of* Saint Saviour Southwark, *may hold a market not interfering with the high ſtreet, in a place called the* Triangle.

By 6 Geo. 3. c. 24. *For paving the ſtreets and lanes within* Southwark; *and for cleanſing, lighting, and watching the ſame; and for preventing annoyances therein.* The ſeveral ſtreets, lanes, courts, yards, and other places, included in this act, ſhall be divided into two diviſions, *viz.* the pariſhes of *Saint George*, *Saint Saviour*, *Saint Mary Newington*, and ſo much of the high ſtreet of the ſaid borough as is in the pariſh of *Saint Olave*, ſhall make one diviſion, and be called the *Weſt Diviſion*; and the other parts of the ſaid pariſh of *Saint Olave*, the pariſhes of *Saint John*, and *Saint Thomas*, and the parts of the ſaid pariſh of *Saint Mary Magdalen*, *Bermondſey*, before mentioned, *viz. Blackman Street*, *Kent Street*, *Bermondſey Street*, and *Snows Fields*, ſhall be the other diviſion, and called the *Eaſt Diviſion*. *ſ.* 1.

Certain perſons therein named were appointed commiſſioners for putting this act in execution; and in caſe of death or removal, or refuſal to act, the ſurviving commiſſioners, or five of them, by writing under their hands and ſeals, may elect one other perſon, being an inhabitant within the pariſh where *ſuch* vacancy ſhall happen, to be a commiſſioner; but ten days notice of the meeting for

ſuch

ſuch election, ſhall be given in ſome news-paper publiſhed within the weekly bills of mortality. *ſ.* 2.

The members for *Surrey* and the borough of *Southwark*, the treaſurer of *Saint Thomas's Hoſpital*, *Guy's Hoſpital*, the bailiff of the borough, and the comptroller of the *Bridge Yard* for the time being, ſhall be commiſſioners. *ſ.* 3.

No perſon ſhall be capable of acting as a commiſſioner, unleſs he ſhall be in the actual poſſeſſion or receipt of lands, of the clear yearly value of fifty pounds, or poſſeſſed of a perſonal eſtate to the value of one thouſand pounds; and if any perſon not qualified, ſhall act, ſuch perſon ſhall forfeit fifty pounds, to any perſon who ſhall ſue for the ſame, to be recovered in any court of record, by action of debt, *&c.* *ſ.* 4.

" Commiſſioners to divide themſelves at their firſt meeting; and afterwards adjourn and meet as they ſhall think proper. If a ſufficient number do not meet, clerk to appoint another meeting; on his neglect, *&c.* two commiſſioners may appoint one. Commiſſioners not to have ſhares in contracts, *&c.* *ſ.* 5. They may appoint officers, *&c.* and remove them and appoint others, and allow them ſalaries. Officers to give ſecurity to account; and deliver up all books, *&c.* *ſ.* 6. Commiſſioners may appoint officers, though not at a public meeting. *ſ.* 7. Officers taking any reward, other than their ſalaries, or being intereſted in any bargain made by the commiſſioners, are diſqualified from being employed under this act, and forfeit alſo 100*l.* *ſ.* 8."

Penalty on interrupting workmen, *&c.* For the firſt offence, to forfeit twenty ſhillings; for the ſecond, forty ſhillings; and for every other offence, three pounds. *ſ.* 9.

" Commiſſioners to appoint collectors and treaſurers of the tolls. Treaſurer to give ſecurity. Money to be paid into the Bank. Officers to account. *ſ.* 10."

The commiſſioners, or five, within their diviſions, ſhall have power to direct the ſtreets and lanes to be paved, repaired, raiſed, ſunk, or altered; and alſo to direct the ſaid ſtreets and lanes, and the ſeveral courts, yards, alleys, paſſages, and places, to be cleanſed, lighted, and watched, when and as they ſhall think fit. *ſ.* 11.

The commiſſioners ſhall cauſe the *High Street* from *London Bridge* to the ſtones end in *Blackman Street* to be paved with *whyn quarry ſtone*, or with rock ſtone, or with ſtone of a flat ſurface. *ſ.* 13.

" Materials may be dug out of, or brought into, the ſtreets, *&c.* *ſ.* 14. Commiſſioners may make contracts. *ſ.* 15. Scavengers, by conſent of the juſtices, may lodge their dirt, *&c.* in any vacant place; making ſatisfaction. *ſ.* 16."

Surveyors to inſpect the works. And in caſe the ſame ſhall not be performed according to the contract, or ſhall not be finiſhed within the time agreed, the commiſſioners may, in their own names, or in the names of two of them, bring an action in any court of law at *Weſtminſter*, to recover penalties or damages, which ſhall be applied for the purpoſes of this act. *ſ.* 17.

" Agreement between landlord and tenant, touching paving, *&c.* the ſtreets, *&c.* not vacated. *ſ.* 18. Perſons authoriſed by the commiſſioners to be allowed to inſpect, *&c.* parochial rates. Penalty of refuſal by veſtry clerk, *&c.* For the firſt offence, twenty ſhillings; for the ſecond, forty ſhillings; and for every other, three pounds. *ſ.* 19. Contracts made in each diviſion, free for the inſpection of commiſſioners in the other; and copies thereof may be taken, paying one ſhilling for every hundred words. *ſ.* 20."

The commiſſioners, or five, ſhall every year eſtabliſh ſuch number of watchmen, beadles, and other officers, as they ſhall judge proper to be kept in the ſaid ſtreets and other places, and appoint ſuch as they think beſt qualified; and ſhall likewiſe appoint, in writing, how and where the watchmen ſhall be ſtationed, and in what manner they ſhall be armed, how often they ſhall go their rounds, how long they ſhall continue upon duty, and what wages ſhall be allowed to ſuch watchmen, beadles, and other perſons; and ſhall alſo provide places for the reception of the watchmen, and ſhall make all ſuch orders in writing as the ſervice ſhall appear to require. *ſ.* 21.

True copies of ſuch nominations, orders, *&c.* ſhall be ſigned by the commiſſioners; and the ſaid watchmen ſhall keep watch and ward within the ſtreets, *&c.* for ſuch times, and in ſuch manner, as ſhall be appointed; and ſhall, in their watching, uſe their beſt endeavours to prevent all miſchiefs happening by fires, and all murders, burglaries, robberies, breaches of the king's peace, and all other outrages and diſorders; and ſhall arreſt and detain in the watchhouſe, or other place of ſecurity, all malefactors, diſturbers of the king's peace, and all ſuſpected perſons who ſhall be found wandering or miſbehaving themſelves, and ſhall carry them (ſo ſoon as conveniently may be) before one juſtice, to be examined and dealt with according to law; and the beadles and others ſhall, ſo often in every night as ſhall be ordered by the commiſſioners, go about their rounds, to take notice whether all the watchmen perform their duty; and in caſe any watchman ſhall miſbehave himſelf, or neglect his duty, the ſaid beadles ſhall give notice thereof to the treaſurer to the commiſſioners, who is to ſuſpend ſuch watchman, and appoint another, until the next meeting of the commiſſioners, when the treaſurer ſhall acquaint them with the complaint, in order for the commiſſioners to proceed to the examination of the offence; and ſuch watchman ſhall be liable to the penalty of five ſhillings for ſuch neglect, or be diſcharged. *ſ.* 22.

If the beadles neglect to attend in turn to keep watch and ward, or ſhall not come to keep watch and ward, as appointed by the commiſſioners, or ſhall depart from keeping watch and ward during the hours appointed for keeping the ſame, or ſhall otherwiſe neglect their duty, or miſbehave themſelves, they ſhall forfeit not exceeding twenty ſhillings. *ſ.* 23.

The watchmen, in the abſence of the beadle, are to apprehend all malefactors, diſturbers of the peace, and all ſuſpected perſons found wandering or miſbehaving themſelves; and to carry them before ſome juſtice, to be examined and dealt with according to law; and to keep ſuch perſon within the watch-houſe, or ſome other place of ſafety, in the mean time. *ſ.* 24.

" Property of all materials veſted in the commiſſioners. *ſ.* 25."

If any perſon ſhall wilfully break, throw down, or otherwiſe damage, any of the lamps, or any of the poſts, irons, or other furniture thereof, or extinguiſh any of the ſaid lamps when lighted; one juſtice is upon oath made of the commiſſion of ſuch offence, to iſſue a warrant for apprehending the party accuſed; or any perſon who ſhall ſee ſuch offence committed, may apprehend the offender, and convey him or deliver him into the cuſtody of a peace officer; and the party being brought before ſuch juſtice, or oath being made before him, that ſuch party cannot be found, ſuch juſtice ſhall proceed to examine upon oath any witneſs; and if the party accuſed ſhall be convicted either by his own confeſſion, or upon ſuch information,

ſormation, he ſhall, for the firſt offence, forfeit ten ſhillings for each lamp broken, &c. and for the ſecond offence, fifteen ſhillings; and for every ſubſequent offence, twenty ſhillings; and full ſatisfaction ſhall alſo be made to the commiſſioners by ſuch offender for the damage done; and in caſe ſuch offender ſhall not upon conviction pay ſuch forfeiture, and make ſatisfaction, the juſtice is to commit him to the houſe of correction for not exceeding three months; and one moiety of the ſaid forfeitures ſhall be paid to the informer, and the other moiety ſhall be applied for the purpoſes of this act: and if any perſon ſhall negligently or accidentally break the ſaid lamps, &c. and ſhall not, upon demand, make ſatisfaction to the commiſſioners or their ſurveyor, for the damage done, any juſtice, upon complaint made by five commiſſioners, or their ſurveyor, is to ſummon the party; and upon his appearance, or making default (oath being made of ſuch ſummons), ſuch juſtice ſhall examine the complaint; and upon proof thereof either by confeſſion, or by the oath of one witneſs, ſhall order ſatisfaction to be made, and ſhall cauſe the ſum awarded, if not paid, forthwith to be levied by diſtreſs and ſale of the offender's goods; and in caſe ſufficient diſtreſs cannot be found, ſuch juſtice ſhall commit the party complained of to the common gaol or houſe of correction, until he ſhall pay, or for not exceeding one month. ſ. 26.

" Commiſſioners may ſell the old materials, and apply " the money, &c. ſ. 27. Notice to be given to ſur- " veyor of taking up pavement for repairing, &c. any " vault or drain, &c. Commiſſioners to relay it, and be " reimburſed the expences. ſ. 28. Commiſſioners may " contract with the companies, &c. for relaying ſuch " pavements. ſ. 29. On refuſal of payment an action " may be brought for the money. ſ. 30. Commiſſion- " ers to pay for altering pipes. ſ. 31. Where any of " the water companies pipes break, notice to be given to " ſuch companies. When completed, notice to be given " to commiſſioners paviour. If it proves that the pipe " does not belong to the company who firſt opens the " ground, they are to be paid their charges by the company " to whom it does belong. ſ. 32."

Paviours to water companies to give notice to the ſurveyor or clerk of their names and abode, on pain to forfeit for the firſt offence, twenty ſhillings; for the ſecond, forty ſhillings; and for every other, three pounds. ſ. 33.

No alteration to be made in the form of the pavements without commiſſioners conſent, upon pain of forfeiting five pounds, over all expences incurred in reinſtating the ſame. ſ. 34.

" Courſe of gutters to be turned, if neceſſary, and " grates altered, &c. ſ. 35. Where it ſhall be neceſ- " ſary to make new grates, or repair old ones, commiſſion- " ers of ſewers to pay the expence. ſ. 36. Sewers to be " repaired, &c. by commiſſioners of ſewers. On their " neglect, the ſame to be done by theſe commiſſioners, and " paid for by commiſſioners of ſewers. ſ. 37."

No perſon ſhall lay any aſhes, duſt, dirt, ſoil, or other filth whatſoever, before any dwelling-houſe, ſhop, ſtable, building, or wall, in either of the ſtreets or lanes, or in any of the courts, yards, alleys, paſſages, or places; but ſhall keep the ſame in their houſes or yards, until the perſon contracted with to carry away ſuch aſhes, &c. do come by their houſes, &c. with a cart for carrying away the ſame, upon pain of forfeiting, for the firſt offence, five ſhillings; for the ſecond, ten ſhillings; and for every other offence, twenty ſhillings. ſ. 38.

If any perſon ſhall ſet out, lay, drive, or carry any coach, cart, dray, waggon, or other carriage, wheels, timber, ſtones, or any other thing, which may occaſion any annoyance, nuiſance, or obſtruction in the ſtreets, ſo as to obſtruct or endanger any perſon or carriages; or if any cart, waggon, or other carriage, with hay or ſtraw therein for ſale; or any cart, waggon, coach, or other carriage, intended to be worked for hire (except hackney coaches, which ſhall ſtand in ſuch part of the ſtreets as ſhall be appointed by the commiſſioners), ſhall be ſuffered to ſtand for any the purpoſes aforeſaid; or if any cart, waggon, or other carriage, or any wheel-barrow, ſhall be ſuffered to remain in the ſaid ſtreets, &c. longer than needful for loading or unloading; or if any cart, dray, or other carriage, ſhall be placed acroſs any part of the ſtreets, &c. for loading or unloading, the commiſſioners, or five, may cauſe the ſaid carts, &c. making ſuch annoyance, nuiſance, or obſtruction, to be removed, and depoſited in ſuch place as they ſhall appoint; there to remain until the offender ſhall have paid all coſts attending the carrying away and depoſiting the ſame; as alſo not exceeding forty ſhillings for each offence. ſ. 39.

If any perſon ſhall run, drive, or draw, on the foot pavements any wheel, ſledge, wheel-barrow, or any carriage whatſoever; ſuch perſon ſhall forfeit, for the firſt offence, ten ſhillings; for the ſecond, twenty ſhillings; and for every other offence, forty ſhillings. ſ. 40.

" Hoards, &c. may be made for building or repairing " with leave of the commiſſioners. ſ. 41. Commiſſion- " ers may order the ſtreets to be watered. ſ. 42. And " wells to be dug in proper places, and pumps erected. " ſ. 43."

Houſes to be numbered, and names of ſtreets, &c. affixed on the corner houſes; and if any perſon ſhall deface ſuch number, figure, name, or deſcription, and ſhall be convicted thereof by confeſſion, or oath of one witneſs, before one juſtice, ſuch perſon ſhall forfeit forty ſhillings. ſ. 44.

All ſigns, boards, ſpouts, or gutters, ſhall be placed on the fronts of houſes; and if any perſon ſhall place any ſign, &c. in any other manner, or ſhall in any manner occaſion any encroachment or annoyance in the ſtreets, ſuch perſon ſhall forfeit five pounds. ſ. 45.

All ſteps projecting into the foot-ways of the ſtreets, and all ſteps and doors going down out of the foot-ways into any cellars, vaults, or other places, belonging to any houſe, as likewiſe all ſhew glaſſes or ſhew boards projecting over the areas, or into the foot-ways, and all other nuiſance, annoyance, encroachment, or obſtruction, in the ſtreets (either in the foot or carriage-way thereof), ſhall be, at the expence of the commiſſioners, from time to time, removed, fixed, placed, or altered, as they or their ſurveyors direct. ſ. 47.

As to the pavement of the other ſtreets within the limits (the preſentment of the leet juries being attended with delay), the ſurveyor to the commiſſioners, or other perſon appointed by them, ſhall, as often as directed by the commiſſioners, view the condition of the ſtreets, lanes, and paſſages, and all nuiſances, defects, and wants of repair, and preſent the ſame to the commiſſioners in their diviſions upon oath; and the commiſſioners ſhall thereupon ſend notice in writing to the houſe where ſuch nuiſance or defect ſhall be, requiring the ſame to be removed or amended within fourteen days; and if not done according to ſuch notice, the commiſſioners ſhall cauſe it to be removed or amended, and they ſhall be reimburſed by the tenant; and in caſe ſuch tenant ſhall not, within ſix days after demand, pay the charges; the perſon ap-

pointed to receive the ſame, may make complaint thereof to one juſtice, who is to iſſue a warrant to cauſe the party to be brought before him; and upon the party appearing, or not being found, to determine the matter in a ſummary way: and if upon the confeſſion of the party, or by the oath of one witneſs, it ſhall appear that ſuch charges have been incurred by the commiſſioners, and not paid, then ſuch juſtice may iſſue a warrant for levying the ſame by diſtreſs and ſale of the goods of ſuch party. *ſ.* 48.

" Contracts between landlord and tenant not vacated. " *ſ.* 49."

Nothing in this act ſhall reſtrain the power of court-leets; but no perſon ſhall be puniſhed twice for the ſame offence. *ſ.* 50.

Rates ſhall twice in every year, or oftener, if needful, be made by the commiſſioners within their diviſions, upon all perſons who ſhall inhabit any land, houſe, *&c.* ſo as ſuch rates do not exceed in the whole two ſhillings in the pound in any one year, of the yearly rent of ſuch lands, houſes, *&c.* within the ſtreets and lanes, nor more than one half of ſuch rates within all wharfs; and the courts, yards, alleys, paſſages, and places, as aforeſaid, inns, and livery ſtables, the entrances or gateways only of which ſaid inns and livery ſtables are in the ſaid ſtreets or lanes. *ſ.* 51.

" Commiſſioners are to cleanſe, watch, and light, any " ſtreet, on application of two thirds of the inhabitants. " *ſ.* 54."

All rates ſhall be allowed and ſigned by two juſtices, who are alſo to grant a warrant for collecting the ſame; and the ſaid rates ſhall be collected half yearly by ſuch perſons as the commiſſioners appoint: and if any perſon ſhall not pay the money rated for ten days after demand, the collector is to levy the ſum by diſtreſs and ſale of the goods of ſuch perſon: and in caſe no ſuch goods can be found, or in caſe ſuch goods ſhall be locked up or removed from the ſaid collector, ſo that he cannot diſtrain the ſame; then, upon information thereof given to two juſtices, ſuch juſtices are to commit the offender to the common gaol for not exceeding one month, or until the payment of ſuch rate and charges occaſioned by non-payment. *ſ.* 55.

The rates upon wharfs ſhall not exceed one half of the rates upon houſes. *ſ.* 56.

" Where houſes are let out in tenements, owners are " to be aſſeſſed, but tenants to pay; who may deduct it " out of their rents. *ſ.* 57."

Rates for houſes under twenty pound *per annum* may be compounded for; ſo as in ſuch compoſition there be not remitted more than one third of the rate. *ſ.* 58.

" Where houſes, *&c.* ſhall be unoccupied, owners to " be charged only one half of the rates, and the premiſes " to remain a ſecurity. *ſ.* 59. Tenants and occupiers " to pay the rates. *ſ.* 60. Pavements liable to be repaired " by any pariſh, *&c.* are to be repaired at their expence " by the commiſſioners paviours. *ſ.* 61. Or the com- " miſſioners may compound with ſuch pariſhes, *&c.* for " the ſame. *ſ.* 62."

The commiſſioners are to rate all pariſh churches, church yards, chapels, meeting houſes, ſchools, ware-houſes, hoſpitals, priſons, and all other public buildings whatſoever, and all dead walls, and void ſpaces of ground, at a rate not exceeding ſixpence for every ſquare yard, to be paid by the church or chapel wardens, owners, or proprietors. *ſ.* 63.

Where any perſon ſhall quit his houſe, *&c.* before he ſhall have paid the rate, and ſhall afterwards refuſe to pay the ſame when due and demanded, it ſhall be lawful for the collectors, by warrant of two juſtices, which the juſtices are to grant, in any place within the borough of *Southwark*, or county of *Surrey*; or, out of the limits thereof (ſuch warrant being firſt backed by ſome magiſtrate in the county, *&c.* where the diſtreſs is to be made), to diſtrain the goods of ſuch perſon neglecting or refuſing, and the ſame to ſell, rendering the overplus, after deducting the charges of diſtreſs and ſale, to the owner. *ſ.* 64.

Perſons paying this rate, exempted from all penalties for neglecting to pave, cleanſe, light, or watch. *ſ.* 65.

There ſhall be paid to the collectors appointed by the commiſſioners, before any cattle or carriage ſhall paſs on a *Sunday* through any of the turnpikes under-mentioned, *viz.* The turnpike at *Symond's Corner*, in the pariſh of *Lambeth*; or at any gate to be erected between the ſaid place and the ſtones end in *Blackman Street*; the turnpike at *Newington Butts*; any gate to be erected between *The New Road*; at the end of *Kent Street*, and *Saint George's* church; any gate to be erected at or near *Starr Corner*, in the pariſh of *Bermondſey*; and any gate to be erected between *Dock Head* and *Folly Bridge*; the following tolls, *viz.*

For every coach, chariot, berlin, chaiſe, chair, calaſh, or other carriage, drawn by ſix or more horſes, ten pence; by four horſes, eight pence; by three or two horſes, ſix pence.

For every chaiſe, chair, calaſh, or other carriage, drawn by one horſe, three pence.

For every horſe, mule, or aſs, not drawing, the ſum of one penny. *ſ.* 66.

" Tolls may be levied by diſtreſs, *&c.* Diſtreſs may be " ſold after four days. *ſ.* 67. Commiſſioners may erect " turnpikes and toll-houſes, *ſ.* 68. Turnpikes already " erected may be uſed for the purpoſes of this act. *ſ.* 69.

No perſon ſhall pay the ſaid ſtreet toll more than once for paſſing or repaſſing, at any time on the ſame *Sunday*, with the ſame cattle and carriage; but all perſons, after having paid ſuch toll once, ſhall, during the remainder of ſuch day, paſs toll-free, with reſpect to the ſaid ſtreet toll with the ſame cattle and carriage, through the gate at which ſuch toll was paid, upon producing a ticket, which the collectors are to give *gratis*. *ſ.* 70.

All perſons having paid the *Sunday* toll, granted by 5 *Geo.* 3. *c.* 13. (See § *Weſtminſter*, poſt.), at the turnpike neareſt to *Weſtminſter Bridge*, and producing a ticket denoting the payment thereof, ſhall in the ſame day paſs and repaſs with the ſame cattle and carriage through the gate whereat any toll ſhall be taken by virtue of this act, at *Symond's Corner*, or between the ſaid place and the ſtones end in *Blackman Street*, without paying any toll authoriſed by this act to be collected; and all perſons having paid the toll at *Symond's Corner*, *&c.* ſhall paſs and repaſs on the ſame day, through any gate near *Weſtminſter Bridge*, without paying any toll by the ſaid act. *ſ.* 71.

" No toll to be taken for going to or from *Blackfriars* " *Bridge*. *ſ.* 72. Commiſſioners may leaſe the tolls. *ſ.* 73. " Penalty on evading the tolls the ſame as in 11 *Geo.* 3. " *c.* 29. See § *Paving*, *&c.* ante. Commiſſioners may " borrow money on credit of the tolls. Securities may " be transferred. *ſ.* 75. No preference to be given in bor- " rowing money. *ſ.* 76. Monies raiſed, veſted in the " commiſſioners, to be applied for the purpoſes of this " act. *ſ.* 77."

Two third parts of the tolls, and of the money borrowed upon the credit thereof, ſhall be applied towards paving the weſtern diviſion; and the remaining one third part ſhall be applied towards paving the eaſtern diviſion:

but

but when the pavement of either diviſion ſhall be completed, and there ſhall remain any overplus of that diviſion, the ſame ſhall be paid over to the commiſſioners of the other diviſion, if the pavements within ſuch diviſion are not completed, to be applied towards completing the pavements. *ſ.* 78.

" Balance of money in hand, at receiver's death, to be paid by his executors, *&c.* within twenty-one days. *ſ.* 80."

Penalties may be mitigated, *viz.* for breach of any contract, as five commiſſioners ſhall think proper, ſo as the ſum be not leſs than the injury ſuſtained, and other forfeitures not above one moiety. *ſ.* 81.

Any perſon aggrieved may appeal to the general quarter ſeſſions within three months, giving twenty-one days notice in writing of his intention to bring ſuch appeal, and of the matter thereof, to the clerk or treaſurer to the commiſſioners; and, within two days after, entering into recognizance before ſome juſtice, with two ſureties, to try ſuch appeal, and abide the order of, and pay ſuch coſts as ſhall be awarded by the ſeſſions: and the juſtices, at ſeſſion, upon proof of ſuch notice, and of recognizance, ſhall determine ſuch appeal, and award coſts to the parties appealing, or appealed againſt, as they think proper; and the determination of ſuch ſeſſions ſhall be final. *ſ.* 82.

Penalties ſhall be recovered by diſtreſs and ſale of the offenders goods, by warrant of one juſtice, granted upon the confeſſion of the party, or upon the information of one witneſs upon oath, and the penalties when recovered, after rendering the overplus, ſhall be paid to the treaſurer to the commiſſioners, and be applied towards the purpoſes of this act; and in caſe ſufficient diſtreſs ſhall not be found, or ſuch penalties ſhall not be paid forthwith, ſuch juſtice is by warrant to cauſe ſuch offender to be committed to the common gaol, or houſe of correction, for not exceeding three months, nor leſs than fourteen days. *ſ.* 83.

The commiſſioners may apply part of the penalties, not exceeding one moiety, to the informer. *ſ.* 84.

" Commiſſioners to defray their own expences. *ſ.* 85. " Diſtreſs not to be deemed unlawful for want of form; " nor the party diſtraining to be deemed a treſpaſſer, *ab initio*. *ſ.* 86. Plaintiff not to recover if tender of amends " hath been made. *ſ.* 86. Writings to be without " ſtamps. *ſ.* 87. Proceedings to be entered in a book. " Books may be read in evidence. *ſ.* 88. Proceedings " not to be quaſhed for want of form; nor removable " by *certiorari*. *ſ.* 89."

No action ſhall be commenced for any thing done in purſuance of this act, until twenty-one days notice ſhall be thereof given in writing to the clerk or treaſurer to the commiſſioners, or after ſufficient ſatisfaction or tender thereof hath been made to the party aggrieved, or after ſix months; and ſuch action ſhall be laid and tried in the county where ſuch matters ſhall be committed, and the defendant may plead the general iſſue; and if a verdict ſhall be found for ſuch defendant, *&c.* he ſhall have treble coſts. *ſ.* 90.

By 11 *Geo.* 3. *c.* 17. In caſe the commiſſioners for putting the former act in execution, or five of them, ſhall have occaſion to make any new or additional grates over any ſewer, or to repair or alter any of the old grates, or to make new, repair, alter, cleanſe, or empty any ſewer, under the direction of the commiſſioners of ſewers, ſituate in, or communicating with the ſtreets, *&c.* then the commiſſioners, or five of them, or their ſurveyor, or other perſon authoriſed by them, ſhall give or leave notice in writing for the clerk to the commiſſioners of ſewers of their intention to have any grates made, or to have ſuch reparation or alteration thereof, or to have any ſuch ſewer made new, repaired, altered, cleanſed, or emptied; and the ſaid clerk is to ſummon ſix commiſſioners of ſewers dwelling in *Southwark*, three whereof ſhall be of the quorum, to ſurvey the grates, ſewers, and drains, mentioned in ſuch notice, within ten days after receipt thereof; and they are within the time before limited, directed to ſurvey the ſame, and to cauſe grates, ſewers, and drains, to be reformed, and to inquire by a jury who ought to be contributory to the expence, *&c.* and to make a rate, according to 23 *Hen.* 8. (*See general title*, " *Sewers*"). *ſ.* 3.

Two parts in three of the monies to be raiſed by the inquiry and aſſeſſment aforeſaid, ſhall be collected upon the owners and occupiers of all meſſuages, *&c.* ſituate within the levels, called *Bridgehouſe Sluice*, *Green Bank Mill Stream*, *Battle Bridge Mill Stream*, *Saint John of Jeruſalem Sluice*, *Bare Sluice*, *Boars-head Sluice*, *Black Lyon Sluice*, and *Whitewall Sluice*, in the county of *Surrey*, and which are adjoining to any part of any other ſluice, common ſewer, or ſtream, running in or through any of the ſtreets, *&c.* compriſed in 6 *Geo.* 3.; and the other third part ſhall be collected upon the owners and occupiers of meſſuages, *&c.* lying in all the other levels within the limits, under the cognizance of the commiſſioners of ſewers. *ſ.* 4.

In caſe the commiſſioners of ſewers ſhall neglect to cauſe any ſuch grate, ſewer, or drain to be made new, corrected, repaired, amended, altered, cleanſed, or emptied, for fourteen days after delivery of ſuch notice as aforeſaid, then five of the commiſſioners, under 6 *Geo.* 3. may cauſe ſuch grate, *&c.* to be made new, *&c.* emptied, and reformed, the charges whereof ſhall be paid by the commiſſioners, who ſhall be reimburſed by the clerk to the commiſſioners of ſewers; and in caſe the ſaid clerk ſhall neglect to pay within three months after notice in writing, five of the ſaid commiſſioners are to bring actions, in the name of their clerk, againſt ſuch clerk of the commiſſioners of ſewers. *ſ.* 5.

The commiſſioners of ſewers ſhall keep accounts of all monies raiſed by any rates made in each level within the limits, and ſuch monies ſhall be applied in new-making, altering, cleanſing, and reforming the ſluices, ſewers, drains and grates within each level; and ſuch accounts may be inſpected by perſons charged to the payment of ſuch rate, who may take copies thereof, upon payment of ſixpence for every one hundred words. *ſ.* 6.

The commiſſioners of ſewers ſhall make new grates over ſewers, and repair and alter any of the old grates, and cleanſe, repair, and alter all common ſewers, in the levels within the limits, and levy the charges thereof, by an aſſeſſment on all the owners and occupiers of meſſuages, *&c.* within the levels. And the commiſſioners under 6 *Geo.* 3. and this act, ſhall rate all pariſh churches, church-yards, chapels, meeting-houſes, ſchools, hoſpitals, priſons, and all other public buildings whatſoever, and all dead walls and void ſpaces of ground, not exceeding ſixpence for every ſquare yard, lying between the fences and the middle of the carriage-way lying before ſuch pariſh churches, *&c.* But no owner or proprietor of ſuch public buildings ſhall be liable to pave or repair the pavements before ſuch public buildings. *ſ.* 7.

Actions for any thing done under this act ſhall be commenced within ſix months, and laid in the county where the cauſe of action ſhall ariſe, and the defendant may plead the general iſſue: and if the jury ſhall find a verdict for the defendant, *&c.* the defendant ſhall have treble coſts. *ſ.* 8.

Spices.

Spices.

By 6 *Ann. c.* 16. The lord mayor, and court of aldermen, and common council of the city of *London*, may appoint a perſon to execute the office of garbler within the city of *London*, who at the requeſt of any owner of ſpices, drugs, or other merchandizes garbleable, and not otherwiſe, ſhall garble the ſame, and ſuch garbler ſhall have for his trouble, as the lord mayor, court of aldermen, and common council ſhall appoint. *ſ.* 3.

Stillyard.

By 19 *Hen.* 7. *c.* 23. For merchants of the hanſe in *Almaine*, having the houſe in *London* called *Guilhalda Teutonicorum*, every ſtatute concerning merchants, merchandizes, or other wares, ſhall not extend to the hurt of the ſaid merchants of the hanſe, contrary to the ancient liberties granted to the merchants of the hanſe, as well by the king's progenitors, as by authority of parliament; but all ſuch ſtatutes made or to be made in derogation of the ſaid liberties ſhall be againſt the ſaid merchants void; provided that this act be not hurtful to the mayor, ſheriffs, citizens, or commonalty, of the city of *London*.

Streets.

By 2 *Will. & Mar. ſtat.* 2. *c.* 8. All perſons inhabiting in the pariſhes in *Middleſex* and *Weſtminſter* *, within the bills of mortality, and in *Southwark*, and *Kenſington*, ſhall twice every week (*Wedneſday* and *Saturday*) ſweep the ſtreets before their houſes, and the walls of churches and other public places, upon pain to forfeit 3 *s.* 4 *d.*; and no perſon ſhall ſuffer to be laid, any aſhes, or other filth, in any ſtreet or alley, before his dwelling-houſe, or the churches and other public places, on penalty of 5 *s.*; and no perſon ſhall lay any aſhes or ſoil before the houſes of any inhabitants of the places aforeſaid, or before any church, or into any common ſewer or highway within the places aforeſaid, or any other private ſink of any of the inhabitants; but ſhall keep the ſame until the raker come with his cart, and then ſhall carry the ſaid aſhes, *&c.* to the raker, upon pain to forfeit 20 *s.* *ſ.* 2. *See* 8 & 9 Will. 3. c. 27.

No perſon ſhall hoop or cleanſe any caſks or veſſels in the ſtreets, nor ſet out any dung, rubbiſh, or empty coaches to mend, or rough timber or ſtones to be wrought in the ſtreets, on the penalty of 20 *s.* *ſ.* 4.

The rakers every day, except *Sundays* and holy-days, ſhall bring carts into their precincts, and by a bell or otherwiſe, make a loud noiſe, and ſtay a convenient time, that all perſons may bring forth their duſt, which the rakers ſhall daily carry away, upon pain to forfeit 40 *s.* *ſ.* 5.

All open ſtreets, lanes and alleys, which now are paved, within the places aforeſaid, ſhall be repaired at the coſts of the inhabitants; and where any houſes ſhall be empty, at the charge of the owners; every one to pave before his houſe, to the denter-ſtone or middle of the ſtreet; upon pain to forfeit 20 *s.* for every perch, and 20 *s.* a week until the ſame be amended. *ſ.* 6.

Within the pariſhes of St. Anne *and* St. James Weſtminſter †, *the ſcavengers, rakers, and ſuch officers, ſhall be choſen, and the rates for ſcavengers raiſed by the pariſhioners, according to the cuſtom and uſage of the ſaid city: and the receivers of ſuch monies ſhall be accountable as they now are by law; and new tenements ſhall pay proportionable with others.* And in all other places aforeſaid, upon *Monday* or *Tueſday* in *Eaſter*-week, the conſtables, church wardens, and overſeers of the poor, and ſurveyors of the highways of the ſaid pariſhes and places, calling together ſuch other ancient inhabitants as are uſually preſent at the election of pariſh officers, ſhall appoint two or more able perſons, tradeſmen of their pariſh, to be ſcavengers of each ward and diviſion within their pariſh, for the year enſuing, and until others be choſen; which perſons being confirmed under the hand of two juſtices of peace, ſhall within ſeven days after their election and confirmation, and notice thereof, take that office upon them, upon pain to forfeit 10 *l.* and in caſe of refuſal, other perſons ſhall be choſen and confirmed within ſeven days after ſuch refuſal: the ſaid penalties to be paid to the ſurveyors of the highways towards the mending of the highways and ſtreets of the pariſh, *&c.* and to be levied by diſtreſs and ſale of goods, by warrant of one juſtice of peace directed to the conſtables or other officers of the pariſh, or two of them; and in default of diſtreſs or non-payment within ſix days after demand, or notice left in writing at the dwelling-place of the offender, by the conſtables, *&c.* the offender to be committed to the common gaol by warrant of ſuch juſtice, until payment. *ſ.* 9.

Within twenty days after the election and confirmation of the ſcavengers, the conſtables, church wardens, and overſeers of the poor, *and ſurveyors of the highways of the pariſhes*, calling together ſuch inhabitants as aforeſaid, ſhall make a rate according to a pound-rate ‡, upon the inhabitants for the year following, for the purpoſes aforeſaid; which being confirmed by two juſtices of peace, ſhall be quarterly paid by every inhabitant, upon demand made by the ſcavengers or officers appointed to collect the ſame; and in caſe of neglect, ſhall by warrant of two juſtices of the diviſion, be levied by diſtreſs and ſale of goods, and for want of diſtreſs, by impriſonment, the offender not being a peer. *ſ.* 10.

Such money as ſhall be yearly collected for cleanſing the ſtreets, ſhall be yearly accounted for by the ſcavenger which collected the ſame, to two of the next juſtices of the peace, within eight-and-twenty days after the election of new ſcavengers; and any two ſuch juſtices may commit to priſon the ſcavengers which ſhall refuſe to account, until they have made account, and paid ſo much as ſhall be in hand. *ſ.* 11.

The ſcavengers ſhall have liberty, by order of the juſtices at their petit ſeſſions, to lodge their duſt in ſuch vacant and public places in or near the highways, as ſhall be thought convenient for the accommodation of the country carts returning empty, they giving ſatisfaction to the owners and occupiers of ſuch places; and in caſe of unreaſonable demands, ſuch juſtices in their petit ſeſſions ſhall determine the ſame; and any perſon aggrieved with any rate made by this act, or prejudiced by any determination of the juſtices in petit ſeſſions, may have recourſe to the quarter ſeſſions, and their determination ſhall be final. *ſ.* 12.

Aſſeſſments upon the inhabitants, owners, and occupiers of tenements, or perſonal eſtate uſually rateable to the poor within the ſaid pariſhes, ſhall be made by ſuch perſons as the juſtices at their quarter ſeſſions ſhall appoint; and

* See the acts for paving, lighting, and cleanſing *Weſtminſter* and *Southwark*, whereby pariſhes within the limits of thoſe acts are exempted from the regulations contained in this act, and 19 *Geo.* 2.

† Theſe pariſhes are included in the *Weſtminſter* paving acts.

‡ The power of making rates for repairing the highways, repealed by 7 *Geo.* 3. *c.* 42.

the money ſhall be employed and accounted for according to the order of the ſaid juſtices for amending ſuch high-ways as need ſhall require; and the aſſeſſment ſhall be levied by diſtreſs and ſale of goods of every perſon not paying within fourteen days after demand: provided that no ſuch aſſeſſments in any one year, ſhall exceed 4*d.* in the pound, nor 8*d.* for every 20*l.* perſonal eſtate. *ſ.* 13.

All new ſewers ſince 12 *Car.* 2. made in any of the pariſhes in the liberty of *Weſtminſter*, ſhall be ſubject to the commiſſioners of ſewers, who ſhall have power to alter ſuch new ſewers, and to order the making of new ſewers, and to alter any channels in the ſtreets. *ſ.* 14.

Every houſeholder within any of the pariſhes or precincts in the counties of *Middleſex* and *Surrey*, and liberty of *Weſtminſter*, compriſed within the bills of mortality, whoſe houſe adjoins to, or is near the ſtreet, from *Michaelmas* to *Lady-day* yearly, ſhall every night ſet out candles or lights in lanthorns on the outſide of the houſe next the ſtreet, as it ſhall grow dark, until 12 o'clock, upon pain to forfeit 2*s.* for every default; excepting ſuch perſons as ſhall agree to make uſe of lamps, to be placed at ſuch diſtances in the ſtreet, as ſhall be approved of by two juſtices of peace. *ſ.* 15.

For the mode of recovering penalties, ſee ſ. 18. *under* § Hay, *in p.* 77.

The wheels of every cart or dray for the carriage of any thing from any place within the ſaid places, to any place in the ſaid cities and places where the ſtreets are paved, ſhall contain the breadth of ſix inches in the felley, and ſhall not be wrought about with iron, nor drawn with above two horſes after they are up the hills from the water-ſide; and the owners of any cart or dray to be uſed as aforeſaid, the wheels whereof ſhall not be ſix inches in breadth, or ſhall be ſhod with iron, or be drawn with above two horſes, ſhall forfeit 40*s.* *ſ.* 19. *See* 18 Geo. 2. c. 33.

This ſhall not extend to any country cart or waggon that ſhall bring goods to the cities aforeſaid, or ſhall carry any goods half a mile beyond the paved ſtreets. *ſ.* 20.

No perſon ſhall keep ſwine in the houſes or backſides of the paved ſtreets of the ſaid pariſhes where the houſes are contiguous, upon pain of forfeiting the ſame to the church wardens and overſeers of the poor, to the uſe of the poor; and it ſhall be lawful for any of the church-wardens, chapel-wardens, overſeers of the poor, conſtables, beadles, headboroughs, or tythingmen of the pariſhes, in the day-time, by warrant of the mayor of *London*, or any other of their majeſties juſtices of peace, to ſearch in all ſuch places for ſuch ſwine, and all that ſhall be found, to ſeize, drive away and ſell, and the money produced to deliver to the churchwardens or overſeers of the pariſh where ſuch ſwine ſhall be ſeized. *ſ.* 21.

It ſhall be lawful for the lord mayor and any alderman, upon his own knowledge or view, in the general ſeſſions, to make preſentment for any ſuch offence done within the ſaid city; and the lord mayor and juſtices ſhall at the ſame ſeſſions aſſeſs fines for ſuch offences, not exceeding 20*s.* for one offence; which fines ſhall be levied and paid to the chamberlain for the uſe of the city. *ſ.* 23.

If any action ſhall be commenced againſt any perſon for what he ſhall do in purſuance of this act, ſuch perſon may plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover treble coſts. *ſ.* 25.

By 3 *Will. & Mar. c.* 12. It ſhall be lawful for the juſtices of *Middleſex*, at their quarter ſeſſions, to make rates for paving the town of *Kenſington*, and to repair and cleanſe the ſame, in manner as by 2 *Will. & Mar. ſt.* 2. *c.* 8. is directed. *ſ.* 2.

Stat. 8 & 9 *Will.* 3. *c.* 37. Every perſon inhabiting in the pariſhes of *Middleſex* and *Weſtminſter*, and in the borough of *Southwark*, or in any of the ſtreets compriſed within the bills of mortality, and the town of *Kenſington*, ſhall twice every week, on *Wedneſday* and *Saturday*, between ſix and nine o'clock in the forenoon, ſweep all the ſtreets before their houſes, and the buildings and walls of churches and other public places, to the end the dirt may be heaped ready for the ſcavenger; upon pain to forfeit 10*s.* for every offence, to be recovered as other penalties by 2 *Will. & Mar. ſt.* 2. *c.* 8. *ſ.* 1.

If any conviction upon this or the ſaid act ſhall be by the view of any juſtice of peace, one half of the penalty ſhall be to the poor, and the other moiety, if for a default of pavement, to be employed for paving and cleanſing the ſtreets, to be paid to the ſcavenger, or otherwiſe to the relief of the poor. *ſ.* 2.

In caſe any place within the bills of mortality ſhall be by the juſtices ordered to be paved, and the other ſide of the ſaid ſtreet be out of the bills of mortality, it ſhall be lawful for the juſtices to cauſe the other part of the ſaid ſtreet to be alſo paved, by the inhabitants adjoining, in the ſame manner. *ſ.* 3.

The clauſe in 2 *Will. & Mar. ſtat.* 2. *c.* 8. *ſ.* 21. againſt keeping ſwine, ſhall be put in execution againſt all who ſhall keep ſwine within any part of the houſes or backſides of the paved ſtreets or lanes of the ſaid cities or pariſhes, ſo far as the contiguous buildings ſhall extend, or within fifty yards thereof. *ſ.* 4.

So much of the highway now built on both ſides, leading from *Tottenham Court* towards *Tyburn*, ſhall be paved and maintained by ſuch perſons as have uſed to pave or maintain the ſame, under the penalties aforeſaid. *ſ.* 6.

By 6 *Geo.* 1. *c.* 6. *ſ.* 1. No perſon ſhall carry at one load in *London* or *Weſtminſter*, or within ten miles thereof, in waggons or carts, having their wheels ſhod or bound with tire or ſtreaks of iron, more than ſeven hundred and a half of bricks; and any perſon offending herein ſhall forfeit any one of the horſes, together with the geers, to any perſon that ſhall ſeize or diſtrain the ſame, in ſuch manner as the penalties are directed to be levied and applied by 5 *Geo.* 1. *c.* 12.† *viz. the perſon making ſuch ſeizure, ſhall deliver the horſes to the conſtable or other pariſh officer (who are to keep the ſame) till the perſons ſhall make proof on oath before ſome juſtice, of the offence committed, and the juſtice ſhall iſſue his precept to ſuch conſtable,* &c. *to deliver the horſes ſo forfeited to the party who ſeized,* &c. *paying ſuch reaſonable charge for keeping as the juſtice ſhall allow.*

By 18 *Geo.* 2. *c.* 33. *ſ.* 2. It ſhall be lawful for any perſon to make uſe of any cart drawn by three horſes, *on the paved ſtreets, within the bills of mortality*, notwithſtanding 2 *W. & M. ſt.* 2. *c.* 8. *ſ.* 19.

Provided that in caſe any perſon make uſe of any ſuch cart drawn by more than three horſes, he ſhall be liable to all the penalties by the ſaid act inflicted upon perſons uſing carts drawn by more than two horſes. *ſ.* 3.

Taylors.

By 7 *Geo.* 1. *c.* 13. All contracts or agreements between perſons uſing the myſtery of a taylor or journeyman taylor in *London* or *Weſtminſter*, or within the weekly bills of mortality, for advancing their wages, or for leſſening their uſual hours of work, ſhall be illegal and void;

† This act has been repealed.

and

and if any taylor, &c. within the limits aforeſaid, ſhall keep up, enter into, or be knowingly concerned in any ſuch contract, &c. every perſon ſo offending being convicted on the oath of one witneſs, before two juſtices of peace, upon any proſecution, within three months after the offence, ſhall by order of ſuch juſtices, be committed to the houſe of correction, to be kept at hard labour not exceeding two months, or to the common gaol. *ſ.* 1.

Any two juſtices, upon complaint made for wages, may ſummon the party offending, and for non-payment, may iſſue their warrant for levying ſuch wages by diſtreſs and ſale of goods; and for want of diſtreſs, commit the offender to gaol till he ſhall pay. *ſ.* 4.

If any perſon retained as a journeyman taylor within the limits aforeſaid, ſhall depart from his ſervice before the end of the term for which he is retained, or the work for which he was hired be finiſhed, or not being retained ſhall refuſe to enter into employment (after requeſt by any maſter taylor), unleſs it be for ſome reaſonable cauſe to be allowed by two juſtices of peace, he ſhall be ſent to the houſe of correction, to be kept to hard labour not exceeding two months. *ſ.* 6.

Perſons aggrieved by the orders of two juſtices, may appeal to the next quarter-ſeſſions, giving ſix days notice; and the quarter ſeſſions ſhall have power to award coſts. *ſ.* 9.

Any perſon convicted of any offence againſt this act, and who ſhall ſuffer for the ſame accordingly, ſhall not be otherwiſe puniſhed. *ſ.* 10.

By 8 *Geo.* 3. *c.* 17. The hours of work in the day for ſervants or journeymen, employed in the buſineſs of a taylor within the city of *London*, and five miles thereof, ſhall be from ſix in the morning until ſeven in the evening, with an interval of one hour only for refreſhment; and there ſhall be paid to every ſuch ſervant employed for his work, during the hours aforeſaid, the wages following; that is to ſay, any ſum not exceeding two ſhillings and ſeven pence halfpenny *per diem*, except during one month from the publication of any order for a general mourning by the earl marſhal, in the *London Gazette*, and during that ſpace, any ſum not exceeding five ſhillings and one penny halfpenny. *ſ.* 1.

If any maſter ſhall give, allow, or pay, directly or indirectly, in money, or otherwiſe, any more or greater wages than the wages aforeſaid, or ſuch other wages as ſhall from time to time be appointed by virtue of this act; or if any ſervant, journeyman, or other perſon, following the buſineſs of a taylor, within the limits aforeſaid, ſhall take, in any manner, directly or indirectly, by himſelf, or any other perſon to his uſe, any more or greater wages than as aforeſaid, in money, or otherwiſe; every perſon ſo offending, being convicted before two juſtices, either by confeſſion of the party, or upon the oath of one witneſs, upon proſecution commenced within three months, ſhall be committed to the houſe of correction, there to be kept to hard labour, or to the common gaol, for not exceeding two months, nor leſs than fourteen days. *ſ.* 2.

It ſhall be lawful for any two juſtices within the limits aforeſaid, and they are required, on information upon oath made before them, by any perſon whatſoever, that there is reaſon to ſuſpect that any perſon following the buſineſs of a maſter or journeyman taylor, hath given or received greater wages than as aforeſaid, to iſſue their ſummons, requiring any clerk, foreman, apprentice, ſervant, or other perſon employed by ſuch perſon ſuſpected to have offended, or any other perſon, whoſe attendance ſuch informant ſhall think neceſſary, for the purpoſe of giving evidence, to attend ſuch juſtices, or ſome other two juſtices acting for ſuch county or place, at a time and place in ſuch ſummons ſpecified, to teſtify concerning the premiſes; and if ſuch perſon ſo ſummoned ſhall not attend, and proof ſhall be made of the ſervice of ſuch ſummons, either perſonally, or by leaving the ſame at the laſt or uſual place of abode of ſuch perſon, it ſhall be lawful for ſuch two juſtices, or any other two juſtices acting for ſuch county or place, and they are required (unleſs a reaſonable excuſe be made, to the ſatisfaction of ſuch juſtices) to iſſue their warrant for the apprehending and bringing him before them, or ſome other two juſtices acting for ſuch county or place, to be examined touching the premiſes in the information contained; and if any ſuch perſon ſo attending, or being brought before ſuch juſtices, ſhall refuſe to be examined, or give teſtimony, ſuch perſon ſhall by the ſaid juſtices be committed to the houſe of correction, until he ſubmit to be examined and give teſtimony. *ſ.* 3.

It ſhall be lawful for the mayor, aldermen, and recorder of *London*, at their general quarter ſeſſions, or general ſeſſions of the peace aſſembled, and they are required from time to time, upon application made to them for that purpoſe, to alter, regulate, order, and appoint the wages to be paid or made to journeymen taylors and ſervants employed in the art of a taylor, in the making up men's and women's work within *London*, or five miles thereof, and the hours of work; and ſhall within fourteen days after making every ſuch order, cauſe the ſame to be printed and publiſhed, in ſuch manner as to them ſhall ſeem meet, at the reaſonable expence of the perſons applying for the ſame; and after publication thereof, all taylors and journeymen within the limits aforeſaid, are ſtrictly to obſerve the ſame. *ſ.* 4.

Advertiſing ſuch orders of ſeſſions three times in any two daily newſpapers, publiſhed in *London* or *Weſtminſter*, ſhall be deemed ſufficient notice and publication. *ſ.* 5.

Nothing in this act ſhall extend to regulate the wages or hours of work of ſervants, *bona fide* employed as foremen; or to hinder the paying or receiving further wages (not exceeding ſixpence by the hour in times of general mourning, and threepence the hour at any other time) for working before or after the hours limited, ſo as ſuch overwork be not at any one time leſs than one hour, and be actually performed by ſuch journeyman; and ſo as ſuch retainer and payment be not made in fraud of the regulations. *ſ.* 6.

If any maſter reſiding within the limits aforeſaid, ſhall directly or indirectly, in any manner whatſoever, employ any ſervant, journeyman, or other perſon, uſing the buſineſs of a taylor, in making up men's or women's work out of the limits, with intent to evade this act, and ſhall pay directly or indirectly to ſuch journeyman, any more or greater wages than aforeſaid; every ſuch perſon ſhall forfeit five hundred pounds, to be ſued for in any courts of record at *Weſtminſter*; wherein coſts ſhall be paid; one moiety to the king, and the other to the perſon who ſhall ſue. *ſ.* 7.

It ſhall be lawful for any perſon convicted before two juſtices, to appeal to the next general quarter ſeſſions, or general ſeſſions, giving immediate notice of ſuch appeal, and finding ſufficient ſecurity to the ſatisfaction of ſuch juſtices for being perſonally preſent at ſuch ſeſſions, and for proſecuting the appeal with effect, and abiding the judgment of the court; and ſuch ſeſſions ſhall finally determine the matter, and have power to award coſts to either party; and if the conviction ſhall be affirmed, ſuch appellant ſhall be committed to priſon for the time ſpecified in the ſaid conviction, and until payment of the coſts. *ſ.* 8.

Actions againſt any juſtice, conſtable, headborough, or other officer, or perſon, for any thing done under this act, ſhall be brought within ſix months. *ſ.* 9.

Perſons ſued may plead the general iſſue; and if judgment ſhall be given for the defendant, *&c. he* ſhall recover full coſts. *ſ.* 10.

Thames.

By 4 *Hen.* 7. *c.* 15. The mayor of *London* having the conſervation of the river *Thames*, from the bridge of *Stanes* to the water of *Yendall* and *Medway*, ſhall have like authority in breaches, iſſues, and creeks, and grounds overflown, as far as the water ebbeth and floweth, as touching the puniſhment for uſing unlawfully nets and engines in fiſhing, like as his predeceſſors have had in the river of *Thames*; provided that the mayor of *London* have not the conſervation in the ſaid breaches and grounds overflown within the king's ground, or within franchiſes of any perſon.

By 27 *Hen.* 8. *c.* 18. If any perſon do any thing in annoying of the ſtream in the river *Thames*, making of ſhelps by digging, caſting of rubbiſh or other thing, or take away any boards, ſtakes, or other thing, from the banks or walls (except it be to repair the ſame), or dig or undermine any banks or walls upon the water ſide, they ſhall forfeit 100 *s.* one moiety to the king, and the other moiety to the mayor and commonalty of *London*. *ſ.* 2.

If complaint be made to the lord chancellor, lord treaſurer, lord preſident, or lord privy ſeal, that any that ſhall have the office for ballaſting of ſhips, take ballaſt near the river of *Thames*, and do not take for parcel of the ballaſt the gravel and ſand of the ſhelps between *Greenhithe* and *Richmond*, or in places that ſhall be to the damage of the river; the lord chancellor, *&c.* calling the chief juſtices or one of them, ſhall have power to hear and determine ſuch complaint, and to put ſuch order for taking of ballaſt for ſhips, as ſhall ſeem moſt convenient for the conſervation of the river; and the parties offending ſhall ſuffer impriſonment, and make no leſs fine than 5 *l.* *ſ.* 3.

It ſhall be lawful to every perſon to take ſand, gravel, or other thing upon any ſhelps, without interruption or paying any thing. *ſ.* 4.

Tithes.

By 37 *Hen.* 8. *c.* 12. Such order as ſhall be decreed by the archbiſhop, and other lords and knights, before the 1ſt of *March* next, concerning the payment of tithes, oblations, and other duties, within the city of *London*, and inrolled in the chancery, ſhall be as an act of parliament; and every perſon denying to pay tithes, or other duties, contrary to the decree, ſhall by commandment of the mayor, and in his default, by the lord chancellor, be committed to priſon, till he have agreed with the curate for his tithes and other duties. *ſ.* 1.

The decree.

The citizens and inhabitants of the ſaid city, ſhall yearly pay their tithes to the parſons, vicars, and curates of the ſaid city, after the rate following, viz. *of every* 10 *s. rent by the year, of all houſes, ſhops, warehouſes, cellars and ſtables, within the city and liberty,* 16 d. ob. *ſ.* 2.

Where any leaſe ſhall be made of any dwelling houſes, ſhops, warehouſes, cellars, or ſtables, by fraud, reſerving leſs rent than hath been accuſtomed, or without rent, by reaſon of any fine or income, or by any fraud or covin, the tenant ſhall pay for his tithes after the rate aforeſaid, according to the quantity of ſuch rent as the ſame houſes, &c. *were laſt letten for. ſ.* 3.

Item, *Every owner of any dwelling houſe,* &c. *occupying the ſame himſelf, ſhall pay after the quantity of ſuch yearly rent as the ſame was laſt letten for. ſ.* 4.

Item, *If any perſon ſhall take any manſion by leaſe, and the taker ſhall inhabit in part thereof, and let out the reſidue, the principal farmer ſhall pay his tithes after the rate aforeſaid, according to his quantity, and his executors or aſſignees ſhall pay their tithes according to the quantity of their rent. ſ.* 5.

If any perſon ſhall take divers manſion houſes, &c. *in one leaſe, and let out one of the houſes, and keep one in his own hands, the ſaid taker ſhall pay his tithes according to the quantity of the yearly rent of ſuch manſion-houſes retained in his hands; and his aſſignees of the reſidue ſhall pay their tithes according to their rents. ſ.* 6.

Item, *If ſuch farmers, or their aſſignees, ſhall let over all the ſaid manſion-houſes in their leaſe, to one perſon, or to divers, the inhabitants ſhall pay their tithes after the rate of ſuch rents as they ſhall be charged withal, without fraud. ſ.* 7.

Item, *If any dwelling houſe ſhall be converted into a warehouſe, or if a warehouſe ſhall be converted into a dwelling houſe, the occupier ſhall pay tithes after the rate of manſion-houſe rents. ſ.* 8.

Item, *Where any perſon ſhall demiſe any dye-houſe or brewhouſe with implements, reſerving a rent as well in reſpect of ſuch implements as in reſpect of ſuch dye-houſe or brewhouſe, the tenant ſhall pay his tithes, the third penny abated. And every principal houſe, with key or wharf, having any crane belonging to the ſame, ſhall pay, the third penny abated. And other wharfs belonging to houſes having no crane, ſhall pay for manſion-houſes. ſ.* 9.

Item, *Where any manſion-houſe with a ſhop, ſtable, warehouſes, wharf with crane, timber yard, tenter yard or garden, ſhall be occupied together, if the ſame be hereafter ſevered, the occupiers ſhall pay ſuch tithes as is aboveſaid, after the rate of their ſeveral rents. ſ.* 10.

Item, *The ſaid citizens and inhabitants ſhall pay their tithes quarterly, at* Eaſter, *the nativity of* St. John Baptiſt, *the feaſt of* St. Michael *the archangel, and the nativity of our Lord. ſ.* 11.

Every houſeholder paying 10 *s. rent, or above, ſhall for himſelf be diſcharged of the four offering days; but his wife, children, ſervant, or others of their family, taking the rights of the church at* Eaſter, *ſhall pay* 2 d. *for their four offering days yearly. ſ.* 12.

Provided that if any houſe which ſhall be letten for 10 *s. rent, or more, ſhall be divided into ſmall parcels, yielding leſs yearly rent; the owners, if they dwell in any part of ſuch houſe, or elſe the principal leſſee, ſhall pay for his tithes after ſuch rate of rent, as the houſe was accuſtomed to be letten for, before ſuch diviſion; and the under leſſees ſhall be diſcharged of tithes for ſuch ſmall parcels, paying* 2 d. *a-piece yearly for their four offering days. ſ.* 13.

For ſuch gardens as appertain not to any manſion-houſe, and which any perſon ſhall hold for pleaſure, or to his own uſe, the perſon holding the ſame ſhall pay no tithes; but if any perſon, which ſhall hold any ſuch garden containing half an acre or more, ſhall make an yearly profit thereof by way of ſale, he ſhall pay tithes for the ſame after ſuch rate of his rent as above ſpecified. ſ. 14.

If any ſuch gardens be by fraud divided into leſs quantities, then to pay tithe according to the rate aboveſaid. ſ. 15.

This decree ſhall not extend to the houſes of great men kept in

in their own hands, and not letten, which in time paſt have paid no tithes, ſo long as they continue unletten, nor to any halls of crafts or companies ſo long as they be kept unletten, ſo that the ſame halls have not uſed to pay tithes. ſ. 16.

This decree ſhall not charge any ſheds, ſtables, cellars, timber yards nor tenter yards, which were never parcel of any dwelling houſe, nor have accuſtomed to pay tithes. ſ. 17.

Where leſs than ſixteen pence halfpenny in the 10*s. rent hath been accuſtomed to be paid for tithes; the ſaid citizens ſhall pay but after ſuch rate as hath been accuſtomed. ſ.* 18.

If any variance ariſe in the city for non-payment of tithes, or if any doubt ariſe upon the diviſion of any rents or tithes, or of any aſſeſſment thereof, or upon any other thing contained in this decree; upon complaint made by the party grieved, the mayor, by the advice of counſel, ſhall call the parties before him, and make a final end, with coſts to be awarded by the diſcretion of the mayor and his aſſiſtants, according to this decree. ſ. 19.

If the mayor make not an end thereof within two months, or if any of the parties find themſelves aggrieved, the lord chancellor, upon complaint to him made within three months next following, ſhall make an end in the ſame, with coſts. ſ. 20.

If any perſon take any tenement for a leſs rent than it was accuſtomed to be letten for, by reaſon of ruin or decay, ſuch perſon ſhall pay tithes only after the rate of his rent reſerved in his leaſe. ſ. 21.

By 22 & 23 *Car.* 2. *c.* 15. *ſ.* 1. The annual certain tithes of the pariſhes within the city of *London*, and the liberties thereof, ſhall be as followeth; *viz.*

Of the pariſh of *Alhallows Lombard-ſtreet*, 110*l.* Of *St. Bartholomew Exchange*, 100*l.* Of *St. Bridget*, alias *Brides*, 120*l.* [*There is a particular act concerning the impropriated tithes of* St. Brides, 4 Ann. c. 27. *not printed in the ſtatute book.*] Of *St. Bennet Finck*, 100*l.* Of *St. Michael Crooked Lane*, 100*l.* Of *St. Chriſtopher*, 120*l.* Of *St. Dionys Backchurch*, 120*l.* Of *St. Dunſtan in the Eaſt*, 200*l.* Of *St. James, Garlick Hythe*, 100*l.* Of *St. Michael Cornhill*, 140*l.* Of *St. Michael Baſſiſhaw*, 132*l.* 11*s.* Of *St. Margaret Lothbury*, 100*l.* Of *St. Mary Aldermanbury*, 150*l.* Of *St. Martin Ludgate*, 160*l.* Of *St. Peter Cornhill*, 110*l.* Of *St. Stephen Coleman-ſtreet*, 110*l.* Of *St. Sepulchre*, 200*l.* Of *Alhallows Bread-ſtreet* and *St. John Evangeliſt*, 140*l.* Of *Alhallows the Great* and *Alhallows the Leſs*, 200*l.* Of *St. Alban Wood-ſtreet*, and *St. Olaves Silver-ſtreet*, 170*l.* Of *St. Anne* and *Agnes*, and *St. John Zachary*, 140*l.* Of *St. Auguſtine* and *St. Faith*, 172*l.* Of *St. Andrew Wardrobe*, and *St. Anne Black Friars*, 140*l.* Of *St. Antholin* and *St. John Baptiſt*, 120*l.* Of *St. Bennet Gracechurch*, and *St. Leonard Eaſtcheap*, 140*l.* Of *St. Bennets Pauls Wharf*, and *St. Peter Pauls Wharf*, 100*l.* Of *Chriſt Church* and *St. Leonard Foſter Lane*, 200*l.* Of *St. Edmund the King*, and *St. Nicholas Acons*, 180*l.* Of *St. George Botolph Lane*, and *St. Botolph Billingſgate*, 180*l.* Of *St. Lawrence Jury*, and *St. Magdalen Milk-ſtreet*, 120*l.* Of *St. Magnus* and *St. Margaret New Fiſh-ſtreet*, 170*l.* Of *St. Michael Royal*, and *St. Martin Vintry*, 140*l.* Of *St. Matthew Friday-ſtreet*, and *St. Peter Cheap*, 150*l.* Of *St. Margaret Pattons*, and *St. Gabriel Fenchurch*, 120*l.* Of *St. Mary at Hill*, and *St. Andrew Hubbard*, 200*l.* Of *St. Mary Woolnorth*, and *St. Mary Woolchurch*, 160*l.* Of *St. Clement Eaſtcheap*, and *St. Martin Orgars*, 140*l.* Of *St. Mary Abchurch*, and *St. Lawrence Pountney*, 120*l.* Of *St. Mary Aldermary*, and *St. Thomas Apoſtles*, 150*l.* Of *St. Mary-le-Bow*, *St. Pancras Soper Lane*, and *Alhallows Honey Lane*, 200*l.* Of *St. Mildred Poultry*, and *St. Mary Cole-church*, 170*l.* Of *St. Michael Wood-ſtreet*, and *St. Mary Staining*, 100*l.* Of *St. Mildred Bread-ſtreet*, and *St. Margaret Moſes*, 130*l.* Of *St. Michael Queenhithe*, and *Trinity*, 160*l.* Of *St. Magdalen Old Fiſh-ſtreet*, and *St. Gregory*, 120*l.* Of *St. Mary Somerſet*, and *St. Mary Mounthaw*, 110*l.* Of *St. Nicholas Coleabby*, and *St. Nicholas Olaves*, 130*l.* Of *St. Olave Old Jewry*, and *St. Martin Ironmonger Lane*, 120*l.* Of *St. Stephen Walbrook*, and *St. Bennet Sheerhog*, 100*l.* Of *St. Swythin*, and *St. Mary Bowthaw*, 140*l.* Of *St. Vedaſt*, alias *Foſters*, and *St. Michael Quern*, 160*l.* *ſ.* 2.

Which ſums to be paid in lieu of tithes ſhall be the reſpective certain annual maintenance (over and above glebes and perquiſites, gifts and bequeſts) of the reſpective parſons, vicars, and curates, legally inſtituted, inducted, and admitted into the reſpective pariſhes. *ſ.* 3.

The alderman of the ward wherein any of the ſaid pariſhes reſpectively lie, and his deputy, and the common council men of ſuch ward, with the churchwardens, and one or more of the pariſhioners of ſuch reſpective pariſh, to be nominated by ſuch alderman, deputy, common council men, and churchwardens, or five of them, whereof the alderman or his deputy to be one, ſhall before the 20th of *May* 1671 aſſemble, and proportionably aſſeſs upon all houſes, ſhops, warehouſes, and cellars, wharfs, keys, cranes, water-houſes, and toſts of ground remaining unbuilt, and all other hereditaments (except parſonage and vicarage houſes) the whole reſpective ſum by this act appointed, or ſo much of it as is more than what each impropriator is by this act enjoined to allow, in the moſt equal way; which aſſeſſments ſhall be finiſhed before the 24th of *July* then next enſuing. *ſ.* 4.

The ſaid aſſeſſors, within ten days after ſuch aſſeſſments made, and appeals determined, ſhall make three tranſcripts thereof in parchment, and ſubſcribe the ſame; and within 20 days after, one of the ſaid tranſcripts ſhall be returned to the lord mayor of *London*, to be kept among the records of the ſaid city; and another ſhall be returned into the regiſtry of the lord biſhop of *London*; and the other ſhall be kept in the veſtry of ſuch reſpective pariſh. *ſ.* 8.

Such reſpective ſums ſo aſſeſſed ſhall be paid to the reſpective parſons, vicars, and curates, at the four uſual feaſts, or within fourteen days after, by equal payments, to commence from ſuch time as the incumbent begins to officiate. *ſ.* 9.

In any pariſh where any impropriations be, the impropriators ſhall pay what really and *bona fide* they have uſed and ought to pay to the incumbent, at any time before the late fire in 1666, and the ſame ſhall be computed as part of the maintenance of ſuch incumbent. *ſ.* 10.

If any inhabitants in any pariſh refuſe or neglect to pay any ſum payable by this act (being lawfully demanded at the premiſes whereout the ſame is payable), it ſhall be lawful for the lord mayor of *London*, upon oath made before him of ſuch refuſal or neglect, to grant warrants for the officer or perſon appointed to collect the ſame, with the aſſiſtance of a conſtable in the day-time, to levy the ſame tithes or ſums of money by diſtreſs and ſale of the goods of the party refuſing or neglecting to pay. *ſ.* 11.

In caſe the lord mayor or court of aldermen neglect to execute any of the powers to them by this act granted, or to perform every thing relating to the aſſeſſing or levying the ſums aforeſaid, it ſhall be lawful for the lord chancellor, or any two or more of the barons of the exchequer, by warrant, to do what the ſaid lord mayor and court of alder-

men.

men ought to have done; and by ſuch warrant, either to impower any perſon to make the aſſeſſments, or to authoriſe the officers or perſons appointed to collect the ſums aforeſaid, to levy the ſame by diſtreſs and ſale of the goods of any perſon neglecting to pay. *ſ.* 12.

No court or judge eccleſiaſtical or temporal, ſhall hold plea for any ſum to be paid by virtue of this act, other than the perſons hereby authoriſed: nor ſhall it be lawful for any parſon, vicar, curate, or incumbent, to ſue any perſon neglecting to pay in any court, or before any judge, other than what are appointed by this act. *ſ.* 14.

It ſhall be lawful for the warden and minor canons of *St. Paul's* church *London*, parſon and proprietors of the rectory of the pariſh of *St. Gregory*, to receive and enjoy all tithes, oblations, and duties ariſing within the ſaid pariſh, as formerly they have, or lawfully might have done. *ſ.* 15.

Victuals.

By 31 *Edw.* 3. *ſt.* 1. *c.* 10. Every man that bringeth victuals to *London*, may freely ſell the ſame without being interrupted by fiſher, butcher, poulterer, or other; and the mayor and aldermen may redreſs the defaults of fiſhers, butchers, and poulterers, as of thoſe that ſell bread, ale or wine, notwithſtanding charters of franchiſe, ſtatutes, cuſtoms, or other privileges; and the mayor and aldermen ſhall do the ſame, upon the pain in 28 *Edw.* 3. *c.* 10. [*ſee page* 64.] ſo that the puniſhment be not made in reſpect of any ſingular profit.

By 6 *Ric.* 2. *c.* 10. Aliens being of the amity of the king, and coming within the city of *London*, and other cities and towns, with fiſh and other victuals, ſhall be under the ſpecial protection of the king; and they may ſell and make their profit at retail or in groſs.

By 1 *Hen.* 4. *c.* 17. The ſtatute of 6 *Ric.* 2. *c.* 10. ſhall be duly executed, notwithſtanding the letters patent granted to the contrary to the fiſhmongers of *London*, by the late king *Richard*.

Voucher.

By *ſtat. Glouc.* 6 *Edw.* 1. *c.* 12. If a man be impleaded for land in *London*, and doth vouch a foreigner to warranty, he ſhall come into the chancery and have a writ to ſummon his warrantor at a certain day before the juſtices of the bench; and another writ to the mayor and bailiffs, that they ſhall ſurceaſe in the matter until the cauſe of the warranty be determined before the juſtices of the bench; then ſhall he that is vouched be commanded to go to *London* to anſwer unto the chief plea, and a writ ſhall be awarded for the demandant by the juſtices unto the mayor and bailiffs, that they proceed in the plea; and if the demandant recover againſt the tenant, the tenant ſhall come before the juſtices of the bench, which ſhall direct a writ to the mayor and bailiffs, that if the tenant have loſt his land, they ſhall cauſe the land to be extended and valued, and ſhall return the extent at a certain day into the bench, and after it ſhall be commanded to the ſheriff of the ſhire (where the warranty was ſummoned) that he cauſe the party that doth vouch, to have as much of the land of the warrantor in value.

By 9 *Edw.* 1. If one, being impleaded in *London*, vouch a foreigner to warranty, the mayor and bailiffs ſhall adjourn the parties before the juſtices of the bench at a certain day, and ſhall ſend their record thither; and the juſtices ſhall cauſe the warrantor to be ſummoned, and ſhall try the warranty; and the mayor and the bailiffs in the mean time ſhall ſurceaſe in the matter, until the warranty be determined before the juſtices; and when the matter ſhall be determined, commandment ſhall be given to the vouchee to depart into the city, and to anſwer unto the firſt plea; and the demandant ſhall have a writ from the juſtices of the bench unto the mayor and bailiffs, that they proceed in the plea; and if the demandant recover, the tenant ſhall come to the juſtices of the bench, and have a writ to the mayor and bailiffs, that in caſe the tenant have loſt his land, they ſhall cauſe it to be extended, and return the extent to the bench, and it ſhall be commanded to the ſheriff of the ſhire where the warranty was ſummoned, that he cauſe the tenant to have of the lands of the warrantor to like value; and if the tenant make default at the day aſſigned in the bench, there ſhall go forth a writ from the juſtices to the mayor and bailiffs, to ſeize the land demanded into the king's hand by a *petit cape*, and to ſummon the tenant, that he be at the huſtings at a certain day, whereat the juſtices ſhall be adviſed to give judgment upon the default, if he cannot ſave it; and in caſe he can ſave it, the juſtices ſhall be certified thereof by their record.

Wager of Law.

By 38 *Edw.* 3. *ſtat.* 1. *c.* 5. Whereas people be attached in *London*, at the ſuit of people of the ſame city, ſurmiſing that they be debtors, and that they will prove by their papers, whereas they have no deed or tally, every man ſhall be received to his law by people ſufficient of his condition againſt ſuch papers.

Water.

By 35 *Hen.* 8. *c.* 10. It ſhall be lawful to the mayor and commonalty of *London*, to enter into the grounds, as well of the king as of every other perſon, where they ſhall find any ſprings (ſo that it be not into their houſes, gardens, orchards, or places incloſed within ſtone, brick, or mud-walls), and there to dig pits and ditches, to erect heads, lay pipes, and make vaults, and to do all things neceſſary for the conveyance of the water to the city. *ſ.* 1.

The mayor ſhall within one month after ſuch ground broken, pay unto the owners of the ground as much money as ſhall be adjudged by three or four indifferent men, to be aſſigned by the lord chancellor, by the king's commiſſion, at the coſts of the mayor and commonalty; and all ſuch ſums ſhall be paid within ten days after the taxation; upon pain the mayor to forfeit 13 *s.* 4 *d.* half of which forfeiture to be to the king, and the other moiety to the party grieved that will ſue for the ſame; and the party ſhall have an action of debt againſt the mayor for the debt ſo taxed. *ſ.* 2.

If the men named by the lord chancellor do not agree in making ſuch taxation, or the mayor do not tender a reaſonable amends, the party whoſe ſoil ſhall be broken, ſhall have his remedy againſt the mayor, by action of treſpaſs. *ſ.* 3.

If the mayor or his workmen be interrupted by any perſon, ſuch perſon ſhall forfeit 40 *s.* the half to the king, and the other moiety to the mayor and commonalty of *London*, to be recovered by action of debt, *&c.* *ſ.* 4.

It ſhall not be lawful to take away any water brought by pipes or trenches to the manſion of any perſons for the uſe of their houſehold, nor that any perſon ſhall undermine or abate any ſprings brought to the city; upon pain to forfeit

feit to the party grieved treble damages, to be recovered by action of debt, &c. ſ. 5.

This act ſhall not give authority to enter or dig in any of the king's grounds without the king's licenſe. ſ. 6.

If the mayor and commonalty convey any water from any ſprings in *Hampſtead Heath*, they ſhall pay yearly to the biſhop of *Weſtminſter*, at the feaſt of *St. Michael*, one pound of pepper; and the mayor and commonalty ſhall, within three months after the erection of any heads and vaults upon the ſaid heath, make to the biſhop a grant, with clauſe of diſtreſs, within any their tenements in *London*, when the pound of pepper ſhall be unpaid ten days, and it be demanded upon any court day in *Guildhall*. ſ. 7.

The mayor and commonalty ſhall not meddle with the ſpring at the foot of the hill of *Hampſtead Heath*, cloſed in for the uſe of the inhabitants of *Hampſtead*. ſ. 8.

The ſaid biſhop may convey from any ſpring in any ground on the left ſide of the highway leading from *Hampſtead*, towards *Hendon*, to the manor place of *Hampſtead*, water ſufficient for the uſe of the manor place. ſ. 9.

By 3 *Jac.* 1. *c.* 18. The lord mayor, commonalty, and citizens of *London*, may lay out ground for the making a trench for a river from the ſprings of *Chadwel* and *Amwel*, at the breadth of ten foot, with the allowance of the commiſſioners hereafter mentioned, or any ſeven of them, leaving the inheritance of the new cut in the owners. ſ. 1.

The mayor, commonalty, and citizens, ſhall have liberty to dig the ground, and to lay the earth on either ſide of the river or cut. ſ. 2.

The mayor, commonalty, and citizens, ſhall make ſatisfaction to the owners of the grounds, and all ſuch perſons as ſhall ſuſtain damage in their mills ſtanding upon the ſtreams from which the water ſhall be taken; and in default of their agreement, ſuch recompenſe as ſhall be appointed by the commiſſioners, to be aſſigned by the lord chancellor by commiſſion under the great ſeal, or any nine of them, whereof four to be citizens of *London*. ſ. 3.

At the requeſt and charges of the mayor, commonalty, and citizens, commiſſions ſhall be granted to ſuch perſons as the lord chancellor ſhall appoint, whereof four ſhall be of *Middleſex*, four of *Eſſex*, four of *Hertford*, and four of *London*, every of them having lands of the yearly value of 40 *l.* which ſixteen, or any nine of them, whereof two to be of the city of *London*, ſhall have power to order what money ſhall be paid by the mayor, commonalty, and citizens, to the owners of the grounds and mills. ſ. 4.

If in the new cut there happen any breaches, the mayor and citizens ſhall ſtop the breaches, and make recompenſe to the party grieved for the damage riſing by their default. ſ. 5.

The mayor and citizens ſhall make and maintain convenient bridges for cattle and carriages over the *New River*. ſ. 6.

Before a full agreement with the owners of the premiſes, or a commiſſion returned into chancery, it ſhall not be lawful to the lord mayor and citizens to cut any ground. ſ. 7.

The *New River* ſhall be ſubject to the commiſſion of ſewers. ſ. 8.

The cleanſing and amending of the *New River* or cut, ſhall be at the charges of the mayor and commonalty; and all fines and amercements which ſhall be impoſed by the commiſſion of ſewers, for any wilful annoyances and offences committed to the hurt of the *New River*, ſhall be to the benefit of the mayor, commonalty, and citizens. ſ. 9.

By 4 *Jac.* 1. *c.* 12. The mayor and commonalty ſhall have liberty to make a vault of brick or ſtone, for the paſſage of the water of the *New River* (*mentioned in* 3 Jac. 1. c. 18.) to the north parts of the city. ſ. 2.

By 7 *Jac.* 1. *c.* 9. The provoſt and fellows of *Chelſea College*, in the fields between *Lock-bridge* near *Hackney*, and *Bow-bridge*, may cut from the *River Lee* a trench not exceeding in breadth ten foot, in ſuch ſort as the ſame may again open itſelf into the main river; upon which trench ſhall be erected water-wheels. ſ. 3.

It ſhall be lawful to dig for the opening of ſprings, and to convey the water of the ſaid ſprings, and ſo much of the water in the trench as ſhall be neceſſary, unto the city of *London*. ſ. 4.

The lord chancellor (by commiſſion under the great ſeal) ſhall appoint ſeven perſons, whereof two ſhall be juſtices of peace of *Middleſex*, and two of the city of *London*, every of the ſaid perſons having lands of the yearly value of 40 *l.* which ſeven perſons, or any four of them, ſhall have power to order what money ſhall be paid for ſatisfaction of damages to the owners of the ſoil, or others intereſted in the waters. ſ. 8.

The ſaid water ſhall not be conveyed through the houſe, garden, or orchard, of any perſon, or through any corn-fields, while the corn is growing. ſ. 10.

By 8 *Geo.* 1. *c.* 26. Commiſſioners were appointed for ſupplying the city of *Weſtminſter* and parts adjacent with water from the *Thames*, by cuts to be made between *Chelſea Hoſpital* and the *Neat Houſes*. ſ. 1.

If any perſon ſhall wilfully pull down or deſtroy any part of the works, or attempt ſo to do, or ſhall remove any of the works or materials, whereby the water-works may be damaged, ſuch offender ſhall forfeit to the commiſſioners treble damages, with coſts. ſ. 2.

His majeſty may incorporate the commiſſioners by the name of *The governors and company of* Chelſea *waterworks*; and they may purchaſe lands, &c. not exceeding 1000 *l. per ann.* and be under ſuch rules as his majeſty ſhall inſert in ſuch letters patent. ſ. 3.

The commiſſioners may make, repair, alter, and cleanſe their ſewers and other works, for conducting the waters through any roads or ſtreets, or through any ground which ſhall be purchaſed by them. ſ. 4.

It ſhall not be lawful to put into any of the water-courſes, ponds, pipes, &c. any dirt, gravel, ſtones, carrion, or other unwholeſome thing, nor to waſh any clothes or other noiſome thing, nor to make any drain into the water-courſes, &c. or to do any other annoyance thereto; on pain to forfeit 40 *s.* with double damages and coſts to the uſe of the company; and the commiſſioners ſhall have remedies by bill in chancery, to have diſcovery upon oath who cauſed to be done the treſpaſſes complained of; and ſhall have liberty within ſix months after diſcovery to commence any ſuit at law to recover ſatisfaction. ſ. 5.

The commiſſioners, before they meddle with the lands of any perſon, ſhall firſt agree with the owners or tenants; and in caſe they lay any pipes in any highway, they ſhall make good the highway as often as occaſion ſhall require. ſ. 6.

The commiſſioners may lay pipes in the ſtreets or common grounds, making good the ſame, and carrying away their rubbiſh. ſ. 7.

If the major part of the inhabitants of any ſtreet or other places into which the commiſſioners ſhall lay water-pipes, ſhall deſire to have pipes ſtanding upright, to be ready

ready for the conveying water into engines for extinguiſhing fires, the commiſſioners ſhall ſet up ſuch pipes, upon which the commiſſioners may fix locks, and the keys ſhall be kept by the churchwardens, or ſuch perſons as the inhabitants ſhall appoint. *ſ.* 8.

This act ſhall not hinder the *New River* company, or the mayor, *&c.* of *London*, or the *York Buildings* company, or any other proprietors of water-works, from uſing, *&c.* all rights, *&c.* which they ſhall be entitled unto. *ſ.* 9.

If any action be brought for any thing done in relation to the premiſes, the defendant may plead the general iſſue, *&c.* and if the plaintiff become nonſuited, *&c.* the defendant ſhall have double coſts. *ſ.* 12.

Nothing in this act ſhall take away the juriſdiction of the mayor, commonalty, and citizens of *London*, upon the *Thames*. *ſ.* 13.

Watermen.

By 2 *&* 3 *Phil. & Mar. c.* 16. There ſhall be yearly appointed by the mayor and court of aldermen of *London*, eight perſons of the beſt ſort of watermen, being houſeholders, and occupying as watermen upon the river between *Graveſend* and *Windſor*, which election ſhall be yearly at the firſt court of aldermen, after the firſt of *March*; and the ſame perſons ſhall be called *The overſeers and rulers of all the wherrymen and watermen that ſhall uſe rowing upon the* Thames, *betwixt* Graveſend *and* Windſor; which overſeers and rulers ſhall keep good order amongſt the watermen. *ſ.* 3.

No two watermen in one boat betwixt *Graveſend* and *Windſor*, ſhall take any perſon into their boat, unleſs one of the watermen have been uſed in rowing upon the *Thames* two years before, and one of the watermen allowed by the rulers, by writing under their ſeal; upon pain that every perſon offending ſhall by the rulers be committed to one of the counters, there to remain one month or leſs. *ſ.* 4.

No perſons being ſingle men, not keeping houſehold, and not retained, ſhall uſe to row between *Graveſend* and *Windſor*, unleſs they be apprentices, or in ſervice retained with a maſter by the year, upon pain of like impriſonment. *ſ.* 5.

The lord mayor of *London*, and the aldermen, and the juſtices of peace within the ſhires next adjoining to the *Thames*, ſhall have power, upon complaint made by the rulers, or two of them, or the maſters of any ſuch ſervants, not only to examine, hear, and determine, all offences committed contrary to this act, and to ſet at large all perſons impriſoned by the ſaid rulers, if juſt cauſe ſhall appear ſo to do, but alſo to puniſh and reform the ſaid rulers that ſhall unjuſtly puniſh any perſon by colour of this act. *ſ.* 6.

If any perſon ſhall make any wherry, to the intent commonly to uſe carrying people upon the *Thames*, which ſhall not be two-and-twenty foot and a half in length, and four foot and a half broad in the midſhip, or which ſhall not be ſufficient to carry two perſons on one ſide tight, according to the old ſcantling and good proportion; the boats made contrary ſhall be forfeit; the one half to the king, and the other half to them that will ſue for the ſame, in any of the courts of record. *ſ.* 7.

If any perſons, which ſhall uſe the occupation of rowing betwixt *Graveſend* and *Windſor*, in the time of the execution of any commiſſion of preſſing for the ſervice of the king, ſhall willingly and obſtinately hide themſelves, and after when ſuch preſſing is over, ſhall return to the *Thames*, to row betwixt *Graveſend* and *Windſor*, and that duly proved by two witneſſes before the mayor and court of aldermen, or juſtices, and two of the rulers, they ſhall ſuffer impriſonment two weeks, and be baniſhed any more to row upon the river, by the ſpace of one year and day. *ſ.* 8.

It ſhall be lawful to the rulers to call before them all perſons who ſhall uſe the trade of rowing betwixt *Graveſend* and *Windſor*, and regiſter the names of them that ſhall be by them allowed for watermen, and to take ſuch further order therein as ſhall ſeem meet; and the ſaid rulers ſhall ſurvey all boats that ſhall be made, before they be launched. *ſ.* 9.

If any perſon elected a ruler, happen negligently to exerciſe his place, or will obſtinately refuſe to take upon him the place of ruler, ſuch offender ſhall forfeit 5 *l.* the one half to the king, and the other half to him that will ſue for the ſame in any of the courts of record. *ſ.* 11.

The mayor and court of aldermen of *London*, ſhall ſet the price that every perſon ſo authoriſed to row ſhall take for his fare, and the ſame prices ſhall bring to the privy council; and after the prices ſhall be ſigned with the hands of two of the privy council, the mayor and court of aldermen ſhall cauſe the ſaid prices to be ſet up in tables in *Guildhall*, *Weſtminſter Hall*, and elſewhere; and every perſon that ſhall take for his fare above the prices aſſeſſed, ſhall forfeit 40 *s.* and ſuffer impriſonment one-half year; the one moiety of the forfeiture to be to the king, and the other moiety to him that will ſue for the ſame, in any of the courts of record. *ſ.* 11.

No perſon uſing any weſtern barge, ſhall take into his ſervice any ſingle perſon, not keeping houſe, but only ſuch as ſhall be retained with him by the whole year, and no houſeholder but ſuch as he will anſwer for, upon pain of 40 *s.* the one moiety to the king, and the other moiety to him that will ſue for the ſame, in any of the courts of record. *ſ.* 12.

By 8 *Eliz. c.* 13. All ſea faring men dwelling about the river of *Thames*, being thereto licenſed by the maſter, wardens, and aſſiſtants of the *Trinity Houſe*, as well between their voyages as at other times, may freely exerciſe and row in wherries up and down the *Thames*, to apply and follow the carrying of the queen's people to and fro as other watermen uſe to do. And ſuch ſea-faring men ſhall not thereby be drawn under any other government than under the ſaid maſter, wardens, and aſſiſtants, as they were before. *ſ.* 4.

By 1 *Jac.* 1. *c.* 16. No waterman that ſhall row upon the *Thames*, and carry paſſengers or goods in any wherries, tilt-boats, or barges (other than weſtern barges, mill-boats, and other veſſels, ordinarily ſerving for other uſes than the carrying of paſſengers), ſhall take any ſervant or apprentice to ſerve him upon the river, unleſs the waterman ſhall have been an apprentice to a waterman five years; and no waterman upon the *Thames* ſhall take any perſon to ſerve him upon the river as his apprentice, unleſs the apprentice be bound to ſerve upon the river for ſeven years at leaſt; upon pain of 10 *l.* the one half whereof ſhall be to the king, and the other half unto any perſon that will ſue for the ſame in any of the courts of record. *ſ.* 1.

This act ſhall not extend to the ſon of any waterman that ſhall be brought up in rowing, or accuſtomed to row. *ſ.* 2.

The eight rulers of the company of watermen, twice every year, *viz.* upon the firſt of *September* and the firſt

of *March*, ſhall read and publiſh in the hall where they meet, all the orders made by the rulers, upon pain of 6*l.* 13*s.* 4*d.* the one half to the king, and the other half unto any perſon that will ſue for the ſame in any of the king's courts of record. *ſ.* 3.

By 11 & 12 *Will.* 3. *c.* 21. Every perſon being a lighterman or owner of any lighter, or keeping any lighter or other large craft, or working in the ſame, between *Graveſend* and *Windſor*, ſhall be of the ſame company with the wherrymen and watermen; and the ſaid wherrymen, watermen, and lightermen, are hereby made one ſociety and company. *ſ.* 1.

Every perſon who ſhall keep or work, or ſhall be employed in navigating any lighter or other great craft on the *Thames* (*Trinity* men, fiſhermen, ballaſt men, weſtern barges and mill-boats, chalk hoys, faggot and wood lighters, and other craft carrying the ſame, excepted) ſhall be regiſtered in books to be kept by the company of watermen and lightermen, and ſhall be liable to their orders for the government of the company. *ſ.* 2.

There ſhall be yearly choſen by the court of lord mayor and aldermen of *London*, eight of the beſt ſort of watermen, and three out of twelve perſons to be yearly nominated by the lightermen, of the beſt ſort of lightermen, being houſeholders, having two lighters or flat boats upon the river; which elections ſhall be at the firſt court of aldermen, after the 1ſt of *June*; and the eleven perſons ſo elected ſhall be called *The overſeers and rulers of all the wherrymen, watermen, and lightermen, that ſhall uſe any rowing upon the river of* Thames, *betwixt* Graveſend *and* Windſor; which rulers ſhall keep good orders amongſt the watermen and lightermen; and the rulers are authoriſed to call before them, at the hall of the company in *London*, every perſon which ſhall keep or uſe in rowing or navigating any lighter or other great craft (except as before excepted) betwixt *Graveſend* and *Windſor*, and ſhall regiſter the names of them for lightermen to row on the river, and take ſuch order therein as ſhall ſeem meet for the common benefit of his majeſty's ſubjects. *ſ.* 3.

The ſaid rulers and aſſiſtants ſhall on the firſt court day after the 1ſt of *June* yearly, appoint the watermen of the principal towns, ſtairs, and places of plying; and ſuch watermen ſhall chuſe one free waterman, being an houſeholder, to be of their aſſiſtants, ſo as they exceed not 60, nor be leſs than 40; and on the 1ſt of *June*, the lightermen which ſhall meet at the hall between eight and twelve in the morning yearly, ſhall chuſe nine lightermen, who, together with the watermen, ſhall be the aſſiſtants of the company, to adviſe and aſſiſt the rulers in the diſcovery and regulation of miſcarriages done on the river, for putting the laws in execution, and preſerving good government amongſt the company. And the rulers and aſſiſtants ſhall yearly on the 1ſt of *July* preſent to the court of lord mayor and aldermen for their approbation, five able watermen, and two able lightermen, to be auditors of the company, who ſhall audit the accounts of the rulers and others; and upon ſtating the accounts, the ſame ſhall be entered in a book, and ſigned by the auditors, or the major part of them, to be ſet in ſome public place of the hall, to be inſpected by any perſon concerned. And if any perſon which ſhall be elected ruler, aſſiſtant, or auditor, do after notice obſtinately refuſe to take upon him the place, or ſhall negligently exerciſe ſuch place, ſuch offender ſhall forfeit 5*l.* And the rulers, auditors, and aſſiſtants, being all duly ſummoned by ſummons in writing left at the place of their abode, ſhall for the better keeping good order amongſt the company, make rules and orders, with reaſonable penalties; which rules, *&c.* ſhall be laid before the court of lord mayor and aldermen, to be altered or approved, and afterwards confirmed or altered by the lord chief juſtice of either bench. *ſ.* 4.

The lord mayor of *London*, and the aldermen, and the juſtices of peace within the ſhires adjoining to the river *Thames*, between *Graveſend* and *Windſor*, ſhall have power, upon complaint made by the rulers, or two of them, to hear and determine by the oath of one witneſs, all offences done by any ſuch perſons contrary to this act, or any rule to be made purſuant to the authority hereby given; and by diſtreſs and ſale of goods, by warrant of the lord mayor and aldermen, or one of the aldermen or juſtices, to cauſe to be levied all penalties touching watermen or lightermen. *ſ.* 5.

All perſons keeping or working any lighter or flat boats uſed for the lading or unlading goods to or from ſhips, who ſhall regiſter the names of themſelves and their ſervants, with their places of abode, on or before the 29th of *September* next, ſhall be deemed lightermen; and it ſhall be lawful for ſuch perſons, and no other (free watermen that ſhall be regiſtered as lightermen hereafter, and ſuch perſons who ſhall have been retained and ſerved apprenticeſhip with a lighterman excepted), to keep and work, or be employed in the working of lighters or other great craft; upon pain that every perſon doing the contrary, ſhall forfeit 5*l.* for every week. *ſ.* 6.

No perſons (except *Trinity* men) ſhall be allowed to work or ply on the river betwixt *Graveſend* and *Windſor*, in any boats or barge ordinarily ſerving for carrying paſſengers for profit, except ſuch as ſhall have ſerved apprenticeſhip to a waterman, or is a ſervant or apprentice to a waterman, and qualified as by former ſtatutes and this act; and all penalties in the ſaid former laws and this act ſhall be paid to the rulers of the watermen, *&c.* for the uſe of the poor, aged, decayed, and maimed, perſons of the company. *ſ.* 7.

It ſhall be lawful for the owners or occupiers of any keys betwixt *Hermitage-bridge* and *London-bridge*, to uſe their lighters or large crafts as heretofore, for carrying goods to and from their wharfs, and to and from ſhips, and to employ any watermen or lightermen duly qualified to work their craft; and it ſhall be lawful for any perſons who ſhall be woodmongers, and keep wharfs for retailing of fuel, to keep and row by themſelves or ſervants, any lighters, or other large craft, for carrying of their own goods, and none others; provided ſuch ſervants be watermen or lightermen. *ſ.* 8.

This act ſhall not prohibit any proprietors of layſtals to carry off the ſoil from the layſtals in ſuch lighters or veſſels, and by ſuch perſons, as have been accuſtomed, nor to prohibit any gardener from bringing to the markets of *London* and *Weſtminſter*, and the places adjacent, their own fruit and other products of their gardens, or ſoil and dung in their boats, and by their own ſervants as formerly. *ſ.* 9.

No perſon ſhall be puniſhed for any offence againſt this act, unleſs ſuch offender be proſecuted within 30 days after the offence. *ſ.* 10.

If any action be brought againſt any perſon for any thing he ſhall do by colour of this act, it ſhall be lawful for the perſon ſued to plead the general iſſue; or that what was done by him was done by virtue of this act, without ſaying more, and give this act in evidence; which act is declared to be a public act; and if the verdict ſhall paſs for the defendant, *&c.* he ſhall have double coſts. *ſ.* 11.

Where any offender ſhall be puniſhed by force of this act, he ſhall not incur the penalty of any other law. *ſ.* 12.

It ſhall be lawful for the rulers, auditors, and aſſiſtants,

on their court days, to appoint any number of watermen, not exceeding 40, to work on every Lord's day, between *Vauxhall* above *London-bridge*, and *Lime-houſe* below bridge, at places convenient, for the carrying paſſengers croſs the river at 1*d.* each; and the watermen appointed ſhall on *Monday* morning pay unto the order of the rulers, auditors, and aſſiſtants, all ſuch money as by them ſhall be received on the Lord's day as aforeſaid; and the rulers, *&c.* ſhall pay to each waterman for his day's labour ſo much as they ſhall agree for; and the overplus ſhall be applied to the uſe of the poor, aged, decayed, and maimed, watermen and lightermen of the company and their widows; and if any perſon appointed to work ſhall neglect to pay on *Monday* to the order aforeſaid the money that he ſhall have earned on the day before, he ſhall forfeit to the order of the rulers, *&c.* 40*s.* *ſ.* 13.

This act ſhall not abridge any right claimed by the late duke of *Richmond* and *Lenox*, lord of the manor of *Graveſend*, for the holding the court of the water courſe for the better government of barges, boats, and veſſels, uſing the ferry or paſſage from *Graveſend* to *London*. *ſ.* 14.

This act ſhall not abridge any liberties or cuſtoms enjoyed by the mayor, jurats, and capital inhabitants of *Graveſend* and *Milton*, touching the paſſage and ferry upon the *Thames* from the ſaid villages to *London*. *ſ.* 15.

This act ſhall not hinder the watermen of the pariſh of *St. Margaret*, *Weſtminſter*, from working croſs the river from *Weſtminſter-bridge* [*ſtairs*] to *Stangate*, and from the *Horſe-ferry* to *Lambeth-bridge*, every Lord's day in their turns, as they have lately uſed to do; and the monies earned by them on that day are to be employed for the uſe of the poor, aged, decayed, and maimed, watermen and their widows of the pariſh of *St. Margaret*, *Weſtminſter*; and any two juſtices of peace of the pariſh are authoriſed to call the watermen ſo working to account for the monies earned, and to cauſe the ſame to be applied as aforeſaid; and the watermen of the ſaid pariſh ſhall chooſe two ſtewards and a clerk on the 23d *April* yearly, and ſuch watermen of the ſaid pariſh, which ſhall be preſent at a meeting of their ſociety, ſhall have power to appoint ſuch watermen of the pariſh as ſhall in their turns work on the Lord's day as aforeſaid. *ſ.* 16. Qu. *If now in force?*

By 4 *&* 5 *Ann. c.* 13. The clauſes in 1 *Jac* 1. *c.* 16. that reſtrain the taking of apprentices till they ſhall arrive to the ſeveral ages of eighteen and ſixteen years, and every rule made for reſtraining of any waterman or lighterman from taking of apprentices, ſhall be repealed. *ſ.* 1.

It ſhall be lawful for the court of lord mayor and aldermen to review, alter or amend, all bye-laws which relate to apprentices of watermen and lightermen, and all other orders made for the government of the company; which alterations and amendments ſhall be ſubject to the approbation of the chief juſtice of the queen's bench. *ſ.* 2.

The two next are to the ſame effect, as ſ. 14. *&* 15. *of* 11 *&* 12 Will. 3. c. 21. ante.

By 4 *&* 5 *Ann. c.* 19. Whereas in this time of war divers watermen, bargemen, lightermen, and wherrymen, belonging to the river, do abſcond and not enter themſelves into her majeſty's ſervice; and it being neceſſary that a convenient number of ſuch watermen, *&c.* ſhould be obliged to ſerve on board her majeſty's fleet; it is enacted, that in caſe ſuch a number of them as three commiſſioners for executing the office of lord high admiral ſhall give notice to the company of watermen there ſhall be occaſion for to ſerve her majeſty (being ſummoned by leaving notice in writing at the place of their uſual abode by the company), within ten days after ſuch ſummons ſhall not appear before the rulers to be ſent on board her majeſty's fleet, ſuch perſons, being convicted before the lord mayor and court of aldermen, or two juſtices of peace of the city and two of the rulers, ſhall ſuffer impriſonment one month, and be diſabled from rowing upon the *Thames*, and of enjoying any privileges of the company for two years. *ſ.* 18.

By 2 *Geo.* 2. *c.* 26. It ſhall not be lawful for any perſon who ſhall keep or work any wherry-boat, tilt-boat, barge or other veſſel, for carrying paſſengers or goods for hire upon the *Thames* between *Graveſend* and *Windſor*, to take or employ any apprentice or ſervant, unleſs he be a houſe-keeper, or have ſome known place of abode where he may entertain ſuch apprentice, *&c.* and ſhall regiſter with the clerk of the watermen's company the habitation, *&c.* where he ſhall reſide, upon pain that every perſon receiving any apprentice, *&c.* contrary to this act, and being convicted before the lord mayor, or any one juſtice of peace for the city, or for the county or place where the offenders ſhall be found, by the oath of two witneſſes, ſhall forfeit 10 *l.* to be levied by diſtreſs and ſale of goods by warrant of ſuch lord mayor, *&c.* and for want of diſtreſs, he ſhall by like warrant be committed to the workhouſe or houſe of correction, to be kept to hard labour not exceeding one month, nor leſs than fourteen days; and the clerk of the company ſhall regiſter the habitation, *&c.* of every ſuch waterman, *&c.* without fee; and in caſe of neglect, ſuch clerk ſhall forfeit 10 *l.* to be levied as any other penalty by this act. And if any waterman, *&c.* ſhall not regiſter his habitation, *&c.* and every removal thereof, ſuch apprentice bound to ſuch waterman, *&c.* ſhall, on application to the rulers at any of their public courts, be turned over to any other maſter or miſtreſs. *ſ.* 1.

It ſhall not be lawful for any apprentice to have the ſole care of any boat within the liberties aforeſaid, till ſuch apprentice ſhall have attained the age of ſixteen years, if he be the ſon of a waterman, and ſeventeen years, being the ſon of a landman; and unleſs he ſhall have worked on the river for two years at leaſt before his attaining of the ſaid ages; and if any apprentice under the ſaid years ſhall offend contrary to this act, and be convicted in manner aforeſaid, the maſter of ſuch apprentice ſhall forfeit 10*s.* to be levied, *&c.* as any other penalty in this act. *ſ.* 2.

In all caſes where diſtreſs cannot be found to ſatisfy the penalties inflicted by any rules, *&c.* of the company, oath being made of ſuch want of diſtreſs before the lord mayor, or any juſtice of peace for the place where the offender ſhall be found, it ſhall be lawful for ſuch lord mayor, *&c.* to commit ſuch offender to the workhouſe or houſe of correction, to be kept at hard labour not exceeding one month, nor leſs than fourteen days, ſuch offender being convicted according to this act, or the act 11 *&* 12 *Will.* 3. *c.* 21. *ſ.* 3.

If any perſon, not having ſerved ſeven years to any waterman, *&c.* (except *Trinity* men, fiſhermen, ballaſtmen, and perſons employed in navigating weſtern barges, mill-boats, chalk-hoys, faggot and wood-lighters, dung-boats, and gardeners boats, in ſuch manner as hath been accuſtomed, and is allowed by 11 *&* 12 *Will.* 3. *c.* 21.) ſhall row any boat or veſſel upon the river for hire between the limits aforeſaid, every ſuch offender being convicted in manner aforeſaid ſhall forfeit 10 *l.* to be levied as aforeſaid; and for want of diſtreſs, the lord mayor, or any juſtice of peace for the place where the offence ſhall be committed, is required by warrant to commit ſuch offender to the next

public

public workhouſe or houſe of correction not exceeding one month, nor leſs than fourteen days. *ſ.* 4.

The number of aſſiſtants of the company ſhall be reduced to thirty. *ſ.* 5.

The two following clauſes are to the ſame effect as ſ. 14 & 15. *in* 11 & 12 Will. 3. c. 21. ante.

It ſhall be lawful for the owners of any key between the *Hermitage-bridge* and *London-bridge* to uſe their crafts for the carrying of goods to and from ſhips, and to employ any watermen or lightermen duly qualified, as by 11 & 12 *Will.* 3. *c.* 21. *ſ.* 8.

All the penalties incurred by virtue of this act ſhall be ſued for by the rulers of the company, or any two of them, in the manner directed by 11 & 12 *Will.* 3. *c.* 21. and ſhall be paid to the rulers, and diſtributed for the uſe of the poor of the company, as the rulers ſhall think fit; and all proſecutions for the ſaid penalties ſhall be commenced within one month after the offence. *ſ.* 9.

All conſtables and headboroughs ſhall be aſſiſting in the execution of this act; and in caſe any ſuit be commenced for any thing done in purſuance of this act, or any former act relating to the water ſervice on the river, the action ſhall be commenced within thirty days after the fact; and the perſons ſued may plead the general iſſue, and on verdict, &c. ſhall recover treble coſts. *ſ.* 10.

By 4 *Geo.* 2. *c.* 24. Ferry-boats ſhall not be deemed large craft; and flat-bottomed boats and barges, navigated from *Kingſton* or *Windſor*, or places between the ſaid towns, to other places on the river, ſhall be deemed weſtern barges, and may navigate upon the river as far as *London-bridge*; and no perſons working ſuch ferry-boats between the ſaid towns, nor perſons navigating ſuch flat-bottomed boats or barges, ſhall be ſubject to any penalties impoſed by 2 *Geo.* 2. *c.* 26.

By 10 *Geo.* 2. *c.* 31. It ſhall not be lawful for any perſon (although free of the company) that ſhall keep or work any wherry, tilt-boat, barge, or other veſſel, for carrying paſſengers or goods for hire upon the *Thames* between *Graveſend* and *Windſor*, to take any perſon apprentice, until ſuch perſon arrive to the age of fourteen years, and not to exceed twenty years, which ſhall be made appear by certificate ſigned by the miniſter or church-wardens of the pariſh where ſuch perſon was born, or by the oath of two witneſſes, or their affirmation in caſe of quakers. *ſ.* 1.

Such apprentice ſhall be bound by indentures as uſual, and inrolled in the book of the company, to ſerve his maſter or miſtreſs upon the river for ſeven years at leaſt; upon pain that every perſon acting contrary ſhall upon conviction before the lord mayor, or any one juſtice of peace for the city, or for the place where the offender ſhall be found, or the offence committed, by the oath of one witneſs, forfeit 10 *l.* *ſ.* 2.

Apprentices bound contrary to this act ſhall not thereby obtain any freedom, but ſhall be liable to pay for every time they ſhall work any boat or other veſſel, being convicted in manner aforeſaid, 10 *l.* *ſ.* 3.

No freeman of the company, nor his widow, ſhall at one time take more apprentices than two, nor ſhall take the ſecond apprentice till the firſt hath ſerved four years, under the penalty of 10 *l.* *ſ.* 4.

It ſhall not be lawful for any waterman or lighterman, or his widow, to keep any apprentice, unleſs ſuch waterman, &c. be the occupier of ſome tenement wherein to lodge himſelf and his apprentices; and ſuch waterman, &c. ſhall keep ſuch apprentices to lodge in the ſame houſe wherein he doth lodge, upon pain of 10 *l.* *ſ.* 5.

If any perſon ſhall knowingly and wilfully produce any forged or falſe certificate, and ſhall be thereof convicted before the lord mayor, or any juſtice of peace for the city, by the oath of one witneſs, he ſhall forfeit 10 *l.* *ſ.* 6.

Any watermen or lighterman being owner of twelve lighters, barges, or flat-bottomed boats, in his own right, may take two apprentices; and the owner of twenty lighters, &c. may take four apprentices; provided ſuch owner firſt take an oath before the lord mayor, or one juſtice of peace for *London*, *Weſtminſter*, *Middleſex*, *Eſſex*, *Surrey*, *Kent*, *Bucks*, or *Berks*, that he is *bona fide* the real owner of the numbers of lighters, &c. aforeſaid, and produce ſuch oath in writing under the hand and ſeal of the lord mayor, &c. to the rulers of the company at any of their public courts. *ſ.* 7.

It ſhall not be lawful for any perſon who ſhall work any tilt-boat, row-barge, or other boat, for gain, to carry in any ſuch boat more than thirty-ſeven paſſengers, and three more paſſengers only, if brought on board by the way; nor to carry in any other boat or wherry more than eight paſſengers, and two more only if called in by the way; nor to carry in any ferry-boat or wherry allowed to work on *Sundays*, more than eight paſſengers; and if any perſon ſhall carry in any ſuch tilt-boats, &c. a greater number, every perſon ſo offending, and being convicted by the oath of one witneſs, or by confeſſion, before the lord mayor of *London*, or one juſtice of peace for the place where the offence ſhall be committed, or the offender found, or on view of any ſuch juſtice, ſhall, for the firſt offence, forfeit 5 *l.* and for the ſecond offence, 10 *l.* one moiety to the informer, and the other moiety to ſuch uſes as the other penalties impoſed by this act; and every perſon who ſhall offend in the premiſes a third time, ſhall be diſfranchiſed for twelve months, from working any boat, &c.; and in caſe any greater number of perſons ſhall be carried in tilt-boats, &c. and any paſſenger ſhall be drowned, every perſon who ſhall work ſuch boats offending therein, and being convicted, ſhall be guilty of felony, and tranſported as felons. *ſ.* 8.

No perſon ſhall work any tilt-boat which ſhall not be of the burden of fifteen tons, nor any boats which ſhall not be of the burden of three tons, in the long ferry between *London-bridge* and *Graveſend*, except ſuch boat as ſhall be hired by any perſon for his own uſe, upon pain of 10 *l.* one moiety to the informer, and the other moiety to ſuch uſe as the other penalties. *ſ.* 9.

It ſhall not be lawful for any perſon to work any boat with a cloſe deck called *Graveſend wherries*, or with bails nailed to the boats, and which are not moveable, for the carrying of paſſengers for hire between *London-bridge* and *Graveſend* (tilt-boats only excepted), upon pain that every perſon offending, and convicted in manner aforeſaid, ſhall forfeit 10 *l.* one moiety to the informer, and the other moiety to ſuch uſes as the other penalties. *ſ.* 10.

As often as any watermen rowing in ſuch boats ſhall wilfully or negligently loſe their tide from *Billingſgate* to *Graveſend*, or from *Graveſend* to *Billingſgate*, by putting on ſhore for paſſengers (except as herein is directed), or by waiting by the way, by means whereof the paſſengers ſhall be landed ſhort by two miles; ſuch paſſengers ſhall be diſcharged from paying for their paſſages. *ſ.* 11.

The rulers of the company of watermen ſhall appoint officers, who ſhall give attendance every high water at *London-bridge* at *Billingſgate*, and the firſt of flood at *Graveſend*, who at high water, and the firſt of flood, ſhall ring a bell by the ſpace of fifteen minutes; and if after ſuch bell any boat plying for paſſengers, or having

paſſengers on board, ſhall not immediately depart and proceed without lying by or putting on ſhore within two miles of *Billingſgate* or *Graveſend* for the taking in of goods or paſſengers; or if any ſuch boat ſhall not during the whole ferry be navigated by two able men, the younger thereof to be of the age of 18 years at leaſt; the owner of ſuch boat ſhall forfeit 5 *l.* being convicted on the oath of one witneſs before one of his majeſty's juſtices of peace of the place where the offence ſhall be committed, or the offender found, to be levied upon the boat and on the goods of the owners; one moiety to the rulers of the company, and the other moiety to the informer. *ſ.* 12.

In caſe the rulers of the company neglect to ſet up ſuch bells, and to appoint officers to ring the ſame, they ſhall forfeit 50 *l.* one moiety to the poor of the pariſh where ſuch offence ſhall be committed, and the other moiety to ſuch perſon who ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*. *ſ.* 13.

In caſe any ſuch officer ſhall neglect to ring, he ſhall forfeit 40 *s.* *ſ.* 14.

All the penalties by this act, except ſuch as are otherwiſe directed, ſhall be levied by diſtreſs and ſale of goods by warrant of the lord mayor of *London*, or one juſtice of peace for the city, or for any place where the offence ſhall be committed, or the offender found; and for want of diſtreſs, it ſhall be lawful for the lord mayor, or any juſtice, *&c.* by warrant to commit ſuch offender to the next workhouſe or houſe of correction, to be kept to hard labour not exceeding one month, nor leſs than fourteen days; and the penalties (except ſuch as are otherwiſe directed) ſhall be paid to the rulers of the company, and by them diſtributed to the poor aged and decayed freemen, and their widows; and all proſecutions for the ſaid penalties ſhall be commenced within one month after the offence. *ſ.* 15.

The penalties may be ſued for by the rulers of the company, or any two of them. *ſ.* 16.

Nothing herein ſhall hinder any perſons working any flat-bottomed boats or barges, entitled to work the ſame by 4 *Geo.* 2. *c.* 24. *ſ.* 17.

If any ſuit be proſecuted for any thing done in purſuance of this act, ſuch ſuit ſhall be commenced within ſix months after the fact, and ſhall be brought in *London*, *Middleſex*, *Surrey* *Eſſex*, *Kent*, *Bucks*, or *Berks*; and the defendant may plead the general iſſue; and the defendant ſhall recover treble coſts. *ſ.* 18.

By 2 *Geo.* 3. *c.* 28. If any perſon ſhall uſe, let out to hire, lend, or navigate, or ſhall be aiding in uſing upon the river *Thames* any bum-boat, or other boat, for the purpoſe of ſelling, bartering, exchanging, or expoſing to ſale, amongſt the ſeamen and labourers in veſſels, any liquors, ſlops, tobacco, brooms, or any fruit, greens, gingerbread, or other ſuch like ware; or ſhall ſell, barter, exchange, or expoſe to ſale as aforeſaid, any ſort of liquor, or any ſlops, tobacco, brooms, or any fruit, greens, gingerbread, or other ſuch like ware or things, in any bum-boat or other boat (except ſuch as ſhall be entered in the office of the maſter, wardens, and aſſiſtants of the guild of the *Trinity*, in manner after mentioned, and ſhall be uſed for the purpoſes aforeſaid, in the day-time, between ſun-riſing and ſun-ſetting only); or if any perſon ſhall take in exchange, or ſhall unlawfully receive, or procure to be delivered to them, any ropes, cordage, tackle, apparel, furniture, ſtores, materials, or any part of any cargo or loading of any veſſels in the ſaid river; every ſuch perſon ſhall, upon conviction before any juſtice, upon the oath of one or more credible perſons, be deemed guilty of a miſdemeanor; and it ſhall be lawful for any perſon to apprehend and detain all perſons then on board ſuch boat, and alſo to ſeize, ſearch, and detain ſuch boat, and the tackle and loading; and the perſon ſo apprehended ſhall be (as ſoon as convenient) conveyed before ſuch juſtice; and ſuch boat, with the ſaid tackle and loading, ſhall, upon ſuch conviction, be forfeited. *ſ.* 1.

Every bum or other boat whatſoever, uſed for the purpoſes aforeſaid, upon the ſaid river, between *London-bridge* and the *Lower Hope Point*, ſhall be entered by the owner at the *Trinity Houſe* in *Water-Lane*, *London*, ſpecifying the name and abode of ſuch owner; to the intent that the maſter, wardens, and aſſiſtants, may regiſter ſuch entry, and deliver in writing to ſuch owner a number to be marked on every ſuch bum or other boat; and every ſuch owner ſhall cauſe the number delivered to be marked, together with his chriſtian and ſurname, and place of abode, upon ſuch part of the ſaid boat, in ſuch manner as the ſaid maſter, wardens, and aſſiſtants, ſhall direct. *ſ.* 2.

Every time the property of ſuch bum or other boat ſhall be altered, the new owner ſhall make a freſh entry, and cauſe the number delivered to be marked on the boat, with his chriſtian and ſurname, and place of abode, as before directed the firſt entering. *ſ.* 3.

The ſaid maſter, wardens, and aſſiſtants, ſhall receive and regiſter every ſuch entry in a book to be kept for that purpoſe, and deliver out a number in writing to ſuch owner to be marked on ſuch boat, in ſuch manner as ſhall be directed; for the regiſtering which entry, and delivering out ſuch number, the ſum of five ſhillings ſhall be paid, and no more; and the ſaid maſter, wardens, and aſſiſtants, are to make ſuch orders, rules and regulations as they think proper, for aſcertaining the part of ſuch boat, on which the number, and the names and abode of the owners, ſhall be marked, and in what manner, and of what dimenſions, the figures and letters ſhall be made, and how the ſame ſhall be renewed and kept legible; and all ſuch orders, after one publication thereof in the *London Gazette*, and printed copies of the ſame being affixed at *Iron Gate*, the *Hermitage*, *Execution Dock*, *Shadwell Dock*, *Rotherhithe Old Stairs*, *Deptford*, *Ratcliffe Croſs*, and *Blackwall*, ſhall be obſerved by every owner of ſuch boats entered. *ſ.* 4.

It ſhall be lawful for the ſaid maſter, wardens, and aſſiſtants, or ſuch perſon as they ſhall appoint, and for all owners or maſters of veſſels in the ſaid river, or for ſuch perſons as the ſaid owners and maſters, or any ſeven or more of them, by writing under their hands and ſeals, ſhall for that purpoſe nominate (and which it ſhall be lawful for them to do), to ſtop, ſearch and detain any boat, which there ſhall be reaſon to ſuſpect has any ropes, cordage, tackle, apparel, furniture, ſtores, materials, or any part of any cargo or lading, ſtolen or procured out of any veſſel in the river; and alſo to apprehend any perſon who may be reaſonably ſuſpected of having or conveying any ſuch goods, ſtores, or things, in ſuch boat; and ſuch perſon ſo apprehended ſhall be (as ſoon as may be) conveyed before one or more juſtices; and if ſuch perſon ſhall not produce the party from whom he bought or received ſuch things aforeſaid, or ſome credible perſon to depoſe, upon oath, the ſale or delivery thereof, or ſhall not give an account, to the ſatisfaction of ſuch juſtice, how he came by the ſame; then the ſaid perſon ſo apprehended, ſhall be deemed guilty of a miſdemeanor; and ſuch boat, with her tackle and loading, ſhall, upon ſuch conviction, be forfeited. *ſ.* 5.

Every conſtable, headborough, and beadle, and every watchman (during duty), ſhall and may apprehend and detain

detain all perſons who may be ſuſpected of having or carrying any ropes, cordage, tackle, apparel, furniture, ſtores, materials, or any part of any cargo or lading, ſtolen or unlawfully procured out of any veſſel in the ſaid river *Thames*, and alſo ſhall and may ſeize and detain ſuch things aforeſaid, and ſhall, as ſoon as may be, convey the perſon before one or more juſtices; and if ſuch perſon ſhall not produce the party from whom he bought or received the ſame, or ſome credible perſon to depoſe upon oath the ſale or delivery thereof, or ſhall not give an account, to the ſatisfaction of ſuch juſtice, how he came by the ſame, then the ſaid perſon ſhall be deemed guilty of a miſdemeanor. *ſ.* 6.

It ſhall be lawful for any juſtice, upon information on oath, by any credible perſon, that there is cauſe to ſuſpect that any merchandiſes (ſuſpected to have been ſtolen) are concealed in any place, by warrant to cauſe every ſuch place to be ſearched in the day-time; and if any ſuch merchandiſes or things ſhall be found therein, to cauſe the ſame to be depoſited in ſome place of ſafety; and alſo to cauſe the perſon in whoſe houſe, or other place, the ſame ſhall be found, to be brought before him, or any other juſtice; and if ſuch perſon ſhall not give an account to the ſatisfaction of ſuch juſtice, how he came by the ſame, or ſhall not within ſome reaſonable time, to be ſet by ſuch juſtice, produce the party from whom he bought or received the ſame, then the perſon in whoſe houſe, or other place, the ſame ſhall be found, ſhall be deemed guilty of a miſdemeanor. *ſ.* 7.

Upon any perſon being convicted of either of the laſt miſdemeanors, it ſhall be lawful for ſuch juſtice, before whom ſuch perſon was convicted, to cauſe ſuch merchandiſes or things to be depoſited in the cuſtody of the churchwardens, or overſeers of the poor (who are to receive the ſame), or in any other convenient place, for not exceeding thirty days; and to order ſuch churchwardens or overſeers, if within the bills of mortality, to inſert immediately an advertiſement in ſome public newſpaper; and if in any other pariſh, to cauſe notice to be immediately given by ſome public cryer, and by affixing on the church or chapel door a notice in writing, deſcribing ſuch merchandiſes or things, and where depoſited, to the end that perſons having loſt any ſuch, or any reputable perſon on their behalf, may claim the ſame, within thirty days from ſuch notice; and in caſe any perſon ſhall, within the thirty days, prove his property in the ſaid things, upon oath to the ſatisfaction of one or more juſtices, then ſuch juſtice ſhall order reſtitution to be made to the owner, after paying the charges of ſeizing, removing, depoſiting, and giving public notice, and alſo reaſonable compenſation to the perſon giving information; ſuch charges and compenſation to be ſettled by ſuch juſtice: but if at the end of the thirty days (notice having been given) no proof ſhall be made, the ſaid things ſhall be ſold by the churchwardens or overſeers; and after deducting the charges ſettled as aforeſaid, the remainder of the money ariſing from ſuch ſale ſhall be given, one moiety to the perſon apprehending or giving information as aforeſaid, and the other moiety to the poor of the pariſh. *ſ.* 8.

Every perſon to whom any goods, ſtores or things belonging to ſhips or veſſels ſhall be brought and offered to be ſold, pawned or delivered, ſhall (there being cauſe to ſuſpect that ſuch things were ſtolen, or unlawfully come by) apprehend, ſecure and carry before a juſtice the perſon ſo bringing or offering the ſame, and in the mean time ſecure ſuch things, and ſuch perſon ſo apprehended ſhall be dealt with, and ſuch things ſhall be depoſited and diſpoſed of, in the ſame manner as if he had been apprehended by the conſtable, headborough, beadle, or watchman, as aforeſaid. *ſ.* 9.

Every perſon deemed guilty of the miſdemeanors aforeſaid, ſhall, for every ſuch miſdemeanor, forfeit, for the firſt offence, forty ſhillings; for the ſecond, four pounds; and for every ſubſequent offence four pounds; all which forfeitures ſhall be levied by diſtreſs and ſale of the goods of the offender, by warrant of any one or more juſtices before whom ſuch offender was convicted; which forfeiture ſhall be paid, one moiety to the perſon apprehending, or giving information, and the other to the ſaid maſter, wardens, and aſſiſtants, of the ſaid corporation, to be diſtributed among the poor decayed ſeamen and their widows, under the care of the ſaid corporation; and if the ſaid forfeitures ſhall not be paid, nor ſufficient diſtreſs be found to levy, then the ſaid juſtice ſhall commit ſuch offender to the common gaol, or other priſon or houſe of correction, without bail or mainprize, for one month for the firſt offence, for the ſecond two months, and for every ſubſequent offence, until ſuch offender ſhall be diſcharged by the general or quarter ſeſſions. *ſ.* 10.

Every conviction ſhall be certified by the juſtice to the next general or quarter ſeſſions, to be filed among the records of the ſeſſion; and ſuch conviction may be drawn up on parchment, and certified as follows: (that is to ſay),

Middleſex, *to wit, be it remembered, That on the ——— day of ——— in the year ———* A. B. *was convicted before ——— of the juſtices of the peace for the county, city, diviſion, liberty, or place aforeſaid (as the caſe ſhall be), of a miſdemeanor in one or more of the inſtances before mentioned, ſpecifying the ſame, particularly in the words by which the ſame is or are deſcribed in and by this act, or in any other form of words to the like effect.*

Given under ——— hand and ſeal the day and year aforeſaid.

Which ſaid conviction, in the ſame or like words, ſhall be good, and ſhall not be quaſhed, for want of any other form or words, nor be liable to be removed by *certiorari*, but ſhall be deemed final. *ſ.* 11.

Every perſon who ſhall buy or receive any part of the cargo or loading of, or any goods, ſtores, or things, of or belonging to any ſhip or veſſel in the ſaid river, knowing the ſame to be ſtolen or unlawfully come by; or ſhall privately buy or receive any ſuch goods, ſtores, or things, or any part of ſuch cargo or loading, by ſuffering any door, window, or ſhutter, to be left open or unfaſtened between ſun-ſetting and ſun-riſing for that purpoſe, or ſhall buy or receive the ſame at any time in a clandeſtine manner, from any perſon whomſoever, ſhall, being thereof convicted (although the principal felon or offender have not been convicted), be tranſported for fourteen years to any of his majeſty's plantations in *America*. *ſ.* 12.

If any perſon ſhall cut, damage, or ſpoil, any cordage, cable, buoys, buoy rope, headfaſt, or other faſt, fixed to any anchor or moorings belonging to any veſſel at anchor or mooring in the river *Thames*, or any rope uſed for mooring or raſting maſts or timber, or ſhall be aiding therein, with an intent to ſteal; ſuch perſon ſhall, being convicted thereof on the oath of two or more credible witneſſes, be tranſported to ſome of his majeſty's plantations in *America*. *ſ.* 13.

If any perſon out of priſon ſhall afterwards diſcover two or more perſons who ſhall have bought or received any ſtolen or unlawfully procured goods, ſtores, or things, or any part of any cargo or lading of any ſhip or veſſel in the

the ſaid river, knowing the ſame to be ſtolen, or unlawfully procured, ſo as two or more of the perſons diſcovered ſhall be convicted; every perſon ſo diſcovering ſhall have the pardon of his majeſty, for all felonies by him committed before ſuch diſcovery made; which pardon ſhall be likewiſe a bar to any appeal for ſuch felony. *ſ.* 14.

If after the publication of any orders, rules and regulations by the ſaid maſter, wardens, and aſſiſtants, any perſon ſhall row or navigate, within the limits aforeſaid, any boat herein before directed to be entered, marked and numbered, not being ſo entered, marked and numbered, or having a falſe mark or number, or not having the real name and abode of the owner inſcribed thereon, or not having ſuch names and figures kept fair and legible, in ſuch manner as ſhall have been directed by ſuch orders; in each of the caſes every ſuch perſon, being thereof convicted before one or more juſtices, upon his own confeſſion, or the oath of one or more perſons, ſhall, for every offence, forfeit forty ſhillings; one moiety to be paid to the perſon who ſhall give information of, and proſecute to conviction, and the other moiety to the ſaid maſter, wardens, and aſſiſtants: and it ſhall be lawful for any perſon, upon diſcovery of any ſuch offence, to ſeize and detain ſuch boat, with all her tackle, and ſhall thereupon, within forty-eight hours after ſeizure, give information to any one or more juſtices, who ſhall hear and determine, as ſoon as may be, upon ſuch information; and if ſuch forfeiture ſhall not be paid within twenty-four hours after conviction, then the ſame ſhall be raiſed by ſale of the boat and tackle; and every juſtice is to iſſue his warrant to the conſtable or peace officer, to cauſe ſale to be made thereof, and all her tackle with all ſpeed, for raiſing the money forfeited, and ſelling ſuch boat. *ſ.* 15.

The ſaid maſter, wardens, and aſſiſtants, ſhall, on any complaint made to them by any credible perſons, of any thefts, robberies, frauds, or other illegal practices being carried on, or ſuſpected, in any boat, numbered and marked as aforeſaid, ſummon the owner to appear before them, at the *Trinity Houſe* in *Water Lane*, or other uſual place of meeting; at which time and place the ſaid maſter, wardens, and aſſiſtants, or any five of them, ſhall inquire into the complaint in a ſummary way; and in caſe the complaint ſhall be proved, and they ſhall think fit, they may take away and totally aboliſh the ſaid number given to the ſaid boat, and alſo for the future refuſe to enter any boat of ſuch owner. *ſ.* 16.

Where any perſon ſhall be convicted of any offence, by which is incurred the forfeiture of any boat, with her tackle, and concerning which, after conviction, no proviſion is hereby made, it ſhall be lawful for ſuch juſtice, or any other juſtice, on conviction, and they are required to cauſe ſuch boat, with her tackle, to be totally burnt and deſtroyed, within ſix days next after conviction, by warrant directed to the conſtable or other peace officer; which ſaid officer ſhall thereupon cauſe ſuch boat to be burnt and deſtroyed. *ſ.* 17.

It ſhall be lawful for any perſon by this act, and without any other warrant, to apprehend any offender by this act, and, with all ſpeed, to convey ſuch offender to a conſtable or peace officer, in order to be conveyed before ſome juſtice. *ſ.* 18.

In caſe any perſon acting in the execution of this act ſhall be obſtructed, every perſon, and all ſuch as act in their aſſiſtance, ſhall, being thereof convicted at the general or quarter ſeſſion, upon the oath of two or more perſons, be tranſported to any of his majeſty's plantations in *America* for ſeven years. *ſ.* 19.

In all actions and other proceedings, any member of the ſaid corporation, or any inhabitant of the pariſh, where offence or conviction ſhall be made, ſhall be admitted to give evidence, and be deemed a competent witneſs. *ſ.* 20.

In all caſes where an oath is directed, it ſhall be lawful for any juſtice, and he is required to adminiſter the ſame without fee. *ſ.* 21.

Actions againſt any juſtice, or the ſaid maſter, wardens, and aſſiſtants, or other officer or perſon, for any thing in purſuance of this act, ſhall be laid in *Middleſex* or *London*, and not elſewhere, and ſhall be commenced within ſix months next after cauſe of action accrued; and the defendant may plead the general iſſue; and if a verdict ſhall be given for the defendant, he ſhall recover treble coſts. *ſ.* 22.

Wharfage.

By 22 *Car.* 2. *c.* 11. Such rates ſhall be taken for wharfage and cranage of goods, as by his majeſty with the advice of his privy council ſhall be aſſeſſed, a table of which ſhall be hanged up at every wharf; and if any ſhall demand more, or ſhall refuſe to ſuffer any goods to be landed or ſhipped at any wharf within the ſaid city, at the rates aforeſaid, ſuch offender ſhall forfeit 10 *l.* to the party grieved, to be recovered with coſts in any of his majeſty's courts of record at *Weſtminſter*, or within the city of *London*. *ſ.* 21.

There ſhall be left a track of ground from *London-bridge* to the *Temple*, of the breadth of 40 foot, from the north ſide of the *Thames*, to be converted to a public wharf; and there ſhall be no building (except cranes, ſtairs and docks) within the ſaid 40 foot of ground. *ſ.* 44.

The ſaid track of ground ſhall be open without any diviſion, and the bounds of each proprietor's ground ſhall be diſtinguiſhed only by denter-ſtones in the pavement; and the line of the wharf and the cranes and ſtairs within the ſame ſhall be aſcertained by the direction of the lord mayor and court of aldermen, and ſet out by their ſurveyor, with his majeſty's approbation, on or before the 24th of *June* 1670, and no lighter or other veſſels ſhall lie before the ſaid wharfs on the north ſide of the river, longer than ſhall be neceſſary for the lading or unlading, without the conſent of the wharfingers or proprietors. *ſ.* 45.

Any perſon may lade or unlade goods at the ſaid wharfs for wharfage or cranage, whereof every proprietor may demand ſuch rates as ſhall from time to time be appointed by his majeſty, with the advice of his privy council. *ſ.* 46.

If any action be brought for any thing done by virtue of this act, the defendant may plead the general iſſue (not guilty) and if the plaintiff ſhall be nonſuit, the defendant ſhall recover double coſts. *ſ.* 83.

Weights and Meaſures.

By 10 *Geo.* 3. *c.* 23. The commiſſioners (*of paving*), or ſeven of them, are on 1 *April*, in every year, to make a liſt in writing of a ſufficient number of houſeholders reſiding within the pariſh of *Saint Mary le Bone*, whom they ſhall think qualified, and ſhall direct their clerk to iſſue ſummonſes, requiring ſuch houſeholders to appear before the commiſſioners; and ſuch commiſſioners ſhall appoint ſo many as they think proper, not exceeding the number of conſtables in the ſaid pariſh; and the ſeveral perſons ſo appointed ſhall be

inſpectors

inſpectors of weights, balances, and meaſures, within the ſaid pariſh, and ſhall take an oath,

That they will diligently inſpect the weights, balances, and meaſures, in the ſeveral houſes and ſhops in the pariſh, and will not preſent any perſon or thing through malice, nor leave the ſame unpreſented through favour. ſ. 81.

Any perſon who ſhall neglect or refuſe to appear according to the ſummons, or ſhall refuſe to take upon him the office, ſhall forfeit five pounds; which ſhall be ſet upon him by the commiſſioners. *ſ.* 82.

The inſpectors ſhall, once in every month at the leaſt, in the day, not being leſs than four in number, enter into every ſhop, houſe, or warehouſe, inn, or victualling-houſe, within the pariſh, or into any other houſe belonging to any perſon that deals by weight or meaſure, as well of milk as other meaſures; and if the inſpectors find any weight, balance, or meaſure defective, they are to deſtroy the ſame, and amerce the owner or perſon in whoſe poſſeſſion the ſame ſhall be found, ten ſhillings for the firſt offence, twenty ſhillings for the ſecond, and forty ſhillings for every other offence; and the commiſſioners are within one month after ſuch perſon is convicted of ſuch ſecond and every ſubſequent offence, to cauſe his name, abode, and addition, together with the nature of his offence, to be inſerted in the *Daily Advertiſer*; and the proprietor or printer is to print the ſame within three days after required by the commiſſioners, and he is indemnified for inſerting the ſame. *ſ.* 83.

No perſon ſhall ſerve the office of inſpector again in leſs than ſeven years. *ſ.* 84.

No perſon ſhall be compelled to ſerve who is of the age of ſixty. *ſ.* 85.

There ſhall be kept at the court-houſe in the pariſh a common balance, and common weights and meaſures ſealed, according to the ſtandard of the Exchequer. *ſ.* 86.

The commiſſioners may appoint perſons to attend at the court-houſe to mark weights and meaſures. *ſ.* 87.

Such commiſſioners may remove ſuch perſons, and appoint other perſons in their room. *ſ.* 88.

Such officers ſhall attend at the ſaid court-houſe every *Monday*, or oftner if needful, for the purpoſe *of marking weights and meaſures*; of which attendance they are to cauſe public notice to be given in and affixed upon the door of the pariſh church, four times in the year at leaſt. *ſ.* 89.

Such officers are to ſize and ſeal, and alſo mark or ſtamp, all weights and meaſures brought for that purpoſe, which ſhall be agreeable to the ſtandard; and the ſaid officers ſhall receive the fees following:

For every buſhel, 4 *d.*
Half buſhel, 2 *d.*
Peck, half peck, and quarter peck, 1 *d.*
Sack, 2 *d.*
Ale, beer, and milk meaſure, one farthing.
Hundred weight, 4 *d.*
Half hundred weight, 2 *d.*
Weight from half a hundred to one pound, one halfpenny.
Weight under one pound, one farthing.

And all weights and meaſures which ſhall not, within thirty days from ſuch public notice, be marked or ſtamped, ſhall be deemed unlawful; and the inſpectors, or four of them, are to deſtroy the ſame, and amerce the owner or perſon in whoſe poſſeſſion the ſame ſhall be found, not exceeding forty, nor leſs than five ſhillings. *ſ.* 90.

The officers, after charges attending the marking weights and meaſures deducted, ſhall, within one month next after the expiration of every half year, pay to the treaſurer to the commiſſioners one moiety of the clear money ariſing from marking. *ſ.* 91.

If any inſpector ſhall neglect or refuſe to execute the duty of his office, the commiſſioners are to fine ſuch inſpector forty ſhillings. *ſ.* 92.

Penalties ſhall be recovered by diſtreſs, by warrant under the hand and ſeal of a juſtice for *Middleſex* or *Weſtminſter* (which he is to grant upon the confeſſion of the party, or upon the information of one witneſs upon oath), and the informer is rendered a credible witneſs; and the penalties ſhall be paid to the treaſurer to the commiſſioners, and ſhall be applied to the purpoſes of this act. *ſ.* 124.

The commiſſioners may order their treaſurer to pay part of the penalties to the informer, not exceeding one half. *ſ.* 125.

No plaintiff ſhall recover in any action, or for any irregularity, treſpaſs, or other proceedings, if tender of ſufficient amends ſhall be made before action brought; and in caſe no tender ſhall have been made, the defendant may pay into the court ſuch ſum of money as he ſhall ſee fit.

Perſons aggrieved by any rate, or any other matter done in purſuance of this act, ſhall apply for relief to the commiſſioners, at any meeting to be held within one month next after demand made of ſuch rate, or next after any ſuch matter done; and the commiſſioners are to give relief; and if ſuch perſon ſhall not be ſatisfied with the determination of ſuch commiſſioners, he ſhall be obliged to pay ſuch rate, and to comply with ſuch order of the commiſſioners; and then may appeal to the quarter ſeſſion of the peace for *Middleſex* or *Weſtminſter*, within three months next after ſuch determination; ſuch appellant firſt giving twenty-one days notice, in writing, of his intention to appeal, and of the matter thereof, to the clerk or treaſurer to ſuch commiſſioners, and within two days next after ſuch notice, entering into a recognizance before a juſtice, with two ſureties, conditioned to try ſuch appeal, and to abide the order thereof, and to pay ſuch coſts as ſhall be awarded by the quarter ſeſſions; and the quarter ſeſſions ſhall determine the appeal in a ſummary way, and award coſts, and the determination of ſuch quarter ſeſſions ſhall be final. *ſ.* 128.

No rate, nor any proceeding or any order ſhall be quaſhed for want of form, or be removed by *certiorari*. *ſ.* 130.

No action ſhall be commenced againſt any perſon for any thing done in purſuance of this act, until twenty-one days notice ſhall be thereof given in writing to the clerk or treaſurer to the commiſſioners, or after ſufficient ſatisfaction or tender thereof hath been made to the party aggrieved, or after ſix months next after the fact committed; and all ſuch actions ſhall be laid in *Middleſex* or *Weſtminſter*, and the defendant may plead the general iſſue. *ſ.* 132.

Weſtminſter.

By a private act paſſed in 27 Eliz. *continued indefinitely by* 16 Car. 1. *c.* 4. The city of *Weſtminſter* ſhall continue divided into twelve wards. *ſ.* 2.

The dean of *Weſtminſter*, or the high ſteward, or his deputy, ſhall upon *Thurſday* in *Eaſter* week yearly, nominate twelve ſufficient perſons, being merchants, artificers or perſons uſing any trade of buying or ſelling, within the ſaid

ſaid city, or ſuch other perſons as ſhall be willing, and inhabiting within the city, which ſhall be called burgeſſes; unto the government of which burgeſſes the twelve wards ſhall be appointed; which twelve ſhall continue one year, and from year to year during their lives, if they ſo long inhabit there, except for ſome offence, and for cauſe reaſonable proved, they ſhall be diſplaced by the dean or high ſteward; and if any reſiant ſo nominated ſhall refuſe to accept the ſaid room, he ſhall forfeit ten pounds to the uſe of the poor, to be levied by the bailiff of the liberties of the dean and chapter, by diſtreſs; which twelve burgeſſes ſhall receive the uſual oath of ſupremacy, as alſo a corporal oath, to be miniſtered by the high ſteward or his deputy, in open court, to do and execute all things to them appointed by this act. *ſ.* 3.

The dean, or the high ſteward, or his deputy, with the more part of the burgeſſes, ſhall, within ten days after the election of the burgeſſes, nominate twelve others, *&c.* to be aſſiſtants to the twelve burgeſſes; and they ſhall accept the charge upon payment of five pounds with like oaths, and ſhall be called aſſiſtants to the twelve burgeſſes; and every burgeſs with his aſſiſtant ſhall do in every thing as aldermen's deputies in *London*; and the aſſiſtants ſhall continue in their office for one year, if they ſhall continue their habitation within the city; and if any of the burgeſſes or aſſiſtants ſhall die or be removed, the dean, or the high ſteward, or his deputy, ſhall appoint another. *ſ.* 4.

The dean, or the high ſteward, or his deputy, yearly upon *Thurſday* in *Eaſter* week, ſhall appoint two of the twelve burgeſſes to be chief burgeſſes, to continue for one year; which office they ſhall accept upon pain of ten pounds. *ſ.* 5.

The dean, the high ſteward, or his deputy, as alſo the two chief burgeſſes, the other ten burgeſſes, or any three of them, whereof the dean, high ſteward, or his deputy, or one of the two chief burgeſſes, to be one, ſhall within the ſaid city, hear, examine, determine, and puniſh, according to the laws of this realm, or laudable and lawful cuſtom of the city of *London*, all matters of incontinencies, common ſcolds, and of inmates, and common annoyances; and they ſhall have authority to commit to priſon ſuch as ſhall offend againſt the peace, and thereof ſhall give notice within four-and-twenty hours after to ſome juſtices of peace of *Middleſex*. *ſ.* 6.

All good orders to be made by the dean and high ſteward, with the aſſent of the burgeſſes and aſſiſtants, for the government of the inhabitants, not repugnant to the queen's prerogative, nor the laws of this realm, ſhall ſtand in force. *ſ.* 7.

This act ſhall not be prejudicial to the ſteward, marſhal, or coroner of the queen's houſehold, nor to the juſtices of peace of *Middleſex*, nor to the dean and chapter of *Weſtminſter*, nor to the high ſteward or his deputy, nor to the mayor, ſociety and clerk of the ſtaple, high conſtable, bailiff of the liberty, town clerks, nor to the clerk of the market, nor to any ſearch to be made by any other officer, not being contrary to this act. *ſ.* 8.

If the dean of *Weſtminſter*, and the high ſteward and his deputy, be negligent in chuſing burgeſſes, it ſhall be lawful for two juſtices of peace of *Middleſex*, one of the *quorum*, to chuſe the burgeſſes. *ſ.* 10.

Such burgeſſes ſhall not be compellable to remain in office above one year, and ſuch as ſhall for refuſal pay the ſums aforeſaid, ſhall not be nominated again to any of the ſaid places within five years. *ſ.* 11.

The chancellor or ſteward of the duchy ſhall have like power as the dean of *Weſtminſter* and the high ſteward, for the government of the inhabitants within the liberties of the duchy adjoining to *Weſtminſter*. *ſ.* 12.

This act ſhall not extend to the church or college of *Weſtminſter*, nor to the *Cloſe*; nor give any power to the burgeſſes, to hear, examine, and determine, any thing without the conſent of the dean, or of the high ſteward or his deputy, or in the abſence of the dean, high ſteward, or deputy, then with the preſence and conſent of the town clerk. *ſ.* 13.

The ſearcher of the ſanctuary ſhall have the execution of all proceſs within the ſanctuary. *ſ.* 15.

By 29 *Geo.* 2. *c.* 25. The dean of the collegiate church of *St. Peter Weſtminſter*, or the high ſteward of the city and liberty of *Weſtminſter*, or his deputy (calling to his aſſiſtance the burgeſſes of the ſaid city and liberty of *Weſtminſter*, if the ſaid dean, or high ſteward, or his deputy, think fit), ſhall at a court leet to be holden for the ſaid city and liberty, on *Tueſday* next following the feaſt of *St. Michael the Archangel* in every year, appoint eighty perſons reſiding within the ſaid city and liberty, being artificers, or perſons uſing any trade of buying or ſelling (alehouſe-keepers, victuallers, or perſons retailing ſpirituous liquors, only excepted), to be conſtables for the city and liberty of *Weſtminſter*, being preſented thereto in manner after mentioned. *ſ.* 1.

The conſtables appointed as aforeſaid, ſhall be choſen out of the ſeveral pariſhes in *Weſtminſter* as followeth; *viz.* there ſhall be yearly choſen out of the pariſh of *St. Margaret*, fourteen; out of *St. John the Evangeliſt*, four; out of *St. Martin in the Fields*, fourteen; out of *St. George Hanover Square*, twelve; out of *St. James*, fourteen; out of *St. Anne*, eight; out of *St. Paul Covent Garden*, ſix; out of *St. Clement Danes*, ſix; and out of *St. Mary-le-Strand*, two; and the conſtables ſo appointed ſhall take the uſual oath of office, and do all things appertaining to the office of a conſtable for one year, to commence from their appointment, or until other perſons be appointed in their ſtead; or ſhall find fit perſons to be approved of by the ſaid court leet, to ſerve and take the oath of the office of conſtable as their deputies; ſuch other perſons not being alehouſe-keepers, victuallers, or perſons retailing ſpirituous liquors. *ſ.* 2.

The ſaid dean of *Weſtminſter*, or the ſaid high ſteward or his deputy (calling to his aſſiſtance the burgeſſes of the ſaid city and liberty of *Weſtminſter*, if they think fit), ſhall iſſue out a precept within ſix weeks before the feaſt of *St. Michael* in every year, directed to the high bailiff of *Weſtminſter*, to empannel and return forty houſeholders and traders reſiding within the ſaid ſeveral pariſhes in *Weſtminſter*, in the proportions before mentioned, and to ſummon ſuch perſons to appear at ſuch time and place as in ſuch precept directed: and out of the perſons ſo returned, the ſaid dean, or high ſteward, or his deputy (calling to his aſſiſtance the burgeſſes of the ſaid city and liberty of *Weſtminſter*, if they think fit), ſhall at a court to be held by him for that purpoſe, nominate ſo many as he thinks fit, not exceeding thirty, taking care that one or more be nominated out of each of the ſaid pariſhes; and the perſons ſo nominated ſhall be called *The Leet Jury*, and be ſworn to preſent to the ſaid court fit perſons to be choſen conſtables for the city and liberty of *Weſtminſter* for the year enſuing; *viz.* the ſaid jury ſhall preſent to ſerve as conſtables for the pariſh of *St. Margaret*, twenty-eight; *St. John the Evangeliſt*, eight; *St. Martin in the Fields*, twenty-eight; *St. George Hanover Square*, twenty-four; *St. James*, twenty-eight; *St. Anne*, ſixteen; *St. Paul Covent*

Covent Garden, twelve; *St. Clement Danes*, twelve; and *St. Mary-le-Strand*, four; out of which number ſo preſented, the ſaid court ſhall, at the time and in the manner before directed, appoint eighty to be conſtables: and the perſons ſo nominated to be *The Leet Jury*, ſhall continue in the ſaid office for one year, or till others are appointed and ſworn. *ſ.* 3.

In caſe any perſon ſummoned by the ſaid high bailiff, by any precept as aforeſaid, to take upon him the ſaid office of juryman, neglect to appear, or refuſe to take upon him the ſaid office, being thereunto appointed, or at any time refuſe to appear to preſent proper perſons to be conſtables, being ſummoned for that purpoſe, every ſuch perſon ſhall forfeit 40*s.* to be ſet by way of fine by the ſaid court. *ſ.* 4.

All perſons preſented by the jury as fit perſons for the office of conſtable, ſhall by precepts from the ſaid court be ſummoned by the petty conſtables to whom ſuch precepts ſhall be directed, to appear at the ſaid court leet, to take upon them the ſaid office; and in caſe any perſon ſo ſummoned neglect to appear (proof being made of the ſervice of ſuch ſummons on oath), or refuſe to take upon him the office of conſtable, being thereunto appointed, or to find a fit perſon then to take upon him the ſaid office in his ſtead, every ſuch perſon ſhall forfeit 8*l.* to be ſet by way of fine by the ſaid court. *ſ.* 5.

The ſaid dean, or high ſteward, or his deputy, ſhall adjourn the ſaid court leet from time to time, as he thinks fit. And in caſe any conſtable die, remove out of the pariſh for which he was appointed, or be diſcharged from his office, he ſhall at ſuch adjourned courts ſummon others, being firſt preſented by the jury: which ſaid jury the ſaid dean, or high ſteward, or his deputy, ſhall ſummon for that purpoſe, and appoint one or more of ſuch fit perſons to ſerve as conſtables in the ſtead of ſuch perſons as die, be removed, or diſcharged; and all perſons ſo ſummoned and appointed are to appear and take upon them, or find other fit perſons to take upon them the ſaid office; on pain of the like penalties as are before inflicted upon perſons refuſing to appear, or take upon them the execution of the office of conſtable at the annual leet. *ſ.* 6.

No perſon who hath ſerved, or ſhall ſerve by himſelf or deputy, the office of conſtable, ſhall be preſented again to the ſaid office, or be appointed to ſerve the ſame, in leſs than ſeven years after the end of ſuch former ſervice; and no perſon nominated and ſworn on the leet jury, and who hath ſerved or ſhall ſerve the ſaid office of juryman, ſhall be again appointed to ſerve the ſaid office in leſs than ſeven years after the end of ſuch former ſervice. *ſ.* 7.

The ſaid dean, or high ſteward, or his deputy, ſhall, at the ſaid court leet, to be holden on *Tueſday* next after the feaſt of *St. Michael* yearly, appoint an able perſon, being an artificer, or uſing ſome trade of buying and ſelling, and not being an alehouſe-keeper, victualler, or retailer of ſpirituous liquors, to be high conſtable of the ſaid city and liberty of *Weſtminſter*, being duly ſummoned for that purpoſe; who ſhall take the uſual oath of office, and do all things appertaining to the office of high conſtable for one year, to commence from his appointment, or until another perſon be appointed in his ſtead; and in caſe of the death or removal of ſuch high conſtable, the ſaid dean, or high ſteward, or his deputy, ſhall at ſome adjournment of the ſaid court leet appoint another perſon to ſerve in his room. *ſ.* 8.

No perſon ſhall ſerve the ſaid office of high conſtable for more than three years together; and every perſon ſo ſummoned and appointed is to appear and take upon him

the execution of the ſaid office of high conſtable, on pain of forfeiting 20*l.* to be ſet by way of fine. *ſ.* 9.

The ſaid dean, or high ſteward, or his deputy, the two chief burgeſſes of *Weſtminſter*, and the other burgeſſes, or five of them, whereof the ſaid dean, high ſteward, or his deputy, or one of the ſaid two chief burgeſſes, to be one, ſhall twice in every year iſſue out their precepts under the common ſeal of their court directed to the high bailiff of *Weſtminſter*, to impannel and return eighty ſubſtantial houſholders and traders reſiding within the ſaid ſeveral pariſhes in *Weſtminſter*, in the proportions before mentioned, and to ſummon ſuch perſons to appear before them, at ſuch time and place as in ſuch precepts ſet forth; and out of the perſons ſo returned, the ſaid dean, high ſteward, or his deputy, the ſaid two chief burgeſſes, and the other burgeſſes, or five of them, whereof the ſaid dean, high ſteward, or his deputy, or one of the two chief burgeſſes, to be one, ſhall, at a court to be held for that purpoſe, nominate ſo many as they think proper, not exceeding forty-eight, taking care that one or more be nominated out of each of the ſaid pariſhes; and the ſeveral perſons ſo nominated ſhall be called *The Annoyance Jury*, and ſhall take an oath to the effect following: *ſ.* 10.

I A. B. *do ſwear, that I will diligently inquire and make true preſentment to this court of all ſuch public annoyances, and other offences that ſhall be committed in* Weſtminſter *during the time of my continuance in the office whereunto I am now appointed; and that I will preſent no perſon or thing through hatred or malice, nor leave any unpreſented, through love, favour, or affection.*

So help me God.

In caſe any perſon ſummoned to take upon him the ſaid office of juryman neglect to appear, or refuſe to take upon him the ſaid office, being thereunto appointed, every perſon ſo offending ſhall forfeit 40*s.* to be ſet by the ſaid court by way of fine. *ſ.* 11.

The *Jury of Annoyance* to be appointed as aforeſaid, ſhall ſubdivide themſelves into ſmaller bodies, not being leſs than twelve in each body; and if any perſon abuſe or inſult any of the ſaid *Jury of Annoyance*, when they are in the execution of their office, or any way obſtruct them in executing the ſaid office, it ſhall be lawful for any juſtice of peace for *Weſtminſter*, upon the fact being proved upon the oath of two witneſſes, to fine ſuch perſon ſo offending in not exceeding 40*s.* *ſ.* 12.

Their power of preſenting bad pavements was repealed by 3 Geo. 3. c. 23. ſ. 15.

The ſaid *Annoyance Jury* ſhall at all ſeaſonable times in the day-time enter into any ſhop, houſe, or warehouſe, within the ſaid city and liberty, belonging to any perſons that deal by weight or meaſure; and if the ſaid jury find any weight, balance, or meaſure, to be unlawful or defective, they ſhall deſtroy the ſame, and amerce the perſon ſo offending in ſuch ſum as they think proper, not exceeding 40*s.* for any one offence. *ſ.* 14.

No perſon nominated on the *Annoyance Jury*, and who hath ſerved or ſhall ſerve the ſaid office of juryman, ſhall be again ſummoned to ſerve the ſaid office in leſs than three years after the end of ſuch former ſervice. *ſ.* 15.

In caſe the ſaid high bailiff, or his deputy, or other officer acting under him, or under the order of the ſaid court, aſk or take any money or other gratuity for excuſing any perſon from appearing to ſerve, or for not ſummoning any perſon to ſerve the ſaid office of conſtable, or to ſerve on either of the juries aforeſaid, or on

any other jury within the ſaid city and liberty of *Weſtminſter*; or if any perſon give any money, or other reward, to any ſuch officer for excuſing him from ſerving or being ſummoned to ſerve the office of conſtable, or to ſerve on ſuch juries; it ſhall be lawful for any juſtice of peace for *Weſtminſter*, upon the fact being proved upon the oath of two witneſſes, to fine ſuch perſon ſo offending in any ſum not exceeding 40 *s.* *ſ.* 16.

Upon the non-payment of any fine or amerciament impoſed by this act, the high bailiff of *Weſtminſter*, or his deputy or deputies, ſhall, by warrant from the ſaid court leet, or by warrant under the common ſeal of the ſaid court of burgeſſes, or by warrant from the juſtices of peace before whom any ſuch perſon is convicted, levy ſuch fines and amerciaments by diſtreſs of the goods of the perſon fined, being then reſiant within the ſaid city or liberty of *Weſtminſter*, and cauſe ſale to be made thereof in caſe they be not redeemed within five days, rendering the overplus to the owner, after deducting the charges of diſtreſs and ſale; and if ſuch offender have not goods within the ſaid city and liberty, whereof ſuch fine can be levied, upon non-payment it ſhall be lawful for any juſtice of peace by warrant to commit ſuch offender to one of his majeſty's gaols within the city or liberty of *Weſtminſter* for ten days, unleſs he ſooner pay the ſaid fine or amerciament. *ſ.* 17.

All fines impoſed by virtue of this act ſhall be paid by the high bailiff of *Weſtminſter*, or other perſon into whoſe hands the ſame come, within fourteen days next after the receipt thereof, to the overſeers of the poor of the ſeveral pariſhes in *Weſtminſter* reſpectively, out of which the ſame are recovered, who ſhall give a receipt for the ſame; and the ſaid overſeers are to apply the ſaid fines to the ſame uſes that the poor rates in the ſaid pariſhes are applied; and ſhall account upon oath for the ſame at the time and in the manner they account for all other ſums that come into their hands; and all amerciaments impoſed by the ſaid *annoyance jury*, and recovered by virtue of this act, ſhall be applied in manner following, *viz.* the ſaid high bailiff ſhall be entitled to one moiety, and the other moiety ſhall be applied by the ſaid court of burgeſſes to pay the expences of the execution of this act. *ſ.* 18.

If any ſuit be brought for any thing done in purſuance of this act, the action ſhall be commenced within ſix months next after the fact committed: and ſhall be brought in *Middleſex*, except the perſon againſt whom ſuch action is brought reſide in *London*; in which caſe the ſaid action ſhall be brought in *London:* and the defendant may plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover treble coſts. *ſ.* 19.

This act ſhall not extend to the church or college of *Weſtminſter*, nor to the cloſe of *Weſtminſter*, nor to any perſon inhabiting within the precincts of the ſaid church, college, or cloſe, for any offence committed by them within the ſaid precinct. *ſ.* 20.

By 31 *Geo.* 2. *c.* 17. All weights and meaſures made uſe of by perſons dealing by weight or meaſure, within the ſaid city and liberty, ſhall be ſized and ſealed by the ſtandards belonging to the ſaid city, and alſo marked with a port-cullis by the officer already appointed for that purpoſe, or by ſuch other officer as may hereafter be appointed by the ſaid dean, high ſteward, or his deputy, the two chief burgeſſes, and the other burgeſſes of *Weſtminſter*, or any five of them, whereof the ſaid dean, high ſteward, or his deputy, to be one, at a court to be held for that purpoſe; which officer is upon application to ſeal and mark all weights and meaſures brought to him, which be agreeable to the ſtandards belonging to the ſaid city; and the ſaid officer ſhall receive for each weight and meaſure ſo ſealed and marked, the fees following, *viz.* for every buſhel, 4 *d.* for every half buſhel, 2 *d.* for every peck, half peck, and quarter peck, 1 *d.* for all half pecks or quarter pecks *per* dozen, 10 *d.* for every ſack, 2 *d.* for every ale and beer meaſure, one farthing, for every one hundred weight, 4 *d.* for every half hundred weight, 2 *d.* for all pound weights and all other weights under half a hundred weight, one halfpenny, for all ounce weights, and all other weights under a pound, one farthing: and all weights and meaſures belonging to perſons dealing by weight or meaſure within the ſaid city and liberty, not ſealed and marked in manner before directed, ſhall be deemed unlawful; and the ſaid annoyance jury, or any twelve of them, ſhall deſtroy all ſuch unlawful weights and meaſures, and amerce the owners or the perſons in whoſe poſſeſſion the ſame be found, in any ſum not exceeding 40 *s.* for any offence. *ſ.* 9.

The officer already appointed or to be appointed as aforeſaid, after all neceſſary charges attending the ſizing, ſealing, and marking ſuch weights and meaſures firſt deducted, ſhall half yearly, within one calendar month next after the 25th of *March* and the 29th of *September* in every year, pay or cauſe to be paid to the deputy ſteward of *Weſtminſter* for his trouble and expence in attending his office of deputy ſteward of *Weſtminſter*, one moiety of the clear money ariſing from ſuch ſizing, ſealing, and marking. *ſ.* 10.

If any annoyance juryman neglect or refuſe to execute the duty of his office of juryman, it ſhall be lawful for the ſaid court upon complaint to fine ſuch juryman for every ſuch offence, in any ſum not exceeding 40 *s.* *ſ.* 11.

The high conſtable for the ſaid city and liberty is to obey all lawful orders which he receives from the ſaid dean, high ſteward, or his deputy, at any court holden for the ſaid city and liberty; and all petty conſtables are to be aſſiſting to the high conſtable in the execution of all ſuch orders; and if the ſaid high conſtable, or any petty conſtable, refuſe or neglect to obey ſuch orders, or miſbehave in their reſpective offices, the ſaid court ſhall fine any high and petty conſtable ſo offending, in any ſum not exceeding 40 *s.* for every ſuch offence. *ſ.* 12.

No perſon within the ſaid city or liberty of *Weſtminſter* ſhall be liable to ſerve as a conſtable, or to find a perſon to ſerve in his ſtead, who is of the age of ſixty-three years or upwards; nor ſhall any perſon be liable to ſerve either as a leet or annoyance juryman, who is of the age of ſeventy years or upwards. *ſ.* 13.

The ſaid dean, high ſteward, or his deputy, ſhall adjourn the court-leet held for the ſaid city and liberty, from time to time, as often as convenient: and if any leet juryman appointed or to be appointed by virtue of the 29 *Geo.* 2. *cap.* 25. neglect to attend the ſaid court leet as often as required by the ſaid court, or in any other manner neglect the duty of his office of juryman, it ſhall be lawful for the ſaid court leet to fine ſuch juryman for every ſuch offence, in any ſum not exceeding 40 *s.* *ſ.* 14.

The ſaid high bailiff, or his deputy or deputies, ſhall forthwith execute all warrants which they receive, for levying any fine impoſed for any offences againſt the ſaid act or this act, from the ſaid court leet, or from the ſaid court of burgeſſes, or from any juſtice of peace before whom any perſon may be convicted for any offence againſt the ſaid acts; and in caſe the ſaid high bailiff, or his deputy or deputies, neglect to execute any ſuch warrant, or to pay over all ſuch fines as he receives by virtue of any ſuch warrant, according

according to the ſaid act or this act, it ſhall be lawful for the ſaid court leet, or court of burgeſſes reſpectively, to fine ſuch high bailiff, or his deputy or deputies, ſo offending, in any ſum not exceeding 5 *l.* for every ſuch offence; and if any fine impoſed upon the ſaid high bailiff, or his deputy or deputies, by the ſaid court leet, or court of burgeſſes, remain unpaid for one calendar month next after the ſame is ſo impoſed, the high conſtable of the city and liberty of *Weſtminſter*, ſhall by any warrant from the ſaid court leet, or court of burgeſſes reſpectively, directed to him for that purpoſe, levy ſuch fine ſo impoſed on the ſaid high bailiff, or his deputy or deputies, by diſtreſs of the goods of the ſaid high bailiff, or his deputy or deputies, and cauſe ſale to be made thereof, in caſe they be not redeemed within five days next after ſuch diſtreſs made, rendering the overplus if any to the owner, after deducting the charges of diſtreſs and ſale. *ſ.* 15.

It ſhall be lawful for the ſaid high bailiff, or his deputy or deputies, to retain in his hands one fourth part of the ſums levied by him or them, for the fines ſet by virtue of this or the ſaid act, in conſideration of their trouble and expence in levying the ſame. *ſ.* 16.

The remaining three fourth parts of the ſaid fines ſhall be paid over by the ſaid high bailiff, his deputy or deputies, to the reſpective overſeers of the ſeveral pariſhes in *Weſtminſter*, within the like time, and applied by them to the ſame uſes, as are directed by the ſaid act, with reſpect to the whole of ſuch fines. *ſ.* 17.

All fines and amerciaments impoſed upon any perſon by virtue of this act, ſhall be levied, recovered and applied, except where the ſame are directed to be otherwiſe levied, *&c.* by this act, in the ſame manner as the fines and amerciaments impoſed by the ſaid act. *ſ.* 18.

The ſaid high bailiff, or his deputy or deputies, ſhall from time to time tranſmit to the ſaid court of burgeſſes, an account of all fines and amerciaments by him levied or received, in purſuance of this or the ſaid act; and the clerk of the ſaid court of burgeſſes ſhall in a book make entry of all fines and amerciaments impoſed by virtue of this or the ſaid act, and an account of all monies received in purſuance thereof, and the application of the ſeveral ſums ſo received; which account the reſpective overſeers of the ſeveral pariſhes in *Weſtminſter*, ſhall have liberty to inſpect at all ſeaſonable times, upon application to the ſaid clerk, and take copies thereof ſo far as relates to the ſaid fines. *ſ.* 19.

If any ſuit be brought for any thing done in purſuance of this act, or in relation to the premiſes, the action ſhall be commenced within ſix months next after the fact committed, and ſhall be laid in the county of *Middleſex*, except ſuch perſon againſt whom ſuch action is brought, reſide in the city of *London*; in which caſe the ſaid action ſhall be laid in *London*; and the defendant may plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover treble coſts. *ſ.* 21.

This act ſhall not extend to the church or college of *Weſtminſter*, nor to the cloſe of *Weſtminſter*, nor to any perſon inhabiting within the precinct of the ſaid church, college, or cloſe, for any offence or miſgovernment committed within the ſaid precinct. *ſ.* 22.

The 31 *Geo.* 2. *cap.* 25. appointed a free market to be held within the city or liberty of *Weſtminſter*, for all ſorts of corn and grain, but it does not appear that ſuch act was carried into execution.

By 2 *Geo.* 3. *c.* 21. *For paving, cleanſing, and lighting, the ſquares, ſtreets, and lanes, within the city and liberty of Weſtminſter, the pariſhes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomſbury, that part of the pariſh of Saint Andrew's Holborn which lies in the county of Middleſex, the ſeveral liberties of the Rolls and Savoy, and that part of the dutchy of Lancaſter which lies in the county of Middleſex, and for preventing annoyances therein:*

"Commiſſioners were appointed for carrying this act into "execution; 15, or more, at their firſt meeting, to elect, by "ballot, 20 other perſons to be aſſociated to them in the "truſt; 11, or more, giving 14 days notice, may fill up va-"cancies occaſioned by the death, or refuſal to act, of any "of the commiſſioners, except of ſuch as are *ex officio*. *ſ.* 1. "Commiſſioners holding any office, or intereſted in any "contract under the truſt, are diſqualified from acting as "ſuch. *ſ.* 2. 3, or more, are to hold their firſt meeting "at *Weſtminſter Bridge* office, on the *Thurſday* ſeven-"night after paſſing the act; and they are then to adjourn, "and meet afterwards, as they ſhall think proper. On fail-"ure of a ſufficient number of commiſſioners at any "meeting to act and adjourn, the clerk is to appoint ano-"ther meeting, giving 10 days notice; or, on his death, "neglect, or refuſal, 2 commiſſioners may appoint one: "they are to bear their own expences at all their meetings. "*ſ.* 3. Qualification of commiſſioners, 300 *l. per annum*, "or 10,000 *l. ſ.* 4. *See* 11 Geo. 3. *c.* 22. *for the pe-"nalty in acting without a qualification.* Eleven, or "more, at their ſecond or any ſubſequent meeting, may "appoint one or more clerks, treaſurers, and receivers, "and alſo ſurveyors; and ſuch other officers as they, or "any 7 or more of them, ſhall think neceſſary; taking "proper ſecurity; and they may remove them and ap-"point others. Rates to be paid to the receivers. Officers "and others, to render an account upon oath, at the times, "and in the manner 7 or more commiſſioners ſhall direct, "and pay over the money in their hands to the order of "5 or more commiſſioners; 2 commiſſioners may admi-"niſter the oath: And any perſon refuſing to render ſuch "account, or to verify the ſame, or to produce and deliver "up the vouchers, and pay over the balance, *&c.* may "be ſued, by action brought in the names of 2 or more "commiſſioners; or complaint may be brought againſt "him before 2 or more juſtices, who are impowered to "hear and determine the matter in a ſummary way, and "to levy, by diſtreſs and ſale, the money that ſhall appear "to be in ſuch perſon's hands; and for want of ſufficient "diſtreſs, to commit ſuch offender, until he render an ac-"count and payment, or ſhall compound with 5, or more, "commiſſioners, and have paid the compoſition, or deli-"vered up the writings, *&c.* 11, or more, commiſſioners "may appoint officers ſalaries, and make allowance to "ſuch others as have aided or aſſiſted the execution of this "act. *ſ.* 6. Officers taking any fee or reward, other "than their ſalaries, for doing their duty, or being con-"cerned in intereſt in any bargain made by the commiſ-"ſioners for the purpoſes of this act, are diſqualified from "ever ſerving, or being employed under this act; and "forfeit alſo 100 *l. ſ.* 7. Treaſurer to pay over, from "time to time, the monies he receives, as ſoon as the ſame "amount to 300 *l.* into the Bank, in the name of the com-"miſſioners, which are to be diſpoſed of by an order of 5, "or more, of them. *ſ.* 8. Three, or more, commiſſion-"ers are impowered, from time to time, to order any of "the public ſquares, ſtreets, and lanes, within the ſaid "city and liberty, being thoroughfares for wheel car-"riages, *&c.* to be paved, altered, cleanſed, and lighted, "*&c. ſ.* 9. And alſo ſuch gravel, ſtones, and other "materials, to be dug out of, or brought into the ſame; "and ſuch artificers and workmen to be employed; and "money iſſued; and all other acts conducive to the de-

" ſigns of this act, to be done, as they ſhall think fit. " *ſ.* 10. 5 *Eliz.* as to exerciſing trades without having " ſerved an apprenticeſhip repealed, with reſpect to per- " ſons employed in conſequence of this act, in paving, " *&c.* the ſaid ſquares and ſtreets. *ſ.* 11. Contractors " for cleanſing the ſtreets may, by leave and order of two " or more juſtices, and making ſatisfaction, lodge their " dirt, for the accommodation of country carts, in ſuch " places as ſhall not appear to be intended to be built upon. " *ſ.* 13. Agreement between landlord and tenant, touch- " ing the paving, lighting, and cleanſing the ſtreets, not " vacated by this act; but the rates made by the commiſ- " ſioners are to be paid in lieu thereof; and all diſputes " concerning ſuch agreements are to be ſettled by 5 or " more commiſſioners. *ſ.* 15. Commiſſioners, or per- " ſons authorized by them, may inſpect and take copies " of the books kept for cleanſing, paving, or lighting the " ſtreets and places in *London*, *Weſtminſter*, or *Middle-* " *ſex*. *ſ.* 16. Property of all pavements, lamps, and " other materials for the purpoſes of this act, veſted in the " commiſſioners; *(in the parochial committees, by* 11 Geo. " 3. c. 22. ſ. 25. *who may exerciſe the ſame powers as* " *commiſſioners)* three may bring actions, or prefer indict- " ments, againſt any perſons who ſhall ſteal any part " thereof; and perſons wilfully damaging the ſame, forfeit " for the 1ſt offence, not exceeding 40*s.* nor leſs than 10*s.* " and for the 2d and every other offence, not exceeding " 3 *l.* nor leſs than 20*s.* to be levied by diſtreſs and ſale; and " for want of diſtreſs, the offender to be committed to " the houſe of correction, not exceeding 2 months, nor " leſs than 10 days. *ſ.* 17. Five or more commiſ- " ſioners may ſell the old materials, and apply the " money to the purpoſes of this act. *ſ.* 18. Pavements " taken up by the workmen of any of the water com- " panies, are to be repaired by the commiſſioners paviour, " at the expence of ſuch company; but where any of the " pipes or plugs ſhall be raiſed, ſunk, or altered, for the " purpoſes of this act, the expence is to be defrayed out " of the rates. *ſ.* 19. Five, or more, commiſſioners " may contract with the ſaid companies for relaying ſuch " pavements. *ſ.* 20. Pavements taken up by the com- " miſſioners of ſewers, are to be relaid at their expence, " by the commiſſioners paviour. *ſ.* 21. Five, or more, " commiſſioners may contract with the commiſſioners of " ſewers for relaying ſuch pavements. *ſ.* 22. No alter- " ation to be made in the form of the ſtreets, *&c.* with- " out the conſent, *&c.* of 5 or more commiſſioners, on " penalty of 5 *l.* over and above all expences of reinſta- " ting the ſame. *ſ.* 23. Four times in every year, or " oftener if required, an account from the books kept by " the receivers of the rates, ſhall be ſtated and ſigned " by the ſaid receivers, and delivered to the commiſſioners, " who, or any five of them, are to diſcharge ſuch re- " ceivers of all monies accounted for; and copies of the " ſaid accounts, and of the proceedings of the commiſſion- " ers, to be delivered in every ſeſſions to parliament, with- " in thirty days after the opening. *ſ.* 25. Penalty of " laying aſhes, or other annoyances, in the ſtreets before " the ſcavenger comes to carry away the ſame, is for the " firſt offence 5*s.* for the ſecond 10*s.* and for the third " and every other offence, 20*s.* *ſ.* 26. Obſtruction, " nuiſance, or incroachment, occaſioned by ſetting out " any carriages, timber, or other material, matter, or " thing, in the ſtreets, *&c.* or by carts, *&c.* ſuffered to " remain longer therein than is neceſſary for the loading " or unloading thereof, may be removed, by order of three " commiſſioners, upon complaint thereof, at the charges " of the offender, he paying moreover a ſum not exceed- " ing 40*s.* *ſ.* 27. No incloſure, for the building or re- " pairing of houſes, to be made in any of the ſtreets, *&c.* " which ſhall be completed by virtue of this act, with- " out the conſent of three or more commiſſioners, on " penalty of forfeiting not exceeding 20*s.* for every twelve " hours ſuch nuiſance ſhall remain. *ſ.* 28. A rate, not " exceeding 1*s.* 6*d.* in the pound, to be made on all houſes, " *&c.* half yearly or oftener, for defraying the expences of " paving, repairing, cleanſing, and lighting the ſtreets. *ſ.* 29. " Where houſes, *&c.* ſhall be empty, untenanted, or unoc- " cupied, the owners are to be charged with one half of the " ſaid rates, and the premiſes are to remain a ſecurity for the " arrears. *ſ.* 32. Tenants and occupiers are to pay the rates, " and deduct the proportion paid on account of the owner " or proprietor out of their rent. *ſ.* 34. Where the rates " ſhall not be paid within ten days after demand, the re- " ceiver, by warrant of two juſtices, with the aſſiſtance " of a conſtable, may levy the ſame, with all charges, by " diſtreſs and ſale. *ſ.* 36. All the monies raiſed and ap- " propriated by this act are veſted in the commiſſioners, " to be applied for the purpoſes of this act only. *ſ.* 37. " Penalties and forfeitures in general, to be levied by diſ- " treſs and ſale, by warrant of a juſtice, and to be paid to " the commiſſioners treaſurer. *ſ.* 38. Balance of money " received, and not paid over at the time of the receiver's " death, is to be paid by the executors of the deceaſed's " eſtate, and the receipt of three or more commiſſioners " is a ſufficient diſcharge for the ſame; but on non-pay- " ment within 21 days after demanded, the treaſurer may " ſue the executors. *ſ.* 39. Where perſons rated ſhall " quit their houſes, *&c.* before they have paid the rates, the " receiver, by warrant of two juſtices for *Middleſex*, or " city and liberty of *Weſtminſter* (the ſame being firſt " backed by ſome magiſtrate for the place where the diſtreſs " is to be made), may levy the rates, and all charges, by " diſtreſs and ſale. *ſ.* 40. No rate to be made upon any " place, till the pavement is completed; and all contracts " before made (except between landlord and tenant) for " paving, cleanſing, or lighting the ſtreets, are then to " ceaſe. *ſ.* 41. Perſons paying to theſe rates, are ex- " empted from all other charges and penalties on account " thereof. *ſ.* 42. As ſoon as any rate ſhall be made by " virtue of this act, the owners or occupiers of houſes, *&c.* " aſſeſſed thereto, are diſcharged from payment of like " rates made in purſuance of former acts. *ſ.* 43. Inha- " bitants of *St. James's Square*, being included in an act " of 12 *Geo.* II. *Lincoln's Inn Fields*, in an act of 8 *Geo.* " II. and *Golden Square*, in an act of 24 *Geo.* II. are ex- " empted out of this act. *ſ.* 44. This act not to extend " to ſuch parts of ſtreets, *&c.* as are already directed to be " paved, lighted, or cleanſed, by any road act; nor to " *Dean's yard*, and places adjoining to the ſouth and weſt " doors of *Weſtminſter Abbey*. *ſ.* 45. Seven or more " commiſſioners may make a new paſſage, or widen the " old one, from *Drury lane* into *Great Queen's ſtreet*, at " the *Devil's gap*; and purchaſe houſes and grounds for " that purpoſe, *&c.* not exceeding ſix in number; and if " they make a new one, may incloſe and ſell the old paſ- " ſage for building upon; and may pave, repair, and " cleanſe the ſame, in like manner as the ſquares and ſtreets " *&c.* before mentioned. *ſ.* 46. Perſons aggrieved, where " no other method of relief is appointed, may appeal to " the quarter ſeſſions within three months; giving twelve " days notice of ſuch appeal to the clerk or treaſurer, and " entering into recognizance, with ſecurity, to try the " ſame, *&c.*: juſtices to determine ſuch appeal in a ſum- " mary way, and award coſts. *ſ.* 48." *As to appealing from the rates, ſee* 11 Geo. 3. c. 22. ſ. 71. " Diſtreſs not " to

" to be deemed unlawful, nor the party making it, a treſ-
" paſſer, for want of form in the proceedings; nor the
" party diſtraining a treſpaſſer *ab initio*, on account of any
" ſubſequent irregularity. Party to recover full ſatisfaction
" only for the damage, in an action on the caſe. *ſ.* 49.
" But where ſufficient tender ſhall have been made before
" the action brought, the plaintiff is not to recover. De-
" fendant, with leave, may pay money into court, *&c.*
" *ſ.* 50. Contracts and other writings not chargeable
" with any duty. *ſ.* 51. Orders and proceedings of
" commiſſioners to be entered in books, and ſigned by the
" clerk; which may be produced and read in evidence.
" *ſ.* 52. No act, *&c.* of the commiſſioners valid, unleſs
" done at a public meeting. *ſ.* 53. Proceedings againſt
" offenders not liable to be quaſhed for want of form; or
" removeable by *certiorari*. *ſ.* 54."

No action ſhall be commenced for any thing done in purſuance of 2 *Geo.* 3. *c.* 21. *ſ.* 55. 3 *Geo.* 3. *c.* 23. *ſ.* 17. 4 *Geo.* 3. *c.* 39. *ſ.* 28. until twenty-one days notice ſhall be thereof given in writing to the clerk or treaſurer to the commiſſioners, or after ſufficient ſatisfaction or tender thereof hath been made to the party aggrieved, or after ſix months after the fact; and ſuch action ſhall be brought, and tried, in the county where ſuch matters ſhall be committed, and the defendant may plead the general iſſue; and if the judgment ſhall be given for the defendant, ſuch defendant ſhall have treble coſts.

By 3 *Geo.* 3. *c.* 23. " Five commiſſioners are veſted
" with full power to execute all matters directed by the laſt
" act, to be done by a greater number, except in the caſe of
" electing new commiſſioners. *ſ.* 1. And they are im-
" powered to alter the poſition of any of the water pipes;
" and to pay the expence thereof out of the money appro-
" priated for the purpoſes of the ſaid act. *ſ.* 2. But
" pavements taken up for placing or amending pipes, are
" to be repaired by the commiſſioners paviours, at the ex-
" pence of the proprietors. *ſ.* 3. And the commiſſioners
" may compound with the ſaid proprietors for ſuch re-
" pairs. *ſ.* 4. Pavements liable to be repaired by any
" pariſh, body politic or corporate, are to be repaired
" at their expence, by the commiſſioners paviours. *ſ.* 5.
" And the commiſſioners may compound with ſuch pa-
" riſhes, *&c.* for the ſame. *ſ.* 6. They may alſo direct
" the courſes of the gutters to be turned; and the grates
" of the ſewers to be removed and replaced, out of
" the money appropriated for the uſe of this act. *ſ.* 7.
" All ſigns, ſign-irons, poſts, ſpouts, gutters, or other
" annoyances, may be removed and new placed by the
" commiſſioners; and for the future, all ſigns, ſpouts,
" and gutters, *&c.* are to be placed on the fronts of the
" houſes they belong to, on penalty of 5 *l.* *ſ.* 8. Such
" parts of any of the ſaid ſigns, *&c.* as ſhall remain unuſed
" after the alteration, to be returned to the owners. *ſ.* 9.
" In making rates, regard ſhall be had to lands, houſes, or
" other buildings, ſituate at the corner of any ſquare,
" ſtreet, or lane, whereon the rate ſhall be laid, or where
" part of any houſe, or ground, ſhall abut upon any
" other ſquare, ſtreet, or lane; and that no more ſhall be
" charged in ſuch rate than in proportion to the part
" whereon ſuch rate ſhall be made. *ſ.* 10. The rates to
" be paid by the inhabitants. *ſ.* 11. Commiſſioners may
" order the ſtreets to be watered. *ſ.* 12. And the names
" of the ſtreets and ſquares to be affixed on the corner
" houſes; penalty of defacing or deſtroying the ſame, 40 *s.*
" *ſ.* 13. No incloſure may be made for depoſiting ma-
" terials for building or repairing without leave. *ſ.* 14.
" Clauſe in act 29 *Geo.* II. concerning preſentments by
" the annoyance jury, repealed. *ſ.* 15."

By 4 *Geo.* 3. *c.* 39. " Where a ſufficient number of
" commiſſioners ſhall not meet to act and adjourn, clerk
" is to ſummon another meeting; and the ſummons is to
" be delivered four days before, at the commiſſioners
" houſes. Clerk dying, or neglecting, the treaſurer is to
" ſummon ſuch meeting. *ſ.* 1. Powers and clauſes in
" the preſent and former acts, extended to all places com-
" prized in the ſaid acts. *ſ.* 2. Receivers, or other per-
" ſons authorized by the commiſſioners, are to be allowed
" to inſpect and take copies of, or extracts from, the
" books of poors rates in the ſeveral pariſhes *gratis*, in
" order to aſcertain the aſſeſſments to be made by virtue
" of the recited acts. Penalty of refuſal, for the firſt offence
" 20 *s.* for the ſecond 40 *s.* and for the third and
" every other offence, 3 *l.* *ſ.* 4. Commiſſioners allowed
" to compound for penalties in breach of contract. *ſ.* 5.
" Charges of altering or repairing defective or bad pave-
" ments, to be paid by the tenant or occupier; and if not
" paid after due notice given, any juſtice for the county,
" *&c.* upon complaint thereof, may iſſue his warrant for
" bringing the offender before him, and may afterwards
" levy the expence by diſtreſs and ſale. *ſ.* 7. Contracts
" between landlord and tenant concerning keeping pave-
" ments in repair, not altered by this act. *ſ.* 8. Defec-
" tive or bad pavements belonging to lands or houſes, *&c.*
" untenanted, to be repaired by the commiſſioners at the
" expence of the owners; and if not paid after due notice
" given, the treaſurer may bring an action for the ſame.
" *ſ.* 9. If any perſon ſhall draw on any of the foot pave-
" ments, any wheel, ſledge, wheel-barrow, or any car-
" riage whatſoever, ſuch perſon ſhall forfeit, for the firſt
" offence, 10 *s.* for the ſecond 20 *s.* and for the third and
" every other offence, 40 *s.* *ſ.* 10. Notice to be given
" to the commiſſioners ſurveyor, of the taking up any
" pavements for the purpoſe of making, repairing, or
" altering, any vault or drain, &c. in order that the ſame
" may be relaid under his inſpection; commiſſioners to
" pay the expence, and they are to be reimburſed by the
" perſons taking up ſuch pavements: on their neglect or
" refuſal, after eleven days notice given, an action may be
" brought for the money in the treaſurer's name. Penalty
" of not giving notice of the taking up ſuch pavements
" twenty-four hours after, 20 *s.* *ſ.* 11. Where it ſhall
" be neceſſary to make new grates, or to repair or alter
" old ones, the commiſſioners of ſewers are to pay the
" expence, and the grates are to be laid down as the ſur-
" veyors under this act ſhall direct. If the commiſſioners
" of ſewers neglect, *&c.* the commiſſioners under this act
" may order the ſame to be done, and they are to be reim-
" burſed by the commiſſioners of ſewers. *ſ.* 12. Com-
" miſſioners impowered to remove and alter all ſteps pro-
" jecting into the foot ways, ſteps, and doors, going down
" out of the foot ways into cellars, ſhew-glaſſes, and other
" matters, cauſing an obſtruction or nuiſance in the com-
" mon paſſages. *ſ.* 13. Penalty of obſtructing any of-
" ficer, or other perſon, in the execution of his duty, for
" the firſt offence 20 *s.* the ſecond 40 *s.* the third and every
" other 3 *l.* *ſ.* 14. The whole of *Swallow ſtreet*, de-
" clared to be a public ſtreet, and to be within the mean-
" ing of 2 *W.* & *M.* *ſ.* 15. Commiſſioners impower-
" ed, with conſent of the proprietors, and at their expence,
" to make any new paſſages, and to pave, cleanſe, and
" light the ſame. *ſ.* 16. No part of the monies granted
" by parliament, or raiſed by the rates, to be applied in
" purchaſing

" purchaſing houſes or ground for the above purpoſe. *ſ.* 17. " In order to make a new paſſage, or open the old one, " at the *Devil's Gap*, near *Long Acre*, the commiſſioners " are impowered, upon ſuch money as ſhall be agreed on " being paid, or ſatisfaction made to the owners, to take " down ſuch houſes as ſhall be neceſſary for that purpoſe. " *ſ.* 18. And where the perſons intereſted in ſuch lands " and houſes, ſhall refuſe to treat or agree for the ſale " thereof, the damage and recompenſe is to be aſcertained " by a jury, and the commiſſioners are impowered to " ſummon a jury accordingly, and examine witneſſes on " oath touching the premiſes; and to adjudge the ſum " aſſeſſed to be paid accordingly. The verdict of the " jury, and order thereupon made, to be final, and the " parties to be diveſted of all property in the premiſes, " which may be ſold and conveyed by the commiſſioners, " in truſt for the purpoſes mentioned in this and the re- " cited acts. *ſ.* 19. If the ſums awarded ſhall not be " duly paid, *&c.* the ſaid verdict and adjudication to be " void. Commiſſioners impowered to iſſue their warrant " to the ſheriff for ſummoning a jury; ſheriff to return a " jury accordingly, and in default of a ſufficient number " appearing, ſtanders-by may be returned. *ſ.* 20. Jury " may be challenged. Power given to the commiſſioners " to fine the ſheriff, his agents, and jury, and perſons " ſummoned to give evidence, making default in the pre- " miſes, ſo as no fine ſhall exceed 10*l.* upon one perſon " for one offence. *ſ.* 21. If the parties to whom the " conſideration money ſhall be awarded cannot be found, " or there be any diſpute in law, or defect of evidence, or " mortgagees refuſe to take in their mortgage money; the " ſums aſſeſſed to be paid into the Bank, for the uſe of the " parties. *ſ.* 22. Such of the powers, *&c.* granted by " the former act, as are altered by this, are repealed. " *ſ.* 24. All penalties by this act not otherwiſe directed, " ſhall be recovered by diſtreſs and ſale of the offenders " goods, by warrant of ſome juſtice, upon the confeſſion of " the party, or upon the information of one witneſs upon " oath, and the penalties when recovered, after rendering " the overplus to the party (the charges of ſuch diſtreſs " and ſale being firſt deducted), ſhall be paid to the trea- " ſurer to the commiſſioners, and be applied towards the " purpoſes of the acts, and this act; and in caſe ſufficient " diſtreſs cannot be found, and ſuch penalties ſhall not be " paid, ſuch juſtice is to commit ſuch offender to the houſe " of correction, for not exceeding two months. *ſ.* 26. " Proceedings touching the conviction of offenders, not " to be quaſhed for want of form, or removed by *cer-* " *tiorari*. *ſ.* 27."

By 5 *Geo.* 3. *c.* 13. and 26 *Geo.* 3. *c.* 102. There ſhall be paid to the collector appointed, as after mentioned, before any cattle or carriages ſhall paſs on a *Sunday* through any of the turnpikes hereunder mentioned, or through any turnpike to be erected near the ſame; *videlicet*, The turnpike neareſt to *Weſtminſter Bridge*, in *Surrey*; at *Pimlico*; at *Kenſington*, near the entrance into *Hyde Park*; the turnpike neareſt to *Hyde Park Corner*; the ſeveral turnpikes at *Tyburn*, at or near the end of *Saint Mary le Bone*; *Portland Street*; the *New Road* leading from *Paddington* to *Iſlington*, by the ſign of the *Green Man*; and upon the ſaid *New Road* neareſt to, and to the eaſtward of, *Tottenham Court*; the turnpike at *Tottenham Court*, belonging to the northern road; the turnpike neareſt the north end of *Gray's Inn Lane*; the following tolls; *viz.*

For every coach, chariot, berlin, chaiſe, chair, calaſh, or other carriage, drawn by ſix or more horſes, 10*d.*

Drawn by four horſes, 8*d.*

Drawn by three or two horſes, 6*d.*

And for every chaiſe, chair, calaſh, or other carriage, drawn by one horſe, 3*d.*

For every horſe, mule, or aſs, not drawing, 1*d.*

Which money ſhall and may be demanded and taken in the name of a ſtreet toll, over and above all other tolls; and the monies ſhall be veſted in the commiſſioners for putting the paving acts in execution; and the ſaid monies ſhall be applied for the ſeveral uſes mentioned in the ſaid acts. The ſaid commiſſioners are impowered by themſelves, or any other perſon authorized by them, to levy the toll upon any perſon who ſhall, after demand, neglect or refuſe to pay, or to deny paſſage through the ſaid turnpikes, until payment, which toll may be levied by diſtreſs of any horſe, or goods; and all ſuch horſes, or goods, may be detained until ſuch toll, with the charges of diſtreſs, ſhall be paid; and it ſhall be lawful for the perſon ſo diſtraining, after four days, to ſell the horſes, or chattels, diſtrained. *ſ.* 1.

It ſhall be lawful for the ſaid commiſſioners, to cauſe to be erected any turnpike, at or near any of the places aforementioned, for collecting the tolls, and to remove or alter the ſame: and the property and materials ſhall be veſted in the ſaid commiſſioners; and they are impowered to bring actions, or to prefer indictments. *ſ.* 2.

Tolls may be collected at the turnpikes already erected. *ſ.* 3.

No perſon ſhall be liable to pay the ſaid ſtreet toll more than once for paſſing or repaſſing on the ſame *Sunday* as aforeſaid, with the ſame cattle and carriage; but all perſons, after having paid ſuch toll once, ſhall, during the remainder of ſuch day, paſs toll-free, with the ſame cattle and carriages, through the gate at which ſuch toll was paid, and alſo through all other gates whereat the ſaid tolls are payable, upon producing a ticket denoting payment; which the collectors are to give *gratis*. *ſ.* 4.

The commiſſioners may, upon ten days notice in the *London Gazette*, leaſe by the year the tolls; provided that ſuch lettings be made in writing, and ſigned by the perſons farming ſuch tolls, and by the commiſſioners, and be not made for more than three years; and that the money to be paid for the ſaid tolls, ſhall be payable quarterly, and the perſon to whom let ſhall always pay one quarter in advance. *ſ.* 5.

It ſhall be lawful for the commiſſioners to appoint collectors of the tolls if required; and all ſuch collectors ſhall pay the ſame to ſuch perſons as the commiſſioners appoint; and ſhall alſo, upon oath, give to the commiſſioners, or ſuch perſon as they ſhall appoint, a true account in writing; and if any collector ſhall not make and render, or refuſe to verify upon oath, any account, or to make payment, then it ſhall be lawful for one juſtice to make inquiry concerning ſuch default, as well by confeſſion of the party, as by witneſſes on oath to be adminiſtered without reward, and commit every offender to the common gaol, until he ſhall account and pay, or compound with the ſaid commiſſioners, and the commiſſioners are out of the tolls, or otherwiſe, to make allowances unto the collectors, for their care and pains. *ſ.* 6.

If any perſon ſhall forcibly or wilfully go or paſs through any turnpike without paying toll, or producing a ticket, or ſhall aſſault or obſtruct the collectors in the execution of their office, or ſhall forge or alter, or deliver to, or receive from, any other perſon, any ticket, with an intent to avoid the payment of toll; every perſon ſo offending ſhall for every offence forfeit 40*s.* beſides ſuch damages and puniſhments as they ſhall be liable to by law; and it

ſhall

ſhall be lawful for the collectors, and all other perſons by them required to aſſiſt, to ſeize any horſe or goods belonging to perſons offending, and the ſame to take before any juſtice, and ſuch juſtice may inquire into the ſame, by examination of the parties, or witneſſes, upon oath, to be adminiſtered without fee, and the ſaid juſtice may convict the parties offending, in the penalty aforeſaid; and for non-payment thereof, and of the tolls (though not demanded), by warrant under his hand and ſeal, cauſe the ſaid horſes, or goods, to be ſold for payment of the ſaid tolls and penalties, and the charges of ſeizing and keeping. *ſ.* 7.

Tolls may be aſſigned for money borrowed, *&c.* *ſ.* 8.

And all creditors ſhall be deemed equal in degree. *ſ.* 9.

Any perſon aggrieved, may appeal to the general quarter ſeſſion of the peace within ſix months, firſt giving ten clear days notice, in writing, and of the cauſe thereof, to the treaſurer or clerk to the commiſſioners, and within two days after notice entering into a recognizance before ſome juſtice, with two ſureties, conditioned to try ſuch appeal, and abide the order of the ſaid quarter ſeſſion; and the ſaid juſtices at their ſaid ſeſſion, ſhall finally determine ſuch appeal in a ſummary way, and may mitigate all or any of the ſaid penalties, or vacate any conviction, or confirm the ſame, and award coſts, and the determination of ſuch quarter ſeſſion ſhall be concluſive. *ſ.* 12.

Proceedings not to be quaſhed for want of form only; nor be removed by *certiorari*, into any court at *Weſtminſter*. *ſ.* 13.

Writings to be without ſtamps. *ſ.* 14.

No action ſhall be brought for any thing done by virtue of this act, till after eight days clear notice thereof in writing ſhall be given to the perſon againſt whom ſuch action ſhall be intended to be ſo brought, ſetting forth the cauſe of action, and every action ſhall be brought within ſix months, and the defendant may plead the general iſſue, and if ſufficient tender of amends ſhall have been made to the party aggrieved, and verdict ſhall be found for the defendant, the defendant ſhall have treble coſts. *ſ.* 15.

By 5 *Geo.* 3. *c.* 50. "Where any of the water companies pipes ſhall break, and notice be given thereof, by "the commiſſioners ſuperviſor, to the companies paviour, "to whom he deems ſuch pipe to belong; he is to open "the ground within two days; and if the pipe is found to "belong to ſome other company, the ſuperviſor is to give "notice accordingly; and ſuch paviour is to repair the "ſame, and fill in the ground within ſix days, and give "immediate notice of having ſo done to the commiſſioners contractor or ſuperviſor. The paviour in the firſt "inſtance, is to be ſatisfied for his trouble. Paviour "neglecting to open the ground within two days after "notice, forfeits for the firſt offence, 20*s.* for the ſecond, "40*s.* and for every ſubſequent offence, 3*l.*; and neglecting to repair the pipes, and fill in the ground within ſix "days, or to give the notice required, forfeits, for the "firſt offence, 20*s.* for the ſecond, 40*s.* and for every "ſubſequent offence, 3*l.* Commiſſioners contractor not "relaying the pavement within two days, or ſuperviſor "not giving him due notice, forfeit in like manner. *ſ.* 1. "Paviours appointed by the water companies, not giving "immediate notice to the commiſſioners ſuperviſor of their "names, places of abode, and reſpective diſtricts; forfeit, "for the firſt offence, 20*s.* for the ſecond, 40*s.* and for "every ſubſequent offence, 3*l.* *ſ.* 2. Sewers to be repaired "and cleanſed within ſix days after notice given to the "commiſſioners, or their ſurveyor; and in default there"of, the ſame may be repaired and cleanſed by the commiſſioners under this act; the expence to be paid by the "treaſurer of the commiſſioners of ſewers, or an action "for the money may be brought againſt him. *ſ.* 3. "Where the ſewers ſhall be repaired and cleanſed, immediate notice thereof is to be given to the commiſſioners "paviour, or ſuperviſor, for relaying the pavement; on "forfeiture of 40*s.* *ſ.* 4. Commiſſioners of ſewers to "appoint a perſon to receive notices occaſionally ſent them "from the commiſſioners under this act; in default of "ſuch appointment, notices may be left with their clerk; "and if the repairs ſpecified in ſuch notices ſhall not be "made good within ſeven days, the commiſſioners under "this act may complete the ſame, and charge the expence; and if not paid in four days, may bring an action for the money. *ſ.* 5. The commiſſioners may "order wells to be dug in proper places, and pumps erected for watering the ſtreets. *ſ.* 6. And may alſo cauſe a "number of duſt boxes, or duſt holes, to be erected "where neceſſary, for depoſiting duſt and aſhes, till removed by the ſcavenger. *ſ.* 7. Powers in the former "acts and this act ſhall extend to that part of the road "adjoining to the abutments of *Weſtminſter Bridge*, on "the *Surry* ſide thereof, which now is paved with ſtone "of any ſort. *ſ.* 8. But ſo as not to interfere with the "powers veſted in the commiſſioners for the ſaid bridge. "*ſ.* 9. Rates to be made by the commiſſioners upon the "lands, houſes, and other tenements, in courts and paſſages where ſcavengers cannot come with their carts, "ſo as not to exceed 3*d.* in the pound of the rent, as aſſeſſed to the poor rate, in order to defray the expence of "removing the duſt, and cleanſing ſuch places; the rates "to be paid quarterly as the poor rates; and the perſons "paying the ſame are diſcharged from the parochial ſcavengers rate. *ſ.* 10. Commiſſioners impowered to "aſſeſs new buildings covered in, or finiſhed, though untenanted, not exceeding 6*d.* *per* yard of the fronts or "ſides of ſuch buildings. *ſ.* 11. The perſon appointed "by the commiſſioners, to ſuperviſe and inſpect nuiſances, "obſtructions, and other annoyances, found in any of "the ſtreets, to give notice to the perſon who ſhall ſet "out, lay, drive, or carry any coach, cart, dray, waggon, or other carriage, wheels, timber, ſtones, or any "other thing which may occaſion any annoyance, or obſtruction whatſoever, in any of the ſtreets, which have "been or ſhall be begun to be paved by virtue of the former acts, to remove the ſame within ſix hours; and "in caſe the perſon ſhall not remove the ſame within ſix "hours, ſuch perſon ſhall, for the firſt offence, forfeit "10*s.* for the ſecond 20*s.* and for every other offence, "40*s.* *ſ.* 12. The commiſſioners are impowered, "upon making ſatisfaction to the proprietors, to remove "the terraſſes and ſteps on the weſt ſide of *Saint James's* "*Street*, the porch at *Arthur*'s chocolate houſe, and the "ſheds and porch at *Exeter* Exchange; and to ſell the "materials. *ſ.* 13. And if the parties intereſted ſhall refuſe to treat for the ſale of the premiſes, after notice "given, or ſhall not agree about the price, the commiſſioners may cauſe the value and damages to be inquired "into, and aſſeſſed by a jury; and may examine upon oath "ſuch witneſſes as ſhall be neceſſary touching the premiſes, and order the jury to view the places in queſtion, "*&c.* Commiſſioners to adjudge the money aſſeſſed, to "be paid to the parties intereſted; and ſuch verdict and "adjudication is to be final and concluſive, and the parties thereupon to be diveſted of the premiſes. *ſ.* 14. "Commiſſioners to iſſue their warrants to the high bailiff "or ſheriff, for ſummoning and returning ſuch jury, who "are to ſummon and return ſuch jury accordingly; and

"for

" for want of a ſufficient number appearing, any of the " ſtanders-by may be returned. *ſ.* 15. Jury may be " challenged. Commiſſioners impowered to fine the high " bailiff and ſheriff, or their deputies, making default in " the premiſes; as likewiſe the jury and evidences not " doing their duty. *ſ.* 16. Where the parties inte- " reſted cannot be found, or diſputes ſhall be depending " in the courts, *&c.* the ſums aſſeſſed, *&c.* for the pre- " miſes, may be paid into the Bank, for the uſe of the " ſaid parties. *ſ.* 17. Where the inhabitants, *&c.* of any " particular ſquare or ſtreet, ſhall raiſe a competent ſum " for the new paving thereof, and ſhall conſent to put " the ſame under the direction of the commiſſioners, and " pay in the money accordingly; the commiſſioners may " aſſign over the rates as a ſecurity for repayment of ſuch " ſums, with intereſt. Treaſurer to keep a ſeparate ac- " count of the receipts and diſburſements, and other tranſ- " actions relating to ſuch ſquare or place. Surplus money " to be placed out at intereſt, till it amount to a compe- " tent ſum for paying one or more creditors. *ſ.* 18. " The inhabitants to be previouſly convened, in order to " give their aſſent or diſſent to ſuch meaſure. Perſons " neglecting to attend, deemed to aſſent. *ſ.* 19. Where " the occupier ſhall have a term of ſeven years, or more, " unexpired, his aſſent only is neceſſary; but where he " ſhall not have ſuch term, the perſon under whom he " holds may give his aſſent or diſſent to the new paving. " *ſ.* 20. Entry to be made of all aſſignments and convey- " ances, in books to be kept by the treaſurer or clerk " to the commiſſioners, and the perſons to whom ſuch " aſſignments are made, may by aſſignment under his " hand indorſed on the back of his ſecurity, or by other " writing, executed in the preſence of two witneſſes, aſſign " his intereſt. Aſſignments to be produced and notified, " within thirty days, to the treaſurer or clerk, and an entry " to be made thereof, upon paying 2*s.* 6*d.* Books of en- " try may be inſpected *gratis*; and aſſignments may " be made *toties quoties*. *ſ.* 21. The former acts and this " act not to extend to places paved, cleanſed, or lighted, " under any particular act. *ſ.* 22. All writings to be " tax-free. *ſ.* 25. Commiſſioners recovering in any " action brought by them, are to have double coſts. *ſ.* 26. " Perſons aggrieved, may appeal in the ſame manner as " under 11 *Geo.* 3." *The penalties and forfeitures to be recovered as in* 4 Geo. 3. *by* ſ. 28.

Proceedings not to be quaſhed for want of form, nor removable by *certiorari*. *ſ.* 29.

The limitation of actions the ſame as in 11 Geo. 3. poſt.

By 11 *Geo.* 3. *c.* 22. " Veſtrymen and inhabitants of " the ſeveral pariſhes, may meet and chuſe three addi- " tional commiſſioners within each of the pariſhes, and " one for the precinct of the *Savoy*, who are to be joined " with the preſent commiſſioners. *ſ.* 1. Additional com- " miſſioners to be houſeholders reſident within their pa- " riſh. *ſ.* 2."

Veſtrymen and inhabitants ſhall aſſemble in the veſtry, upon the ſecond *Thurſday* in *February* annually, between ten in the morning and two in the afternoon, and ſhall elect houſeholders, reſident in ſuch pariſh, not exceeding twenty-one, nor leſs than ſeven; and the perſons ſo elected, ſhall be a committee for carrying the purpoſes of the acts into execution, within their reſpective pariſhes, and for ſuperintending all works, and examining the bills relative thereto, and for certifying to the commiſſioners ſuch bills and other allowances for payment, as they ſhall find to be juſt, or objecting to the payment of ſuch as ſhall be found otherwiſe (the ſalaries allowed by the commiſſioners to their officers, and the contingent expences of the commiſſion only excepted); on which certificates, but not without, the commiſſioners ſhall, when they have approved of ſuch bills, order the ſame to be paid. *ſ.* 3.

No commiſſioner ſhall be capable of acting, unleſs he ſhall have a real eſtate of 300*l. per annum*, a perſonal eſtate of 10,000*l.* value, or be heir apparent of a peer; and no perſon ſhall be capable of acting as a committee-man, unleſs he ſhall have an eſtate of the value of 2000*l.* *ſ.* 4.

No commiſſioner or committee-man ſhall be capable of acting, who ſhall hold any office of profit, or have any ſhare, or be any way intereſted in, any contract or work to be done in purſuance of the acts; and in caſe any ſuch perſon not qualified, or diſqualified, ſhall act as a commiſſioner, ſuch perſon ſhall forfeit five hundred pounds, to any perſon who will ſue; and as a committee-man, one hundred pounds, to any perſon who will ſue for the ſame; ſuch forfeitures to be recovered in any court of record, by action of debt, *&c.* and ſuch perſon ſhall prove he is qualified, or pay the penalties, upon proof given of his having acted. *ſ.* 5.

The maſter of the *Rolls*, and the dean of *Weſtminſter*, ſhall be commiſſioners, and their being ſuch ſhall be a ſufficient qualification. *ſ.* 6.

The committees ſhall meet in the veſtry-rooms, within fourteen days after choſen, and may adjourn as often as they think fit. *ſ.* 7.

The committees, not leſs than five being preſent, may appoint a clerk, and alſo collectors and inſpectors, and take ſecurity for the due execution of their reſpective offices, and may remove ſuch clerks, *&c.* and appoint others to them, and appoint ſalaries and alſo allowances to other perſons aſſiſting in the execution of this act; all which ſalaries and allowances ſhall be paid as hereinafter directed; but if any clerk, *&c.* ſhall take any fee whatſoever, other than ſuch ſalaries as ſhall be allowed, or ſhall be any-ways concerned in intereſt in any bargain, ſuch perſon ſhall be incapable of ever ſerving under this act, and ſhall forfeit one hundred pounds to any perſon who ſhall ſue by action of debt, *&c.* in any court of record, within ſix months. Inſpectors ſhall be elected annually, and the ſalary of each inſpector ſhall be allowed by the commiſſioners, or any five. *ſ.* 8.

" Proceedings of the committees to be entered in books. " *ſ.* 9. Commiſſioners may order what ſtreets ſhall be " paved, *&c.* and how, ſignifying the ſame to the commit- " tees. *ſ.* 10. Committees are to advertiſe for contrac- " tors; and to enter into contracts for paving, *&c.* Con- " tracts ſhall be binding until confirmed by commiſſioners. " *ſ.* 11. "

Where ſtreets, *&c.* are lying in two or more pariſhes, the commiſſioners may order the whole of ſuch ſtreets to be paved or repaired, lighted and cleanſed, under the direction of the committee of either of the ſaid pariſhes, and order what annual, quarterly, or other ſums ſhall be paid by the other committee, toward repairing, lighting, and cleanſing; and ſuch ſums ſhall be paid out of the rate hereby directed to be made. *ſ.* 12.

" Committees may advertiſe for contracts. *ſ.* 14. All " contracts to be made between 1ſt *January* and 1ſt *July*. " *ſ.* 15. "

Nothing in this or any of the former acts ſhall authoriſe the commiſſioners, or committee of any pariſh, to pave, cleanſe, or light the ſtreets, *&c.* ſituated before, or belonging to any royal palace, ground, or building. *ſ.* 17.

Nor

Nor to *Golden Square*, *Red Lyon Square*, or any other ſquare, ſtreet, or place, paved, under any particular act. *ſ.* 18.

A certain part of *St. Margaret* and *St. John* exempted until the inhabitants are of ability to contribute towards paving, *&c.* except *Parliament Street*, *Darby Street*, *Downing Street*, *King Street*, *Fludyer Street*, *Crown Street*, *Crown Court*, *Charles Street*, *New Charles Street*, *Duke Street*, *Delahay Street*, *Great George Street*, *Little George Street*, *Cannon Row*, *Brewers Yard*, *Dorſet Court*, *Mancheſter Buildings*, *the Fiſh Market*, *New Court*, *Bridge Street*, *Little Bridge Street*, *Union Street*, *St. Margaret Street*, *Abingdon Street*, *Little Abingdon Street*, *Milbank Street* to the *Horſe Ferry*, *Market Street*, to the High Road near the *Burial Ground*, *Great Queen Street*, *Little Queen Street*, *Princes Court*, *Park Proſpect*, *Long Ditch*, *Broken Croſs*, *Great Sanctuary*, *Little Sanctuary*, *Old Tothill Street*, *Dartmouth Street*, *Dartmouth Row*, *Broad Way*, the ſtreets leading from the *Broad Way* to *Queen Square*, *Petty France*, and *James Street*, and ſuch other ſtreets as are already new paved, cleanſed, and lighted, under former acts. *ſ.* 19.

But if any ſtreets exempted ſhall become ſo advanced in rents as that the inhabitants thereof ſhall, in the opinion of the commiſſioners, be of ability to contribute to the paving, *&c.* then ſuch places ſhall be ſubject to be paved. *ſ.* 20.

The ſtreets not ſubject to be paved ſhall ſtill remain ſubject to the powers of former acts. *ſ.* 21.

All inhabitants of houſes, *&c.* in ſtreets liable to be paved, *&c.* ſhall be diſcharged from the office of ſcavenger, and from hanging out lights, and all preſentments of annoyance jurors, conſtables, or other officers (other than the inſpectors hereby appointed), for dangerous pavement, defaults of lighting, and annoyances. And 2 *W. & M.* 19 *Geo.* 2. and all former acts, ſo far as they reſpect places under this act, are repealed. *ſ.* 22. Old pavements, and all materials, old and new, veſted in the committee. *ſ.* 23.

The ſaid committees, not leſs than five perſons being preſent, within their reſpective pariſhes, are to meet in the veſtry rooms, upon the ſecond *Thurſday* in *June* in every year, and at any other time, as often as occaſion ſhall require; and the major part of them ſhall make rates upon all who ſhall inhabit any land, ground, houſe, *&c.* within their reſpective pariſhes, for repairing, cleanſing, and lighting the ſquares, ſtreets, *&c.* within their pariſhes, *&c.* ſo as no rate within any ſquare ſhall exceed in the whole one ſhilling and three-pence in the pound; and within any ſtreet, *&c.* one ſhilling in the pound, in one year, according the poor rates, in 1770. *ſ.* 24.

Houſes hereafter built ſhall be rated as other houſes or buildings ſhall be then aſſeſſed. *ſ.* 25.

" Committees may make an additional rate of 6 *d.* if " neceſſary. *ſ.* 26. Committees may borrow money on " the credit of 5-6ths of the additional rate. *ſ.* 27. Mo- " ney received by the committee to be depoſited in the " bank, in the name of the commiſſioners, and ſhall be " iſſued and applied by the commiſſioners, or 5 of them, " for new paving, *&c.* *ſ.* 28. Clerks of committees to " keep books for entering ſecurities. *ſ.* 29. Surplus of " rates to be applied in reducing the debts. *ſ.* 30. Cre- " ditors may aſſign their ſecurities. *ſ.* 31. Houſes ſitu- " ated beyond turnpikes, or in any road not repaired or " lighted by this act, exempted from rates. *ſ.* 32. Firſt " rate to commence 25th *March* 1771. *ſ.* 33."

Where any of the lands, houſes, ſhops, warehouſes, wharfs, coach-houſes, ſtables, cellars, vaults, buildings, tenements, or hereditaments, ſhall be empty, then the committees may rate ſuch premiſes at one half of the rates during ſuch time only as ſuch premiſes ſhall be empty; and the ſaid rates, and all arrears due thereon, ſhall be paid by the owners, or leſſors, or by the firſt tenants; and ſuch tenants may deduct the ſame out of their rent, and the landlords are are to allow ſuch deductions. *ſ.* 34.

The leſſors, landlords, owners, or proprietors of all houſes let out to lodgers, ſhall be deemed the occupier thereof and ſhall be liable to the payment of the rates. *ſ.* 35.

Every perſon renting any ſeparate apartment ſhall be liable to the payment of the ſaid rates, and may deduct the ſame out of the next rent. *ſ.* 36.

Every rate, *&c.* which any ambaſſador or reſident agent, or other public miniſter of any foreign ſtate, or the ſervant of any ſuch ambaſſador, or other perſon not liable by law to pay ſuch rate, ſhall inhabit, ſhall be paid by the landlords. *ſ.* 37.

The committees within their pariſhes are to rate all pariſh churches, church yards, chapels, meeting houſes, ſchools, inns of court and chancery, halls, ſocieties, markets, warehouſes, wharfs, void ſpaces of ground, and all other public buildings whatſoever within their pariſhes, at not exceeding ſix-pence in any one year for every ſquare yard of pavement paved or repaired, cleanſed, and lighted, under this act, or the former acts, which rates ſhall be paid by the church or chapel wardens. *ſ.* 38.

In caſe any inhabitant, or the leſſee of any land, *&c.* ſhall refuſe or neglect to pay the money rated upon him, and all arrears due thereon, the collectors may levy ſuch rates, by warrant of two juſtices, and all arrears, by diſtreſs and ſale of the goods of the party neglecting; and if within five days after ſuch diſtreſs made, the ſaid rates and arrears ſhall not be paid, with charges, the ſaid collectors ſhall cauſe the ſaid goods to be ſold to pay the rates and charges, returning the overplus to the perſon whoſe goods ſhall be diſtrained. *ſ.* 39.

" Collectors to account for rates to the committees once " in every week. *ſ.* 40. Collectors to account on oath. " *ſ.* 41. If committees neglect to make rates, then the " commiſſioners may do it. *ſ.* 42. Perſons having an " order from the commiſſioners or committees may inſpect " poor's rates. *ſ.* 43. So much of former acts as im- " powers the commiſſioners to make rates, repealed. *ſ.* 44. " Intereſt of money and all other payments ſhall be certi- " fied by the committees to the commiſſioners. *ſ.* 45. " Perſons may recover money certified by the commit- " tees, unleſs ſome juſt cauſe to the contrary. *ſ.* 46. Com- " miſſioners ſhall not be charged with more money from " any pariſh than they ſhall have received from ſuch pa- " riſh. *ſ.* 47. The commiſſioners ſhall keep ſeparate " accounts of money received from each pariſh. *ſ.* 48. " Committees to tranſmit to the commiſſioners once a " year the true amount of all monies rated within each " pariſh. *ſ.* 49. Salaries of the commiſſioners officers, " and the expence of the commiſſion to be aſcertained, and " paid by the commiſſioners, upon allowance thereof by " the committees. *ſ.* 50. *Saint Margaret* and *Saint* " *John* to be one pariſh for the ſeveral purpoſes of the act; " *ſ.* 51. and the committee-men for thoſe pariſhes are jointly " to make rates. *ſ.* 52. Commiſſioners and committee- " men ſhall be choſen for *Saint Giles* and *Saint George*, " *Bloomſbury*; and when choſen ſhall meet in the veſtry of " *Saint Giles*, for exerciſing the powers hereby granted. " *ſ.* 53. Rates in *Saint Giles* and *Saint George*, to be " placed to the ſeparate account of each pariſh. *ſ.* 54. " So much of the pariſh of *Saint Andrew, Holborn*, as " lies above the bars, and *Saint George the Martyr*, to be " united for the purpoſes of this act. *ſ.* 55."

And all the committee-men appointed for the united pariſhes ſhall make all ſuch contracts as ſhall be directed to be made by the commiſſioners within the united pariſhes, and alſo all rates neceſſary within the ſaid pariſhes, for paving, repairing, lighting, and cleanſing the ſtreets, *&c.* and the ſaid committee-men ſhall have authority to do all matters which other committee-men are authoriſed to do; and the ſaid rates ſhall be iſſued and applied for the benefit of the united pariſhes, as the committee-men ſhall order; and the ſaid committee-men are, in the appointment of their officers, to conſider the united pariſhes as one pariſh only. *ſ.* 56.

Nothing herein ſhall extend to any ſquare, ſtreet, or place, which has been paved, *&c.* under 5 *Geo.* 3. impowering the inhabitants of any particular ſquare, *&c.* to raiſe a ſum ſufficient to new-pave the ſame, and enabling the commiſſioners to aſſign the rates upon ſuch ſquare, *&c.* as a ſecurity for the repayment of ſuch money with intereſt. *ſ.* 57.

The commiſſioners ſhall have authority to pave and repair, light, and cleanſe the liberty of the *Rolls*, and to make rates, *&c.* *ſ.* 58.

" The ſouth ſide of *Heming's Row* to be paved; and " churchwardens exempted from contributing. *ſ.* 59. " but no others. *ſ.* 60. The poſts in *Church Paſſage*, " leading out of *Piccadilly* into *Jermyn Street*, not to be " taken away. *ſ.* 61. Nor the poſts and porters block " near *Saville Row*. *ſ.* 62. Nor thoſe in *King Square*, " *Court Paſſage*. *ſ.* 63. Two commiſſioners may put " up chains, *&c.* during divine ſervice, and for one hour " after, in *Maddox Street* and *Mill Street*, *Hanover Square*. " *ſ.* 64. Commiſſioners veſted with power to remove an- " noyances in ſtreets not paved, as by 2 *Geo.* 3. they are " in the ſtreets that have been paved. *ſ.* 65."

If any perſon ſhall come with any cart, or begin to empty any boghouſe, or to take away any night ſoil from any houſe within the limits before twelve o'clock at night, or ſhall continue to take away the ſame after ſix of the clock in the morning, from *Michaelmas* to *Lady-day*, or after five of the clock from *Lady-day* to *Michaelmas*; or if any perſon ſhall caſt out of any cart, tub, or otherwiſe, in or near any of the ſquares, ſtreets, *&c.* within the limits, or within half a mile thereof, any ſuch night ſoil, any conſtable, beadle, or watchman, or any other perſon whatſoever, may apprehend and carry him to ſuch watch-houſe as they ſhall think moſt convenient, there to be kept, and from thence conducted as ſoon as convenient before ſome juſtice, who, upon oath made of ſuch offence, ſhall commit ſuch perſon to the houſe of correction, for not exceeding three months, nor leſs than ten days: and the commiſſioners, at any meeting may order, not exceeding twenty, nor leſs than five ſhillings, to be paid to the perſon who ſhall detect, apprehend and convey before ſuch juſtice, any ſuch perſon guilty as aforeſaid, to be paid out of the rates. *ſ.* 66.

" The commiſſioners are to pay contingent expences " incurred, upon certificate thereof from the committees. " *ſ.* 67. Charges of obtaining this act, and of certain ap- " plications to parliament in the laſt ſeſſion, how to be " paid. *ſ.* 68. Proceedings not to be charged with ſtamp " duty. *ſ.* 69."

Any perſon aggrieved by any rate, may firſt apply for relief to the committee of the pariſh wherein complaint is ſuppoſed to have ariſen, at the firſt or ſecond meeting after demand made of ſuch rate; and the committees are to give relief; and in caſe the party ſhall not be ſatisfied with the determination of the committee, he may apply to the commiſſioners at their firſt or ſecond meeting, giving to the committee, or their clerk, ſix days notice of ſuch appeal; and the commiſſioners ſhall make order therein; and if the party ſhall be diſſatisfied with the order of the commiſſioners, yet he ſhall pay the rate, and may thereafter, and not before, appeal to the quarter ſeſſion, within three months after ſuch determination of the commiſſioners, giving ſix days notice thereof, in writing, and of the matter, to the clerk to ſuch committee, and within four days after notice entering into recognizance before ſome juſtice, with two ſureties conditioned to try ſuch appeal, and to abide the order of, and pay coſts at ſuch ſeſſion; and the ſaid ſeſſion, upon due proof of ſuch notice, and of the entering into ſuch recognizance, ſhall determine the appeal in a ſummary way, and award ſuch coſts to the parties appealing, or appealed againſt, as they ſhall think proper; and the determination of ſuch ſeſſion ſhall be final. *ſ.* 70.

" Diſtreſs not deemed unlawful. *ſ.* 71. No rate or " proceedings to be quaſhed for want of form. *ſ.* 72. " Plaintiff ſhall not recover, if ſufficient amends tendered. " *ſ.* 73."

No action ſhall be commenced for any thing done in purſuance of this act, until after twenty-one days next after notice given in writing to the clerk of the commiſſioners, or clerk to the committee, or after ſufficient ſatisfaction, or tender thereof, hath been made to the party aggrieved, or after ſix months; and the action ſhall be laid and tried in *Middleſex*, and the defendant may plead the general iſſue; and if a verdict ſhall be found for ſuch defendant, *&c.* he ſhall have treble coſts. *ſ.* 74.

By 14 *Geo.* 3. *c.* 90. *for regulating the nightly watch throughout the city of* Weſtminſter, *and the liberties thereof, the ſeveral pariſhes of* Saint Clement Danes, *and* Saint Mary le Strand, *as well within as without the liberties of the ſaid city, and the precinct of the* Savoy; *the united pariſhes of* Saint Giles in the Fields, *and* Saint George Bloomſbury; *the united pariſhes of* Saint Andrew Holborn, *above the bars, and* Saint George the Martyr; *and the liberty of* Saffron Hill, Hatton Garden, *and* Ely Rents, *in the county of* Middleſex. The powers for regulating the nightly watch and beadles, given to the veſtries of *Saint James*, and *Saint George, Hanover Square*, by 8 *Geo.* 2. *c.* 15. to the veſtry of *Saint Martin in the Fields*, by 9 *Geo.* 2. *c.* 8. within the pariſh of *Saint Paul Covent Garden*, to the veſtry of the ſaid pariſh, and certain other perſons, by 9 *Geo.* 2. *c.* 13. to the veſtries of *Saint Margaret* and *Saint John the Evangeliſt*, by 9 *Geo.* 2. *c.* 17. to the veſtry of *Saint Anne*, by 9 *Geo.* 2. *c.* 19. to the truſtees elected in purſuance of 10 *Geo.* 2. *c.* 25. within the liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, in the pariſh of *Saint Andrew Holborn*, in the county of *Middleſex*; to the directors or governors of the nightly watch and beadles of *Saint Clement Danes*, by an act in 4 *Geo.* 3. to the governors and directors of the poor of the united pariſhes of *Saint Andrew Holborn*, above the bars, and *Saint George the Martyr*, by an act in 6 *Geo.* 3. and all private acts, are hereby continued, and may be exerciſed by ſuch veſtries, truſtees, directors, or governors of the watch, governors and directors of the poor, and other perſons within each pariſh, until the times for the appointment of watchmen and beadles. *ſ.* 1.

It ſhall be lawful for the veſtries, truſtees, directors, or governors of the watch, governors and directors of the poor, and other perſons choſen, within their reſpective pariſhes, liberty, precinct, and places, to place a ſufficient number of watch-boxes, in ſuch convenient parts of each pariſh, *&c.* as they at any of their public meetings reſpectively, ſhall judge neceſſary; which watch-boxes ſhall not be taken down or removed by any perſon, on any pretence whatever,

whatever, without the order of the ſaid veſtries, truſtees, directors or governors. *ſ.* 2.

If any perſon ſhall wilfully break, take down, or remove, damage, or deſtroy, any of ſuch watch-boxes, every perſon being thereof convicted upon oath of one witneſs, or upon his own confeſſion, before one juſtice, ſhall forfeit, not exceeding twenty ſhillings, over the charges of replacing, repairing, or making good ſuch watch-box, or any damage done thereto. *ſ.* 3.

The inhabitants of the pariſh of *Saint Mary le Strand* are to meet together annually, on the firſt *Wedneſday* in *June* in every year, or within ten days following, between ten and twelve in the forenoon (notice being given in the church on the *Sunday* preceding), and there to nominate twelve truſtees for regulating the watch and beadles, within *Saint Mary le Strand:* and the inhabitants of the *Savoy* are to nominate ſeven truſtees, and the veſtrymen of the united pariſhes of *Saint Giles in the Fields*, and *Saint George Bloomſbury*, ſhall be truſtees for the ſaid pariſhes. *ſ.* 4.

The ſaid truſtees and other perſons ſhall, reſpectively, at their annual meetings appoint watchmen in each pariſh, for the year enſuing, ſpecifying particularly how many are to have certain beats and ſtands, and at what places, and how many of them are to patrol and have no certain ſtands, under the following limitatations; viz. in *Saint Margaret*, and *Saint John the Evangeliſt*, the number of watchmen having beats and ſtands to be forty, or more, and the watchmen to patrol to be ſix; and in *Saint Martin in the Fields*, the watchmen to have ſtands to be forty, and the watchmen to patrol to be ſix; in the pariſh of *Saint James*, the watchmen to have ſtands to be fifty, and the watchmen to patrol, eight, at the leaſt; in *Saint George Hanover Square*, the watchmen to have ſtands to be ſixty, and the watchmen to patrol, eight; in the pariſh of *Saint Anne*, the watchmen to have ſtands to be twenty, and the watchmen to patrol, four; in the pariſh of *Saint Paul Covent Garden*, the watchmen to have ſtands to be eighteen, and the watchmen to patrol, four; in the pariſh of *Saint Clement Danes*, the watchmen to have ſtands to be twenty, and the watchmen to patrol, five; in the pariſh of *Saint Mary le Strand*, the watchmen to have ſtands to be two, and one to patrol; and in the precinct of the *Savoy* to be one watchman; in the united pariſhes of *Saint Giles in the Fields*, and *Saint George Bloomſbury*, the watchmen to have ſtands to be thirty, and the watchmen to patrol to be ſix; in the united pariſhes of *Saint Andrew Holborn*, above the bars, and *Saint George the Martyr*, the watchmen to have ſtands to be thirty, and the watchmen to patrol, ſix; and in the liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, the watchmen to have ſtands to be twelve, and the watchmen to patrol, two: and the ſaid truſtees, veſtries, and other perſons ſo met, ſhall direct, in writing, at what places particularly the watch-boxes ſhall be fixed, and the boundaries of the ſeveral beats; and ſhall alſo appoint beadles within each pariſh, in proportion to the extent of each pariſh, and to the monies which can be raiſed therein, by the rates; and ſhall alſo nominate honeſt and able-bodied men to be employed in the offices of beadles and watchmen; and alſo ſhall order what wages are to be paid to the ſaid beadles, and to the ſaid watchmen, as well patroles as others; and alſo ſhall order what pound rate ſhall be made for defraying the charges of ſuch nightly watch and beadles. *ſ.* 5.

The wages of every patrol ſhall not be leſs than one ſhilling and three-pence *per* night, and the wages of every watchman ſhall not be leſs than eighteen pounds five ſhillings in every year; and the wages of ſuch watchmen ſhall not be more than four weeks in arrear at one time. *ſ.* 6.

No aſſeſſment in any one year ſhall exceed ſix-pence in the pound, of the yearly value of the houſes aſſeſſed. *ſ.* 7.

Each of the watchmen, as well thoſe who ſhall be appointed to patrol as thoſe who ſhall have ſtands, ſhall be furniſhed with a rattle, and ſhall be armed with a ſtaff, or other weapons or arms, to be provided at the expence of each of the pariſhes; and each watchman appointed to a ſtand, ſhall provide himſelf a lanthorn, to be numbered ſo, as, from the light within, to make ſuch number diſtinguiſhable in the night-time; and each watchman appointed to a ſtand, ſhall be at his ſtand every night before ten, or ſuch earlier hour as the veſtries, truſtees, governors, or directors, ſhall appoint; and ſhall keep watch at his ſtand, or in his round, from the hour appointed, until five in the morning, during *May*, *June*, *July*, and *Auguſt*; and until ſix in the morning, during *September*, *October*, *March*, and *April*; and until ſeven in the morning, during *November*, *December*, *January*, and *February*; and every watchman ſhall be at the watch-houſe belonging to each pariſh half an hour before he is to be at his ſtand, to receive his rattle and arms, and ſhall return to the watch-houſe the next morning, when the time for his keeping watch is expired, to the end that both at night and morning his name may be called over, and the condition of his arms, rattle, and lanthorn, may be examined by the conſtable or beadle of the watch: and every patrol, ſhall appear at, and ſhall ſet out from the watch-houſe of the pariſh for which he is employed, in the evening of the firſt day of *October*, and every evening afterwards, until the laſt day of *April*, in every year, at eleven of the clock, and ſhall (not ſingly, but two together, and not more) patrol the whole of the pariſh, from that hour, until ſix in the morning, during *December*, *January*, and *February*, and until five, during *October*, *November*, *March*, and *April*, and until four during the other months. *ſ.* 8.

The patrol of *Saint Mary le Strand*, ſhall, in company with one of the patrol of *Saint Clement Danes*, patrol the pariſh of *Saint Mary le Strand*, and the *Savoy*, and ſuch part of *Saint Clement Danes* as lies weſtward of *Saint Mary le Strand*, and of the *Savoy*; and the truſtees for the watch for the *Savoy*, ſhall pay to the pariſh of *Saint Clement Danes*, one-fifth part of the wages of ſuch watchman of *Saint Clement Danes*, and alſo to the pariſh of *Saint Mary le Strand*, one-fifth part of the wages of ſuch watchman. *ſ.* 9.

The veſtries are not required to employ any patrol for any other parts of any year than during the months of *October*, *November*, *December*, *January*, *February*, *March*, and *April*, and within *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, during *November*, *December*, *January*, and *February* only. *ſ.* 10.

If any perſon ſhall aſſault or reſiſt any watchman in the execution of his office, or ſhall encourage the ſame, ſuch perſon ſhall forfeit, not exceeding five pounds. *ſ.* 11.

The conſtables of *Saint Clement Danes*, and *Saint Mary le Strand*, ſhall watch in the watch-houſes of the ſaid pariſh, as well within as without the limits of the Duchy of *Lancaſter*, alternately, in a rotation to be ſettled by the directors or governors of the watch for *Saint Clement Danes*, and the truſtees of *Saint Mary le Strand*, jointly; and ſuch conſtables in the ſaid watch-houſes, and in every other of the pariſhes, ſubjected to the powers of this act (the precinct of the *Savoy* only excepted), each of the conſtables and headboroughs ſhall watch, in the watch-houſe of the pariſh for which he ſhall ſerve as conſtable or headborough, alternately, in a rotation to be ſettled by the veſtries, *&c.* and ſhall continue ſo to do throughout the year, during all the hours herein appointed, for the watchmen

having ſtands to continue on duty; and ſhall take charge, and diſpoſe of, according to law, all ſuch perſons as ſhall be brought before ſuch conſtables, by any of the watchmen or beadles, in manner herein directed. *ſ.* 12.

The high conſtable of *Weſtminſter*, and the high conſtable for *Holborn* diviſion, ſhall, within four days after the appointment of conſtables and headboroughs, return to the veſtry clerk of each pariſh, a liſt of the conſtables and headboroughs appointed for ſuch pariſh. *ſ.* 13.

Every watchman (except the patrol) ſhall, every night, twice in every hour, during his whole time of watching, go round his walk, and proclaim the time of the night or morning; and ſuch watchman, and every patrol, ſhall carefully obſerve and try whether the houſes, ſhops, warehouſes, or other buildings, are ſafe and well ſecured; and in caſe he ſhall diſcover any doors, ſhutters, windows, or other parts of any houſe not ſhut and faſtened, he ſhall forthwith give notice thereof to the occupier, that ſuch door, *&c.* may be ſecured, and ſhall give his aſſiſtance in ſecuring the ſame; and each of the watchmen, as well patroles as others, and every beadle ſhall, during his time of watching, to the utmoſt of his power, endeavour to prevent miſchiefs by fire, murders, burglaries, robberies, affrays, and other outrages and diſorders: and, to that end, during the time of watching, may arreſt all night-walkers, malefactors, rogues, vagabonds, and other looſe, idle, and diſorderly perſons, whom he ſhall find within his beat, or within any part of ſuch pariſh, diſturbing the public peace, or that he ſhall have cauſe to ſuſpect of any evil deſigns, and all perſons lying or loitering in any ſquare, ſtreet, court, lane, mews, yard, alley, paſſage, or place; and deliver the perſons apprehended to the conſtable or headborough of the night, at the watch-houſe, in order that ſuch perſon may be ſecured, until he can be conveyed before ſome juſtice, to be dealt with according to law. *ſ.* 14.

In caſe any watchmen ſhall want aſſiſtance, then any other watchmen of the ſame, or any adjoining pariſh, having notice thereof by the rattle, or other outcry, ſhall immediately repair and aſſiſt ſuch watchmen; but no watchman ſhall be abſent from his ſtand, on any pretence whatever, except on ſome ſuch occaſion as above, nor longer than neceſſity ſhall require; nor ſhall go into any ale-houſe, or other public-houſe, during the times of watching; unleſs called there on account of an affray, breach of the peace, or of the apprehending ſome malefactor or diſorderly perſon. *ſ.* 15.

Beadles, on every night of watching, ſhall, twice or oftener, go through all the ſquares, ſtreets, and places, in the pariſh, and ſhall ſee to the behaviour of the patroles and watchmen; and ſhall, twice or oftener in ſuch night of watching, make reports to the conſtable, headborough of the night, or to ſuch other perſon as ſhall be appointed to receive the ſame, of all miſbehaviours and neglects of duty of watchmen and patroles; and ſuch reports ſhall enter in a book, to be kept at the watch-houſe by ſuch beadle; and every patrol, ſhall, twice, or oftener, in every night, ſee to the behaviour of the other watchmen, and ſhall make reports to the conſtable, headborough, beadle, or other perſon appointed, of all neglects of duty, or other miſbehaviour of the watchmen; and ſhall enter ſuch returns in the ſaid book, which book ſhall be laid before the veſtries, *&c.* at every of their meetings, to the end all ſuch neglects and miſbehaviours may be puniſhed. *ſ.* 16.

The turncocks are to deliver, in writing, to one of the conſtables or headboroughs of each pariſh, an account of his name and place of abode, together with the names of the ſtreets and places within his duty, to ſupply with water; which name and place of abode, and other particulars, ſuch conſtable, *&c.* ſhall forthwith cauſe to be written, printed, or painted, in a plain manner, and affixed in ſome conſpicuous part of the watch-houſe, and in every watch-box within ſuch pariſh; and on every removal or change of reſidence of ſuch turncocks, they ſhall forthwith give notice of their new reſidence, *&c.* and in caſe of the death or diſcharge of ſuch turncocks, every ſucceeding turncock ſhall obſerve the foregoing rules: and if any conſtable, headborough, or turncock, ſhall neglect his duty, as directed by this act, or if any perſon ſhall wilfully remove or obliterate ſuch writing, printing, or painting, except on change of reſidence, death, or diſcharge, ſuch perſon ſhall forfeit to the informer, not exceeding ten ſhillings, to be recovered before one juſtice. *ſ.* 17.

If any watchman miſbehave, or neglect his duty, upon complaint thereof made to the veſtries, &c. or to the committees to be appointed as herein directed at any of their meetings, he ſhall forfeit, not exceeding ten ſhillings, to be deducted out of his wages. *ſ.* 18.

If any victualler, or keeper of any public-houſe, or cellar, ſhall knowingly harbour, or permit any watchman, or patrol, to remain in his houſe or cellar during any part of the hours of watching; or if any conſtable or headborough ſhall make default of watching, and ſhall not abide in the watch-houſe during all the hours directed, ſuch victualler, and ſuch conſtable or headborough, being reſpectively convicted by his own confeſſion, or by oath of one witneſs before one juſtice, ſhall forfeit, *viz.* every victualler, *&c.* for the firſt offence, twenty ſhillings; for the ſecond, forty ſhillings; and for every ſubſequent offence, five pounds; and every conſtable, not exceeding twenty, nor leſs than five ſhillings. *ſ.* 19.

The forfeitures may be levied by warrant § of any juſtice; to be directed to a conſtable or headborough; and ſhall be paid to the collector of the rate, and be applied to the ſame uſes as the rates: and in caſe of no ſufficient diſtreſs to levy the penalties, ſuch juſtice may commit ſuch offender to the common gaol, or houſe of correction, to hard labour, for not exceeding three months. *ſ.* 20.

The juſtice ſhall cauſe ſuch conviction to be drawn up in the form, or to the effect following;

To wit, Be it remembered, that on this ——— *day* ——— *in the* ——— *year of the reign of* ——— *A. B.* (appearing, or being duly ſummoned and not appearing), *is convicted before* ——— *of his majeſty's juſtices of the peace for the ſaid county of* Middleſex, *or for the city and liberty of* Weſtminſter (as the caſe ſhall happen to be), *of* ——— *and* ——— *do adjudge him* (her, or them, as the caſe ſhall be) *to pay and forfeit for the ſame ſum of* ——— *being the firſt* (ſecond or third) *offence* (as the caſe ſhall be).

Given under ——— *hand and ſeal, or hands and ſeals* (as the caſe may be), *the day and year aforeſaid.*

And the ſaid juſtice ſhall cauſe the ſame to be written upon parchment, and tranſmitted to the next general or quarter ſeſſion, for *Middleſex*, to be filed amongſt the records: and any perſon aggrieved by ſuch conviction may appeal to any general or quarter ſeſſion, within three months after conviction, giving unto the juſtice ten days notice; and ſuch general or quarter ſeſſion, or any ſubſequent ſeſſion, may proceed to the determination of the ſaid appeal, and to make order therein, and award coſts to either party; which order ſhall be concluſive, and ſhall not be removed by *certiorari*. *ſ.* 21.

The evidence of any pariſhioner ſhall be admitted. *ſ.* 22.

§ The effects not mentioned.

No

No perſon ſhall be appointed a deputy conſtable in the city of *Weſtminſter*, or liberty thereof, who ſhall not at the time of appointment, be an houſeholder and reſident in the pariſh, for which he ſhall be appointed, and who ſhall not produce a certificate in writing, ſigned by the churchwarden or chapelwarden, ſignifying that he hath been approved at ſome veſtry, or other public meeting. *ſ.* 23.

The veſtrymen of *Saint Giles in the Fields*, and *Saint George Bloomſbury*, jointly, as one veſtry, or ſeven of them, and the truſtees for *Saint Mary le Strand*, or five of them, and the truſtees for the *Savoy*, or three of them, in the ſaid pariſhes and precinct ſeverally, ſhall exerciſe the like powers, to make rules, *&c.* to be obſerved by the conſtables, headboroughs, beadles, and watchmen, and to cauſe copies of ſuch rules, *&c.* to be written or printed, and ſigned by the veſtry clerk, and delivered to ſuch perſons, and to make and ſign aſſeſſments to be allowed in the ſame manner, and to appoint collectors thereof, and to order payment of any monies in the hands of collectors, and to apply any rates, *&c.* and to cauſe to be kept books of account concerning the watch, and to execute all other powers, concerning the watch and beadles, and the levying monies to diſcharge the charges thereof, within their ſeveral pariſhes and precinct, as the truſtees under 10 *Geo.* 2. may execute for the liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*. *ſ.* 24.

The directors or governors of the watch for *Saint Clement Danes*, and the truſtees for *Saint Mary le Strand*, if they, or the majority of them, ſhall think fit, may aſſemble together, attended by the veſtry clerks of both pariſhes, annually or oftener, in the veſtry-room of *Saint Clement Danes*, by ſummons or other notice; and the ſaid directors, or governors and truſtees, or the major part of them, ſo aſſembled, may, if they ſhall ſo think fit, join together, and, as one body, make, in writing, the ſame rules, to be obſerved in *Saint Clement Danes*, and *St. Mary le Strand*. *ſ.* 25.

The veſtries, truſtees, or other perſons, are to appoint collectors of rates, and out of the rates collected, to make allowances to ſuch collectors, not exceeding 6*d.* in the pound of the clear monies collected. *ſ.* 26.

" Collectors to find ſecurity. *ſ.* 27. Executors of " collectors to deliver up papers, *&c.* on pain of forfeiting 50*l.* over what ſhall be in his hands, which may " be levied by diſtreſs and ſale of the goods of ſuch executors, or repreſentatives, and ſhall alſo pay to ſuch perſons as the veſtries, *&c.* appoint all money remaining " due, and received by virtue of the office at the time " of his death." *ſ.* 28.

If any houſe ſhall be occupied in lodgings, by diſtinct lodgers, any one of ſuch lodgers, or the landlord of ſuch houſe, ſhall be charged with the whole aſſeſſment; and in caſe of nonpayment, the ſum aſſeſſed ſhall be levied upon ſuch landlord, or any one of the inhabitants of ſuch houſe. *ſ.* 29.

The goods of every perſon, being in any houſe let furniſhed, or any ſeparate apartment in any houſe let ready furniſhed, or let to ſeveral tenants, ſhall be liable to be diſtrained and ſold, for the payment of the aſſeſſment; and every perſon who ſhall pay ſuch aſſeſſment, or any perſon upon whoſe goods ſuch aſſeſſment ſhall be levied, may deduct the ſame out of the rent due to his landlord, and every receipt for the payment of ſuch aſſeſſment ſhall be a ſufficient diſcharge againſt ſuch landlord, for ſo much as ſhall have been ſo paid or levied. *ſ.* 30.

" Aſſeſſments on houſes occupied by ambaſſadors, *&c.* " to be paid by landlords." *ſ.* 31.

If any perſon aſſeſſed, ſhall refuſe or neglect to pay the ſum rated upon him, ſuch collectors, by warrant under the hands and ſeals of two juſtices, may levy the ſame by diſtreſs and ſale of the goods of the party neglecting or refuſing, rendering to him the overplus. *ſ.* 32.

The goods of any perſon aſſeſſed, and refuſing or neglecting to pay, may, by ſuch warrant, be diſtrained, not only within the pariſh for which ſuch aſſeſſment was made, but in any other place within the county of *Middleſex*, or city of *Weſtminſter*; and if ſufficient diſtreſs cannot be found within the ſaid county, then on oath made thereof, and of the ſigning ſuch warrant, before any juſtice for any other county (which oath ſhall be certified under the hand of ſuch juſtice, by indorſement on the warrant), the goods of ſuch perſon ſhall, by ſuch collector, under ſuch warrant and indorſement thereof, be diſtrained, in ſuch other county, and ſold for ſatisfaction of the monies refuſed or neglected to be paid. *ſ.* 33.

In caſe any perſon ſhall come into any houſe, *&c.* out of which any other perſon aſſeſſed ſhall have removed, or which at the time of making ſuch rate was empty; then every perſon ſo removing from, and every perſon ſo coming into the ſame, ſhall reſpectively pay ſo much of the aſſeſſment as ſhall be in proportion to the time he ſhall occupy the premiſes aſſeſſed, which proportion, in caſe of diſpute, ſhall be aſcertained by two juſtices. *ſ.* 34.

No perſon who ſhall pay any rate, or who ſhall be choſen a patrol or watchman, ſhall gain any ſettlement in the pariſh; and no menial or hired ſervant ſhall be choſen a beadle, patrol, or watchman. *ſ.* 35.

The collectors of rates ſhall pay over the monies ariſing from the ſame to ſuch watchmen, beadles, or other perſons, at ſuch times, and in ſuch proportions, as the veſtrymen, directors, or governors of the watch, governors or directors of the poor, or truſtees ſhall appoint; and ſhall on ſuch day as the veſtrymen, truſtees, directors, or governors ſhall appoint, yield a true account of all money received and paid, and alſo pay all money as ſhall remain in their hands. *ſ.* 36.

The ſaid veſtries, truſtees, directors, or governors of the pariſh, in their ſeveral meetings for appointing watchmen, ſhall, if they think fit, nominate any of the ſaid veſtrymen, not exceeding ten, nor leſs than five, to be a committee for one year; and the ſaid veſtries, *&c.* ſhall meet four times in every year, or oftener, and the ſaid committee ſhall meet at the uſual place of meeting for tranſacting the public buſineſs of each pariſh, within the firſt week in every month, or oftener; and the ſaid veſtries, *&c.* at their quarterly, or other meetings, and the ſaid committees, at their monthly or other meetings, ſhall call before them all conſtables, headboroughs, beadles, patroles, and other watchmen, and examine into their behaviour reſpecting the watch, and reward or cenſure them accordingly; and hear and redreſs complaints, and give directions, and ſee to the payment of the wages to be given to ſuch patroles and other watchmen, and to encourage the attendance of ſupernumerary watchmen, to the end ſuch ſupernumeraries (if required) may go upon duty as watchmen inſtead of ſuch of the conſtant patroles, or watchmen, as by ſickneſs, or for other cauſe, ſhall not attend, by making to ſuch ſupernumerary watchmen, whether they ſhall be employed or not, ſuch pecuniary allowances as they judge fit. *ſ.* 37.

" Acts, *&c.* of the committee to be under control of " directors, *&c.* *ſ.* 38."

Every ſupernumerary watchman, during ſuch times as he ſhall watch and go upon duty, ſhall have like powers as are here given to other watchmen, and ſhall be ſubject to the ſame rules. *ſ.* 39.

The ſaid ſeveral veſtries, truſtees, directors or governors are to meet together as occaſion ſhall require, notice being given

given in the church or chapel of the pariſh, and to make a rate upon all perſons who ſhall become occupiers of any houſe, &c. in the ſaid pariſhes, after the rate for that year or half year ſhall have been made and aſſeſſed, which rate being allowed by two juſtices, ſhall be collected as the before-mentioned rate. *ſ.* 40.

No perſon rated ſhall be liable to watch or ward by 13 *Edw.* 1. or any other ſtatute. *ſ.* 41.

If any perſon ſhall find himſelf aggrieved by any rate, then upon appeal to the next general quarter, or general ſeſſion for *Middleſex*, which ſhall be firſt held after fourteen days after notice of ſuch rate or demand thereof, notice of ſuch appeal being given to the collector, ſix days before the firſt day of ſuch ſeſſion, the juſtices in ſuch ſeſſion may make order therein, which ſhall be concluſive to all parties, and not removed by *certiorari*. *ſ.* 42.

All money collected, ſhall be applied to the defraying of the expences of the watch and beadles, and other charges incident thereto: and if any collector ſhall refuſe or neglect to give a juſt account, or to pay the monies remaining in his hands to any perſon authoriſed to receive the ſame, two juſtices, upon complaint by one of the veſtrymen, &c. to whom the ſaid collector ſhall be accountable, and proof thereof made upon oath by one witneſs, by warrant under their hands and ſeals, may commit ſuch collector to the common gaol, until he ſhall account, and have paid ſuch money, as upon the ſaid account ſhall appear to be in his hands. *ſ.* 43.

The diſtreſs ſhall not be unlawful, nor the party a treſpaſſer, on account of any want of form in the warrant or proceedings, nor be deemed a treſpaſſer *ab initio*, on account of any irregularity afterwards done; but the perſon aggrieved may recover ſatisfaction by action on the caſe. *ſ.* 44.

No rate, or any proceeding, touching any order relating to any complaint or appeal, or any determination thereon, ſhall be quaſhed for want of form, or be removed into any court of record at *Weſtminſter*, by *certiorari*. *ſ.* 45.

No plaintiff ſhall recover in any action for ſuch irregularity, &c. if tender of amends ſhall be made before action brought; and in caſe no ſuch tender ſhall have been made, the defendant may pay into court ſuch ſum of money as he ſhall ſee fit. *ſ.* 46.

Action for any thing done in purſuance of former acts, or this preſent act, ſhall be commenced within three months, and ſhall be laid in *Middleſex*; and the defendant may plead the general iſſue; and if the plaintiff ſhall become nonſuited, &c. the defendant ſhall have treble coſts. *ſ.* 47.

Wine.

By 6 *Ed.* 1. *c.* 15. The mayor and bailiffs before the coming of the barons of the exchequer into *London*, ſhall inquire of wines ſold againſt the aſſiſe, and ſhall preſent it before them at their coming, and then ſhall they be amerced.

Wills.

By 11 *Geo.* 1. *c.* 18. All perſons who after the firſt of *June* 1725, ſhall become free of the city, and all who at that day ſhall be unmarried, and not have iſſue by any former marriage, may diſpoſe of their perſonal eſtate. *ſ.* 17.

If any perſon who ſhall be free of the city hath agreed, or ſhall agree, by writing, in conſideration of his marriage, or otherwiſe, that his perſonal eſtate ſhall be diſtributed according to the cuſtom of the city; or in caſe any perſon ſo free ſhall die inteſtate, his perſonal eſtate ſhall be ſubject to the cuſtom of the city. *ſ.* 18.

Wood.

By 23 *Eliz.* *c.* 5. No perſon ſhall convert to fuel for the making of iron in any iron mills, furnace, or hammer any wood or underwood, growing within twenty-two miles from *London*, upon pain to forfeit for every load 40 *s.* one half to the queen, and the other moiety to him that will ſue.

Longitude.

By 12 *Ann. ſt.* 2. *c.* 15. The lord high admiral, or the firſt commiſſioner of the admiralty, the ſpeaker of the houſe of commons, the firſt commiſſioner of the navy, the firſt commiſſioner of trade, the admirals of the red, white, and blue, ſquadrons, the maſter of the *Trinity-houſe*, the preſident of the royal ſociety, the royal aſtronomer of *Greenwich*, the *Savilian*, *Lucaſian*, and *Plumian*, profeſſors of the mathematics in *Oxford* and *Cambridge*, all for the time being, the honourable Sir *Thomas Hanmer*, Bart. and *William Clayton*, Eſq; are conſtituted commiſſioners for the diſcovery of the longitude at ſea, and for examining and judging of all propoſals and improvements relating to the ſame. *ſ.* 1.

After experiments made of any propoſal, the commiſſioners ſhall declare how far the ſame is found practicable. *ſ.* 2.

By 26 *Geo.* 2. *c.* 25. The governor of *Greenwich Hoſpital*, the judge of the court of admiralty, the ſecretaries of the treaſury, the ſecretary of the admiralty, and the comptroller of the navy, ſhall be joined with ſuch of the commiſſioners appointed by 12 *Ann.* as are ſurviving.

By 5 *Geo.* 3. *c.* 20. It ſhall be lawful for the commiſſioners to cauſe ſuch Nautical Almanacks, or other uſeful tables, to be conſtructed, and to print, publiſh, and vend, any Nautical Almanack, or other uſeful table, which they ſhall judge neceſſary and uſeful, in order to facilitate the method of diſcovering the longitude at ſea. *ſ.* 10.

No perſon ſhall print, publiſh, or vend, any Nautical Almanack, or other table conſtructed under the direction of the commiſſioners, without being firſt licenſed by the ſaid commiſſioners; and if any perſon not licenſed, or authoriſed by the perſon licenſed, ſhall print, publiſh, or vend, any ſuch Nautical Almanack, or other table, every ſuch perſon ſhall, for every copy printed, publiſhed, or vended, forfeit twenty pounds; to be recovered in any court of record at *Weſtminſter*; and one moiety of ſuch penalty ſhall be to his Majeſty, and the other moiety to him that ſhall ſue. *ſ.* 11.

By 14 *Geo.* 3. *c.* 66. The acts 12 *Ann.* 14 *Geo.* 2. 26 *Geo.* 2. 2 *Geo.* 3. 3 *Geo.* 3. 5 *Geo.* 3. and 10 *Geo.* 3. except ſuch clauſes in each of them as relate to the appointment or authority of the commiſſioners, and alſo ſuch clauſes as relate to the conſtructing, printing, publiſhing, vending, and licenſing of Nautical Almanacks, and other uſeful tables, are repealed. *ſ.* 1.

The firſt author or diſcoverer, of each and every method of finding the longitude, his executors, adminiſtrators, or aſſigns, ſhall be entitled to, and have the rewards here-in-after, viz. In caſe the method propoſed ſhall be, by means of a time-keeper, the principles whereof have not hitherto been made public, to five thouſand pounds, if ſuch method determines the longitude to one degree of a great circle, or ſixty geographical miles; to ſeven thouſand five hundred pounds, if it determines the ſame to two-thirds of that diſtance;

tance; and to ten thouſand pounds, if it determines the ſame to one half of the ſaid diſtance: which rewards ſhall be due and paid when ſuch method ſhall have been ſufficiently tried by the following experiments and voyages to be made and performed by ſuch perſons, and under ſuch reſtrictions, as the ſaid commiſſioners ſhall appoint, viz. When two time-keepers, of the ſame conſtruction, ſhall have been tried at the ſame time, for the ſpace of twelve months, at the royal obſervatory at *Greenwich*, then in two voyages round the iſland of *Great Britain*, in contrary directions, and in ſuch other voyages to different climates as the commiſſioners ſhall direct; and after their return from ſuch voyages, or any of them, for ſuch longer time, at the ſaid obſervatory, not exceeding twelve months, as the ſaid commiſſioners ſhall judge neceſſary; and alſo when the ſaid commiſſioners, or two-thirds of them, ſhall, after ſuch experiments and voyages, have declared and determined that ſuch method is generally practicable and uſeful, and ſufficiently exact to determine the longitude at ſea within the degrees aforeſaid, in all voyages for the ſpace of ſix months (impediments from cloudy and hazy weather excepted); and alſo when the principles and practice of ſuch method are fully diſcovered and explained to the ſatisfaction of the commiſſioners; and ſuch author or diſcoverer ſhall have delivered up and aſſigned over to the commiſſioners, for the uſe of the public, the abſolute property of ſuch time-keepers as ſhall have been tried by ſuch experiments and voyages, together with all plates, deſcriptions, theories, and explanations, relating to the ſame, and which ſhall contain the whole of ſuch diſcovery of the longitude; and in caſe the method propoſed ſhall be by means of improved ſolar and lunar tables; then the author of ſuch tables, his executors, adminiſtrators, or aſſigns, ſhall have the reward of five thouſand pounds, if ſuch tables ſhall prove ſufficiently exact to ſhew the diſtance of the moon from the ſun and ſtars in the heavens, within fifteen ſeconds of a degree, anſwering to about ſeven minutes of longitude, after making an allowance of half a degree for the errors of obſervation; and when it ſhall appear to the ſatisfaction of the commiſſioners, that ſuch tables are conſtructed entirely upon the principles of gravitation laid down by Sir *Iſaac Newton* (except with reſpect to thoſe elements which muſt neceſſarily be taken from aſtronomical obſervations), and alſo when the truth of ſuch tables ſhall have been further confirmed and proved by compariſon with a ſeries of aſtronomical obſervations made during a period of eighteen years and a half, which is deemed the period of the irregularities of the lunar motions; which reward ſhall be due and paid, when the commiſſioners ſhall have determined, that ſuch tables are ſufficiently exact to ſhew the diſtance of the moon from the ſun and ſtars in the heavens, within the limits above; and alſo when the author of ſuch tables, his executors, adminiſtrators, or aſſigns, ſhall have delivered up, and aſſigned over to the commiſſioners, for the uſe of the public, the abſolute right and property to the ſame, together with the theory relating thereunto: and in caſe any other method ſhall be propoſed for finding the longitude at ſea, beſides thoſe before mentioned, then, the firſt author or diſcoverer, his executors, adminiſtrators, or aſſigns, ſhall have the reward of five thouſand pounds, if it ſhall determine the ſaid longitude within one degree of a great circle, or ſixty geographical miles; to ſeven thouſand five hundred pounds, if it ſhall determine the ſame to two-thirds of that diſtance; and to ten thouſand pounds, if it ſhall determine the ſame to one half of the ſame diſtance; which rewards ſhall be paid, ſo ſoon as the commiſſioners ſhall, after proper trial, made by their appointment and direction, have determined that ſuch method ſhall be generally practicable and uſeful for finding the longitude at ſea within the above limits. *ſ.* 2.

When ſuch method ſhall be tried and found practicable and uſeful at ſea, and ſufficiently exact to determine the longitude within any of the degrees aforeſaid, the commiſſioners ſhall certify the ſame, under their hands and ſeals, to the commiſſioners of the navy, together with the name of the author; and the commiſſioners of the navy are to make out a bill upon the treaſurer of the navy, for the money to which the author of ſuch propoſals ſhall be entitled by this act; which ſum the ſaid treaſurer is to pay out of any money in hand, unapplied to the uſe of the navy. *ſ.* 3.

The commiſſioners for the diſcovery of longitude at ſea, or five of them, ſhall have power to hear and receive any propoſal for diſcovering the ſaid longitude, or for making any other uſeful improvement in navigation; and in caſe they ſhall be ſo far ſatisfied of the probability of any ſuch diſcovery or improvements as to think it proper to cauſe experiments to be made thereof, they ſhall certify the ſame, together with the name of the author, to the commiſſioners of the navy, who are to make out bills upon the treaſurer for ſuch ſum as the commiſſioners for the diſcovery of longitude ſhall think neceſſary for making ſuch experiments; which the treaſurer is to pay out of any money in his hands unapplied. *ſ.* 5.

If any perſon ſhall make any diſcovery for finding the longitude at ſea, which, though not of ſo great uſe as to be entitled to any of the great rewards, ſhall nevertheleſs be adjudged by the commiſſioners to be of conſiderable uſe to the public, or ſhall make any other diſcovery or improvement, uſeful to navigation; then ſuch perſon ſhall have ſuch leſs reward as the commiſſioners ſhall think reaſonable; and certify accordingly to the commiſſioners of the navy, who are to make out bills upon the treaſurer for ſuch ſums, which the ſaid treaſurer is to pay out of any money in his hands unapplied. *ſ.* 6.

In caſe any reward ſhall not exceed one thouſand pounds, it may be certified to the commiſſioners of the navy, under the hands and ſeals of the commiſſioners for the diſcovery of longitude, or five of them; but if it ſhall exceed one thouſand pounds, then it ſhall be certified by the major part of them. *ſ.* 7.

In caſe any perſon who ſhall have received any reward, ſhall afterwards become entitled to any of the greater rewards on account of the ſame method, then ſuch money as he ſhall have received, ſhall be conſidered as part of ſuch greater reward, and deducted therefrom accordingly; and no perſon ſhall receive more in the whole for one method for diſcovering the longitude at ſea, than the greateſt reward appointed by this act. *ſ.* 8.

The commiſſioners for the diſcovery of longitude at ſea, or the major part of them, are impowered to adminiſter oaths for carrying this act into execution, which oaths two commiſſioners may adminiſter; and in caſe any perſon ſhall wilfully ſwear falſely, ſuch perſon ſhall be liable to the ſtatutes againſt perjury. *ſ.* 9.

By 21 *Geo.* 3. *c.* 52. The commiſſioners for the diſcovery of longitude have power, whenever they ſhall be ſatisfied of the probability of any propoſal for diſcovering the longitude, or making any other uſeful diſcovery and improvement in navigation, ſo as to think it proper to cauſe experiments to be made thereof, to certify the ſame to the commiſſioners of the navy; and alſo in caſe they ſhall adjudge any perſon to have made any diſcovery for finding the longitude at ſea, which, though not of ſo great uſe as to be entitled to any of the great rewards, yet of conſiderable

uſe

uſe to the public, or to have made any other diſcovery, or improvement, uſeful to navigation, to certify ſuch leſs reward as they ſhall think reaſonable; and the commiſſioners of the navy are to make out bills upon the treaſurer for ſuch ſums certified, and the ſaid treaſurer is to pay immediately ſuch ſums out of any monies in his hands unapplied. *ſ.* 1.

Provided ſuch ſums do not altogether exceed five thouſand pounds. *ſ.* 2.

Such ſums ſhall be certified, and ſuch bills made out, and payment thereof made, under the ſame regulations as in 14 *Geo.* 3. *ſ.* 3.

Lords.

By 31 *Hen.* 8. *c.* 10. No perſons (except the king's children) ſhall ſit at any ſide of the cloth of eſtate in the parliament-chamber; and the king's vicegerent for the eccleſiaſtical juriſdiction ſhall ſit in all parliaments on the right ſide of the parliament-chamber, and upon the ſame form that the archbiſhop of *Canterbury* ſitteth on, and above the archbiſhop, and ſhall have voice in parliament as other lords. *ſ.* 2.

Next to the vicegerent ſhall ſit the archbiſhop of *Canterbury*, and next to him on the ſame form the archbiſhop of *York*, and next to him on the ſame form the biſhop of *London*, and next the biſhop of *Durham*, and next the biſhop of *Wincheſter*, then all the other biſhops ſhall ſit on the ſame ſide after their ancienties. *ſ.* 3.

The lord chancellor, lord treaſurer, lord preſident of the council, and the lord privy ſeal, being of the degree of barons, or above, ſhall ſit in all parliaments on the left ſide of the parliament-chamber, on the higher part of the form, above all dukes, except ſuch as ſhall be the king's ſon, the king's brother, the king's uncle, the king's nephew, or the king's brothers or ſiſters ſon. *ſ.* 4.

The great chamberlain, the conſtable, the marſhal, the lord admiral, the great maſter or lord ſteward, and the king's chamberlain, ſhall ſit after the lord privy ſeal, and above all other perſonages of the ſame degrees that they ſhall be of. *ſ.* 5.

The king's chief ſecretary, being a baron, ſhall ſit above all barons; and if he be a biſhop, he ſhall ſit above all other biſhops. *ſ.* 6.

Dukes, marquiſſes, earls, viſcounts and barons, not having any of the offices aforeſaid, ſhall ſit after their anciety. *ſ.* 7.

If the lord chancellor, lord treaſurer, lord preſident, lord privy ſeal, or chief ſecretary, be under the degree of a baron, they ſhall ſit at the uppermoſt part of the ſacks in midſt of the parliament-chamber, either upon one form or upon the uppermoſt ſack in order, as is above rehearſed. *ſ.* 8.

In trials of treaſons by peers, if any of the peers ſhall have any of the offices aforeſaid, they ſhall ſit according to their offices. *ſ.* 9.

In all other aſſemblies and conferences of council, the lord chancellor, the lord treaſurer, the lord preſident, the lord privy ſeal, the great chamberlain, the conſtable, the marſhal, the lord admiral, the grand maſter or lord ſteward, the king's chamberlain, and the king's chief ſecretary, ſhall ſit in ſuch order as is above rehearſed. *ſ.* 10.

Lotteries.

By 10 & 11 *W.* 3. *c.* 17. All lotteries are public nuiſances, and all patents for lotteries are void and againſt law. *ſ.* 1.

No perſon ſhall keep open, or draw, or throw at, any lottery, either by dice, lots, cards, balls, numbers, figures, or any other way whatſoever; and every perſon that ſhall open or ſhew, to be paid or drawn at, any lottery, ſhall forfeit 500*l.* one third part to his majeſty, one other third to the poor of the pariſh, and the other third with double coſts to the party that ſhall ſue for the ſame; and the parties offending ſhall likewiſe be proſecuted as common rogues. *ſ.* 2.

Every perſon that ſhall play, throw, or draw, at any lottery, ſhall forfeit 20*l.* one third part to his majeſty, one other third to the poor of the pariſh, and the other third with double coſts to the party that ſhall ſue for the ſame. *ſ.* 3.

By 9 *Ann. c.* 6. Juſtices of peace, mayors, bailiffs, head officers, conſtables, and other her majeſty's civil officers, are required to uſe their utmoſt endeavours to prevent the drawing of any ſuch unlawful lottery; and every perſon who ſhall ſet up, or publiſh the ſetting up, any unlawful lottery, with intent to have ſuch lottery drawn, ſhall forfeit 100*l.* one third part to her majeſty, one other third to the poor of the pariſh, and the other third with coſts to the party who ſhall ſue for the ſame. *ſ.* 5. *See* 9 Ann. *c.* 6. *ſ.* 57. *under title* "Inſurance."

By 10 *Ann. c.* 26. Every perſon who ſhall keep any office for making inſurances on marriages, births, chriſtenings, or ſervice, or any office under the denomination of ſales of gloves, of fans, of cards, of numbers, of the queen's picture, for the improvement of ſmall ſums, or the like offices, under the pretence of improving ſmall ſums, ſhall forfeit 500*l.* one third part to her majeſty, one other third to the poor of the pariſh, and the other third with coſts to the perſon who ſhall ſue for the ſame; and every printer or other perſon who ſhall publiſh the keeping any ſuch office, ſhall forfeit 100*l.* to be diſtributed as the penalty laſt mentioned: and every perſon who in any office before the 24th of *June* 1712, ſet up for making inſurances on marriages, *&c.* or under any other the denominations aforeſaid, or any like denominations, for improvement of ſmall ſums, ſhall make or ſuffer to be made, any new inſurances on marriages, births, chriſtenings, or ſervice, or receive any payments for improvement of ſmall ſums, ſhall forfeit 100*l.* to be diſtributed in like manner. *ſ.* 109.

By 5 *Geo.* 1. *c.* 9. All ſubſcriptions for ſale of the chances, or part of the chances, to ariſe on the tickets iſſued by virtue of the act of this ſeſſion, and all ſuch kinds of undertakings, ſhall be within the meaning of the acts againſt private lotteries, and the perſons buying, ſelling, ſubſcribing, or taking ſubſcriptions for the purchaſe of ſuch chances of any tickets made out in purſuance of any act for a public lottery, or on the numbers of ſuch tickets, without having the original tickets in their cuſtody and right, ſhall be liable to the penalties inflicted on ſuch as ſhall be concerned in private lotteries; and every ſuch offender ſhall for every ſuch chance ſo ſold or ſubſcribed forfeit 100*l.* over and above any former penalties; one moiety to the crown, the other to ſuch perſon as in his own right ſhall at the commencement of the drawing of ſuch lottery be poſſeſſed of the ticket on which ſuch chance ſhall be ſold or ſubſcribed for. *ſ.* 43.

By 8 *Geo.* 1. *c.* 2. Every perſon who ſhall ſet up or keep any office or place under the denomination of ſales of houſes, lands, advowſons, preſentations to livings, plate, jewels, ſhips, goods, or other things, for the improvement of ſmall ſums of money; or ſhall ſell or expoſe to ſale any houſes, *&c.* by way of lottery, or by lots, tickets, numbers, or figures; or ſhall make, print, advertiſe, or publiſh propoſals

propoſals or ſchemes for advancing ſmall ſums of money by ſeveral perſons, amounting in the whole to large ſums, to be divided amongſt them by the chances of the prizes in any public lottery; or ſhall deliver out tickets to perſons advancing ſuch ſums, to entitle them to a ſhare of the money, according to ſuch propoſals or ſchemes; or ſhall make, print, or publiſh, any propoſal or ſcheme of the like kind, and ſhall be thereof convicted, on the oath of one witneſs, by two juſtices of peace, where ſuch offence ſhall be committed, or the offender found, the perſon ſo convicted, ſhall (over and above any former penalties) forfeit 500*l.* one third to the crown, one other third to the informer, and the remaining third to the poor of the pariſh where the offence ſhall be committed, to be levied by diſtreſs and ſale of goods by warrant of the juſtices, and ſhall alſo be committed to the county gaol for one year, and till the 500*l.* be paid. Perſons aggrieved may appeal to the next quarter ſeſſions. *ſ.* 36.

All perſons who ſhall be adventurers in ſuch ſales or lotteries, or ſhall contribute to ſuch ſales or lotteries, ſhall forfeit double the ſum contributed, to be recovered with coſts; one moiety to the crown, the other to the informer. *ſ.* 37.

By 9 *Geo.* 1. *c.* 19. If any perſons ſhall by colour of any authority from any foreign prince or ſtate, ſet up or keep any lottery, or undertaking in the nature of a lottery, or ſhall make, print, or publiſh, any propoſal or ſcheme for ſuch lottery, or ſhall within this kingdom ſell or diſpoſe of any tickets in any foreign lottery, and ſhall be convicted on the oath of one witneſs before two juſtices, *&c.* where ſuch offence ſhall be committed, or the offender found, ſuch offender ſhall (over and above any former penalties) forfeit 200*l.* one third to the crown, one other third to the informer, and the remaining third to the poor of the pariſh, to be levied by diſtreſs and ſale of goods by warrant of the juſtices, and ſhall alſo be committed to the county gaol for one year, and till the ſaid ſum be ſatisfied. *ſ.* 4.

Perſons aggrieved by the judgment of the juſtices may appeal to the next quarter ſeſſions. *ſ.* 5.

By 6 *Geo.* 2. *c.* 35. If any perſon ſhall ſell or deliver any ticket in any foreign lottery, and ſhall be convicted upon action or information, or upon oath or affirmation of one witneſs before two juſtices of peace, where ſuch offence ſhall be committed, or the offender found, the perſon ſo convicted ſhall forfeit 200*l.* one third part to his majeſty, one third to him who ſhall make information of the offence, and the remaining third to the poor of the pariſh, to be levied by diſtreſs and ſale of goods; and ſhall alſo be committed to the county gaol for one year, and from thence till the ſum of 200*l.* be paid. *ſ.* 29.

Any perſon aggrieved by the judgment of ſuch juſtices ſhall have liberty to appeal to the next quarter ſeſſions. *ſ.* 30.

By 12 *Geo.* 2. *c.* 28. *For explaining and making more effectual* 10 & 11 *Will.* 3. *c.* 17. 9 *Ann. c.* 6. and 8 *Geo.* 1. *c.* 2. If any perſon ſet up or keep any office or place, under the denomination of a ſale of houſes, land, advowſons, preſentations to livings, plate, jewels, ſhips, goods or other things, by way of lottery, or by lots, tickets, numbers or figures, cards or dice; or make, print, adverti ſe or publiſh, or cauſe to be made, *&c.* ſchemes for advancing ſmall ſums of money by ſeveral perſons, amounting in the whole to large ſums, to be divided among them by chances of the prizes in ſome public lottery allowed by act of parliament, or deliver or procure to be delivered tickets to the perſons advancing ſuch ſums, to intitle them to a ſhare of the money, according to ſuch ſchemes; or expoſe to ſale any houſes, *&c.* by any game or device to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine or device of chance of any kind; ſuch perſon being convicted before a juſtice for any county or diviſion, or before the m yor, or other juſtice for any city or town-corporate, upon the oath of one witneſs, or upon the view of ſuch juſtice, or on the confeſſion of the party, ſhall forfeit 200*l.* to be levied by diſtreſs and ſale of the offender's goods, by warrant of a juſtice; which forfeitures, after deducting the charges of proſecution, ſhall be applied, one third to the informer, and two-thirds to the poor of the pariſh where ſuch offence is committed; excepting the ſaid two-thirds of forfeitures incurred by any perſon within the city of *Bath*, which two-thirds ſhall be applied to the uſe of the poor in the hoſpital, for poor perſons reſorting to the ſaid city for the benefit of the waters. *ſ.* 1.

The games of the ace of hearts, pharaoh, baſſet and hazard, are hereby declared to be games or lotteries, within the meaning of the ſaid acts; and all perſons who ſet up or keep the ſaid games, ſhall be liable to all the penalties by this act inflicted upon perſons keeping lotteries; and be proſecuted in like manner. *ſ.* 2.

Every perſon who ſhall be an adventurer in any of the ſaid games, lotteries or ſales, or ſhall play, ſet at, ſtake or punt, at either of the ſaid games of the ace of hearts, pharaoh, baſſet and hazard, ſhall forfeit 50*l.* to be recovered as aforeſaid. *ſ.* 3.

All ſales of houſes, lands, advowſons, preſentations to livings, plate, jewels, ſhips, goods or other things, by any game, lottery, or other device to be determined by chance or lot, are hereby declared to be void: and all ſuch houſes, *&c.* ſo expoſed to ſale, ſhall be forfeited to ſuch perſon who ſhall ſue for the ſame in any court of record, or at the aſſizes for the county where the offence is committed; in which action no eſſoign, *&c.* ſhall be allowed. *ſ.* 4.

Any perſon aggrieved by the determination of any juſtice or mayor, may appeal to the next general quarter-ſeſſions; but the perſon appealing ſhall give reaſonable notice to the proſecutor, and enter into recognizance before ſome juſtices, with two ſureties, on condition to try ſuch appeal at the next quarter-ſeſſions, and every ſuch appeal ſhall by the ſaid next general quarter-ſeſſions be finally determined, and not afterwards; and in caſe ſuch judgment or conviction be affirmed, the party appealing ſhall pay unto the proſecutor his treble coſts. *ſ.* 5.

No ſuch conviction or judgment ſhall be ſet aſide by the quarter-ſeſſions for want of form, in caſe the facts alledged in the conviction be proved; nor ſhall ſuch conviction or judgment be removable by *certiorari*, or other proceſs, into any court of record at *Weſtminſter*, until judgment given thereupon by the quarter-ſeſſions. *ſ.* 6.

No writ of *certiorari* or other proceſs ſhall iſſue to remove the record of any ſuch conviction from the quarter-ſeſſions, or any proceedings upon ſuch conviction, into any court of record at *Weſtminſter*, until the party againſt whom ſuch conviction is made, before the allowance of ſuch writ of *certiorari* or other proceſs, find two ſureties to become bound to the proſecutor in 100*l.* with condition to proſecute the ſame with effect within ſix calendar months, and to pay unto the proſecutor his treble coſts, in caſe ſuch conviction be affirmed. *ſ.* 7.

If any perſon be convicted of ſetting up or keeping any of the ſaid lotteries or games, or therein adventure, and have not ſufficient goods whereon to levy the penalties, or do not immediately pay or give ſecurity for the ſame, it ſhall be lawful for the juſtice before whom ſuch perſon is

convicted, to commit such person to the common gaol of the county or place where such offence is committed, for any time not exceeding six months. *s.* 8.

If any justice or mayor neglect to do what is required of him by this act, he shall forfeit 10 *l.* for each offence; one moiety to any person who shall sue for the same, and the other moiety to the poor of the parish where such offence is committed; and shall be recovered with full costs in any court of record, or at the assize for any county; such prosecution being commenced within six months next after such refusal of such justices or mayor. *s.* 9.

Nothing in this act or in any former acts against gaming shall extend to hinder any person from gaming or playing at any of the games in this or in any former act mentioned, within any of his majesty's royal palaces where his majesty then resides. *s.* 10.

Nothing herein contained shall affect any estate or interest in any manors, honours, royalties, lands, tenements, advowsons, presentations, rents, services and hereditaments, hereafter legally allotted to or held by an allotment or partition by lots; but all persons who are or shall be truly seized as part-owners, joint-tenants, and tenants in common of any manors, *&c.* shall be capable to take such estates and interest in like manner as they might have done by lot, chance or allotment, had this act never been made. *s.* 11.

Any suit for any thing done in pursuance of this act, shall be commenced within three calendar months after the fact committed, and shall be laid in the county or place where the cause of action arises, and the defendant may plead the general issue; and if the plaintiff be nonsuited, *&c.* the defendant shall recover treble costs. *s.* 12.

By 13 *Geo.* 2. *c.* 19. The game of passage, and all other games with one or more dice, or with any other instrument or device in the nature of dice, having figures thereon (backgammon, and the other games now played with the backgammon tables, only excepted) shall be deemed games or lotteries by dice, within the meaning of 12 *Geo.* 2. *c.* 28.; and every person who shall set up or keep any office, table or place (save as in the said act declared) for the said prohibited games, shall forfeit the penalties by the said act inflicted upon persons who keep games or lotteries; and every person who shall play, set at, stake or adventure at, the said prohibited games, save as in the said act is declared, shall forfeit the penalties by the said act inflicted upon persons who play at the games in the said act mentioned; and every such offender shall be prosecuted and convicted, and the penalties sued for, and disposed of in like manner as by the said act is directed. *s.* 9.

If any action, *&c.* be brought on this act, no essoign, *&c.* shall be allowed; and over and above the penalties, the plaintiff or informer shall recover his double costs. *s.* 2.

By 29 *Geo.* 2. *c.* 7. If any offence against any act made in this kingdom for preventing private and unlawful lotteries, be committed in *Ireland*, the offender shall incur the like penalty, as if the offence was committed in this kingdom. And such penalties as by any of the said acts are directed to be recovered in any court of record at *Westminster*, shall in case of offences committed in *Ireland*, be recovered in any court of record at *Dublin*. *s.* 26.

By 22 *Geo.* 3. *c.* 47. It shall be lawful to buy and sell, within all parts of *Great Britain* (except *Oxford* and *Cambridge*), any tickets in any lotteries authorised by any *Irish* act of parliament, or any shares of tickets in such *Irish* lottery. *s.* 1.

No person shall, publicly or privately, open, set up, exercise, or keep, by himself or any other person, any office for buying, selling, or dealing in any tickets, or for registering the numbers of tickets in any lottery; or shall, by writing, printing, or otherwise, publish the setting up, or using any such office, without first taking out a licence from the commissioners for managing the duties upon stamped vellum, *&c.* *s.* 2.

The said commissioners, or three of them, are, by writing under their hands and seals, to grant a licence for an office for selling and dealing in lottery tickets, authorised by law, to every person applying for the same; but, previously to the delivery of such licence, and before it shall have any effect, there shall be paid, above all other payments, fifty pounds for every such licence, at the stamp office, at the time such licence shall be delivered; and such sum shall be applied towards defraying the expences of the stamp office in executing this act. *s.* 3.

Such licence shall set forth the true name and place of abode of the person taking out the same; and also the place where such dealing in lottery tickets shall be carried on; and such licence shall continue in force for twelve months from the date thereof, and no longer; and every person dealing after the expiration of such licence, without a new licence, shall be considered as an unlicensed person. *s.* 4.

No licence shall be granted for any lottery office within *Oxford* and *Cambridge*. *s.* 5.

Every person who shall open, set up, or keep, any office for buying, selling, or otherwise dealing in such lottery tickets, or any shares thereof, or for registering the numbers of such tickets, without such licence, or in any place besides that named in the licence, or in any other manner contrary to such licence, or this act, shall forfeit 100 *l.* *s.* 6.

Every person licensed shall cause the words, *licensed to deal in lottery tickets*, to be expressed, in legible characters, upon or near the door in the front of his office; and if any person shall deal in such tickets without complying with the said provision, he shall, for every day, forfeit 20 *l.* *s.* 7.

If any person shall counterfeit, or cause to be counterfeited, or assist in counterfeiting, any licence, or shall fraudulently alter, or cause to be altered, or assist in altering, such licence, or shall knowingly make use of any such counterfeited or altered licence, such person shall forfeit 500 *l.* one moiety to his majesty, and the other to him that shall sue for the same; to be recovered by action of debt, *&c.* in any court of record at *Westminster*; and shall also be subject to imprisonment, for not exceeding six months, as the court shall appoint. *s.* 8.

All persons to whom any licence shall be granted, shall give security by bond to his majesty, in 1000 *l.* with two sureties; of which bond the condition shall be, that if such person shall well and truly conform to and observe all the regulations and provisions of this act, so far as he shall be concerned therein, such bond shall be void, but otherwise to be and remain in full force; and the said commissioners, or three of them, are to take the said bond; and if at the end of the year it shall appear that the person hath acted in conformity to this act, then the said commissioners are to cause such bond to be delivered up and cancelled; but otherwise they shall (unless they see reason to forbear) cause every such bond to be prosecuted. *s.* 9.

If any person shall be convicted of any offence against this act, whether on prosecution of the bond, or for any penalty under this act, such conviction shall operate as a forfeiture

forfeiture of ſuch licence, and the ſame ſhall be void; and the commiſſioners may refuſe to grant to the perſon convicted a licence in future. *ſ.* 10.

No office for lottery tickets, licenſed, ſhall be open for the tranſaction of buſineſs, before eight o'clock in the morning, nor after eight o'clock in the evening, except on the *Saturday* preceding the drawing of any lottery; and if wilfully kept open, contrary to this act, the perſon licenſed to keep ſuch office ſhall forfeit 50 *l.* *ſ.* 11.

If any perſon licenſed, ſhall ſell any ſmaller ſhare than a ſixteenth, or publiſh any propoſals for ſelling any ſmaller ſhare, ſuch perſon ſhall forfeit 50 *l.* and every ſuch ſale ſhall be void. *ſ.* 12.

It ſhall not be lawful for any perſon to ſell the chance of any ticket for a day, or any leſs time than the whole time of drawing, or to inſure for or againſt the drawing of ſuch ticket, or to receive any money or goods in conſideration of any agreement to repay any ſum, or to deliver the ſame, or other goods, if ſuch ticket ſhall prove fortunate or unfortunate, or on any other chance or event relative to the drawing of ſuch ticket, whether as to their being drawn fortunate or unfortunate, or the time of their being drawn, or otherwiſe howſoever; or under any pretence, device, form, denomination, or deſcription, whatſoever, to promiſe or agree to pay any ſum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any perſon, whether with or without conſideration, on any event or contingency relative or applicable to the drawing of ſuch ticket, or to publiſh any propoſal for any of the purpoſes aforeſaid; and if any perſon ſhall offend in any of the matters aforeſaid, he ſhall forfeit 50 *l.* and the contract in every ſuch caſe ſhall be void. *ſ.* 13.

It ſhall not be lawful for any perſon to ſell any ſhare of any ticket without being the owner of ſuch ticket, or to ſell any ſhare beyond ſuch number of ſhares as, being added together, ſhall be equal to the whole ticket; and every perſon who ſhall offend in either of thoſe reſpects, ſhall forfeit 50 *l.* *ſ.* 14.

The ſaid commiſſioners ſhall eſtabliſh an office, in *London* or *Weſtminſter*, for the depoſit of tickets intended to be ſold in ſhares; and every ticket before it ſhall be divided into or ſold in ſhares, ſhall be brought to the ſaid office, and ſhall be there depoſited and left with the receiver general of ſtamp duties, or ſome perſon appointed by him to receive the ſame. *ſ.* 15.

Every agreement for the ſale of a ſhare of any ticket ſo depoſited, ſhall be on a piece of written or printed paper, *&c.* impreſſed with ſome ſtamp preſcribed by the commiſſioners: but the receiver general, or the perſon appointed by him, ſhall not deliver out, impreſſed with any ſtamp, more ſhares for one ticket than, being added together, ſhall amount to a whole ticket, nor ſhall ſo ſtamp any ſmaller ſhare than a ſixteenth, or any ſhare other than permitted by this act; and if ſuch receiver general, or perſon appointed by him, ſhall deliver out any ſhare, other than ſuch as he is authoriſed to have, impreſſed with any ſuch ſtamp, he ſhall forfeit 50 *l.* *ſ.* 16.

The ſaid receiver general, or perſon appointed by him, ſhall, upon the receipt of any tickets, give a receipt in writing for the ſame; which receipt ſhall expreſs the day of receiving the tickets, the lottery to which they belong, the numbers, and the name of the proprietor, and alſo that ſuch tickets are received in purſuance of this act, and doth remain to be diſpoſed of as is hereby directed. *ſ.* 17.

Every ticket ſo depoſited, ſhall remain in the poſſeſſion of the receiver general, or perſon appointed by him, until the expiration of three days after the drawing of ſuch ticket, and on the expiration of three days next after the drawing of ſuch ticket it ſhall be returned to the owner, upon producing the receipt for the ſame: and in caſe ſuch ticket ſo depoſited, ſhall remain unclaimed at the end of two years from the day of drawing thereof, the money (if any) to ariſe by the ſale of ſuch ticket ſhall be retained in the hands of the receiver general, and be applied in defraying the expences of executing this act. *ſ.* 18.

A book ſhall be kept by the receiver general, or perſon appointed, who ſhall regiſter in ſuch book the number of every ticket depoſited in the office, with the name of every perſon who ſhall depoſit ſuch ticket, and alſo the number of ſhares into which ſuch ticket ſhall be divided; and any perſon may inſpect ſuch book on payment of two pence, and the money ariſing from ſuch payment ſhall be applied in defraying the expences of executing this act. *ſ.* 19.

Upon depoſiting any ticket in the ſaid office, the perſon who ſhall depoſit the ſame ſhall pay for each ſhare into which ſuch ticket ſhall be divided, two pence; and the monies ariſing from ſuch fee ſhall be accounted for, and ſhall be applied towards the expence of keeping ſuch office for the depoſit of lottery tickets as aforeſaid, or in defraying any other expences in the execution of this act. *ſ.* 20.

If any perſon ſhall ſell, or agree to ſell, any ſhare of any ticket, otherwiſe than by a written or printed agreement, on a piece of paper ſtamped as by this act is before preſcribed, he ſhall forfeit 50 *l.* *ſ.* 21.

If any perſon ſhall forge, or cauſe to be forged, or aſſiſt in forging, any receipt on depoſit of any ticket to be divided in ſhares, or any ſtamp required to be put on ſhares; or ſhall alter, or cauſe to be altered, or aſſiſt in altering, ſuch receipt or ſtamped ſhare, whether by adding or taking away any word, letter, or figure, in ſuch receipt or ſtamped ſhare, or ſhall fraudulently make uſe of ſuch forged or altered receipt or ſtamped ſhare, ſuch perſon ſhall be guilty of felony. *ſ.* 22.

All fees which ſhall, under this act, be received at the ſtamp office, and of which the application is not before directed, ſhall be paid to the receiver general, and he ſhall keep a ſeparate account thereof, and thereout pay the expence of executing this act, and alſo the expence attending the commiſſion for managing the lottery eſtabliſhed by an act in this ſeſſion, in ſuch manner as the commiſſioners ſhall appoint; ſubject to ſuch orders as ſhall be given to the ſaid commiſſioners by the treaſury; and the reſidue of ſuch money the receiver general ſhall pay into the receipt of the exchequer, as the ſtamp duties are: and in the office of the auditor there ſhall be kept a book, in which all the monies paid under this act ſhall be entered apart from all other monies; and ſuch monies ſhall be reſerved for the diſpoſition of parliament. *ſ.* 23.

All penalties (except where before ſpecially preſcribed) ſhall be recoverable before two juſtices, upon proof of the offence, by the oath of one witneſs, or on the confeſſion of the offender; and one moiety of ſuch penalty ſhall belong to the informer, and the other to his majeſty, and in caſe of nonpayment, it ſhall be levied by diſtreſs and ſale, by warrant of ſuch juſtices; and the overplus, after deducting the penalty and expences, ſhall be rendered to the owner; and for want of diſtreſs, the offender ſhall be ſent by ſuch juſtices to the houſe of correction, there to be kept to hard labour for not exceeding ſix, nor leſs than three months. *ſ.* 24.

The ſaid juſtices may mitigate ſuch penalty, the coſts and charges of the officers or informers being allowed over ſuch mitigation, ſo as ſuch mitigation do not reduce

the penalty to leſs than one moiety, over the ſaid coſts and charges. *ſ.* 25.

No perſon ſhall be liable to any proſecution for any pecuniary penalty, unleſs commenced within twelve months; and if any ſuit ſhall be proſecuted in *England*, againſt any perſon for any thing done in purſuance of this act, ſuch perſon may plead the general iſſue, and if a verdict ſhall paſs for the defendant, *&c.* he ſhall recover treble coſts. *ſ.* 26.

By 27 *Geo.* 3. *c.* 1. The acts 8 *Geo.* 1. *c.* 2. 12 *Geo.* 2. *c.* 28. and 22 *Geo.* 3. *c.* 47. not by this act altered or repealed, ſhall be put in execution. *ſ.* 1.

No pecuniary penalty incurred by any perſon offending againſt ſuch parts of the ſaid acts, as concern lotteries, ſhall be recovered before any juſtice, but ſhall be ſued for by any perſon, within ſix months, and recovered by action of debt, *&c.* in any court of record at *Weſtminſter*; and one moiety of the ſaid penalties, ſhall go to his majeſty, and the other with coſts to the perſon who ſhall ſue; and upon every ſuch action, *&c.* a *capias*, ſhall iſſue the firſt proceſs; ſpecifying therein the amount of the penalty ſued for, whereof an affidavit ſhall be firſt made and filed; and the defendant ſhall, in ſuch caſe, be obliged to give bail, provided that the bail ſhall, in no caſe, exceed five hundred pounds. *ſ.* 2.

Every perſon who ſhall publicly or privately open, ſet up, continue, or keep, by himſelf, or by any other perſon, any office, for buying, ſelling, or otherwiſe dealing in any tickets, or ſhares of tickets, in any lottery eſtabliſhed by any *Britiſh* or *Iriſh* act, or for regiſtering tickets without a licence, and all perſons (except as herein-after) who ſhall, by himſelf, or by any other perſon, or for his account, or on the account, or as the ſervant, agent, or factor, of any other perſon, ſell, or cauſe to be ſold, the chance of any ticket, or any ſhare thereof, for a day, or part of a day, or any leſs time than the whole time of drawing then to come; or inſure, or cauſe any other perſon to inſure, for or againſt the drawing of any ſuch ticket; or ſhall receive any money or goods whatſoever, in conſideration of any agreement or promiſe to repay any ſum of money, or to deliver the ſame, or any plate, jewels, or other goods whatſoever, if any ſuch ticket ſhall prove fortunate or unfortunate, or upon any other chance, event, or contingency, relative to the drawing of ſuch ticket, whether as to the time of their being drawn, or otherwiſe howſoever, ſhall be deemed rogues and vagabonds, within 17 *Geo.* 2. and ſhall be puniſhable as ſuch; and all perſons found offending, may be apprehended and conveyed before ſome juſtice, as in the ſaid act is directed; and the juſtice before whom ſuch offender ſhall be brought, ſuch offender not having been ſued for the ſame offence, without covin or colluſion, in ſome court of record, ſhall, upon proof of the offence, in manner by the ſaid act directed, order ſuch offender to be ſent to the houſe of correction, there to remain until the next general or quarter ſeſſions, and ſuch ſeſſions ſhall enter upon the examination of the caſe, and proceed therein according to the directions of the ſaid act; and all juſtices, mayors, bailiffs, conſtables, neadboroughs, and other civil officers, are required to uſe their utmoſt endeavours to prevent the committing of any of the offences aforeſaid, by all lawful ways, and ſhall be indemnified in execution of this act. *ſ.* 2.

All other powers, puniſhments, and proviſions, for apprehending, ſecuring, and puniſhing rogues and vagabonds, not hereby altered, ſhall be carried into execution in relation to the perſons hereby declared to be rogues and vagabonds. *ſ.* 3.

It ſhall be lawful for any perſon actually poſſeſſed of any whole undrawn ticket, to make any inſurance on his ticket, for indemnifying himſelf againſt any loſs which he may ſuſtain by ſuch ticket, ſo as every contract for ſuch inſurance be reduced into writing (without ſtamps) before the time of ſuch ticket being drawn; and ſo as the name of the poſſeſſor, the number, the lottery, and the amount of the premium received thereon, be inſerted in ſuch agreement, and ſo as every inſurance be made upon a whole ticket, on condition to pay the full value thereof, and not otherwiſe. *ſ.* 4.

No ſuch inſurance ſhall be for a leſs time than ſhall remain of the drawing of the lottery; and every ticket inſured ſhall be depoſited, by the perſon inſuring the ſame, with the receiver general, or ſome perſon appointed by him to receive the ſame; but ſuch ticket may be aſſignable, together with ſuch inſurance. *ſ.* 5.

If any perſon not duly licenſed, ſhall grant, ſign, or underwrite any agreement for any ſuch inſurance, or ſhall take any premium, or conſideration for ſuch inſurance, ſuch perſon ſhall be ſubject to the like pains, as perſons keeping lottery offices without licence. *ſ.* 6.

No perſon ſhall be proſecuted by both the ways by this act preſcribed; nor ſhall any perſon againſt whom any action, *&c.* hath been carried on with effect, be liable to impriſonment as a rogue and vagabond for the ſame offence; and convicted and ſentenced to impriſonment as a rogue and vagabond, ſuch perſon ſhall not be liable afterwards to be proſecuted for any penalty for the ſame offence. *ſ.* 7.

All penalties and ſhares thereof, which ſhall belong to his majeſty, ſhall be paid into the hands of the receiver general of the ſtamp office, who ſhall keep a ſeparate account thereof, and thereout ſhall pay the expence the office ſhall be put to in executing this act; and the ſaid receiver general ſhall pay the reſidue into the receipt of the exchequer, as other penalties are payable. *ſ.* 9.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict ſhall paſs for the defendant, *&c.* he ſhall have treble coſts. *ſ.* 10.

Lunatics.

By 11 *Geo.* 3. *c.* 20. In all caſes where any lunatic is intitled to renew any leaſe for life or lives, or term of years, it ſhall be lawful for ſuch lunatic, or his guardian, or committee of his eſtate, in his name, by the direction of the court of *Chancery*, ſignified by an order made on hearing all parties concerned, upon petition, in a ſummary way, from time to time, to accept of a ſurrender of ſuch leaſes; and to make and execute new leaſes of the premiſes compriſed in ſuch leaſe ſo to be ſurrendered, for ſuch number of lives, or term of years, as was mentioned in ſuch leaſe ſo ſurrendered, at the making thereof, or otherwiſe, as the court of *Chancery*, by any ſuch order, ſhall direct. *ſ.* 1.

All ſuch leaſes ſhall be valid, and effectual in the law, as if ſuch lunatic was of ſane mind, and had executed the ſame in his own proper perſon. *ſ.* 2.

All fines, premiums, foregifts, and money, which ſhall or may be received, or paid for renewing of ſuch leaſes, ſhall (after a deduction of expences) be paid to the guardian or committee, and be applied for the benefit of ſuch lunatic, in ſuch manner as the ſaid court ſhall direct: but, upon the death of ſuch lunatic, all ſuch money, or ſo much as ſhall remain unapplied, ſhall, as between the repreſentatives

atives of the real and perſonal eſtates of all ſuch lunatics, be conſidered as real eſtate, unleſs ſuch lunatic ſhall be tenant for life only, and then as perſonal eſtate. *ſ.* 3.

By 14 *Geo.* 3. *c.* 49. made perpetual by 26 *Geo.* 3. *c.* 91. If any perſon in *England*, *Wales*, or *Berwick upon Tweed*, ſhall conceal, harbour, entertain, or confine, in any houſe or place, kept for the reception of lunatics, more than one lunatic at one time, without having ſuch licence as is herein-after directed (except ſuch as are committed by the lord chancellor, *&c.*) ſuch perſon ſhall forfeit five hundred pounds. *ſ.* 1.

The preſident and fellows of the Royal College of Phyſicians in *London*, at a general meeting of the college, to be held upon the laſt day of *September*, or if that falls upon *Sunday*, then upon the 1ſt *Oct.* in every year, ſhall elect five fellows for granting licences within *London* and *Weſtminſter*, and within ſeven miles of the ſame, and within the county of *Middleſex*, according to this act; and the ſaid five fellows ſhall be commiſſioners for granting ſuch licences for the year enſuing; provided that two of the fellows to be elected, ſhall not have acted as commiſſioners the preceding year; and no perſon ſhall be elected, or act as a commiſſioner, for more than three years ſucceſſively. *ſ.* 2.

In caſe at any election there ſhall not be a ſufficient number of fellows qualified or willing to act, the preſident and fellows are to elect from the licentiates. *ſ.* 3.

As often as any of the commiſſioners ſhall die, or refuſe to act, the preſident is to call a meeting of the fellows, within fourteen days, to elect a commiſſioner in room of the commiſſioner who ſhall die or refuſe to act. *ſ.* 4.

Every commiſſioner ſhall, within ten days after election, take the following oath; *viz.*

I A. B. *do ſwear, that I will faithfully and impartially execute all the truſts committed unto me, by virtue of an act of parliament, made in the fourteenth year of the reign of King* George *the Third, intituled,* An act for regulating madhouſes; *and that I will not, directly or indirectly, give notice, or cauſe notice to be given to the keeper, or perſon having the care of any houſe or place licenſed for the reception of lunatics, of the time of viſitation of ſuch houſe or place.*

So help me God.

Which oath the preſident may adminiſter; and in caſe any commiſſioner ſummoned by the preſident to attend to take the oath, ſhall refuſe or neglect to attend, or attending, ſhall refuſe to take the oath, he ſhall forfeit five pounds, to be applied to the uſe of the college. *ſ.* 5.

The commiſſioners, or three of them, ſhall meet in the hall, or other place in the college, as often as they think fit, ſo as ſuch meetings do not interfere with the board of cenſors, nor with any other general meeting of the college; and at all meetings in the college, the commiſſioner who is of the longeſt ſtanding, ſhall be the chairman. *ſ.* 6.

The treaſurer of the college ſhall be the treaſurer for the purpoſes of this act; and the commiſſioners, or three of them, ſhall, at ſome meeting, within fourteen days after they ſhall be elected, appoint a ſecretary for the year enſuing; and ſuch ſecretary ſhall be paid ſuch ſalary, by the ſaid treaſurer, as the commiſſioners ſhall direct; and ſuch ſecretary ſhall, at the next meeting of the commiſſioners after appointed, take the following oath: *ſ.* 7.

I A. B. *do ſwear, that I will faithfully execute all ſuch truſts as ſhall be committed to my charge, as ſecretary to the commiſſioners for executing an act of parliament, made in the fourteenth year of the reign of King* George *the Third, intituled,* An act for regulating madhouſes; *and that I will keep ſecret all ſuch matters as ſhall come to my knowledge, in the execution of my office (except when required to divulge the ſame by legal authority).*

So help me God.

The commiſſioners, or three, ſhall meet annually on the third *Wedneſday* in *Oct.* or within ten days afterwards, to grant licences to perſons for keeping houſes for the reception of lunatics for one year, from the 20th *Nov.* then next enſuing, within *London* and *Weſtminſter*, and within ſeven miles of the ſame, and within *Middleſex*; but notice of the place, and of the day and hour of every meeting for granting ſuch licences, ſhall always be publiſhed three ſeveral times in the *London Gazette*, before the day of meeting (which licences they are to grant to all perſons who ſhall deſire the ſame); and all licences ſhall be ſtamped with a five ſhilling ſtamp, and ſhall be under the hands and ſeals of three of the commiſſioners, for each of which licences there ſhall be paid to the ſecretary, by the perſon applying to take out the ſame, the ſums following, *viz.* for each houſe wherein there ſhall be kept any number of lunatics, not exceeding ten, 10*l.* and above ten, 15*l.* over what ſhall have been paid for the ſtamp; which money ſhall be paid over by the ſecretary to the treaſurer; and the further ſum of 6*s.* 8*d.* and no more, ſhall be paid on every licence to the ſecretary for his fee. *ſ.* 8.

No one licence ſhall authoriſe any perſon to keep more houſes than one; nor ſhall any licence continue in force for longer than one year. *ſ.* 9.

No commiſſioner ſhall be intereſted in keeping any houſe for lunatics, upon pain of forfeiting 50*l.* *ſ.* 10.

The preſident of the college ſhall cauſe ſummonſes to be ſent by the beadle to the commiſſioners, to attend at the firſt meeting after they ſhall be appointed. *ſ.* 11.

In caſe two commiſſioners ſhall think proper to call a meeting, they may themſelves cauſe the like notice to be given to the other commiſſioners, requiring their attendance. *ſ.* 12.

At all meetings of the commiſſioners, in caſe of equality of votes, the chairman ſhall have the caſting vote. *ſ.* 13.

The commiſſioners, or three of them, either by themſelves or with their ſecretary, ſhall once at leaſt in every year, and whenever required by the lord chancellor, *&c.* or by the chief juſtice of the court of *King's Bench*, or *Common Pleas*, inſpect all houſes licenſed by them, between eight and five in the day-time; and alſo at any other time within ſuch hours, as often as they ſhall think neceſſary, and ſhall have at ſuch times, power to continue in ſuch houſe, and examine the lunatics for ſuch time as they think proper. *ſ.* 14.

The commiſſioners, or their ſecretary, ſhall, at every ſuch viſitation, make minutes in writing, of the condition of ſuch houſes as to the care of the patients, and all other particulars as deſerve notice, with their obſervations thereupon; which minutes ſhall, within one week after ſuch viſitation, be by the ſecretary entered in a regiſter to be kept by him in the ſaid college, and the ſame ſhall be read to, and ſigned by the commiſſioners, or three of them, at their next meeting; but no minute which tends to impeach the character of any houſe ſhall be entered, unleſs ſuch minute ſhall have been previouſly ſigned by three commiſſioners preſent at ſuch viſitation; and in caſe the commiſſioners ſhall diſcover any thing that ſhall deſerve cenſure, they ſhall report the ſame; and ſuch part of their report ſhall be hung up in the cenſors' room, to be peruſed by any perſon who ſhall apply for that purpoſe. *ſ.* 15.

In

In caſe the keeper of any houſe for lunatics, ſhall refuſe the commiſſioners, at the time of viſitation, admittance into ſuch houſe, with or without their ſecretary, he ſhall forfeit his licence. *ſ.* 16.

The commiſſioners, or three of them, ſhall cauſe an exact account to be kept of their proceedings; and ſuch accounts ſhall be entered in the ſame regiſter as the minutes taken at viſitations; and the ſaid regiſter ſhall be lodged in the college in a ſtrong cheſt, which ſhall be under the care of the beadle or houſekeeper belonging to the college, and ſhall be carefully locked up by the ſecretary, and the key thereof kept by ſuch ſecretary; which regiſter ſhall belong to the commiſſioners, and the key ſhall be delivered over to every ſucceeding ſecretary, whenever the former ſhall go out of office. *ſ.* 17.

The preſident may inſpect the regiſter as often as he ſhall think proper at the college, and in the preſence of the ſecretary. *ſ.* 18.

If any perſon ſhall apply to one of the commiſſioners, to be informed whether any particular perſon has been confined in any of the licenſed houſes, and the commiſſioners ſhall permit ſuch inquiry to be made, and ſign an order directed to the ſecretary, he is to make ſearch: and if it ſhall appear, that the perſon inquired after has been confined, the ſaid ſecretary ſhall acquaint the perſons with the names of the keeper, and of thoſe by whoſe direction ſuch perſon has been confined. *ſ.* 19.

The ſaid treaſurer ſhall pay to each of the commiſſioners for every time they ſhall inſpect any licenſed houſe one guinea; and ſhall alſo pay ſuch expences as they ſhall incur in the execution of this act; and the treaſurer is to keep an account of all monies received and diſburſed, which ſhall be lodged in the cheſt where the regiſter is to be kept, which accounts ſhall be produced to the preſident, when required by the ſaid preſident and elects, to be examined and ſettled by them; and if, upon ſuch examination, the accounts appear juſt, the ſame ſhall be allowed and ſigned by the preſident, and four of the elects, and ſhall be by the preſident reported, together with the other accounts, at the next general meeting of the college; and the ſaid account ſo allowed, *&c.* ſhall be a diſcharge to the treaſurer. *ſ.* 20.

The keeper of every licenſed houſe is within three days after any patient ſhall be received into ſuch houſe (except pauper lunatics ſent by pariſh officers) to cauſe notice thereof to be given to the ſecretary, which ſhall contain the name of every perſon received as a lunatic into ſuch houſe, the name and place of abode of the perſon by whoſe direction ſuch lunatic was ſent, and alſo the name and place of abode of the phyſician, ſurgeon, or apothecary, by whoſe advice ſuch direction was given; all which notices ſhall be ſent ſealed up, directed *To the ſecretary to the commiſſioners for licenſing houſes for the reception of lunatics, to be left with the beadle of the college of phyſicians in* London; all which notices the beadle is to receive, and deliver to the ſecretary within two days, and the ſecretary is to file ſuch notices, and enter the ſame in the regiſter within two days; and every keeper who ſhall admit, or confine any lunatic, without having an order in writing, under the hand and ſeal of ſome phyſician, ſurgeon, or apothecary, that ſuch perſon is proper to be received into ſuch houſe as a lunatic, or ſhall receive any lunatic into ſuch houſe, having ſuch order, and ſhall not give notice thereof to the ſecretary, ſhall forfeit 100*l.* *ſ.* 21.

No houſe which is not within *London*, or within ſeven miles of the ſame, or within *Middleſex*, ſhall be kept for the reception of more than one lunatic, unleſs ſuch houſe ſhall be licenſed by the quarter ſeſſions for the county wherein ſuch houſe ſhall be ſituated. *ſ.* 22.

The juſtices at any general quarter ſeſſions, are to grant licences to ſuch perſons as ſhall apply, ſuch perſons paying for each licence, *viz.* for each houſe, wherein there ſhall be kept any lunatics, not exceeding ten, 10*l.* and above ten, 15*l.* and no one licence ſhall authoriſe any perſon to keep more houſes than one, nor ſhall ſuch licence be granted for longer than one year; and the ſaid juſtices ſhall, at the time of granting ſuch licences, appoint two juſtices, and alſo one phyſician, to inſpect ſuch houſes; and the ſaid juſtices and phyſicians appointed, or two of them, whereof the phyſician to be one, may viſit, in the day-time, every houſe licenſed, as often as they ſhall think fit. *ſ.* 23.

The ſaid juſtices and phyſician may, at every viſitation, if they think neceſſary, make minutes in writing, of the condition of every houſe which they ſhall viſit, as to the care of the patients, and ſuch other particulars as deſerve notice, with their obſervations thereupon; which minutes ſhall be entered in a regiſter to be kept by the clerk of the peace, a copy whereof ſhall be ſent by the ſaid clerk of the peace, to the ſecretary to the ſaid commiſſioners, to be by him inſerted in a ſeparate regiſter; which regiſter ſhall be kept in ſame box, and in the ſame manner, as the regiſter belonging to the ſaid commiſſioners; and the ſaid clerk of the peace ſhall be paid ſuch ſum for his trouble, as the juſtices ſhall direct; and all money to be paid for ſuch licences as ſhall be granted by the ſaid juſtices, ſhall be paid to the clerk of the peace, who ſhall keep an account thereof in a book, and ſhall account for the ſame to the juſtices, as often as required; and all expences attending the execution of this act (except within *London* and *Weſtminſter*, and ſeven miles thereof, and within *Middleſex)* ſhall be defrayed out of ſuch money, in ſuch manner as the juſtices ſhall direct. *ſ.* 24.

At ſuch general quarter ſeſſion, when ſuch juſtices and phyſician ſhall be appointed, the clerk of the peace ſhall take the like oath as is appointed to be taken by the ſecretary of the commiſſioners. *ſ.* 25.

In caſe the keeper of any houſe, *&c.* ſhall, in the day-time, refuſe the ſaid juſtices and phyſician, on ſuch viſitation, admittance into ſuch houſe, the keeper ſhall forfeit his licence. *ſ.* 26.

The keeper of any houſe not within *London* or *Weſtminſter*, or ſeven miles thereof, or within *Middleſex*, ſhall give ſuch notice as aforeſaid, of the receipt of every lunatic (except ſent there by pariſh officers) to the ſecretary to the commiſſioners at the college, within fourteen days; and every keeper who ſhall admit or confine any lunatic, without an order in writing, under the hand and ſeal of ſome phyſician, ſurgeon, or apothecary, that ſuch perſon is proper to be received into ſuch houſe as a lunatic, or ſhall receive any lunatic having ſuch order, and ſhall not give notice thereof to the ſecretary, ſhall forfeit 100*l.* *ſ.* 27.

No licence ſhall be granted either by the commiſſioners or juſtices, unleſs the perſon to whom ſuch licence is granted, ſhall enter into recognizance to the king in 100*l.* with two ſureties each in 50*l.* or one ſurety in 100*l.* for the good behaviour of ſuch perſon. *ſ.* 28.

The lord chancellor, or the lord chief juſtice of the *King's Bench*, or *Common Pleas*, may, by any written order directed to the commiſſioners, or to the juſtices and phyſician, appointed viſitors, require the ſaid commiſſioners, or three of them, or the ſaid viſitors, or two of them, to inſpect any houſe licenſed; and alſo to report

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to him or them touching ſuch matters as ſhall in ſuch orders be directed; and the ſaid chancellor or chief juſtice of the *King's Bench*, or *Common Pleas*, may, by a like order, ſend for and inſpect the regiſter; and may ſummon and examine all perſons concerned in the execution of this act, as often as neceſſary; and in caſe they ſhall not obey ſuch orders within two days, and not ſhew ſufficient cauſe to the contrary, they ſhall be guilty of a contempt of court. *ſ.* 29.

Nothing in this act ſhall extend to any public hoſpitals. *ſ.* 30.

In all proceedings under writ of *habeas corpus*, and in all indictments, informations, and actions, for confining or ill-treating any ſubjects, in any of the ſaid houſes, the parties complained of ſhall juſtify their proceedings, according to the courſe of the common law. *ſ.* 31.

All penalties within *London* or *Weſtminſter*, or ſeven miles of the ſame, or within *Middleſex*, may be recovered in any court of record at *Weſtminſter*, by action of debt, *&c.* by the preſident of the college, in the name of the treaſurer, within ſix months, and all ſuch penalties ſhall be paid to the treaſurer, and applied (except otherwiſe directed), one moiety to the informer, and the other towards defraying the expences attending the execution of this act: and all penalties incurred not within the ſaid cities, *&c.* or county of *Middleſex*, may be recovered by action of debt, by and in the name of the clerk of the peace for the county where ſuch offence ſhall be committed; and ſuch penalties ſhall be applied, one moiety to the informer, and the other moiety for defraying the expences attending the execution of this act within ſuch county. *ſ.* 32.

Action for any thing done in purſuance of this act, ſhall be commenced within ſix months, and laid in the county, *&c.* where cauſe of action ſhall have ariſen, and the defendant may plead ſpecially, or the general iſſue; and if the jury ſhall find a verdict for the defendant, *&c.* the defendant ſhall recover treble coſts. *ſ.* 33.

Madder.

By 31 *Geo.* 2. *c.* 35.

IF any perſon ſhall ſteal and take away, or wilfully and maliciouſly pull up or deſtroy any madder roots in any grounds belonging to any perſon, and be convicted before any juſtice of the peace of the county or place where the offence ſhall be committed, either by confeſſion or by the oath of any witneſs; every perſon ſo offending and convicted, ſhall for the firſt offence pay to the owner of the madder roots ſo ſtolen, pulled up or deſtroyed, ſuch ſatisfaction for his damage and within ſuch time as the juſtice ſhall appoint; and ſhall over and above pay upon ſuch conviction unto the overſeers of the poor of the pariſh where the offence was committed for the uſe of the poor, ſuch ſum, not exceeding 10*s.* as to the juſtice ſhall ſeem meet; and if any ſuch offender ſhall not make ſuch recompenſe, and pay ſuch ſum to the uſe of the poor, the juſtice ſhall commit ſuch offender to the houſe of correction for any ſpace not exceeding one month, or order him to be whipped by the conſtable or other officer, as to the juſtice ſhall ſeem meet; and if ſuch perſon again commit the like offence and be convicted, then he or ſhe ſo offending the ſecond time and convicted, ſhall be committed to the houſe of correction for three months. *ſ.* 5.

No perſon ſhall be proſecuted for any ſuch offence of ſtealing, pulling up, or deſtroying, of madder roots, unleſs ſuch proſecution be begun within thirty days after the offence. *ſ.* 6.

Maintenance.

By *ſtat. Weſtm.* 1. 3 *Edw.* 1. *c.* 25. No officer ſhall maintain pleas in the king's courts to have part or profit thereof by covenant, and he that doth ſhall be puniſhed at the king's pleaſure.

By *ſtat. Weſtm.* 1. 3 *Edw.* 1. *c.* 28. None of the king's clerks, nor of any juſticer, ſhall receive the preſentment of any church, for which any plea is in the king's court, without licence of the king, upon pain to loſe the church and his ſervice. And no clerk of any juſticer or ſheriff ſhall take part in any quarrels depending in the king's court, nor ſhall work any fraud whereby common right may be delayed or diſturbed; and if any do, he ſhall be puniſhed by the pain aforeſaid, or more grievouſly.

By *ſtat. Weſtm.* 2. 13 *Edw.* 1. *c.* 36. Lords of courts and other that keep courts, and ſtewards, ſhall not to grieve their inferiors, procure other to move matters againſt them, and to put in ſurety and other pledges, or to purchaſe writs, and at the ſuit of ſuch plaintiffs compel them to follow the county, hundred, wapentake, and other like courts, until they have made fine with them. And if any be attached upon ſuch falſe complaints, he ſhall replevy his diſtreſs, and cauſe the matter to be brought before the juſtices, before whom if the ſheriff, bailiff, or other lord, will avow the diſtreſs lawful, by reaſon of ſuch complaints made unto them, and it be replied that ſuch plaints were moved maliciouſly againſt the party by the ſolicitation or procurement of the ſheriff, or other bailiffs or lords, the replication ſhall be admitted; and if they be convict hereupon, they ſhall make fine to the king, and reſtore treble damages.

By *ſtat. Weſtm.* 2. 13 *Edw.* 1. *c.* 49. The chancellor, treaſurer, juſtices, nor any of the king's council, nor clerk of the exchequer, nor of any juſtice or other officer, nor of any of the king's houſe, clerk or lay, ſhall not receive any church, nor advowſon, land nor tenement, in fee, by champerty nor otherwiſe, ſo long as the thing is in plea, nor ſhall take reward; and he that doth contrary ſhall be puniſhed at the king's pleaſure, as well he that purchaſeth as he that doth ſell.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 11. No officer nor other, to have part of the thing in plea, ſhall take upon him buſineſs in ſuit; nor none upon any ſuch covenant ſhall give up his right to another. And if any do, and he be attainted thereof, the taker ſhall forfeit unto the king ſo much of his lands and goods as doth amount to the value of the part he hath purchaſed. And whoſoever will ſhall be received to ſue for the king before the juſtices before whom the plea hangeth. But hereby no perſon ſhall be prohibited

prohibited to have counſel of pleaders for his fee, or of his next friends.

By *ſtat. of champerty*, 33 *Edw.* 1. *ſt.* 3. No pleaders, apprentices, attornies, ſtewards of great men, bailiffs, nor any other, ſhall take for maintenance, or the like bargain, any ſuit againſt other; and all ſuch as ſhall be attainted of ſuch bargains, and ſuch as conſent thereto, ſhall have impriſonment of three years, and ſhall make fine at the king's pleaſure. Conſpirators, inventors and maintainors of falſe quarrels, and partakers thereof, and brokers of debates, ſhall be attached, that they be before the king by this writ:

Rex vic. ſalutem. Praecipimus tibi, quod ſi A. *de* G. *fecerit te ſecurum de clamore ſuo proſequendo, tunc pone per vadium et ſalvos plegios* G. *de* C. *quod ſit coram nobis in octabis ſancti* Johannis Baptiſtae, *ubicunque tunc fuerimus in* Anglia, *ad reſpondendum praedicto* A. *de placito conſpirationis et tranſgreſſionis ſecundum ordinationem noſtram nuper inde proviſam, ſicut idem* A. *rationabiliter monſtrare poterit, quod ei inde reſpondere debeat. Et habeas ibi nomina plegiorum & hoc breve. Teſte, &c.*

By 1 *Edw.* 3. *ſt.* 2. *c.* 14. None of the king's counſellors nor of his houſe, nor none of his miniſters, nor no great man of the realm, by ſending of letters nor otherwiſe, nor none other, ſhall maintain quarrels nor parties in the country.

By 4 *Edw.* 3. *c.* 11. Where divers have made alliances to maintain parties, whereby divers have been diſinherited, and ſome ranſomed and deſtroyed, and ſome for fear to be maimed and beaten, durſt not ſue for their right, nor jurors give their verdicts; the juſtices of the one bench and of the other, and the juſtices of aſſizes, ſhall enquire, hear, and determine, as well at the king's ſuit, as at the ſuit of the party, of ſuch maintainers, bearers and conſpirators, and of them that commit champerty, as juſtices in eyre ſhould do. And that which cannot be determined before the juſtices upon the *niſi prius*, ſhall be adjourned into the place whereof they be juſtices.

By 20 *Edw.* 3. *c.* 4. None of the king's houſe, nor other which be towards the queen or prince, or towards the courts nor prelates, earls, barons, nor others, ſhall take in hand quarrels other than their own, nor the ſame maintain, for gift, promiſe, favour, nor fear; but every man may be free to ſue for, and defend his right according to law.

By 1 *Ric.* 2. *c.* 4. No counſellors, officers, nor any other, ſhall take any quarrel by maintenance in the country, nor elſewhere, upon a grievous pain, *viz.* the counſellors and the king's great officers, upon a pain which ſhall be ordained by the king himſelf, by the advice of the lords; and other officers and ſervants of the king, as well in the exchequer and all his other courts as of his own meiny, upon pain to loſe their offices, and to be impriſoned and ranſomed at the king's will; and all other perſons, upon pain of impriſonment, and to be ranſomed.

By 1 *Ric.* 2. *c.* 7. No livery ſhall be given for maintenance of quarrels, nor other confederacies, upon pain of impriſonment and grievous forfeiture. And the juſtices of aſſize ſhall enquire of all them that gather together in fraternities by ſuch livery to do maintenance.

Ordin. to prevent diſturbance, &c. 13 *Ric.* 2. *ſt.* 3. No man of the church, nor eſquire, nor other of lower eſtate, ſhall give livery of company; and no duke, earl, baron or baneret, ſhall give ſuch livery to knight or eſquire, if he be not retained with him for term of life for peace and war by indenture, or his menial abiding in his houſe; nor to any yeoman or other of lower eſtate, unleſs he be of his houſehold. And no lord nor other who hath people of his retinue, ſhall ſuffer any of them to be a maintainer, barretor, or procurer of quarrels. And if any lord turn away any ſuch maintainer, *&c.* for ſuch cauſe, no other lord ſhall receive him. And no man ſhall undertake or maintain any quarrel but his own. And this ordinance ſhall be kept, upon pain of impriſonment, fine and ranſom, or other puniſhment by conſideration of the king and his council.

By 32 *Hen.* 8. *c.* 9. No perſon ſhall buy, ſell or obtain, any pretenſed rights or titles, or take, promiſe or covenant, to have any right or title, of any perſon in or to any lands or hereditaments (except ſuch perſons which ſhall ſell, covenant, or promiſe, the ſame, or they by whom they claim, have been in poſſeſſion of the ſame, or of the reverſion or remainder thereof, or taken the rents or profits thereof, one year next before the bargain made), upon pain that he that ſhall make any ſuch ſale, promiſe, covenant or grant, to forfeit the whole value of the lands ſo bargained, *&c.* and the buyer knowing the ſame, to forfeit alſo the value of the ſaid lands; the one half to the king, and the other to the party that will ſue for the ſame. *ſ.* 2.

No perſon ſhall unlawfully maintain, or procure any unlawful maintenance, in any action in the chancery or elſewhere, where any perſons have authority by commiſſion, patent, or writ, to hold plea of lands or any matter concerning the title of lands; and no perſon ſhall unlawfully retain for maintenance of any ſuit any perſon, or embrace any freeholders or jurors, or ſuborn any witneſs, by letters, rewards, promiſes, or other ſiniſter means, to maintain any cauſe, or to the hindrance of juſtice, or procurement of perjury by falſe verdict, or otherwiſe, upon pain to forfeit 10*l.* the one moiety to the king, and the other moiety to him that will ſue for the ſame. *ſ.* 3.

Provided that it ſhall be lawful to any perſons, being in lawful poſſeſſion by taking of the rents or profits of any tenements, to buy the pretenſed right of any other perſon to ſuch tenements. *ſ.* 4.

The juſtices of aſſize ſhall in every county, two times in the year, *viz.* in their ſittings, cauſe proclamation to be made, as well of this act as of all other ſtatutes againſt unlawful maintenance, champerty, embracery, or unlawful retainers. *ſ.* 5.

This act ſhall not charge any perſon with the penalties, except the perſon offending be ſued within one year after the offence committed. *ſ.* 6.

Malt.

By *Stat.* 2 *Edw.* 6. *c.* 10. *continued indefinitely by* 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. No perſon ſhall make any barley malt (the months of *June*, *July*, and *Auguſt* excepted) but the ſame ſhall have in making, *viz.* in the fat, floor, ſteeping and drying, three weeks at leaſt; and no perſon in *June*, *July*, and *Auguſt*, ſhall make any barley malt, except the ſame have in the fat, floor, ſteeping, and drying, ſeventeen days; upon pain to forfeit for every quarter, which ſhall be made contrary to this act, 2*s.* And no perſon ſhall mingle any malt, not well made, or made of mow-burnt or ſpired barley, with good malt, and put the ſame to ſale, upon pain to forfeit for every quarter, 2*s.* *ſ.* 2.

If any perſon ſhall put to ſale any malt, not well trodden, rubbed and fanned, whereby there may be conveniently fanned out of one quarter half a peck of duſt, the perſon putting the ſame to ſale ſhall forfeit for every quarter, 20*d.* The moiety of which forfeitures to be to the king, and the other moiety to the party that will ſue for the ſame. *ſ.* 3.

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The juſtices of peace in their ſeſſions, and the ſteward in every leet, ſhall have power to enquire, hear and determine, as well by preſentment of twelve men, as by information of witneſſes, of the offences and forfeitures aforeſaid, as well for the king as for the party. And the bailiffs and conſtables of every town where ſuch malt ſhall be made or put to ſale, ſhall have power to view ſuch malt; and if they find any malt ſo put to ſale, being evil made, or mingled with evil malt, they, with the advice of one juſtice of peace, ſhall cauſe the ſame to be ſold at ſuch price, under the price of the market, as ſhall ſeem expedient. *ſ.* 4.

This act ſhall not charge the making of malt for any man's proviſion for his family; neither any perſon, except he be ſued within one year after ſuch offence committed. *ſ.* 5.

See the general title " Exciſe," § Malt, *in* PART I.

Manufactures.

By 3 *Ed.* 4. *c.* 4. The maſters and wardens of every craft, in every city, town and village, and the mayor or bailiff of ſuch city, *&c.* and where no ſuch maſters nor wardens be, the maſters or wardens of the crafts of the city, town or village, next adjoining, and the conſtable of ſuch city, *&c.* ſhall have power to ſearch at all times reaſonable by day, at fairs and markets, ſhops open, and ware-houſes, all ſuch wares pertaining to their proper crafts, which ſhall be made within *England*, or ſhall be occupied by any of the ſaid crafts. *ſ.* 4.

Provided that the ſaid maſters, wardens, and other ſearchers, ſhall not enter any place exempted by privilege, franchiſe or cuſtom, to make ſearch, but by the overſight of ſome officer of ſuch place exempt; and if the ſearchers find that ſuch wares be not lawful and duly wrought, it ſhall be lawful to ſuch ſearchers to ſeize all ſuch wares as forfeit; the one half to the uſe of the king, and the other half to ſuch maſters or wardens; and this ſtatute ſhall be in force as long as it ſhall pleaſe the king. *ſ.* 5.

This act ſhall not be hurtful to the dean of the free chapel of the king of St. *Martin le grand* of *London*, nor to his ſucceſſors, nor to the dean and chapter of the ſame chapel, nor to any perſon dwelling within the precinct of the ſame. *ſ.* 6.

By 1 *Ann. ſt.* 2. *c.* 18. If any perſon employed in the working up the woollen, linen, fuſtian, cotton or iron manufactures within this kingdom, ſhall embezzle or purloin any wefts, thrums or ends of yarn, or any other materials of wool, hemp, flax, cotton or iron, with which he ſhall be entruſted to work, or ſhall reel ſhort or falſe yarn; being thereof lawfully convicted, by the oath of one witneſs, or by confeſſion, before one juſtice of peace, he ſhall forfeit double the value of the damages done, for the uſe of the poor of the pariſh; and in caſe the offender ſhall neglect to pay, it ſhall be lawful for the juſtice to commit him to the houſe of correction, till ſatisfaction be made; and in caſe the offender is not able to make ſatisfaction, he ſhall be there publicly whipped, and kept to hard labour for any term not exceeding fourteen days. *ſ.* 1.

Every perſon buying or receiving wefts, thrums, ends of yarn, or other materials of wool, hemp, flax, cotton or iron, and being thereof convicted as aforeſaid, ſhall ſuffer the like penalties as for purloining and embezzling of the ſaid materials. *ſ.* 2.

All payments to workmen in the ſame manufacture ſhall be by lawful coin, and not by cloth, victuals or commodities; and all wool delivered out to be wrought up, ſhall be delivered with the declaration of true weight; on pain that every offender, in either of the ſaid caſes, ſhall forfeit to ſuch worker, double the value of what ſhall be due for ſuch work; and if any ſuch worker ſhall be guilty of any ſuch fraud in the work, ſuch worker ſhall anſwer to the owner of ſuch work double damages. *ſ.* 3.

All wages, demands and defaults of labourers in the woollen, linen, fuſtian, cotton, and iron manufactures, ſhall be heard and determined by any two juſtices of peace; but any perſon aggrieved by order of the juſtices, may appeal to the next quarter ſeſſions; and in caſe the quarter ſeſſions ſhall give judgment againſt ſuch appellant, they ſhall order coſts.

Made perpetual by 9 Ann. c. 30.

By 5 *Geo.* 1. *c.* 27. If any perſon ſhall contract with, entice or ſolicit, any artificer in wool, iron, ſteel, braſs, or other metal, clock-maker, watch-maker, or any other artificer of *Great Britain*, to go into foreign countries out of the king's dominions, and ſhall be convicted thereof upon indictment or information, in any of the courts at *Weſtminſter*, or at the aſſizes or quarter ſeſſions, he ſhall be fined any ſum not exceeding 100*l.* for the firſt offence, and ſhall be impriſoned three months, and till the fine be paid. And if any perſon having been once convict, ſhall offend again, he ſhall be fined at the diſcretion of the court, and impriſoned twelve months, and till the fine be paid. *ſ.* 1.

No perſon ſhall be proſecuted for the ſaid offences, unleſs the proſecution be begun within twelve months after the offence. *ſ.* 2.

If any of the king's ſubjects, being ſuch artificers, ſhall go into any country out of his majeſty's dominions, to exerciſe or teach the ſaid trades to foreigners; and if any of the king's ſubjects in any ſuch foreign country, exerciſing any of the ſaid trades, ſhall not return into this realm within ſix months after warning given by the ambaſſador, miniſter or conſul, of *Great Britain*, in the country where ſuch artificers ſhall be, or by any perſon authoriſed by ſuch ambaſſador, *&c.* or by one of the ſecretaries of ſtate, and from thenceforth inhabit within this realm, ſuch perſon ſhall be incapable of taking any legacy, or of being an executor or adminiſtrator, and of taking any lands, *&c.* within this kingdom, by deſcent, deviſe, or purchaſe, and ſhall forfeit all lands, goods, *&c.* within this kingdom to his majeſty's uſe, and ſhall be deemed alien, and out of his majeſty's protection. *ſ.* 3.

Upon complaint made upon oath before any juſtice of peace, that any perſon is endeavouring to ſeduce any ſuch artificer, or that any ſuch artificer hath contracted, or is preparing to go out of his majeſty's dominions, for the purpoſes aforeſaid; ſuch juſtice may ſend his warrant to bring the perſon complained of before him, or before ſome other juſtice; and if it ſhall appear by the oath of one witneſs, or by confeſſion, that he was guilty of any the ſaid offences, ſuch juſtice may bind him to appear at the next aſſize or quarter ſeſſions; and if ſuch perſon ſhall refuſe to give ſecurity, the juſtice may commit him to gaol till the next aſſizes or quarter ſeſſions, and until he ſhall be delivered by due courſe of law; and if any ſuch artificer ſhall be convict upon indictment of any ſuch promiſe, contract or preparation, to go beyond the ſeas for the purpoſes aforeſaid, he ſhall give ſuch ſecurity to the king, not to depart out of his majeſty's dominions, as ſuch court ſhall think reaſonable, and ſhall be impriſoned till ſecurity given. *ſ.* 4.

If any of the above offences ſhall be committed in *Scotland*, the ſame ſhall be proſecuted in the court of juſticiary, or the circuits there. *ſ.* 5.

By 13 *Geo.* 2. *c.* 8. If any perſon hired or employed in the working up of any woollen, linen, fuſtian, or cotton, or iron manufactures, ſhall purloin, embezzle, ſecrete, ſell, pawn, exchange, or otherwiſe illegally diſpoſe of any the materials he ſhall be entruſted to work up ſuch manufactures, whether the ſame be or be not firſt wrought up, or ſhall reel falſe or ſhort yarn, the perſon ſo offending, and convicted as preſcribed by 1 *Ann. ſt.* 2. *c.* 18. ſhall forfeit double the value of the owner's damages, with ſuch coſts of proſecution as ſhall be adjudged reaſonable by the juſtice before whom convicted; and in caſe immediate payment be not made, it ſhall be lawful for the juſtice to cauſe the offender to be committed to the houſe of correction, to be there whipped and kept to hard labour for any time not exceeding fourteen days; and in caſe of a ſubſequent offence, for embezzling any of the materials in the ſaid act mentioned, the perſon ſo offending ſhall for every ſubſequent offence, being convicted, forfeit four times the value of the damages, with ſuch coſts as ſhall be adjudged reaſonable by the juſtice; and in caſe immediate payment of the reſpective forfeitures and coſts be not made, ſuch juſtice, or any juſtice for the place where ſuch offence is committed, ſhall cauſe the offenders to be committed to the houſe of correction, to be kept to hard labour for any time not exceeding three months, nor leſs than one month, and alſo during the time of ſuch commitment to be whipped at the market-place of the town where ſuch offender ſhall be committed, once or oftner. *ſ.* 1.

Every perſon who ſhall buy or receive, by way of gift, pledge or ſale, from any of the perſons herein, or in the ſaid act mentioned, any woollen, linen, fuſtian, cotton or iron manufactures, either before or after the ſame ſhall be wrought up, knowing the ſame to be embezzled, being convicted, ſhall ſuffer the like penalties as are by this or the ſaid act inflicted on perſons embezzling ſuch materials. *ſ.* 2.

The forfeitures incurred by the ſaid act, and by this act, ſhall be applied, one moiety to the party injured, and the other moiety to the poor of the pariſh only where ſuch offence ſhall be committed, with the like liberty of appealing as is given by the ſaid act. *ſ.* 3. *For the mode of appealing to ſeſſions, ſee* "*Leather.*"

By 22 *Geo.* 2. *c.* 27.* *ſ.* 1. For rendering more effectual the 13 *Geo.* 2. *c.* 8. and extending the regulations to other manufactures, be it enacted, that if any perſon employed to make any felt or hat, or to prepare or work up any woollen, linen, fuſtian, iron, leather, furr, hemp, flax, mohair, or ſilk manufactures, or any of the ſaid materials mixed one with another, ſhall purloin, embezzle, ſecrete, ſell, pawn, exchange, or otherwiſe unlawfully diſpoſe of any of the materials with which he ſhall be entruſted, whether the ſame be or be not firſt wrought, and be convicted by the oath, or (if a *Quaker*) affirmation of the owner, or any other witneſs, or by confeſſion before *two* † juſtices of the peace of the county or place where ſuch offence ſhall be committed, or where the perſon charged ſhall reſide, *it ſhall be lawful* (by 17 Geo. 3. c. 56. ſ. 1.) *for the juſtices by warrant to commit the perſon ſo convicted to the houſe of correction or public priſon, there to be kept to hard labour, in the caſe of a firſt offence for not leſs than fourteen days, nor more than three months; and in caſe of a ſecond or any ſubſequent offence, for any time not leſs than three nor more than ſix months; and may likewiſe for the firſt or any ſubſequent offence order the perſon convicted, to be once publicly whipped, if by the juſtices deemed proper.*

If any perſon ſhall buy or receive from any perſon employed to make any of the manufactures aforeſaid, any thrums or parcels of yarn, or any other materials of wool, furr, hemp, flax, cotton, or iron, or any leather, mohair, or ſilk, whether the ſame be or be not wrought, knowing the perſon of whom he ſo receives the ſaid materials, to be ſo employed, and not having firſt obtained the conſent of the perſon employing him, or ſhall buy or receive from any other perſon any of the ſaid materials, whether wrought or not, knowing the ſame to be ſo embezzled, the perſon receiving, being convicted, ſhall for the firſt offence forfeit (by 17 Geo. 3. c. 56. ſ. 3.) *not more than* 40 l. *nor leſs than* 20 l. *as the juſtices before whom the conviction ſhall be ſhall judge proper; and ſuch penalty ſhall be applied in manner following: in the firſt place, the expences of the proſecution ſhall be thereout defrayed, and then ſuch ſatisfaction ſhall be made thereout to the party injured, as the juſtices ſhall think proper; and afterwards ſo much of the ſaid penalty ſhall be paid to the informer as ſuch juſtices ſhall think fit, not exceeding, in any caſe,* 10 l.; *and the remainder, if any, ſhall be paid and diſtributed to and amongſt the poor of the pariſh, or for the uſe of ſuch public charity as ſuch juſtices ſhall appoint: and if ſuch penalty ſhall not be paid upon conviction, the ſaid juſtices ſhall commit the perſon convicted to the houſe of correction, or other public priſon, there to be kept to hard labour for not more than ſix, nor leſs than three months, unleſs ſuch penalty ſhall be ſooner paid; or the ſaid juſtices may ſend the perſon convicted to the houſe of correction or other public priſon, there to remain for three days, excluſive of the day of commitment, with an order that within the ſaid time, the perſon convicted ſhall be publicly whipped at ſuch market place or other public place as aforeſaid.*

If any perſon ſhall be brought before any juſtices, charged upon oath, or affirmation, of having been guilty of buying, receiving, accepting, or taking by way of gift, pawn, pledge, ſale, or exchange, or in any other manner, and it ſhall appear that he hath been already convicted of the like offence, ſuch juſtices ſhall not proceed to convict ſuch perſon, but ſhall commit him to the houſe of correction, or ſome other public priſon, there to remain until the next general or quarter ſeſſions, or until ſuch offender ſhall have entered into a recognizance to anſwer for ſuch offence at the ſaid ſeſſions; and the juſtices in ſuch ſeſſions are to take cognizance thereof, and to hear and determine the ſame; and if ſuch perſon ſhall be convicted upon the oath, or affirmation, of one witneſs, he ſhall forfeit not more than 100 l. *nor leſs than* 50 l.; *and ſuch penalty ſhall be applied by the ſeſſions in ſuch manner as the penalty for the firſt offence; and if ſuch penalty ſhall not be paid on conviction, the ſaid juſtices ſhall commit the perſon convicted to the houſe of correction, or other public priſon, there to be kept to hard labour for not more than ſix, nor leſs than three months, unleſs ſuch penalty ſhall be ſooner paid; or the ſaid juſtices may ſend the perſon convicted to the houſe of correction, or other public priſon, for three days, excluſive of the day of commitment, with an order, that within the ſaid time ſuch perſon ſhall be once publicly whipped at ſuch market-place, or other public place as aforeſaid.* 17 Geo. 3. c. 56. ſ. 4.

If any perſon ſhall ſell, pawn, pledge, exchange, or otherwiſe unlawfully diſpoſe of, or offer to ſell, any ſuch materials, whether wrought or unwrought, mixed or unmixed, knowing them to have been purloined or embezzled, ſuch perſon ſhall be liable to the ſame puniſhment as on receiving purloined

or

* Repealed as to reeling falſe or ſhort yarn.

† By 17 *Geo.* 3. *c.* 56. *ſ.* 2. no perſon ſhall be convicted under this act unleſs before two juſtices.

or embezzled materials knowingly. 17 Geo. 3. c. 56. ſ. 5.

When any perſon ſhall be brought or charged upon oath before two juſtices, with being ſuſpected of, or with having embezzled or received ſuch materials, whether wrought or unwrought, mixed or unmixed, knowing the ſame to have been embezzled, or received from ſome perſon or perſons not entitled to diſpoſe thereof, and it ſhall be made appear upon the oath or affirmation of one witneſs, that ſuch perſon hath purloined or embezzled, or received ſuch materials as aforeſaid, ſuch juſtices, or the general quarter ſeſſions, are, if they think fit, to convict ſuch perſon, although no proof be given to whom ſuch materials belong; and the perſon convicted ſhall be ſubject to the like penalties and puniſhments as perſons convicted of buying or receiving ſuch materials, knowing the ſame to have been embezzled. 17 Geo. 3. c. 56. ſ. 6.

By 22 *Geo.* 2. *c.* 27. The *juſtices* before whom the conviction ſhall be, may iſſue a warrant, impowering any perſon, in the preſence of a conſtable or headborough, and in the day time, to ſearch the houſes and other places belonging to the perſon convicted*, and to bring ſuch materials aforeſaid as ſhall be found, before the ſaid juſtice to be detained; and if within twenty-four days it ſhall appear to the juſtice, that the perſon from whoſe houſes, *&c.* the materials ſhall be ſo taken, is the owner and came to the poſſeſſion of them in an honeſt manner, then ſuch materials ſhall be reſtored to him; but if it ſhall not ſo be made appear within the time before limited, then the materials ſhall be deemed embezzled, and the juſtice may direct ſuch materials to be ſold, and the money ariſing from ſuch ſale (the charges of ſale being firſt deducted) to be equally diſtributed amongſt the poor of the pariſh where the perſon convicted reſides. *ſ.* 4.

Provided that the ſaid juſtice ſhall within three days after ſuch materials ſhall be brought to him, give notice under his hand and ſeal to the perſon convicted, appointing a time and place for him to prove his property; which time ſhall be within 21 days, and not leſs than 18 days after ſuch notice; and if the perſon ſo convicted be in any priſon, the juſtice ſhall cauſe a copy of the ſaid notice, atteſted under his hand and ſeal, to be delivered to the keeper of ſuch priſon, which keeper is to bring before ſuch juſtice the perſon named in ſuch notice, at the time and place ſpecified, if he be then in the cuſtody of ſuch keeper; and if any ſuch keeper neglect ſo to do, he ſhall forfeit to the perſon named in ſuch notice, the value of the materials ſo detained and ſold, to be recovered by diſtreſs and ſale of goods by warrant of the juſtice ſigning ſuch notice, in caſe the ſaid forfeiture be not immediately paid. *ſ.* 5.

If any perſon entruſted with the materials before-mentioned to work up, ſhall not uſe ſuch materials in manufacturing of the ſame, and ſhall neglect for *eight days*, by 17 *Geo.* 3. *c.* 56. *ſ.* 7. after ſuch materials ſhall be manufactured, to return (if required by the owner) ſo much as ſhall not be uſed, ſuch neglect ſhall be deemed an embezzling; and the perſon ſo neglecting being convicted, ſhall ſuffer the like puniſhment as perſons convicted of embezzling. *ſ.* 7.

Any juſtice of the peace of any county, *&c.* ſhall upon complaint upon oath, or (if a *Quaker*) affirmation, of any offence againſt this act within the ſame county, *&c.* iſſue his warrant for bringing before him, or any other juſtice of the ſame county, *&c.* the perſon charged with ſuch offence; and the juſtice before whom ſuch perſon ſhall be brought, is to determine ſuch complaint, and to proceed to conviction and judgment. *ſ.* 8.

* May ſearch the houſe of any other perſon. See 17 *Geo.* 3. *c.* 56. *ſ.* 10.

If any perſon hired or employed to work up any materials, whether mixed or unmixed, for any maſter, ſhall wilfully neglect or refuſe the performance thereof for eight days ſucceſſively; or having taken in any materials, whether mixed or unmixed, for manufacture, from one maſter, or two or more being co-partners, ſhall afterwards take in any materials, whether mixed or unmixed, for manufacture, from any other maſter, or ſhall procure, or permit himſelf to be employed in any other employment whatſoever, ſooner than eight days before the completion of the work firſt taken in; ſuch perſon, convicted by the oath, or affirmation, of one witneſs, before two juſtices, ſhall be ſent to the houſe of correction, there to be kept to hard labour not exceeding three months, nor leſs than one month. 17 *Geo.* 3. *c.* 56. *ſ.* 8.

This act ſhall not repeal any of the proviſions contained in 13 *Car.* 2. *c.* 15. or 20 *Car.* 2. *c.* 6. or 8 & 9 *Will.* 3. *c.* 36. See "*Silk.*" 22 *Geo.* 2. *c.* 27. *ſ.* 10.

Provided no perſon ſhall ſuffer puniſhment twice for the ſame fact. *ſ.* 11.

The 12 *Geo.* 1. *c.* 34. *ſ.* 1, 2, 3, 4, 5, & 6. (ſee *Woollen*) and all the proviſions and penalties therein, ſhall extend to journeymen dyers, journeymen hot preſſers, and all other perſons employed in any of the woollen manufactures of this kingdom; and alſo to journeymen, and all perſons employed in the making of felts or hats, or in any of the manufactures of ſilk, mohair, fürr, hemp, flax, linen, cotton, fuſtian, iron, or leather, or of any of the ſaid materials mixed one with another. *ſ.* 12.

By 23 *Geo.* 2. *c.* 13. If any perſon ſhall contract with or endeavour to ſeduce any artificer in wool, mohair, cotton, or ſilk, or in iron, ſteel, braſs, or other metal, or any clockmaker, watchmaker, or any other artificer in any other of the manufactures of *Great Britain* or *Ireland*, to go out of this kingdom, or *Ireland*, into any foreign country, not within the dominions of the crown of *Great Britain*; and ſhall be convicted upon indictment or information in the *King's Bench* at *Weſtminſter*, or by indictment at the aſſizes or general gaol delivery for the county, *&c.* wherein ſuch offence ſhall be committed in *England*, or by indictment in the court of juſticiary, or in any of the circuit courts in *Scotland*, or by indictment or information in the *King's Bench* at *Dublin* (if ſuch offence be committed in *Ireland*), the perſon ſo convicted, ſhall for every artificer contracted with or ſeduced, forfeit 500*l.* and ſhall ſuffer impriſonment in the common gaol where convicted, for twelve months, and until ſuch forfeiture be paid; and in caſe of a ſubſequent offence, the perſon again offending ſhall forfeit for every perſon contracted with or ſeduced, 1000*l.* and ſuffer impriſonment in the common gaol where convicted, for two years, and until ſuch forfeiture be paid. *ſ.* 1.

No perſon ſhall be proſecuted unleſs ſuch proſecution be commenced within twelve months. *ſ.* 2.

By 17 *Geo.* 3. *c.* 56. If any perſon ſhall receive any of the materials *mentioned in this act, and* 22 Geo. 2. in a fictitious name, or in his own name, in order to be manufactured by himſelf, and afterwards deliver the ſame, or part, to any other perſon to be manufactured (without the conſent of the owner); or if any carrier, or perſon employed to deliver ſuch materials to any workmen to be wrought up, ſhall deliver the ſame to any other perſon than to whom ordered, every perſon offending ſhall be liable to proſecution, and to the ſame puniſhment, as is by this act directed in reſpect to perſons taking in materials to work, and neglecting the performance of their work. *ſ.* 9.

Two juſtices, upon complaint upon oath, by one perſon, or upon affirmation, that there is cauſe to ſuſpect that any embezzled materials, mixed or unmixed, wrought or unwrought, are concealed in any dwelling-houſe, outhouſe, yard, garden, or other place, may, by warrant under their hands and ſeals, cauſe ſuch place to be ſearched in the day-time: and if any ſuch materials ſhall be found therein, may cauſe the ſame, and the perſon in whoſe houſe the ſame ſhall be found, to be brought before two juſtices; and if the perſon ſhall not give an account how he came by the ſame, the ſaid perſon ſhall be deemed guilty of a miſdemeanor, and ſhall be puniſhed in manner after mentioned, although no proof ſhall be given to whom ſuch materials belong. *ſ.* 10.

Every peace officer, headborough, or tythingman, and every beadle, and every watchman, during ſuch time only as he is on duty, ſhall and may apprehend, or cauſe to be apprehended, all perſons who may reaſonably be ſuſpected of having or conveying, at any time after ſun-ſetting and before ſun-riſing, any materials, ſuſpected to be embezzled, and the ſame, together with ſuch perſons, convey before two juſtices; and if the perſon apprehended ſhall not produce the party from whom he bought or received the ſame, or ſome witneſs, to teſtify upon oath, or affirmation, to the ſale or delivery of the materials, or ſhall not give an account to the ſatisfaction of ſuch juſtices, how he came by the ſame, the ſaid perſon apprehended ſhall be deemed guilty of a miſdemeanor, and puniſhed as after-mentioned, although no proof ſhall be given to whom ſuch materials belong. *ſ.* 11.

In either of the two caſes laſt mentioned, when any perſon brought before two juſtices, ſhall requeſt time to produce the perſon from whom he bought or received the ſame, or ſome witneſs to prove the ſale or delivery thereof, the ſaid juſtices are to appoint ſuch reaſonable time, and to iſſue a ſummons to the conſtable or other peace officer where ſuch perſon or ſuch witneſs ſhall reſide, requiring him to appear before two juſtices, to be examined, and give evidence upon oath, or affirmation, of the matters aforeſaid; but ſuch perſon at the time of making ſuch requeſt, ſhall enter into a recognizance, with or without ſureties, as ſuch juſtices ſhall think proper, for his appearance, or for want of ſuch recognizance, ſhall be committed until the time appointed for the appearance of ſuch party or witneſſes; and if at ſuch appointed time ſuch perſon ſhall be convicted of any of the offences, then he ſhall ſuffer ſuch puniſhment as is inflicted on perſons guilty of ſuch offences. *ſ.* 12.

Where any perſon ſhall be convicted of a miſdemeanor in either of the two caſes laſt mentioned, the juſtices may cauſe the materials found or ſeized, to be depoſited in the hands of the churchwardens or overſeers, or in any other place, for not exceeding thirty days; and in the mean time may order the ſaid churchwardens and overſeers to inſert an advertiſement in ſome public newſpapers, or otherwiſe cauſe notice to be given by ſome public crier, and by fixing on the church or chapel door notice deſcribing ſuch materials, and where the ſame are depoſited, to the end that perſons having loſt ſuch materials may come and claim the ſame: and in caſe any perſon can prove his property in the ſaid materials upon oath, or affirmation, to the ſatisfaction of two juſtices, ſuch juſtices ſhall order reſtitution thereof, after paying the charges of removing, depoſiting, and giving notice; but if, before the end of the ſaid thirty days, no perſon ſhall prove his property, the ſaid juſtices ſhall order the ſame to be ſold, and after deducting ſuch charges, together with the charges of ſale, one moiety ſhall be given to the perſon who ſhall apprehend or proſecute the offender, and the other moiety, either to the poor of the pariſh, or to ſuch public charity as the juſtices ſhall appoint. *ſ.* 13.

Every perſon deemed guilty of a miſdemeanor, in having in his poſſeſſion materials ſuſpected to be embezzled, and not producing the party of whom he bought or received the ſame, nor giving a ſatisfactory account how he came by the ſame; or of a miſdemeanor in having, or conveying, of the ſaid materials ſuſpected, *&c.* ſhall forfeit, for the firſt offence, 20 *l.* for the ſecond, 30 *l.* and for every ſubſequent offence, 40 *l.* all which forfeitures ſhall be levied by diſtreſs and ſale of goods of ſuch offender, by warrant of the juſtices; of which forfeiture, one moiety ſhall be paid to the informer, and the other moiety to the poor, or to ſuch public charities as the juſtices ſhall appoint; and if no ſufficient diſtreſs ſhall be found, the ſaid juſtices ſhall commit ſuch offender to the common gaol, or other priſon, or houſe of correction, for one month, for the firſt offence; for the ſecond offence, for two months; and for every ſubſequent offence, for ſix months. *ſ.* 14.

The owner of ſuch materials may enter at all ſeaſonable hours in the day-time, into the ſhops or outhouſes of any perſon employed by him to work up any of the ſaid materials, and there inſpect the condition of ſuch materials; and in caſe of refuſal, by ſuch perſon employed, to permit ſuch entrance or inſpection, he ſhall forfeit, not exceeding forty, nor leſs than ten ſhillings, as the juſtices ſhall think proper, to be recovered and applied as directed for the miſdemeanor of being in the poſſeſſion of ſuch materials, without accounting ſatisfactorily for ſuch poſſeſſion. *ſ.* 15.

Every penalty or puniſhment directed by 22 *Geo.* 2. in reſpect to the materials, ſo far as the ſaid act is not varied by this, and all the proviſions therein, in reſpect to the materials, ſhall extend to any tools, or implements, with which any perſon ſhall be entruſted for manufacturing the materials, and alſo to any drugs, or ingredients, with which any perſon ſhall be entruſted, for dying, preparing, or manufacturing, the ſaid materials. *ſ.* 16.

If any journeyman dyer, or ſervant or apprentice, in the dying of any felt or hat, or any woollen, linen, fuſtian, cotton, leather, fur, flax, mohair, or ſilk materials, whether wrought or unwrought, or mixed or unmixed with other materials, ſhall, without the conſent of the maſter, wilfully dye any of the ſaid materials, wrought or unwrought, or mixed or unmixed, or without ſuch conſent ſhall wilfully receive any ſuch materials, for the purpoſe of dying the ſame, whether the ſame ſhall be dyed or prepared for dying, he ſhall, for the firſt offence, forfeit 10 *s.* for the ſecond, 20 *s.* and for every ſubſequent offence, 40 *s.*; or if any perſon ſhall procure any ſuch materials to be dyed by any journeyman, ſervant, or apprentice, without the conſent of his employer, or ſhall offer ſuch materials to any journeyman, ſervant, or apprentice, for the purpoſe aforeſaid, he being thereof convicted, by the oath, or affirmation, of one witneſs, before two juſtices, ſhall, for the firſt offence, forfeit 5 *s.* for the ſecond, 20 *s.* and for every ſubſequent offence, 4 *l.* and each of the ſaid penalties ſhall be paid to the informer, and in caſe of non-payment on conviction, the perſon convicted ſhall be committed, by the juſtices, to the common gaol or houſe of correction, for not exceeding one month. *ſ.* 17.

Any inhabitant of any pariſh in which any offence ſhall be committed contrary to 12 *Geo.* 1. and 22 *Geo.* 2. or this act, ſhall be a competent witneſs. *ſ.* 18.

One juſtice, upon complaint to him made upon oath, or affirmation, of any offence committed againſt this act, is to iſſue his warrant for apprehending and bringing before

two

two juſtices the perſon charged with ſuch offence; and the juſtices before whom ſuch perſon ſhall be brought are to hear and determine the matter, and proceed to conviction. *ſ.* 19.

Any perſon aggrieved by the order or judgment of two juſtices before whom he ſhall have been convicted of any offence againſt 12 *Geo.* 1. and 22 *Geo.* 2. or this act, may appeal, and the ſaid juſtices are to make known to ſuch perſon, at the time of conviction, his right to appeal to the next general quarter-ſeſſions (ſuch perſon at the time of conviction, giving to ſuch juſtices notice in writing of his intention to appeal, and alſo entering into a recognizance, at the time of ſuch notice, with ſufficient ſureties, conditioned to try ſuch appeal, and to abide the judgment of, and pay ſuch coſts as ſhall be awarded by, ſuch ſeſſions); but if the perſon giving notice of appeal ſhall not enter into ſuch recognizance, then the juſtices may commit ſuch perſon to priſon, there to remain until the next ſeſſions, unleſs ſuch recognizance ſhall be ſooner entered into; and the ſaid juſtices before whom ſuch conviction ſhall have been made, or any two juſtices † of the ſame county are to take; and the juſtices at ſuch ſeſſions are upon proof of ſuch notice of appeal, to hear and determine the appeal, and award coſts, to be paid by either party; and if, upon the hearing of ſuch appeal, the judgment of the juſtices ſhall be affirmed, ſuch appellant ſhall, within forty-eight hours after, ſuffer ſuch corporal puniſhment as ſhall have been directed to be inflicted upon him, or ſhall immediately pay the ſum which he ſhall have been adjudged to forfeit, together with ſuch coſts as the ſeſſions ſhall award; or, in default of ſuch payment, ſhall be committed to the common gaol, or houſe of correction, in the ſame manner, and for the ſame time, to be computed from the affirmance of ſuch conviction, as ſhall be directed by the original conviction, unleſs the perſon convicted ſhall have been impriſoned under the original conviction, in which caſe the time for which ſuch perſon ſhall have been confined ſhall be included in the order of confirmation. *ſ.* 20.

The juſtices before whom any offender ſhall be convicted of any offence, either againſt 22 *Geo.* 2. or this act, ſhall cauſe the conviction to be certified to the next general or general quarter-ſeſſions, to be filed with the records of ſuch ſeſſions: and ſuch conviction ſhall be drawn up and written on parchment, and certified in the following form, as far as the name of the perſon and the nature of the caſe will admit. *ſ.* 21.

Middleſex *(or any other place, as the caſe ſhall be)* to wit. *Be it remembered, that on the* ——— *day of* ——— *in the year of our Lord* —— ——— A. B. *was convicted before us* —— ——— *of his majeſty's juſtices of the peace in and for the ſaid county of* ——— or, *for the riding of the ſaid county of* —— —— or, *for the city, liberty, town, or place, aforeſaid, in the ſaid county* — — (as the caſe ſhall be) *of* — — — [Here ſpecify the offence, and when and where the ſame was committed.]

Given under our hands and ſeals, the day and year firſt above written.

No order concerning any of the matters in this act, or any proceedings to be had touching the conviction of any offender againſt 22 *Geo.* 2. or this act, ſhall be quaſhed for want of form, or removable by *certiorari* into the *King's Bench*; and the juſtices ſhall cauſe the ſame, drawn up in the form aforeſaid, to be fairly written upon parchment, and tranſmitted to the next general or general quarter-ſeſſions, to be filed amongſt the records; and in caſe the perſon convicted ſhall appeal from the judgment of the juſtices to ſeſſions, the ſeſſions are, upon receiving the ſaid conviction drawn up in the form aforeſaid, to proceed to the determination of the appeal. *ſ.* 22.

Nothing herein ſhall extend to repeal any former laws now in being, except ſo far as is particularly expreſſed by this act; and no offender proceeded againſt upon this act, ſhall for the ſame offence be afterwards proceeded againſt upon any former law. *ſ.* 23.

Actions for any thing done in purſuance of this act, ſhall be laid and tried in the county where the fact was committed; and the defendant may plead the general iſſue, *&c.* and if the jury ſhall find for the defendant, *&c.* the defendant ſhall recover treble coſts. *ſ.* 25.

Buttons.

By 10 *Will.* 3. *c.* 2. No perſons in *England*, *Wales*, or *Berwick*, ſhall make, ſell or ſet on any cloths, any buttons made of cloth, ſerge, drugget, freeze, camlet or any other ſtuffs of which cloths are uſually made; or any buttons made of wood only, and turned in imitation of other buttons; on forfeiture of 40 *s.* for every dozen of buttons ſo made, ſold or ſet on, and in like proportion for a leſſer quantity; one moiety to the king, the other to the proſecutor.

By 8 *Ann.* *c.* 6. No taylor or other perſon ſhall make, ſet on, ſell, uſe or bind on any cloths, any button or button-holes made or bound with ſerge or other ſtuff of which cloths are uſually made, on pain of 5 *l.* for every dozen of buttons or button-holes; one moiety to the crown, the other to him who will ſue for the ſame; or two juſtices may by warrant levy the penalty, upon the conviction of the offender by one witneſs; but the party aggrieved may appeal to the next quarter-ſeſſions, and ſhall have coſts.

By 4 *Geo.* 1. *c.* 7. No taylor or other perſon ſhall make, ſell, ſet on, uſe or bind on any cloths, buttons or button-holes made of or bound with cloth, ſerges, drugget, frize, camlet or any ſtuffs that cloths are uſually made of, on forfeiture of 40 *s.* for every dozen of ſuch buttons and button-holes ſo made, *&c.* or in proportion for a leſſer quantity; and every perſon being thereof convicted upon oath of one witneſs ſhall forfeit as aforeſaid. *ſ.* 1.

Nothing in this act ſhall extend to cloths made of velvet. *ſ.* 2.

Perſons inhabiting in any gaol or houſe of correction, or in any privileged place, offending againſt this act and being convicted, ſhall be ſubject to the penalties. *ſ.* 3.

Offences againſt this act ſhall be proſecuted within three months. *ſ.* 4.

Offences againſt this act ſhall be heard and determined by one juſtice of peace of the county, city, *&c.* where the ſame ſhall be diſcovered, or where the offender dwells (ſuch juſtice being not concerned in the matter), upon the oath of one witneſs. And one moiety of the forfeitures, the charges of conviction deducted, ſhall be paid to the informer, the other to the poor of the pariſh where the offence ſhall be diſcovered. And if any offender ſhall refuſe to pay the forfeitures, for fourteen days after conviction, ſuch juſtice ſhall iſſue his warrant to the conſtable, to levy the ſame by diſtreſs and ſale of goods; and for want of diſtreſs, to commit the offender to the common gaol, there to be kept three calendar months to hard labour. *ſ.* 5.

† So in the act.

If

If any perſon find himſelf aggrieved by the juſtice's order or warrant, he may appeal to the quarter-ſeſſions; and coſts ſhall be allowed to the party grieved, to be levied as in other caſes of appeals. *ſ.* 6.

If any action be commenced againſt any perſon ſo proſecuted, he may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts. *ſ.* 7.

All wearing garments made with buttons and button-holes of the ſame cloths, *&c.* and expoſed to ſale, ſhall be forfeited and ſeized, and applied to the uſes in this act. *ſ.* 8.

If any taylor or other perſon ſhall cauſe his ſervant to make any cloths contrary to this act, he ſhall be ſubject to the penalties; and this act ſhall be a public act. *ſ.* 9.

By 7 *Geo.* 1. *c.* 12. It ſhall not be lawful for any perſon to uſe or wear on any cloths, buttons or button-holes made or bound with cloth, ſerge, drugget, frize, camlet, or any ſtuffs, whereof cloths or wearing garments are uſually made: and if any perſon ſhall uſe or wear ſuch buttons or button-holes, ſuch perſon, being convicted in manner hereafter mentioned, ſhall forfeit for every dozen of ſuch buttons or button-holes, 40*s.* or in proportion for a leſſer quantity. *ſ.* 1.

It ſhall be lawful for one juſtice of peace of the county or place where any offence ſhall be committed againſt this act, or where ſuch offender ſhall inhabit, upon oath of one credible perſon to ſummon the party accuſed, and upon his appearance or contempt, to proceed to the examination of the matter, and on due proof made, either by confeſſion of the party, or ſuch oath, to determine the ſame, and to convict the offender; and to cauſe the penalties on the offender refuſing to pay the ſame on demand, by warrant to be levied by diſtreſs and ſale of goods, rendering the overplus; and one moiety of the forfeiture ſhall be to him on whoſe oath the perſon ſhall be convicted, and the other to the poor of the pariſh where ſuch offence ſhall be committed. *ſ.* 2.

Perſons aggrieved by the order or warrant of ſuch juſtice, may appeal to the next quarter-ſeſſions, giving eight days notice, which ſeſſions are to hear and determine the ſame, and their judgment ſhall be final. *ſ.* 3.

Offences againſt this act ſhall be proſecuted within one month after ſuch offence committed. *ſ.* 4.

This act ſhall not extend to cloths made of velvet. *ſ.* 5.

Perſons ſued may plead the general iſſue, *&c.* and on a verdict, *&c.* recover treble coſts. *ſ.* 6.

Cables and Cordage.

See the general title in PART I.

Clocks and Watches.

By 27 *Geo.* 2. *c.* 7. If any perſon employed by any perſon practiſing the trade of clock making or watch making, or any branch of ſuch trade, to make, finiſh, alter, repair or clean any clock or watch, or any part of a clock or watch, or entruſted by any perſon practiſing the ſaid trade with any gold, ſilver, or other metal or material, to be or that ſhall be in the whole or in part wrought for any part of a clock or watch, or any precious ſtone ſet or to be ſet in or about any clock or watch, ſhall purloin, embezzle, ſecrete, ſell, pawn, exchange, or otherwiſe unlawfully diſpoſe of any ſuch goods, and be convicted by the oath of the owner, or any other witneſs, or by confeſſion before any juſtice, every ſuch offender ſhall for the firſt offence forfeit 20*l.*; and in caſe the forfeiture be not forthwith paid, the juſtice ſhall commit the party convicted to the houſe of correction, or other public priſon, to be kept to hard labour for fourteen days, unleſs ſuch forfeiture be ſooner paid; and if within two days before the expiration of the fourteen days ſuch forfeiture be not paid, the ſaid juſtice is empowered to order the perſon convicted to be publicly whipped; and for a ſubſequent offence, the perſon again offending ſhall forfeit 40*l.* which if not forthwith paid, the juſtice ſhall commit the perſon again offending to the houſe of correction or other public priſon, to be kept to hard labour, not exceeding three months, nor leſs than one, unleſs the forfeiture be ſooner paid; and if within ſeven days before the expiration of the time for which ſuch offender is committed the forfeiture be not paid, the juſtice is empowered to order the perſon again offending, publicly to be whipped twice or oftener. *ſ.* 1.

If any perſon ſhall buy, receive, or take by way of gift, pawn, or exchange, or in any other manner, any clock or watch, or any part of a clock or watch, or any gold, ſilver, or other metal or material as aforeſaid, wrought or not wrought, or any precious ſtone intruſted with any perſon hired or employed as aforeſaid, knowing the ſame to be ſo purloined and embezzled, being convicted in manner before preſcribed, he ſhall for the firſt offence forfeit 20*l.*; and in caſe the forfeiture be not forthwith paid, the juſtice before whom ſuch conviction is had, ſhall commit the party ſo convicted to the houſe of correction or other public priſon, to be kept to hard labour for fourteen days, unleſs the forfeiture be ſooner paid; and if within two days before the expiration of the ſaid fourteen days, the forfeiture be not paid, the juſtice is to order the perſon ſo convicted, to be publicly whipped once or oftener, as to ſuch juſtice appears reaſonable; and in caſe of a ſubſequent offence of the ſame kind, the perſon ſo again offending, being convicted, ſhall forfeit 40*l.* which if not forthwith paid, the juſtice ſhall commit the party to the houſe of correction, or other public priſon, to be kept to hard labour for not exceeding three months, nor leſs than one, unleſs the forfeiture be ſooner paid; and if within ſeven days before the expiration of the time for which ſuch offender is committed, the forfeiture be not paid, the juſtice is to order ſuch offender to be publicly whipped twice or oftener; and the ſaid forfeitures when recovered, after ſatisfaction thereout to the party injured, with ſuch coſts as ſhall be adjudged by the juſtice, ſhall be applied to the uſe of the poor of the pariſh where the perſon convicted reſides. *ſ.* 2.

If any perſon convicted as aforeſaid, of purloining, *&c.* or of receiving, *&c.* any of the goods before-mentioned, think himſelf aggrieved, ſuch perſon may appeal to the next general or quarter ſeſſions, and the execution of the judgment ſhall be ſuſpended, the perſon convicted entering into a recognizance at the time of conviction, with two ſureties, in double the ſum adjudged to forfeit, upon condition to proſecute ſuch appeal with effect, and to be forth-coming to abide the judgment of the ſeſſions; which recognizances the juſtice before whom ſuch conviction is had, is to take; and the juſtices in ſeſſions are finally to determine the appeal, and award coſts to be paid by either party; and if the judgment be affirmed, ſuch appellant ſhall immediately pay the ſum adjudged with coſts, or in default ſhall ſuffer the pains inflicted upon perſons who neglect to pay the forfeitures. *ſ.* 3.

The juſtice of peace before whom any perſon ſhall be convicted, ſhall cauſe ſuch conviction to be drawn up in the form following:

Middleſex,

Middleſex, } *BE it remembered, that on the* —— *day of to wit.* } —— *in the* —— *year of his Majeſty's reign*, A. B. *was convicted before me* (or *us*) —— *of his Majeſty's juſtices of the peace for the ſaid county of* —— or *for the* ——*riding* (or *diviſion*) *of the ſaid county of*—— or *for the city, liberty, or town of* —— *in the ſaid county of* —— (as the caſe ſhall be), *of purloining, embezzling, ſecreting, ſelling, pawning, exchanging*, or *unlawfully diſpoſing of*, or *of buying, receiving*, or *taking to pawn*, (as the caſe ſhall be) —— (ſpecifying the reſpective goods) *the property of* C. D. *of* —— *in the county of* —— *Given under my hand and ſeal* (or *our hands and ſeals*) *the day and year aforeſaid.*

Which conviction ſhall not be liable to be removed by *certiorari*, into the king's bench; and the juſtice before whom ſuch conviction is had, ſhall cauſe the ſame to be written upon parchment, and tranſmitted to the next general or quarter ſeſſions of the peace for the ſaid county or place wherein ſuch conviction was had, to be filed and kept amongſt the records. *ſ.* 4.

Any juſtice is, upon complaint upon oath, of any offence, to iſſue his warrant for bringing before him or any other juſtice of the ſame county, the perſon charged with ſuch offence; and the juſtice before whom ſuch perſon ſhall be brought is to hear and determine ſuch complaint. *ſ.* 5. *See* 5 Geo. 1. c. 27, *in page* 153. *and* 23 Geo. 2. c. 13. *in page* 155.

Flax and Hemp.

By 33 *Hen.* 8. *c.* 17. It ſhall not be lawful to water hemp or flax in any river, ſtream, or common pond, where beaſts be uſed to be watered, but only on the grounds or in pits, or in their ſeveral ponds; upon pain to forfeit 20*s.* the one half to the king, and the other half to the party aggrieved, or to any of the king's ſubjects that will ſue for the ſame in any court of record or leet. *ſ.* 2.

By 15 *Car.* 2. *c.* 15. It ſhall be lawful for any perſons in any place privileged or unprivileged, corporate or not corporate, to ſet up the trade of breaking, hickling, or dreſſing of hemp or flax, as alſo for making and whitening of thread; as alſo of ſpinning, weaving, making, whitening or bleaching of cloth made of hemp or flax only; as alſo the trade of making twine or nets for fiſhery, or of ſtoving of cordage; as alſo the trade of making tapeſtry hangings. *ſ.* 2.

All foreigners that ſhall ſet up and uſe any of the trades aforeſaid, three years in *England*, ſhall, taking the oaths of allegiance and ſupremacy, before two juſtices of the peace near their dwellings, enjoy all privileges as natural-born ſubjects. *ſ.* 3.

Such foreigners as ſhall exerciſe the trades aforeſaid, ſhall not be liable to any other taxes than ſuch as ſhall be paid by natural-born ſubjects, unleſs they ſhall uſe merchandiſe into and from foreign parts, in which caſe they ſhall be liable to pay cuſtoms as aliens during five years, and no longer. *ſ.* 4.

By 26 *Geo.* 3. *c.* 43. The diſtribution and payment of the money which ſhall hereafter be kept apart, for the encouragement of raiſing and dreſſing hemp and flax in this kingdom, purſuant to the directions in 10 *Geo.* 3. and according to 7 *Geo.* 3. ſhall be put under the management and direction of the treaſury. *ſ.* 2.

For the encouragement of the growth of hemp and flax in *England*, there ſhall be applied, diſtributed, and paid, in bounties yearly, a ſum not exceeding (by 27 *Geo.* 3. *c.* 13. *ſ.* 65.) 6335*l.* 15*s.** at the rate of three pence *per* ſtone for every ſtone of hemp of 14 lb. and four-pence for every like ſtone of flax, to be raiſed in *England*, in the year 1787, and in every ſubſequent year, during the ſpace of ſeven years, to be paid to the grower, or other perſon who breaks and properly prepares ſuch hemp or flax for market. *ſ.* 3.

* To be ſet apart in the exchequer, out of the duties on cuſtoms, 27 *Geo.* 3. *c.* 13. *ſ.* 65.

The perſon claiming and entitled to the ſaid bounty, ſhall ſign and exhibit his claim to one juſtice of the county where the hemp or flax has been raiſed, mentioning of what crop the ſame is, and the ground on which it grew; which claim ſhall be likewiſe atteſted by two of the pariſh officers, who ſhall certify, that they believe the truth of the particulars contained in ſuch claim; and which claim, when ſo atteſted, the ſaid juſtice is to counterſign and tranſmit to the clerk of the peace,, to be by him laid before the next general quarter ſeſſions. *ſ.* 4.

Every perſon who ſhall claim and receive any of the bounties, ſhall enter into a bond or ſecurity to the clerk of the peace, with two ſecurities, to be approved of at quarter ſeſſions, in the penal ſum of treble the bounty of the hemp or flax, with condition, that ſuch perſon is duly entitled to the bounty, according to this act; which bond ſhall be put in ſuit under the orders of the quarter ſeſſions, by the clerk of the peace, againſt ſuch perſons as the caſe ſhall require; and all money recovered ſhall be put into the hands of the treaſurer of the county, and be applied, in the firſt place, towards defraying the expences of proſecuting the ſame, and the execution of this act; and the remainder towards the fund out of which the bounties are to be granted. *ſ.* 5.

The juſtices in each county, at every general quarter ſeſſions, ſhall, before adjournment, advertiſe and publiſh the bounties by this act granted, and the conditions neceſſary to be complied with before the ſame can be received, with directions for all perſons claiming the bounties to deliver in their claims in the manner preſcribed. *ſ.* 6.

The juſtices ſhall, at their general quarter ſeſſions at *Midſummer*, in each year, before the ſame ſhall be adjourned, publiſh in like manner, the names and abodes of perſons claiming, and the quantities of hemp and flax for which the bounties are claimed; and ſhall direct enquiries to be made and methods to be purſued for diſcovering the truth of ſuch claims, and ſhall, at their next *Michaelmas* ſeſſions, finally determine, and publiſh the ſame as aforeſaid; and ſhall then make up a ſtate thereof, and of their judgments thereon, and tranſmit a certificate thereof to the treaſury, praying an iſſue of the amount of the bounties; and the treaſury ſhall thereupon iſſue, without fee, their warrants to the receivers of the land tax of the counties within which the hemp and flax has been raiſed, to pay, without deduction or reward, on the order of the quarter ſeſſions, the ſum appropriated for each county; and the juſtices ſhall forthwith pay, without fee, the ſame to the perſons entitled to the bounties. *ſ.* 7.

The perſon preparing hemp or flax for market, and who ſhall ſell any quantity within *England*, ſhall deliver to the buyer, along with ſuch hemp or flax, a particular account of the hemp and flax ſold, expreſſing the quantity, place where it grew, and the year of its growth; and the ſeller in like manner ſhall take of the buyer a receipt in writing, containing a duplicate of the quantity bought, the place where it grew, and the year of its growth. *ſ.* 8.

The treaſury ſhall annually make up an account of the quantities of hemp and flax certified to them to be raiſed, and of the monies paid to the quarter ſeſſions, and ſhall annually lay the ſame before both houſes of parliament. *ſ.* 10.

Such

Such reaſonable allowances ſhall be made to the clerks of the peace for what they ſhall do, as the quarter ſeſſions ſhall direct. *ſ.* 11.

The acts ſhall continue in force except where varied. *ſ.* 12.

This act ſhall continue for ſeven years, from the 25th *March* 1787, and from thence to the end of the next ſeſſion of parliament. *ſ.* 13.

Frame-work Knitters.

By 7 and 8 *Will.* 3. *c.* 20. No perſon ſhall put on board any ſhip any frame for knitting ſtockings and other wearing neceſſaries, or any part thereof, in order to be exported beyond ſea; upon pain to forfeit ſuch frames, *&c.* and 40 *l.* the one moiety to his majeſty, and the other moiety to the perſon who ſhall inform and ſue for the ſame, to be recovered by action of debt, *&c.* *ſ.* 8.

Every perſon which ſhall buy, ſell, or remove, any ſuch frame, or any part thereof, ſhall, within two months after, give notice in writing to the maſter and wardens of the company of Frame-work Knitters in *London*, or their deputies, to whom or what place the ſame was ſold or removed; on pain to forfeit 5 *l.* as aforeſaid. *ſ.* 9.

By 6 *Geo.* 3. *c.* 29. All frame-work knitted pieces, and ſtockings made of thread, cotton, worſted, or yarn, or any mixture of all or any of the ſaid materials, or of any materials of any other kind (except ſuch as ſhall be made of ſilk only), which ſhall contain three or more threads, ſhall be marked with the ſame number of iſlet-holes as there are threads; and ſuch iſlet-holes ſhall be made in a diſtinct manner, in one direct line, or in the ſame courſe, and ſhall not exceed three inches from the extreme iſlet-holes; and no ſuch iſlet-holes ſhall be placed within four inches of any letter, figure, mark, or other device, woven in ſuch goods; and all ſuch iſlet-holes ſhall be made within four inches of the top or end of every ſuch piece or pair of ſuch goods or manufactures; and no iſlet-hole or imitation thereof ſhall be made, except as directed by this act. *ſ.* 1.

Nothing herein ſhall prevent manufacturers from uſing remnants, or materials of any ſort, in the welts and tops of ſtockings only, not exceeding three inches, although the ſame ſhall not contain ſo great a number of threads as the legs of ſuch ſtockings. *ſ.* 2.

If any maſter frame-work knitter, or hoſier, or any other perſon, ſhall make, or cauſe to be made, any frame-work knitted goods or manufactures (except ſuch as ſhall be made of ſilk only), without being duly marked, every ſuch perſon ſo offending, ſhall forfeit 5 *l.* for every piece of ſuch frame-work knitted goods, or pair of ſtockings, and alſo all ſuch pieces and ſtockings. *ſ.* 3.

The penalty of 5 *l.* ſhall not extend to any journeyman, apprentice, ſervant, or perſon, not making ſuch goods on his own account. *ſ.* 4.

If any journeyman, apprentice, ſervant, or other perſon, employed in making any frame-work knitted manufactures, ſhall not duly mark every piece and pair according to this act, every ſuch journeyman, *&c.* ſhall forfeit a ſum not exceeding 40 *s.* nor leſs than 5 *s.* for each piece of frame-work knitted goods, or pair of ſtockings, which ſuch journeyman, *&c.* ſhall make and not mark. *ſ.* 5.

If any journeyman, apprentice, or ſervant, or other perſon, ſhall make it appear, to the ſatisfaction of the juſtice, that ſuch frame-work knitted pieces, or ſtockings, by him unduly marked, was ſo marked by direction of his maſter, then ſuch journeyman ſhall be exempted from any penalty. *ſ.* 6.

If any perſon ſhall ſell, or expoſe to ſale, any frame-work knitted piece, or pair of ſtockings, of the aforeſaid materials, or any mixture thereof (except ſilk), which ſhall not be duly marked, every perſon ſhall forfeit 5 *l.* for every frame-work knitted piece, and for every pair of ſtockings ſo ſold, or expoſed to ſale, and alſo forfeit ſuch pieces and ſtockings. *ſ.* 7.

If any perſon proſecuted for ſelling, or expoſing to ſale, manufactures not duly marked ſhall diſcover the ſeller hereof, ſo as ſuch ſeller ſhall be convicted, and become liable to the penalties, then the perſon proſecuted for ſelling or expoſing ſuch manufactures, ſhall be diſcharged from any penalty by this act. *ſ.* 8.

If ſhall be lawful for one or more juſtices, not being a frame-work knitter, hoſier, or a proprietor of frames, to convict the party offending, upon the oath of one or more credible witneſſes, and upon ſuch conviction, in caſe ſuch penalties ſhall not be forthwith paid, to iſſue a warrant by diſtreſs and ſale of the offender's goods; and in caſe no goods can be found, or there ſhall not be ſufficient to pay ſuch penalties, any one or more of ſuch juſtices, ſhall upon proof thereof upon oath, by the perſon who ſhall have the execution of ſuch warrant, commit the party offending to the common gaol of the county, riding, diviſion, city, town or place, where the offence ſhall be committed, there to remain for a time not exceeding three months, unleſs ſuch penalties ſhall be ſooner paid; and all penalties ſhall go, one moiety to the informer, and the other to the poor of the pariſh. *ſ.* 9.

Any perſon aggrieved, may appeal to the juſtices at any general quarter ſeſſions, giving ten days notice in writing of ſuch appeal, to ſuch juſtice or juſtices before whom he ſhall have been convicted, and within two days after ſuch notice, entering into a recognizance before ſome juſtice, with two ſureties, to try ſuch appeal at ſuch quarter ſeſſions; and the ſaid juſtices, at the ſaid ſeſſions, upon due proof of ſuch notice and recognizance, ſhall finally determine ſuch appeal in a ſummary way, and award coſts as they ſhall think proper; and the determination of ſuch quarter ſeſſions ſhall be concluſive. *ſ.* 10.

If any action ſhall be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if judgment againſt the plaintiff, &c. the defendant ſhall recover treble coſts. *ſ.* 11.

Nothing in this act ſhall abridge or take away any rights or privileges which the maſter, wardens, and aſſiſtants, of the company of Frame-work Knitters are entitled unto. *ſ.* 12.

By 28 *Geo.* 3. *c.* 55. If any frame-work knitter, who ſhall rent or take by the hire, any ſtocking frame, either with or without any machine or engine thereunto annexed, or therewith to be employed, from any perſon whomſoever, ſhall refuſe to re-deliver ſuch frame, with the machine or engine therewith let (if any ſuch there be), to the perſon of whom he ſhall rent the ſame, having received from ſuch perſon fourteen days previous notice for ſuch purpoſe, the perſon ſo offending, being thereof convicted by the oath or affirmation of the owner or employer of ſuch frame, or any other witneſs before one juſtice, ſhall forfeit 20*s.* to the poor of the pariſh where ſuch offence ſhall be committed; and in caſe the ſaid forfeiture ſhall not be immediately paid, and the ſaid frame, with the machine therewith let, delivered up to the owner, within ſix days after ſuch conviction, the juſtice ſhall commit the party convicted to the common gaol, there to remain without bail, and be kept to hard labour, not exceeding three months, nor leſs than one. *ſ.* 1.

If any perſon ſo renting or taking to hire any ſtocking frame, with or without ſuch machine, ſhall ſell or otherwiſe

wiſe unlawfully diſpoſe of ſuch frame or machine, without the conſent of the owner, ſuch offender, being thereof convicted upon indictment, ſhall ſuffer ſolitary impriſonment in the common gaol, for not leſs than three, nor exceeding twelve months. *ſ.* 2.

If any perſon ſhall wilfully receive or purchaſe any ſuch frame, machine, or engine, ſo ſold or unlawfully diſpoſed of, and ſhall thereof be convicted by indictment, ſuch offender ſhall be ſubject to the like puniſhment as the perſon ſelling. *ſ.* 3.

Gold and Silver.

See the general title in Part I.

Hats.

By 17 *Geo.* 3. *c.* 55. Every maſter hatmaker ſhall employ one journeyman for every apprentice he ſhall employ in hatmaking, provided a ſufficient number of journeymen hatters, who have ſerved as apprentices to the ſaid trade, offer themſelves for that employment; or in default thereof, he ſhall for ever thereafter be diſabled from taking more than two apprentices to the ſaid trade. *ſ.* 2.

If any journeyman hatter, hat-maker, piece-maſter, ſervant, workman, or other perſon, employed in making or finiſhing of hats or felts, in any branch thereof, ſhall be convicted, in manner directed by 22 *Geo.* 2. *c.* 27. (*ſee* page 155) of having kept up, acted in, made, entered into, ſigned, ſealed, or having been knowingly concerned in, any contract, covenant, or agreement, bye-law, ordinance, rule, or order of any club, or combination, by the ſaid act declared to be illegal; or of preſuming or attempting to put any illegal agreement, *&c.* in execution; or of departing from his ſervice before the end of the time for which he was hired; or of quitting or returning his work before the ſame ſhall be finiſhed according to agreement; or of wilfully ſpoiling or deſtroying any goods or work; ſuch perſon ſo convicted before he ſhall be entitled to appeal to the quarter-ſeſſions againſt ſuch conviction, or before the proceedings ſhall be ſo ſuſpended, ſhall enter into recognizance, with two ſureties, the principal in ten pounds, and the two ſureties in five pounds each, before one juſtice, for the appearance of the perſon convicted at ſuch ſeſſions, to proſecute ſuch appeal, and abide the determination of ſuch ſeſſions; and the ſaid general quarter-ſeſſions are to hear and finally determine the appeal, and award coſts to either party: and if upon the hearing ſuch appeal, the judgment ſhall be affirmed, ſuch appellant ſhall immediately be committed to the common gaol or houſe of correction, in purſuance of the original order of conviction, there to remain for the time which ſhall have been ordered, and until the appellant ſhall pay the coſts awarded againſt him by the ſeſſions. *ſ.* 3.

If any perſon whomſoever (whether employed in the ſaid trade or not) ſhall attend any meeting, club, ſociety, or combination, by the ſaid act declared illegal; or ſhall ſummons or call upon any journeyman hatter, or other perſon employed in the ſaid trade, to attend ſuch meeting, or to pay any money as a fine, contribution, or ſubſcription, for the uſe of ſuch meeting; or who ſhall collect, demand, or receive, any ſum of money from any journeyman hatter, for any of the above purpoſes; or ſhall perſuade, entice, inveigle, or intimidate, or endeavour to perſuade, *&c.* any journeyman hatter, *&c.* to enter into, or be concerned in any ſuch meeting, or to turn out againſt, or quit the ſervice of the maſter; or if any perſon ſhall pay any money, or make or enter into any ſubſcription towards the ſupport or encouragement of ſuch illegal meeting, ſuch perſon being convicted before two juſtices, on the oath of one witneſs, ſhall, for every ſuch offence, be committed to the common gaol or houſe of correction, there to remain without bail, for not exceeding three months. *ſ.* 4.

So much of 5 *Eliz. c.* 4. as extends to reſtrain any perſon from ſetting up, and exerciſing, the craft of a maſter hat-maker, unleſs brought up as apprentice therein, is repealed. *ſ.* 5.

No maſter hat-maker, or felt-maker, ſhall be capable of acting as a juſtice in the execution of this or any other act relative to any journeymen hat-maker or apprentice. *ſ.* 6.

This act ſhall not repeal 22 *Geo.* 2. *c.* 27. *ſ.* 7.

Any perſon convicted before one or more juſtices, may appeal to the next general or quarter-ſeſſions, giving immediate notice of ſuch appeal, and finding ſecurity, to the ſatisfaction of the juſtices before whom conviction ſhall have been made, for the being preſent at ſuch ſeſſions, and for proſecuting the appeal with effect, and abiding the judgment of the court; and ſuch ſeſſions ſhall finally determine the matter, and ſhall have power to award coſts to either party; and if ſuch conviction ſhall be affirmed, ſuch appellant ſhall be committed to the common gaol or houſe of correction, for not exceeding three months. *ſ.* 8.

No action ſhall be brought for any thing done under this act, unleſs brought within three months. *ſ.* 9.

Perſons may plead the general iſſue, and if the plaintiff ſhall become nonſuited, *&c.* the defendant ſhall recover double coſts. *ſ.* 10.

Iron.

By 2 *Edw.* 6. *c.* 27. If any perſon make any gads of *Bilbow* iron like gads of ſteel, or put to ſale any ſuch gads of iron, he ſhall forfeit for every gad, 4 *d.* one moiety to the king, and the other moiety to them that will ſue for the ſame in any of the king's courts of record.

By 21 *Jac.* 1. *c.* 31. All perſons uſing to make knives, blades, cutlery wares and other manufactures of iron and ſteel, dwelling within the lordſhip of *Hallamſhire* in the county of *York*, or within ſix miles of the ſame, ſhall be one body politic and incorporate of one maſter, two wardens, ſix ſearchers and four and twenty aſſiſtants and commonalty of the company of cutlers of the lordſhip of *Hallamſhire*; and they by the name of *maſter, wardens, ſearchers, aſſiſtants and commonalty of the company of cutlers of* Hallamſhire *in the county of* York, may have perpetual ſucceſſion. And it ſhall be lawful to the ſaid maſter, wardens, ſearchers and aſſiſtants, upon the feaſt of St. *Bartholomew* yearly, or at any other convenient time, to elect and ſwear one maſter, two wardens, ſix ſearchers and four and twenty aſſiſtants, to be choſen out of the company, to govern the corporation during one year, and until there ſhall be other choſen. *ſ.* 1.

When any of the maſter, wardens or aſſiſtants, ſhall die or be removed (which ſhall be removable at the diſcretion of the greater part of the company), it may be lawful to the reſidue of the company within one month, other of the corporation to chooſe. *ſ.* 3.

Every maſter ſhall take his oath before the wardens and ſearchers, or two of them, and the aſſiſtants, or the greater part of them, for the true and faithful executing of that place. And the wardens ſhall be ſworn before the maſter, ſearchers and aſſiſtants, or the greater part of them, for the

the due execution of their places. And the ſearchers ſhall be ſworn before the maſter, wardens and aſſiſtants, or the greater part of them, for the due execution of their places. And the aſſiſtants ſhall take their oaths before the maſter, wardens and ſearchers, or two of them, for the faithful execution of their places, before they take upon them the ſaid places. *ſ.* 4.

It ſhall be lawful for the maſter, wardens, ſearchers and aſſiſtants, or the greater part of them, to make ordinances for the government of the corporation, their apprentices and ſervants in their arts; and to impoſe penalties upon all offending, and the fines to levy to the uſe of the corporation, for the relief of the poor. *ſ.* 5.

No perſon uſing the occupation of a cutler within the ſaid compaſs, ſhall keep at one time more than one apprentice (beſides his own ſons), which hath not ſerved five years; nor ſhall take any apprentice, whoſe time ſhall be out before he be one and twenty years old; nor for any ſhorter time than ſeven years; nor ſhall take any other apprentice, in caſe he aſſign over any apprentice, till ſuch time as that apprentice ſhall have ſerved ſix years; nor ſhall take any apprentice, except he himſelf hath been an apprentice at the ſame trade ſeven years, or have been ſo long taught by his father, and be owner of the work himſelf, and of full age; upon pain to forfeit for every month 40*s.* to the corporation. Provided that this article ſhall not hinder any cutler from taking any apprentice, whoſe maſter dwelling within the ſaid compaſs ſhall die before he hath ſerved out ſeven years. *ſ.* 6.

No perſon uſing the ſaid arts within the ſaid compaſs ſhall make any knives, knife-blades, ſheers, ſciſſars or ſickles, except he put ſteel into the edges, upon pain of 10*s.* and the wares to be ſeized by the corporation. *ſ.* 7.

No perſon uſing the ſaid crafts within the ſaid compaſs ſhall uſe upon his wares more marks than one; and that to be ſuch as ſhall be firſt appointed him by the maſter, wardens and ſearchers, upon pain to forfeit all ſuch goods not ſo marked, and 40*s.* to the maſter and wardens. *ſ.* 8.

All penalties by this act ſhall be ſued for in his majeſty's courts at *Weſtminſter*, or in any court of record in the counties of *York* or *Derby*. *ſ.* 9.

By 25 *Geo.* 3. *c.* 67. If any perſon ſhall contract with, entice, perſuade, or endeavour to ſeduce or encourage, any artificer or workman, employed, or who ſhall have been employed in the iron or ſteel manufactures in this kingdom, or in making or preparing any tools or utenſils for ſuch manufactory, to go out of *Great Britain* to parts beyond the ſeas (except *Ireland*), and ſhall be convicted thereof, upon indictment or information in the king's bench, or by indictment at the aſſizes, or general gaol delivery, or quarter-ſeſſions, or by indictment in the court of juſticiary, or circuit courts in *Scotland*; every perſon ſo convicted ſhall, for every artificer ſo contracted with, *&c.* forfeit 500*l.* and ſhall be committed to the common gaol for twelve calendar months, and until ſuch forfeiture ſhall be paid; and in caſe of a ſubſequent offence, the perſon again offending, ſhall forfeit for every perſon contracted with, *&c.* 1000*l.* and ſhall be committed to the common gaol for two years, and until ſuch forfeiture ſhall be paid. *ſ.* 6.

But no perſon ſhall be proſecuted, unleſs ſuch proſecution ſhall be commenced within twelve calendar months. *ſ.* 7.

Lace.

By 19 *Geo.* 3. *c.* 49. All lace merchants and dealers in lace, and all other perſons who ſhall employ any perſon in the making of bone or thread lace, or who ſhall buy any bone or thread lace of the maker, ſhall pay ſuch perſons for their labour, and for all the lace bought of them, in money only, and not with goods, or by way of truck, or in any other manner whatſoever, either in the whole or in part. *ſ.* 1.

If any lace merchant or dealer in lace, or other perſon, ſhall pay any perſon employed in making lace, in the whole or in part, for their labour, or for the purchaſe of any lace, with goods, or by way of truck, or in any other manner than with money only, ſuch lace merchant, dealer, or other perſon, ſo offending, ſhall forfeit 10*l.* to be levied by diſtreſs and ſale of the goods of the offender, by warrant, under the hand and ſeal of one juſtice; and ſuch forfeitures ſhall be paid to the party aggrieved; and for want of ſufficient diſtreſs, ſuch juſtice ſhall commit the offender to the common gaol for ſix months, unleſs ſuch penalty and charges attending the recovery ſhall be ſooner paid. *ſ.* 2.

If any money ſhall be due to any perſon employed in making lace, for labour, or for the purchaſe of ſuch lace, ſuch perſon may apply to any juſtice, and in caſe it ſhall, upon the oath of the party complaining, appear to ſuch juſtice that ſuch money is due, ſuch juſtice ſhall cauſe the ſame to be levied as the ſaid forfeiture. *ſ.* 3.

Any perſon aggrieved may appeal to the general quarter-ſeſſions within ſix months, firſt giving fourteen days previous notice to the perſon in whoſe favour the act ſhall be done, of his intention to appeal; and the quarter-ſeſſions are to hear and determine ſuch appeal, and make ſuch order therein, and award coſts to either party, and by warrant levy the coſts by diſtreſs and ſale; and the determination of the ſaid quarter-ſeſſions ſhall be concluſive upon all parties. *ſ.* 4.

Leather.

By 5 *&* 6 *Edw.* 6. *c.* 15. No perſons ſhall buy or ingroſs tanned leather, to ſell the ſame again, upon pain to forfeit the leather or the price thereof; one moiety to the king, and the other to him that ſhall ſeize or ſue. *ſ.* 1.

All ſadlers, girdlers, cordwainers and other artificers, ſuch as make males, bougets, leather pots, tankards, boar-hides, or other wares of leather, may buy tanned leather to be wrought by them. *ſ.* 2.

Every girdler, and other artificer before mentioned, may ſell their necks, wombs and ſhreds. *ſ.* 3.

Every perſon which ſhall have the king's licence to tranſport over the ſeas tanned leather, may buy in fair or market, ſuch leather as he ſhall be licenſed to tranſport; ſo that the licence be preſented to the chief officer of any city, town, fair or market, where the leather ſhall be bought; and ſo that the ſaid officer write upon ſuch licence how much leather he ſhall there have bought, and the day and place of buying. *ſ.* 4.

By 1 *Mar. ſtat.* 3. *c.* 8. The currier, ſhoemaker, girdler, ſadler, budget-maker, and all other artificers occupying the myſtery of leather buying, may buy tanned leather in fairs and markets, ſo that the ſaid curriers, *&c.* ſhall not buy any tanned leather to ſell again to any merchant or ſtranger, to be conveyed over ſea, nor ſhall ſend any leather beyond ſea, upon forfeiting all ſuch leather; the one half to the queen, and the other half to him that preſenteth the ſame; and the aforeſaid act 5 *&* 6 *Edw.* 6. *c.* 15. *ſ.* 1. ſhall be repealed concerning curriers and other artificers, occupying the myſtery of leather buying, curried and dreſſed. *ſ.* 2.

No

No currier ſhall curry any hides for any ſhoemaker, to make ſhoes or boots of, from the feaſt of St. *James* the apoſtle unto the five and twentieth of *March*, but ſuch ſhall be ſufficiently dipped twice in the pan; upon pain of forfeiture of ſuch leather; the half to the queen, and the other moiety to him that ſhall preſent the ſame; the penalties to be recovered by him that will ſue. *ſ.* 4.

When any ſhoemaker doth bring any leather ſufficiently tanned to any currier, delivering liquor for dreſſing, the ſame ſhall be by ſuch currier ſufficiently curried and made ready for the ſhoemaker within five days in ſummer, *viz.* from the firſt of *March* to the laſt of *September*, and within ten days in winter, *viz.* from the firſt of *October* to the laſt of *February*; upon pain to forfeit to the party grieved for every hide not curried in manner aforeſaid, 10*s.* *ſ.* 5.

This proviſo ſhall not extend to bind any currier to dreſs any leather which he is not able to dreſs within the times aforeſaid. *ſ.* 6.

This act was repealed, and 5 Edw. 6. c. 15. *revived by* 1 Eliz. c. 8. *which is repealed by* 5 Eliz. c. 8. *and* 1 Jac. 1. c. 22. Qu. *therefore which is in force?*

By 5 *Eliz. c.* 22. It ſhall not be lawful for any perſon to make pelts, *viz.* to take away the wool of any ſheep or lamb-ſkin, or to buy any ſkin of any ſtag, hind, buck, doe, goat, fawn or kid, or the pelts or ſkins of any of them, unleſs he cauſe to be made thereof tawed or tanned leather or parchment, or otherwiſe convert the ſame into ſemits, pannels, or other their own neceſſary uſes; upon pain that every perſon ſo making pelts, or buying ſkins, *&c.* contrary to this act, ſhall forfeit the value of all ſuch pelts or ſkins, and 2*s.* 6*d.* for every ſkin or pelt. *ſ.* 1.

By 1 *Jac.* 1. *c.* 22. No butcher ſhall gaſh or cut any hide of ox, bull, ſteer or cow, whereby the ſame may be impaired; upon pain of forfeiture for every hide, 20*d.*; and no butcher ſhall water any hide, except in *June*, *July* and *Auguſt*, nor ſhall put to ſale any hide being rotten; upon pain of forfeiture for every hide, 3*s.* 4*d.* *ſ.* 2.

No perſon ſhall kill any calf to ſell under five weeks old, upon pain to forfeit 6*s.* 8*d.* *ſ.* 3.

No butcher ſhall uſe the myſtery of a tanner, during the time that he ſhall uſe the occupation of a butcher, upon forfeiture of 6*s.* 8*d.* for every day. *ſ.* 4.

No perſon ſhall tan leather, or have gain by tanning of leather, except ſuch as ſhall be brought up as apprentices or hired ſervants ſeven years in tanning leather, and except the wife and ſuch ſons of a tanner as have uſed tanning of leather four years, or the ſon and daughter of a tanner, or ſuch perſon who ſhall marry ſuch wife or daughter, to whom he ſhall leave a tan-houſe and fats; upon pain of forfeiture of all leather by them tanned, or whereof they ſhall receive any profit by tanning, or the value thereof. *ſ.* 5.

No perſon uſing tanning of leather ſhall, during the time that he ſhall uſe the ſaid myſtery, uſe the myſtery of a ſhoemaker, currier, butcher or any other artificer, cutting or working of leather; upon pain to forfeit all hides and ſkins by them wrought or tanned, or the value thereof. *ſ.* 6.

No perſon ſhall buy or beſpeak any rough hide, or calve-ſkin in the hair, but only ſuch as may uſe tanning of leather, and ſhall tan the ſame (except ſalt hides for the uſe of ſhips), upon pain to forfeit all hides and ſkins, ſo bought, or the value thereof. And no perſon ſhall foreſtall hides coming towards any fair or market, nor ſhall buy any hide other where than in open fair or market, unleſs it be of ſuch perſons as ſhall kill the beaſt for the proviſion of their houſes, upon pain of forfeiture for every hide 6*s.* 8*d.* *ſ.* 7.

No perſon ſhall buy, ſell, beſpeak or exchange, any tanned leather, not wrought into made wares, but only ſuch perſons as ſhall work the ſame into made wares; upon pain of forfeiture of the leather ſo bought, *&c.* or the value thereof. *ſ.* 8.

Sadlers and girdlers may ſell their necks and ſhreds red, without incurring any forfeiture. *ſ.* 10.

No perſon, which ſhall uſe tanning leather, ſhall ſuffer any hide or ſkin to lie in the limes till the ſame be overlimed, nor ſhall put any hides or ſkins into tan-fats before the lime be well ſokened and wrought out; nor ſhall uſe any ſtuff in the workmanſhip or tanning of leather, but only aſh-bark, oak-bark, tap-wort, malt, meal, lime, culver-dung, or hen-dung; nor ſhall willingly ſuffer his leather to be laid, or to hang, or to lie, wet in any froſt until the ſame be frozen; nor ſhall dry or parch leather with fire or ſummer ſun; nor ſhall tan any hide or ſkin being rotten; nor ſuffer the hides for utter ſole leather to lie in the woozes leſs than twelve months, nor the hides for upper leathers leſs than nine months; nor ſhall negligently work the hides in the woozes, but ſhall renew their woozes, as ſhall be requiſite; nor ſhall put to ſale any tanned hide or ſkin which ſhall be wrought in other ſort than by this ſtatute is appointed; upon pain of forfeiture of every hide or ſkin, or the value thereof. *ſ.* 11.

No perſons uſing the myſtery of tanning ſhall raiſe with any mixtures any hide, to be converted to backs, bend leather, clouting leather, or other ſole-leather, except the ſame hides be for largeneſs, ſtate and growth, fit for that uſe; upon pain of forfeiture of all ſuch hides. *ſ.* 13.

No perſon ſhall put to ſale, exchange or part with, any tanned leather red and unwrought, but in fair or market in the places accuſtomed, unleſs the ſame have been ſearched and ſealed; upon pain of forfeiture for every hide or piece of leather ſo ſold, *&c.* 6*s.* 8*d.* and for every dozen of calves-ſkin or ſheep-ſkins, 3*s.* 4*d.* and the hides, ſkins and leather, or the value thereof. *ſ.* 14.

If any perſon uſing the myſtery of tanning, ſhall put to ſale any leather which ſhall be inſufficiently tanned, or which ſhall not have been after the tanning thoroughly dried, every ſuch perſon ſhall forfeit ſo much leather as ſhall be found inſufficiently tanned, or not thoroughly dried, *viz.* the whole hide, or ſo much thereof as is not ſufficiently tanned, to be cut out by the triers. *ſ.* 15.

No perſons ſhall ſet their fats where the woozes or leather, that ſhall be put to tan in the ſame, ſhall take any unkind heats, or ſhall put leather into warm woozes, or ſhall tan any hide, calve-ſkin or ſheep-ſkin, with warm woozes; upon pain to forfeit 10*l.* and ſtand upon the pillory three market-days in the next market-town. *ſ.* 17.

No perſons ſhall regrate, ingroſs, or get into their hands, by buying or promiſe-taking, any oaken-bark, before it be ſtripped, or after, to the intent to ſell the ſame again; upon pain of forfeiture of all ſuch barks, or the value thereof. *ſ.* 19.

No perſon ſhall fell any oaken trees meet to be barked, where bark is worth 2*s.* a cart-load, over and above the charges of barking and pilling (timber to be employed for neceſſary building or reparations of houſes, ſhips or mills, excepted), but between the firſt of *April* and the laſt of *June*; upon pain of forfeiture of every ſuch oak-tree, or double the value. *ſ.* 20.

No perſon ſhall curry leather in the houſe of any other perſon, but only in his own houſe, ſituate in a corporate or market-town, nor ſhall curry any hide or ſkin not thoroughly dry, after his wet ſeaſon; in which wet ſeaſon he ſhall not uſe any ſtale or deceitful mixture, to hurt the

ſame; nor ſhall curry leather meet for utter ſole leather, with other ſtuff than hard tallow, nor of leſs of that than the leather will receive, nor ſhall curry any leather meet for over leather and inner ſoles, but with good ſtuff, freſh and not ſalt, and thoroughly liquored till it can receive no more; nor ſhall burn or ſcald any hide or leather in the currying; nor ſhall ſhave any leather too thin; nor ſhall gaſh or hurt any leather; but ſhall work the ſame ſufficiently; upon pain of forfeiture for every offence (other than in gaſhing or hurting in ſhaving) 6*s.* 8*d.* and the value of every ſuch ſkin or hide; and for every offence in gaſhing or hurting by ſhaving, double ſo much to the party grieved, as the leather ſhall be impaired, by the judgment of the wardens of the curriers, and the warden of the company whereof the party grieved ſhall be. *ſ.* 22.

No perſon occupying the myſtery of a currier ſhall uſe the myſtery of a tanner, cordwainer, ſhoemaker, butcher or other artificer, uſing cutting of leather, during the time that he ſhall uſe the myſtery of a currier; upon pain of forfeiting 6*s.* 8*d.* for every hide or ſkin that he ſhall curry. *ſ.* 25.

No currier ſhall refuſe to curry any leather to him brought by any cutter of leather, the ſame artificer bringing ſtuff for liquoring the ſame: and the ſaid leather, in the preſence of the ſaid artificers (if they will be preſent), ſhall be liquored and curried perfectly; and if they will not be preſent, it ſhall be liquored and curried perfectly, with convenient ſpeed, not exceeding eight days in ſummer, and ſixteen in winter; upon pain to forfeit to the party grieved, for every hide or piece of leather, 10*s.* *ſ.* 26.

The wardens of the curriers, or ſuch perſons as they ſhall appoint, ſhall ſearch all curried leather, brought to any of their company to be curried; and ſhall with a ſeal, with convenient ſpeed, not exceeding one day after requeſt, ſeal ſuch leather as they ſhall find ſufficiently curried, taking after the rate of a penny for the dicker, and for every ſix dozen of calves-ſkins, 1*d.* to be paid by the currier; upon pain of forfeiture for every hide, 6*s.* 8*d.* *ſ.* 27.

No cordwainer ſhall make any boots, ſhoes, buſkins, ſtartops, ſlippers or pantofles, of *Engliſh* leather, wet curried (other than deer-ſkins, calve-ſkins or goat-ſkins, dreſſed like *Spaniſh* leather), but of leather well tanned and curried, or of leather well tanned only, and well ſewed with good thread, well twiſted and ſufficiently waxed with wax well roſined, and the ſtitches hard drawn with hand leathers, as accuſtomed, without mixing over-leathers, *viz.* part of the over-leather of neats-leather, part calves-leather; nor ſhall put into any ſhoes, *&c.* leather made of ſheep-ſkins, bull-hide or horſe-hide; nor in the upper-leather of any ſhoes, *&c.* or into the nether part of any boots (the inner part of the ſhoe excepted) part of any hide from which the ſole leather is cut, called the wombs, necks, ſhank, flank, poll or cheek; nor ſhall put in the utter ſole any other leather than the beſt of the ox or ſteer-hide, nor into the inner ſole any other leather than the wombs, neck, poll or cheek, nor in the treſwels of the double ſoled ſhoes, other than the flanks of the hides aforeſaid; nor ſhall make, or put to ſale, between the laſt of *September* and the twentieth of *April*, any ſhoes, *&c.* meet for any perſon to wear exceeding the age of four years, wherein ſhall be any dry *Engliſh* leather, other than calve-ſkins or goat-ſkins dreſſed like *Spaniſh* leather; nor ſhall put to ſale any ſhoes, *&c.* upon *Sunday*; upon pain of forfeiture for every pair of ſhoes, *&c.* 3*s.* 4*d.* and the value of the ſame. *ſ.* 28.

All mayors and other head officers in cities, boroughs and market-towns, and all lords of liberties, fairs and markets out of *London* or the compaſs of three miles thereof, ſhall, upon like penalty of 40*l.* appoint or ſwear yearly two or more perſons to ſearch within their liberties, which ſhall make like ſearch within their limits, *(as in* London, *ſee page* 82) and ſhall have a ſeal for that purpoſe. And if the ſearchers find any leather ſold, or offered to be ſold, or brought to be ſearched, which ſhall be tanned or uſed contrary to this ſtatute, or any leather inſufficiently curried, or any boots, ſhoes, bridles, or other thing made of tanned or curried leather, inſufficiently tanned, curried, or wrought, it ſhall be lawful to the ſearchers to ſeize all ſuch leather, ſhoes, or other wares, and to retain the ſame until the ſame be tried by triers. *ſ.* 32.

Every other mayor, or head officer, or lord of liberty, out of the ſaid compaſs of three miles, within whoſe liberties any ſuch ſeizure ſhall be, ſhall with convenient ſpeed, after notice of any ſuch ſeizure, appoint ſix men to try whether the ſame leather, boots, ſhoes, or other wares, be ſufficient or not; the ſame trial to be made openly upon ſome market day, and within 15 days after ſuch ſeizure made, upon the oaths of the triers. *ſ.* 34.

If the mayor, or head officer, or lord of any liberty, ſhall make default in the nomination of triers, he ſhall forfeit 5*l.* the one moiety to the king, and the other to him that ſhall ſue for the ſame, in any of the king's courts of record. And the perſons elected for trial of the ſaid leather, ſhoes, boots, or other wares, ſhall proceed therein without delay, upon pain to forfeit 5*l.* *ſ.* 35.

If any ſearcher or ſealer ſhall refuſe with convenient ſpeed to ſeal any leather ſufficiently tanned, wrought, and uſed, or allow that which is inſufficient, he ſhall forfeit 40*s.* And if any ſearcher ſhall receive any bribe, or exact any other fee than is by the ſtatute limited, for the ſearching, ſealing, and regiſtering of leather, he ſhall forfeit 20*l.* And if any perſon elected to the office of ſearching or ſealing of leather, refuſe to execute the ſaid office, he ſhall forfeit 10*l.* *ſ.* 37.

If any perſon wilfully deny ſuch ſearch to be made, or will not ſuffer the maſters and wardens of the companies, or ſearchers ſo appointed, to enter into his houſe, or other place, to ſearch all tanned leather, and all ſhoes, boots, mails, ſaddles, coach coverings, and harneſs, and all wares made of leather, and to ſeize and carry away all ſuch leather, ſhoes, and wares, as they ſhall find inſufficiently tanned, curried, or wrought, or made of ill ſtuff; every perſon ſo denying, *&c.* ſhall forfeit 5*l.* *ſ.* 40.

Such ſearchers and ſealers ſhall keep one book, wherein they ſhall enter all bargains made for leather, hides, or ſkins, during the time of fair or market, being required by the buyer or ſeller, and the prices, taking for ſearching, ſealing, and regiſtering of every ten hides, backs, or buts, with the necks, wombs, or dibbings, or other offal, of the ſeller, 2*d.* and for every ſix dozen of calves ſkins, or ſheep ſkins, 2*d.* and of the buyer the ſame. *ſ.* 41.

No perſon ſhall ſell or put away any tanned leather, red and unwrought, except he regiſter the ſaid leather, and the price thereof, upon pain of forfeiture of the value of the leather. *ſ.* 42.

It ſhall not be lawful to buy any tanned leather, before the ſame be ſearched and ſealed, nor to carry out of the fair or market any leather till it be regiſtered, upon pain to forfeit the ſaid leather or the value thereof. *ſ.* 43.

All which forfeitures of money (except ſuch as are by this act otherwiſe diſpoſed of) ſhall be divided into three parts; one part to the king, and another part to him that

ſhall

ſhall ſue for the ſame, and the third part to the city, town, or lord of liberties, where the offence ſhall be committed; and all ſuch leather, wares, or things made of tanned leather, or curried leather, which ſhall be found inſufficient, within any other city or place inſufficiently wrought, tanned, or curried, ſhall be brought to the common hall of every ſuch city and town, or to ſome open place, to be appointed by the lord of the liberty where no common hall is, there to be prized; one part of the value to be diſpoſed unto the poor, and in other deeds of charity, after the diſcretion of the mayors, bailiffs, headboroughs, and lords of liberties; another part to be delivered to the mayors, and other head officers, to the uſe of the commonalty of ſuch city, or town corporate, and where no ſuch officers be, to the lord of the liberty; and the third part to the ſeizer.

No perſon to whom any ſuch unlawful leather or ſtuff ſhall be given, ſhall give or ſell any ſuch leather or ſtuff to any perſon that ſhall ſell the ſame, upon pain that the buyer ſhall forfeit 3*s.* 4*d.* *ſ.* 47.

This act ſhall not be prejudicial to the univerſities, concerning the ſearch of tanned leather, ſo as they obſerve ſuch order in ſearching, ſealing, and regiſtering of leather, as by this act is appointed, upon the pain therein contained. *ſ.* 48.

The hides and ſkins of ox, ſteer, bull, cow, calf, deer, red and fallow, goats, and ſheep, being tanned or tawed, and every ſalt hide, ſhall be reputed leather. *ſ.* 49.

Juſtices of aſſize, of gaol delivery, juſtices of peace, and ſtewards of leets, and all mayors, and head officers within their liberties, ſhall enquire of the premiſes, and hear and determine the ſame, and alſo examine all perſons ſuſpected to offend againſt this act. *ſ.* 50.

Where any manor or franchiſe appertaineth to the king, the ſteward ſhall have the powers, and bear the penalties, appointed to the lords of liberties. *ſ.* 51.

All dry currying and frizing ſhall be conſtrued to be dreſſing and currying of the manner of *Spaniſh* leather; and to all artificers (other than ſhoemakers, yearly, between the laſt of *September* and the 20th of *April*) it ſhall be lawful to uſe leather dreſſed and curried in that manner, ſo that the ſame be ſufficiently tanned and well dreſſed, curried, and frized. *ſ.* 52.

This act ſhall extend to *Wales*. *ſ.* 53. *Extended to* Scotland *by* 24 Geo. 3. ſeſſ. 2. c. 19. ſ. 2. *See general title*, "Scotland, *leather*."

By 3 *Jac.* 1. *c.* 9. No perſon ſhall dreſs in his houſe, or by any workmen, not being artizan ſkinners, any black coney ſkins of this kingdom, nor ſhall carry beyond the ſeas, nor pack or lade to the intent to carry beyond the ſeas, any black coney ſkins, of the breed of this realm, unleſs the ſame ſhall firſt be tawed and perfectly wrought, dreſſed, and packed, within this realm, by artizan ſkinners or tawers under the ſaid ſkinners, upon pain of forfeiture of ſuch ſkins, or the value thereof. *ſ.* 2.

No perſon uſing the trade of a merchant, ſhall buy or contract for any coney ſkins or lamb ſkins, called morkins, of the breed of this realm, or being within this realm, under the number of 1000 black coney ſkins, or 3000 grey coney ſkins, or 2000 lamb ſkins called morkins, at a time, to be delivered at one time (except it be to the artizan ſkinners), nor ſhall ſell the ſame within this realm in parcels, under the numbers aforeſaid, unleſs it be to the artizan ſkinner, upon pain of forfeiture of the ſkins or the value. *ſ.* 3

No perſon ſhall take or keep any ſervant, journeyman, or apprentice, to work with him therein, except the perſon uſing the ſaid trade have ſerved ſeven years as an apprentice, and uſe the trade of a ſkinner, upon pain of forfeiture of the double value of all ſuch ſkins or furs as ſhall be dreſſed or wrought by ſuch perſons or their ſervants. *ſ.* 4.

All forfeitures by this act ſhall be diſtributed, one moiety to the king, and the other to ſuch as ſhall ſeize the ſkins or furs, or ſue by action of debt, *&c.* *ſ.* 5.

By 4 *Jac.* 1. *c.* 6. No perſon ſhall incur any penalty for houſing, ſelling, or buying, of any tanned ſheep ſkins, unſearched or unſealed, ſo as the ſaid ſheep ſkins be wrought and converted into made wares within *England*, 1 *Jac.* 1. *c.* 22. notwithſtanding. *ſ.* 2.

No perſon ſhall utter or ſell by weight, any tanned leather, upon pain of forfeiture of the leather, or the value thereof, to be recovered in any of the king's courts of record, by action of debt, *&c.* the one moiety to the king, and the other to ſuch as ſhall ſue for the ſame. *ſ.* 3.

By 13 *&* 14 *Car.* 2 *c.* 7. All red tanned leather, made of the hides or ſkins of any of the beaſts aforeſaid, (ox, ſteer, bull, cow, or calf), ſhall be bought only in open fair or market uſed for putting leather to ſale, and not in any houſe, tanner's yard, ſhop, or other place, on pain to forfeit the leather, or the value thereof; and the contract for the ſale thereof ſhall be void; and all ſuch leather ſhall be ſearched and ſealed before the ſame be put to ſale, and upon ſuch ſale ſhall be regiſtered, and entry thereof made by the buyer and ſeller, who are both to be preſent at ſuch regiſtering, on pain that every ſuch buyer and ſeller, that ſhall not do the ſame, ſhall forfeit the leather or the value thereof. *ſ.* 4.

Every tanner who ſhall ſhave, cut, and rake their upper leather hides, and the necks of their backs and buts, ſhall forfeit the leather, backs, buts, or calf ſkins ſo ſhaved, cut, or raked, or the value thereof; and it ſhall be lawful for the ſearchers and ſealers to ſeize the ſame. *ſ.* 8.

By 1 *Will.* & *Mary*, *ſtat.* 1. *c.* 33. Every hide, ſkin, or piece of tanned leather, ſhaved or liquored, and well curried according to 1 *Jac* 1. *c.* 22. ſhall be adjudged made ware and manufacture of the currier, and ſubject to the view, ſearch, and ſeizure, of the maſter and wardens; and ſhall be liable to the ſame penalties as other wares inſufficiently made of tanned leather. *ſ.* 3.

All perſons dealing or working in leather, may buy all ſorts of red tanned leather, in any open fair or market, curried or uncurried, the ſame being firſt ſearched and ſealed, and may ſell the ſame again in their ſhops, or convert it to other made ware, according to their trade. *ſ.* 5.

Any perſons may buy or ſell leather, hides, or ſkins, by weight. *ſ.* 6.

By 12 *Geo.* 2. *c.* 25. It ſhall be lawful for all leather ſellers, curriers, ſhoemakers, and other dealers in leather, to buy all ſorts of tanned leather, in any open market, whether curried or uncurried, ſuch leather being firſt ſearched and ſealed according to law; and to cut and ſell the ſame in ſmall pieces in their public ſhops. *ſ.* 1.

Nothing in this act ſhall extend to give liberty to any perſons to make or procure to be made any boots, ſhoes, clogs, or ſlippers, or to ſew cloſe, or fit to the laſt, pieces of leather for making ſuch wares for ſale, other than perſons legally entitled to exerciſe the trade of a cordwainer, or ſuch perſons as ſhall be coblers and tranſlators. *ſ.* 2.

Nothing in this act ſhall give a right to any leatherſeller, currier, ſhoemaker, or other perſon, to exerciſe their reſpective trades in any town corporate or place, where by law they cannot exerciſe the ſame. *ſ.* 3.

If

If any currier refuſe to curry any leather ſent to him for that purpoſe, by any leatherſellers, ſhoemakers, or other dealers in leather, or neglect to curry the ſame within ſixteen days, between the 28th of *September*, and the 25th of *March* following, and within eight days in the remaining part of the year, ſuch currier ſhall, for every ſuch offence, being convicted before one juſtice of peace, for the place where ſuch offence is committed, by the oath of one witneſs, forfeit 5 *l.* to be recovered by ſale of goods; one moiety to the informer, and the other to the poor of the pariſh. *ſ.* 4.

It ſhall be lawful for the ſaid juſtice, where he ſhall ſee cauſe, to mitigate the penalties. *ſ.* 5.

If any perſon think himſelf aggrieved by the determination of the juſtice, it ſhall be lawful for him to appeal to the general quarter ſeſſions of the peace to be next held for ſuch place; and the determination of the juſtices or the major part of them there made, ſhall be final: and no *certiorari* ſhall be allowed to remove any determinations or proceedings as above directed. *ſ.* 6.

Nothing herein ſhall leſſen any privilege given to the company of curriers, by charter or grant, ſo far as they may exerciſe the ſame in the city of *London* or liberties thereof. *ſ.* 8.

By 13 *Geo.* 2. *c.* 8. If any perſon hired or employed in manufacturing of gloves, breeches, leather, boots, ſhoes, ſlippers, wares, or other goods or materials uſed in any of thoſe trades, ſhall fraudulently embezzle, ſecrete, ſell, pawn or exchange any of the materials with which he ſhall be entruſted to work, or ſhall embezzle, *&c.* any wares when made up, or do or permit any other act whereby to leſſen the value of ſuch wares, either before or after the ſame ſhall be made into wares, and be convicted by the oath or affirmation of the maſter or owner, or any other witneſs, or confeſſion before one juſtice of the peace, for the place where ſuch offence ſhall be committed, or where the party ſo charged ſhall reſide, ſuch juſtice ſhall award the perſon ſo offending to make a recompenſe to the parties injured, for the damage, ſo as the ſame do not exceed double the value of the goods embezzled, one half to go to the party grieved, and the other to the poor of the pariſh where ſuch offence ſhall be committed, together with the charges of conviction, to be levied by warrant of ſuch juſtice by diſtreſs and ſale of goods; but if ſuch offender have not goods ſufficient to anſwer the forfeitures and charges, and ſhall not immediately pay the ſame, then the ſaid offender ſhall, by warrant of ſuch juſtice, be, for every diſtinct offence, committed to the houſe of correction, or public priſon of ſuch county or place, and there kept to hard labour for 14 days, and ſhall be there whipped, as the ſaid juſtice ſhall order; and in caſe of a ſubſequent offence, the perſon ſo offending, being convicted, ſhall forfeit four times the value of the damages, with coſts of proſecution; and in caſe immediate payment be not made, it ſhall be lawful for ſuch juſtice to commit the offender to the houſe of correction, or public priſon, to be there kept to hard labour for any time not exceeding three, nor leſs than one month, and alſo during ſuch commitment, ſhall cauſe the ſaid offender to be publicly whipped at the market-place of the town where he is committed, once or oftener. *ſ.* 4.

Every perſon who ſhall knowingly buy or receive from any perſon (except the owners), any of the ſaid gloves, *&c.* ſhall for every offence, being convicted, make ſatisfaction within two days after the matter is determined by any juſtice, or elſe be ſubject to ſuch diſtreſs, and for want of ſufficient diſtreſs, be liable to the like puniſhment as is inflicted on ſuch perſons as embezzle any gloves, *&c.* and ſo in like manner for every ſubſequent offence. *ſ.* 5.

All payments to any workmen for work done in ſuch manufactures, ſhall be in lawful coin only, and not by any victuals or commodities, except by their requeſt; and all materials delivered to be wrought up in the manufacture laſt mentioned, ſhall be delivered with a declaration of the weight, quantity, or tale thereof, on pain of forfeiting to ſuch worker, double the value of what ſhall be due for ſuch work; and if any ſuch worker ſhall be guilty of any fraud or neglect in the work, he ſhall anſwer to the owner double damages. *ſ.* 6.

All wages, demands, frauds, and defaults of workers, in the trades laſt mentioned, ſhall be determined by any two juſtices of the county or place, where the matter in controverſy ſhall happen. *ſ.* 7.

Every perſon who ſhall firſt be retained or employed, in the making up any gloves, or other wares aforeſaid, for one maſter, and ſhall neglect the performance thereof, by hiring himſelf to any other maſter, before he ſhall have completed the ſame, being convicted upon the oath or affirmation of one witneſs, before one juſtice where the offence ſhall be committed, ſhall be ſent to the houſe of correction, there to be kept to hard labour for any time not exceeding one month. *ſ.* 8.

If any perſon ſhall think himſelf aggrieved, by any judgment of the ſaid two juſtices, it ſhall be lawful for him to appeal to the juſtices of peace at their next general quarter ſeſſions (giving eight days notice of ſuch appeal to the perſon againſt whom it ſhall be brought); and ſuch juſtices, at their next general quarter ſeſſions, are finally to determine the appeal, and award to the party on whoſe behalf ſuch appeal is determined, reaſonable coſts; but no order made by the two juſtices ſhall be appealed from, or vacated for want of form only. *ſ.* 9.

No perſon ſhall ſuffer puniſhment twice for the ſame offence. *ſ.* 10.

The act 1 *Ann. ſt.* 2. *c.* 18. (ſee page 153) and this act ſhall extend to *Scotland*; and if any offence againſt this act be committed in *Scotland*, no warrant for poyndeing or diſtraining iſſued by any juſtice of peace, ſhall be ſtopped by any ſuſpenſion, ſiſt, or other proceſs, except an appeal entered to the quarter ſeſſions of the peace. *ſ.* 11.

See further, London, *(Leather)*, in page 82.

Linen.

By 28 *Hen.* 8. *c.* 4. No perſon, *Engliſh* nor ſtranger, ſhall put to ſale any whole piece or half piece of *Doulas* or *Lockeram*, unleſs there be expreſſed upon the piece the number of yards or ells contained in ſuch piece, upon pain of forfeiture of the ſame, not containing the number of yards or ells mentioned upon the piece; one half of ſuch forfeiture to be to the king, and the other half to him that ſhall ſeize and will ſue for the ſame by action of debt, *&c.* *ſ.* 2.

By 1 *Eliz. c.* 12. If any perſon ſhall willingly uſe any means with linen cloth whereby the ſame ſhall be deceitful or worſe for uſe, the cloth ſhall be forfeited, and the offender puniſhed by one month's impriſonment, and ſhall pay ſuch fines as ſhall be aſſeſſed for his offence, by the juſtices before whom he ſhall be condemned. *ſ.* 1.

The juſtices of *oyer* and *terminer*, and juſtices of aſſizes, and juſtices of peace, or three of them, whereof one to be of the

the *quorum*, ſhall have power to enquire, hear, and determine, the offences aforeſaid, in their ſeſſions, by information or indictment. *ſ.* 2.

If any perſon ſhall ſeize any ſuch deceitful linen cloth, he ſhall, at the next ſeſſions of the peace, or before two juſtices of peace, whereof one to be of the *quorum*, make information of the offence, and of the ſeizure of the cloth, or procure the offenders to be indicted; and ſhall be bound before the juſtices, to the uſe of the queen, in ſuch form as the juſtices ſhall think meet, to purſue the ſame matter with effect, and to give evidence, and alſo to pay the moiety of all that he ſhall recover, to the ſheriff or other accountant, to the uſe of the queen; the one half of all theſe forfeitures and fines to be to the queen, and the other moiety to him that ſhall make information, or procure indictments of the premiſes, and follow the ſame with effect. *ſ.* 3.

The juſtices before whom any ſuch matter ſhall be tried ſhall certify the ſame by their eſtreat, into the exchequer yearly at *Michaelmas*, and the barons of the exchequer ſhall have power to make proceſs for ſo much as ſhall appertain to the queen. *ſ.* 4.

By 22 *Geo.* 3. *c.* 60. If any perſon ſhall contract with, entice, perſuade, or endeavour to ſeduce or encourage, any artificer or workman concerned or employed, or who ſhall have worked at, or been employed in, printing callicoes, cottons, muſlins, or linens of any ſort, or in making or preparing any blocks, plates, engines, tools, or utenſils, for ſuch manufactory, to go out of *Great Britain*, to parts beyond the ſeas, and ſhall be convicted thereof, upon indictment or information in the king's bench at *Weſtminſter*, or by indictment at the aſſizes or general gaol delivery where ſuch offence ſhall be committed, or the offender ſhall reſide, or by indictment in the court of juſticiary, or circuit courts in *Scotland*; every perſon ſo convicted ſhall, for every artificer ſo contracted with, *&c.* forfeit 500 *l.* and ſhall be committed to the common gaol, for twelve months, and until ſuch forfeiture ſhall be paid; and in caſe of a ſubſequent offence of the ſame kind, the perſon ſo offending ſhall, upon the like conviction, forfeit for every perſon contracted with, *&c.* 1000 *l.* and ſhall be committed to the common gaol for two years, and until ſuch forfeiture ſhall be paid. *ſ.* 1.

No perſon ſhall be proſecuted for any of the offences aforeſaid, unleſs ſuch proſecution ſhall be commenced within twelve months after offence committed. *ſ.* 2.

By 27 *Geo.* 3. *c.* 38. Every perſon who ſhall invent, deſign, and print, or cauſe to be invented, *&c.* and become the proprietor of any new and original pattern for printing linens, cottons, callicoes, or muſlins, ſhall have the ſole right of printing and reprinting the ſame for two months, from the day of the firſt publiſhing thereof, which ſhall be truly printed with the name of the printer or proprietor at each end of every piece; and if any callicoe printer, linen draper, or other perſon whatſoever, ſhall print, work, or copy, ſuch original pattern, or cauſe to be printed, *&c.* or ſhall print or reprint any ſuch pattern, and ſhall publiſh, ſell, or expoſe to ſale, or in any other manner diſpoſe of, any linen, cotton, callicoe, or muſlin, ſo printed without the conſent of the proprietor thereof, firſt had in writing, ſigned by him in the preſence of two witneſſes, knowing the ſame to be ſo printed or reprinted without the conſent of the proprietor, ſuch proprietor ſhall, if the offence be committed in *England*, by a ſpecial action upon the caſe, recover damages, together with coſts; and if the offence be committed in *Scotland*, ſuch proprietor ſhall, by an action brought before the court of ſeſſion, or any judge competent to try civil cauſes, recover damages with full coſts; but any perſon who ſhall purchaſe any plate, or blocks, for printing, from the original proprietors, may print, reprint, and expoſe for ſale, from the ſaid plates or blocks, without being liable to any action on that account. *ſ.* 1.

Actions againſt perſons for any offence committed againſt this act, ſhall be brought within ſix months, and the defendant, if in *England*, may plead the general iſſue, and if a verdict ſhall be given for the defendant, *&c.* he ſhall have full coſts; and if ſuch action be brought in *Scotland*, and not inſiſted in, or if the defender be aſſoilzied, then the defender ſhall be entitled to full coſts. *ſ.* 2.

This act, by 29 *Geo.* 3. *c.* 19. ſhall continue in force until *July* 1, 1794.

Norwich Stuffs.

By 5 *&* 6 *Edw.* 6. *c.* 24. No perſon ſhall make or work any felts or thrummed hats, or weave or make any coverlets or dornecks, within the city of *Norwich* or county of *Norfolk*, unleſs he be licenſed by the mayor, recorder, ſteward, and two juſtices of peace of the city, or four of them, or have been apprentice to the occupation ſeven years. *ſ.* 2.

No perſon ſhall make felts or hats, dornecks or coverlets, in any place of *Norwich* within *Norfolk*, but only in a corporate or market-town, upon pain of forfeiting, as well the felts, *&c.* as alſo 10*s.* for every half dozen of felts or hats, and 3*s.* 4*d.* for every coverlet, and 6*s.* 8*d.* for every ſix yards of dornecks, the one half to the king, and the other half to the perſon that ſhall ſeize or ſue for the ſame in the court of *Guildhall* of *Norwich*, or in any other the king's courts of record. *ſ.* 3.

Provided that ſuch perſons as ſhall dwell and exerciſe the myſtery of dornecks and coverlets making, within the pariſh of *Pulham*, may exerciſe the ſame as heretofore. *ſ.* 4.

If the mayor, recorder, ſteward, or juſtices of peace of the ſaid city, ſhall take reward for admitting of any perſon to uſe the myſteries aforeſaid, the perſon offending ſhall forfeit 5 *l.* one half to the king, and the other half to him that ſhall ſue. *ſ.* 5.

By 9 *Geo.* 1. *c.* 9. All makers of ſtuffs made of wool, or wherein there is any mixture of wool, and all makers of worſted into yarn (who are not journeymen or ſervants), maſter-weavers and maſter-wool-combers, and all perſons dealing or employing ſervants and journeymen in ſuch manufactures, living in *Norwich*, ſhall on their requeſt at any aſſembly of the corporation be made free of the city, paying not exceeding 5 *l.* *ſ.* 1.

If any perſon (except ſervants and apprentices) who ſhall be any ſuch manufacturer or dealer, *&c.* ſhall exerciſe any of the ſaid manufactures, not being made free, and being convicted on a proſecution commenced within ſix months after the fact, he ſhall forfeit 10 *l.* for every calendar month after the third quarterly aſſembly of the corporation, to be recovered by action of debt, *&c.* brought by the chamberlain for the uſe of the city. *ſ.* 2.

See further, "*Woollens*," *poſt*.

Sail Cloth.

By 1 *Jac.* 1. *c.* 24. No perſon within this realm ſhall make any cloth for ſails, called mildernix and powledavies, but

but ſuch as ſhall be apprentices in the trade of making the ſaid cloths ſeven years; upon pain to forfeit 20*s.* for every month. *ſ.* 3.

No perſon ſhall make the ſaid cloths of any other ſtuff than of good hemp, nor of leſs length than 33 yards, nor of leſs breadth than three quarters; nor ſhall ſell or offer to ſell the ſaid cloths, before the ſtuff be well beaten, ſcoured, bleached, and the cloth well driven with a brazen or iron ſhuttle, upon pain to forfeit for every piece 5*s.* *ſ.* 4.

One moiety of the forfeitures ſhall be to the king, and the other moiety to ſuch as will ſue for the ſame in any of the king's courts. *ſ.* 5.

By 7 & 8 *Will.* 3. *c.* 10. made perpetual by 9 *Ann. c.* 21. So much *Engliſh* made ſail cloth, as ſhall be fit for the ſervice of his majeſty's navy, ſhall have the preference of foreign ſail-cloth. And the commiſſioners of the navy are required, during the continuance of this act, to contract for ſuch *Engliſh* ſail-cloth, and to allow the makers 2*d. per* yard above what they pay for foreign cloth of equal goodneſs. *ſ.* 14.

By 4 *Geo.* 2. *c.* 27. Every manufacturer of ſail-cloth ſhall affix at the end of every piece of ſuch ſail-cloth a ſtamp, containing the name and place of abode of ſuch manufacturer; and if any manufacturer ſhall expoſe to ſale any piece of ſail-cloth without being ſtampt, ſuch manufacturer, convicted upon oath of one witneſs before one juſtice of peace, ſhall forfeit 5*l.* for every piece; and if any perſon ſhall wilfully or maliciouſly cut off or obliterate any ſtamp ſo affixed, or ſhall affix any ſtamp on which ſhall be marked the name and place of abode of any other perſon, ſuch perſon being convicted ſhall forfeit 10*l.* both which forfeitures ſhall be levied by diſtreſs and ſale of goods, by warrant of two juſtices of the peace, to the uſe of the informer. *ſ.* 8.

By 9 *Geo.* 2. *c.* 37. Every maker of ſail-cloth ſhall affix on every piece by him made a ſtamp, containing the name and place of abode of ſuch maker, in words at length; and if any perſon ſhall expoſe to ſale, or work up into ſails, any piece of *Britiſh* ſail-cloth without being ſtamped, ſuch perſon being convicted upon oath of one witneſs before one juſtice of the peace, ſhall forfeit 10*l.* for every piece; and if any perſon ſhall wilfully or maliciouſly cut off or obliterate any ſtamp ſo affixed (except in tarring or working up the ſame) or ſhall affix any ſtamp on which ſhall be the name or place of abode of any other perſon, ſuch perſon ſhall forfeit 5*l.* which ſhall be levied by diſtreſs and ſale of goods, by warrant of two juſtices of peace, and ſhall go to the informer. *ſ.* 3.

Every ſhip which ſhall be built in *Great Britain*, and every ſhip built in his majeſty's plantations in *America*, ſhall, upon her firſt ſetting out, have one complete ſet of ſails made of cloth manufactured in *Great Britain*; and in caſe ſuch ſhip ſhall not be fitted as aforeſaid, the maſter ſhall forfeit 50*l.* *ſ.* 4. *See* 19 *Geo.* 2. & 17. *ſ.* 11. poſt.

No perſon ſhall make into ſails or tarpawlins, any foreign ſail-cloth imported after the 24th of *June* 1731, not ſtamped; and in caſe any perſon ſhall make up foreign ſail-cloth other than as aforeſaid, ſuch ſails and tarpawlins ſhall be forfeited, and ſuch perſon ſhall forfeit 20*l.* *ſ.* 5.

All ſail-cloth made in *Great Britain*, ſhall be made in manner herein mentioned, *viz.* every piece or bolt of *Britiſh* ſail-cloth, twenty-four inches in breadth, and thirty-eight yards in length, ſhall weigh according to the numbers and weights hereafter mentioned. *ſ.* 6.

Number 1	44	pounds each bolt.
2	41	
3	38	
4	35	
5	32	
6	29	
7	24	
8	21	
9	18	
10	15	

In caſe any bolt of *Britiſh* ſail-cloth ſhall be made of a different breadth or length, ſuch bolt ſhall be in weight in proportion, and ſhall be marked with ſuch number as ſhall be agreeable to the weight; and the warp or chain of the firſt ſix numbers ſhall be wholly of double yarn, and ſhall contain in every bolt, that ſhall be 24 inches in breadth, 560 double threads, and in every bolt 30 inches in breadth, 700 double threads, and in every bolt of any other breadths in proportion; and the warp and ſhoot-yarn in every bolt of the firſt four numbers ſhall be of long flax, without any mixture of ſhort or bar-flax, or of long flax, or *Italian* hemp or *Braack* hemp; and all the flax and hemp that ſhall be uſed in making the warp and ſhoot-yarn of ſuch ſail-cloth, of the ſaid four numbers, ſhall be of a ſtrong ſtaple, good in its kind and well dreſſed, and the yarn ſhall be well cleanſed, even ſpun, and well twiſted; and all the ſhoot-yarn of each bolt of the ſaid four numbers ſhall be as ſtrong as the warp-yarn, and cloſe ſtruck, with four ſhoots of treble threads at the diſtance of every two feet; and both the warp and ſhoot-yarn ſhall be as ſtrong as the warp and ſhoot-yarn that are uſually wrought in the ſaid ſail-cloth of thoſe four numbers, that are made for his majeſty's navy; and no flax-yarn wrought in *Britiſh* ſail-cloth ſhall be whitened with lime, on forfeiture of 6*d. per* yard, or be worked up into new ſails in *Great Britain*, any ways eſſentially different, or inferior to the aforeſaid directions. *ſ.* 7.

Every maker ſhall cauſe this act, or an abſtract thereof, to be put up in ſome public part of the loft or work-houſe, where his trade is carried on, under the penalty of 40*s.* *ſ.* 8.

The forfeitures herein impoſed ſhall be recovered in any of his majeſty's courts in *Great Britain*, or in ſuch of his majeſty's plantations wherein ſuch offence ſhall be committed; which forfeitures ſhall be one moiety to his majeſty, and the other moiety to the perſon who ſhall ſue for the ſame. *ſ.* 9.

This act ſhall continue, by 26 *Geo.* 3. *c.* 53. *ſ.* 3. to 29 *Sept.* 1792, *&c.*

By 19 *Geo.* 2. *c.* 17. continued until 24 *June* 1795, *&c.* by 29 *Geo.* 3. *c.* 55. *ſ.* 6. No perſon in *Great Britain* or *America* ſhall work up into ſails or tarpawlins, any foreign made ſail cloth, or canvas not ſtamped according to this act (*ſee general title*, "Importation," *&c.*); and in caſe any ſhall work up into ſails or tarpawlins, any foreign ſail-cloth or canvas other than as aforeſaid, ſuch ſails and tarpawlins ſhall be forfeited; and every perſon ſo offending, and convicted upon the oath of one witneſs before a juſtice of peace for the county or place where the offence is committed, ſhall forfeit 50*l.* for every ſail or tarpawlin by him ſo made, not being ſtamped as aforeſaid; which penalty ſhall be levied by diſtreſs and ſale of the offender's goods by warrant of two juſtices, and ſhall go to the uſe of the informer; and for want of ſuch diſtreſs, it ſhall be lawful for ſuch juſtice by warrant to commit ſuch perſon to the gaol of the county or place where ſuch offence was committed,

mitted, for ſix months, or until he pays the penalty. *ſ.* 7.

Every perſon who ſhall make up into ſails any foreign-made ſail-cloth or canvas, ſhall place the ſtamps impreſſed on ſuch foreign ſail-cloth or canvas, in the moſt conſpicuous part of ſuch ſails, *viz.* on the after ſide of ſuch ſails, and in ſuch manner, that the number of ſtamps may appear proportionably to the number of bolts or pieces in the ſail; and in caſe any perſon make up any foreign-made ſail cloth or canvas in any other manner, ſuch ſails ſhall be forfeited, and the offender ſhall for every offence forfeit 10*l.* *ſ.* 8.

No perſon ſhall alter or mend any ſail made of foreign-made ſail-cloth or canvas not ſtamped; and in caſe any perſon ſhall alter or mend any ſail not ſtamped, he ſhall for every ſail ſo altered or mended forfeit 20*l.* *ſ.* 9.

Every ſail-maker in *Great Britain* and *America* ſhall affix on every new ſail a ſtamp of eight inches diameter, containing the name and place of abode of ſuch ſail-maker; which ſtamp, to make the impreſſion durable, ſhall be dipped in a liquor made with lamp black mixed with linſeed oil boiled; and in caſe any perſon make any new ſail and deliver the ſame not ſtampt with his name and place of abode as aforeſaid, every ſuch ſail ſhall be forfeited, and he ſhall for every ſail ſo delivered not ſtamped forfeit 10*l.* *ſ.* 10.

As doubts have ariſen about the meaning of 9 *Geo.* 2. *c.* 37. *ſ.* 4. Every ſhip built in *Great Britain*, and every ſhip built in his majeſty's plantations in *America*, ſhall upon her being firſt navigated be furniſhed with one complete ſet of new ſails *bona fide* belonging to ſuch ſhip, made of ſail-cloth manufactured in *Great Britain*; and in caſe ſuch ſhip ſhall not be ſo furniſhed the maſter ſhall forfeit 50*l.* *ſ.* 11.

The penalties herein impoſed (not otherwiſe directed and applied) ſhall be recovered by action of debt, *&c.* in any court of record in *Great Britain*, or in ſuch of the plantations wherein ſuch offence ſhall be committed; in which ſuit no eſſoin, *&c.* ſhall be allowed; which forfeitures ſhall be applied one moiety to his majeſty, and the other moiety to the perſon who ſhall ſue for the ſame. *ſ.* 12.

Silk.

By 13 *&* 14 *Car.* 2. *c.* 15. No perſon ſhall uſe the art or myſtery of a ſilk-thrower, unleſs ſuch as ſhall be apprentices to the ſaid trade, or ſhall have ſerved ſeven years apprenticeſhip thereunto; upon pain that every perſon offending ſhall forfeit 40*s.* for every month he ſhall uſe the trade, one moiety to his majeſty, and the other moiety to ſuch as ſhall ſue for the ſame in any court of record, or before any juſtices of *oyer* and *terminer*, or the juſtices of peace at their quarter-ſeſſions, by action of debt, *&c.*

Every ſilk-winder and doubler who ſhall embezzle, pawn, ſell or detain, any ſilk delivered to them to wind or double, as well the winder or journeyman offending, as the receivers of ſuch ſilk, being thereof convicted by confeſſion, or by one witneſs upon oath, before one juſtice of peace, or before the mayor or chief officer of a city or town corporate, they are impowered finally to hear and determine the offences aforeſaid, and to give the parties grieved ſuch ſatisfaction for their damage and charges, as by the juſtices or chief officers ſhall be ordered. *ſ.* 6.

Provided that no more damage be awarded than the party grieved ſhall prove he is damnified, and hath expended in looking after the ſame; and if the party offending ſhall not make ſatisfaction within fourteen days after conviction, for the firſt offence he ſhall be whipped, or ſet in the ſtocks, in the place where the offence is committed, or in ſome market-town in the county near the place; and for the ſecond offence incur ſuch further puniſhment by whipping, or being put in the ſtocks, as the juſtices or chief officers ſhall think fit. *ſ.* 7.

Every receiver of any ſilk purloined contrary to this act ſhall make ſatisfaction within the time aforeſaid, or be ſubject to like puniſhment as the perſon purloining ſuch ſilk. *ſ.* 8.

It ſhall be lawful for any freeman of the ſaid company to ſet on work any perſons being native ſubjects to his majeſty, and no others, to turn the mill, tie threads, double ſilk, and wind ſilk, as formerly. *ſ.* 9.

The ſaid corporation of ſilk-throwers ſhall not make any by-laws to ſet prices upon the throwing of ſilk to bind their members to work at. *ſ.* 10.

By 20 *Car.* 2. *c.* 6. If any ſilk-winder or doubler ſhall be found faulty in embezzling, pawning, ſelling or detaining, any ſilk committed to his truſt, any juſtice of peace, mayor or chief officer, of any county, liberty or corporation, ſhall upon conviction by confeſſion of the party, or upon the oath of one witneſs, commit to priſon or to the houſe of correction the offender, till ſatisfaction be given to the party wronged, or puniſhment inflicted, as by 13 *&* 14 *Car.* 2. *c.* 15. *ſ.* 3.

See general title, Importation, *&c.* in Part I. and pages 107. 154. in Part II.

Thread.

By 28 *Geo.* 3. *c.* 17. The reel uſed in reeling or making up *ounce* or *nun's thread*, ſhall be one yard, or thirty-ſix inches in circumference; and ſuch perſon who ſhall uſe, in reeling or making up ounce or nun's thread, any leſs reels, and ſhall be convicted thereof, ſhall forfeit the reels uſed, which ſhall be broken, burnt, and deſtroyed, and ſhall alſo pay for ſuch offence, to the perſon who ſhall inform, 5*l.* *ſ.* 1.

All ounce or nun's thread manufactured in *Great Britain*, ſhall be made up in hanks, ounces, quarters, and pounds, avoirdupois, each hank containing thirty threads or rounds of the ſaid reel, of the ſame quality and fineneſs; and each ounce containing a particular number of ſuch hanks entire, of the ſame quality and fineneſs, and no fractions or broken parts of a hank; and each quarter containing four ſuch ounces, of the ſame quality and fineneſs; and each pound containing four ſuch quarters, of the ſame quality and fineneſs; and the cover of each pound or ſmaller package of ſuch thread, ſhall be marked with a ſtamp, aſcertaining the contents of ſuch package to be ounce thread, and ſpecifying the number of hanks in each ounce, and expreſſing the manufacturer's name and abode: and no perſon whatſoever ſhall reel or make up any ſuch thread in any other manner than as aforeſaid, or ſell or expoſe to ſale any ounce thread manufactured in *Great Britain*, but ſuch as is reeled, made up, and ſtamped in manner aforeſaid; and ſuch perſon who ſhall reel or make up ſuch thread in another manner, or who ſhall ſell, or expoſe to ſale, ſuch thread ſo reeled or made up in another manner, knowing the ſame to be improperly reeled, ſhall forfeit to the perſon who ſhall inform, the thread, and 10*l.* for each pound. *ſ.* 2.

Perſons who ſhall imitate or counterfeit the mark or ſtamp uſed by any manufacturer, to make the thread therewith ſtamped paſs for the manufacture of the perſon whoſe ſtamp is counterfeited, or who ſhall mark any thread with

a ſtamp ſo counterfeited, or who ſhall ſell, or expoſe to ſale, any thread ſo marked with a counterfeit ſtamp, knowingly, ſhall forfeit all ſuch ſtamps, to be broken and deſtroyed, and alſo to the perſon whoſe ſtamp is counterfeited the thread ſo ſtamped, and the ſum of 10 *l.* *ſ.* 3.

Two juſtices may hear and determine all offences againſt this act; and ſuch juſtices are on information or complaint in writing to ſummon the party accuſed, and alſo the witneſſes on either ſide, and to examine into the matter, and upon proof made thereof, either by the voluntary confeſſion, or by examination of the party accuſed, or by the oath of two witneſſes, to give judgment for the forfeitures and penalties by this act directed, and to iſſue their warrant for carrying ſuch ſentences into execution, and for levying the penalties by diſtreſs and ſale (if not redeemed within ten days) of the offender's goods, rendering the overplus, if any, after deducting charge of diſtreſs and ſale, to the owner; and in caſe goods cannot be found ſufficient for payment of the penalties, then to commit the offender to gaol for three months, unleſs ſuch penalties be ſooner paid; and any perſon aggrieved by the judgment of any ſuch juſtices, may, upon giving ſecurity to make good the ſentence, and to pay ſuch coſts as ſhall be ordered in caſe ſuch judgment ſhall be affirmed, appeal to the next general quarter-ſeſſions, who are to ſummon and examine witneſſes upon oath, and finally to determine the ſame; and in caſe the judgment ſhall be affirmed, ſuch juſtices may order the appellant to pay coſts occaſioned by ſuch appeal. *ſ.* 4.

The ſaid juſtices, and alſo the ſeſſions, may mitigate the penalties, but not below one half, and the full coſts of proſecution. *ſ.* 5.

If any perſon ſummoned as a witneſs before ſuch juſtices, either on the part of the proſecutor, or the perſon accuſed, ſhall not appear at the time and place appointed, without a reaſonable excuſe, to be allowed by ſuch juſtices, ſuch perſon ſhall forfeit to the proſecutor 5 *l.* to be levied as other penalties, beſides being liable to be compelled to appear and give evidence by another ſummons, under the like penalty. *ſ.* 6.

When any thread ſhall be ſeized in purſuance of this act, and it ſhall be alledged to be foreign manufacture, the *onus probandi* ſhall lie upon the owner of ſuch thread; and if he fail in ſuch proof, the thread ſeized ſhall be forfeited, and the owner liable to the penalty. *ſ.* 7.

Woollen.

By 11 *Edw.* 3. *c.* 5. The cloth-workers of ſtrange lands which will come into *England*, *Ireland*, *Wales* and *Scotland*, within the king's power, ſhall come ſafely, and ſhall be in the king's protection and ſafe conduct. And the king will grant them franchiſes.

By 18 *Edw.* 3. *ſt.* 2. *c.* 3. Every man, as well ſtranger as privy, may buy wools. And the ſea ſhall be open to all merchants, to paſs with their merchandize where it ſhall pleaſe them.

By 27 *Edw.* 3. *ſtat.* 1. *c.* 4. There ſhall be no cloths forfeited although they be not of aſſiſe; but of as much as the cloth which is bought for cloth of aſſiſe ſhall be found to be leſs than the aſſiſe, *viz.* cloth of ray 28 yards long and ſix quarters broad, and coloured cloth 26 yards long and 6 quarters and a half broad, allowance ſhall be made to the buyer.

By 31 *Edw.* 3. *ſt.* 1. *c.* 3. Proclamation ſhall be made, that no merchant do covin to abate the price of wool, upon a grievous forfeiture; and if any do againſt the ſame after the proclamation, the king ſhall aſſign juſtice to inquire at the ſuit of the party of all that do ſuch covin, and to hear and determine for the king and for the party. And certain balances and weights of ſack, half ſack and quarter, pound, half pound and quarter, according to the ſtandard of the exchequer, ſhall be ſent to all ſheriffs, and they ſhall make proclamation, that every man that will have ſuch balances and weights ſhall come to the ſheriff to make their balances and weights according to the ſtandard, without any thing giving to the ſheriff for aſſay of the ſaid balances and weights, and none ſhall ſell nor buy by other weight; and if any do againſt the ſame, he ſhall be puniſhed by fine at the king's will.

By 34 *Edw.* 3. *c.* 19. The canvas in which wool is packed, with the corners, ſhall be allowed without cuſtom.

By 36 *Edw.* 3. *c.* 11. *Confirmed by* 45 Edw. 3. c. 4. Nothing ſhall be demanded of the commons but only the ancient cuſtom of half a mark, and no ſubſidy nor charge ſhall be ſet upon wools by the merchants nor other without the aſſent of parliament.

By 50 *Edw.* 3. *c.* 7. No woollen cloths ſhall be carried out of *England* before they be fulled.

By 13 *Ric.* 2. *c.* 11. No plain cloth tacked nor folded ſhall be ſet to ſale within *Somerſet*, *Dorſet*, *Briſtow* and *Glouceſter*, upon pain to forfeit them; and the workers ſhall put their ſeals to every cloth: provided that after the merchants have bought cloths, they may fold them for carriage.

By 17 *Ric.* 2. *c.* 2. Every man may make and ſell cloths of ſuch length and breadth as him pleaſe; and no man ſhall make deceit in cloths of kerſeys, upon pain of forfeiture of the ſame.

By 8 *Hen.* 6. *c.* 22. No ſtranger ſhall cauſe to be forced, clacked nor barded, any wools to carry them out of the realm, upon pain of forfeiture of the wools with the double value, and impriſonment. And no woolpacker ſhall make but good and due packing. And no man ſhall make within the fleece at the winding of his wools, nor put in the ſame, locks, peltwool, tar, ſand, earth, glaſs nor dirt; and if any do, he that is grieved ſhall have his action of treſpaſs and deceit.

By 4 *Edw.* 4. *c.* 1. Every whole broad cloth ſet to ſale, after watering and tentering, ſhall contain in length 24 yards, and to every yard an inch, to be meaſured by the creſt of the cloth; and in breadth 7 quarters at leaſt within the liſt; and if the cloth be longer, the buyer ſhall pay for as much as doth exceed ſuch meaſure. *ſ.* 1.

Every kerſey put to ſale, after the watering and tentering, ſhall contain in length 18 yards and their inches, and in breadth one yard and a nail, or at leaſt one yard, within the liſt. *ſ.* 3.

Every half cloth ſhall keep his meaſure after the rate. And no perſon which ſhall make woollen cloth to ſell, ſhall put in the cloth any lamb's wool, flocks or cork; upon pain to forfeit 20 *s.* for every cloth or half cloth wherein ſuch lamb's wool, *&c.* ſhall be put; the one half to the king, and the other half to him that ſhall ſeize the cloth: except he ſhall make of lamb's wool by itſelf without mingling with other wool; except alſo that cork may be uſed in dying upon woaded wool, and in dying of cloth made of woaded wool, ſo that the wool and cloth be perfectly boiled and maddered; except alſo that cork may be put upon cloth perfectly boiled and maddered. *ſ.* 4.

Every of the ſaid cloths and demy cloths ſhall follow one order of workmanſhip, from one end to the other: alſo cloth-makers ſhall pay to the carders, ſpiniſters, and all other labourers, money for their wages; and deliver wools to be wrought according to the due weight; upon pain

pain of forfeiture to the labourer the treble of his wages not paid; and alſo to forfeit to the labourer for every delivery of exceſſive weight to be wrought, 6*d.* for every default. *ſ.* 5.

Every carder, ſpiniſter, weaver, fuller, ſheerman and dyer, ſhall duly do his labour; upon pain to yield to the party grieved double damages; and every fuller in fulling, rowing or taſeling of cloth, ſhall exerciſe taſels and no cards; upon pain to yield to the party grieved double damages. And every juſtice of peace out of cities and towns where any mayor, maſter, warden or bailiffs be, and every mayor where there is no maſter, and every maſter where there is no mayor, and every bailiff where there is no mayor nor maſter, and every portreve where no mayor, maſter or bailiff is, and every conſtable of hundred, and every ſteward keeping wapentake or leet out of city or borough, ſhall have power to hear and determine the complaints of every ſuch cloth-maker and labourer, by examination of parties, and to commit the offenders to the next gaol within the county till the duties, forfeitures and damages be paid. And the ſaid juſtices of peace, mayor, maſter, warden, bailiff, portreve and ſteward, upon information of any other perſon which is not grieved, ſhall have power within his juriſdiction to cauſe the party to come before him, and to examine them. And if the party by examination or due proof be found guilty, he ſhall forfeit to the king, or to ſuch perſons which be intitled to have fines or amercements, 3*s.* 4*d.* And the juſtices of peace, and other officers, ſhall have power to make like proceſs againſt the party, to cauſe him to appear to be examined, as juſtices of peace have upon information made for ſurety of peace, without any fee to be taken. *ſ.* 6.

All woollen cloths made in any other region, brought into *England* and ſet to ſale, ſhall be forfeited to the king, except cloths made in *Wales* and *Ireland*, and cloths taken by any of the king's people upon the ſea. *ſ.* 7. *See the general title*, IMPORTATION, &c. in Part I.

By 7 *Edw.* 4. *c.* 1. The worſted-makers in *Norwich* ſhall have power every year the *Monday* after *Pentecoſt* to chuſe four wardens; and the artificers of the ſame craft out of the city within the county of *Norfolk* ſhall have power every year at the ſame day to chuſe four wardens; the ſaid wardens to come before the mayor of the ſaid city, upon the *Monday* after *Corpus Chriſti*, to be ſworn before the mayor and the ſteward of the duchy, within the ſaid county, if preſent; and the ſaid wardens, or the greateſt part of them, ſhall have power for the year following, to ſurvey the workmanſhips of the artificers, and to ordain ſuch rules and ordinances as ſhall ſeem neceſſary for the amendment of the worſteds; ſuch rules to be obeyed by the artificers. *ſ.* 1.

Four of the wardens, calling to them ſix of the artificers within the city, and ſix within the county, by the diſcretion of the mayor and ſteward, or one of them, ſhall puniſh the artificers which do contrary to any of their rules. And every piece of worſted ſhall be through the piece of lawful making, and ſhall hold the length and breadth as the aſſiſe, *viz.* beds of the greateſt aſſiſe, 14 yards in length, and four in breadth; and beds of the mean aſſiſe, 12 yards in length, and three in breadth; and beds of the leaſt aſſiſe, ten yards in length, and five quarters in breadth; and monks cloths, of the one aſſiſe ſix yards in length and two in breadth, and of the other aſſiſe five yards in length and ſeven quarters in breadth; and double motlies ſeven yards in length, and five quarters in breadth; and ſingle motlies ſix yards in length, and five quarters in breadth; and double worſted ten yards in length, and five quarters in breadth; and half double worſted ſix yards in length, and five quarters in breadth; and the roll of worſted thirty yards in length, and half a yard in breadth; and no lambs wool ſhall be put in the worſteds. And the wardens of the craft, and every of them, ſhall have power to ſeize all ſuch cloths and ſtuff being defective; and the mayor and ſteward, and every of them, by twelve of the artificers of the city and county, ſhall have power to inquire, hear and determine of all ſuch as do againſt the ſaid ordinances. *ſ.* 2.

The mayor and ſteward, or one of them, ſhall call before him the twelve artificers, and charge them to be ſworn to make rightful ſearch, as well in the ſtuff as in the working by the ſaid eight wardens to be wrought. *ſ.* 3.

The wardens ſo found defective, or in execution of their office in ſearch of other artificers, or in their own ſtuff, ſhall be corrected by the mayor or ſteward; and the wardens in the city of *Norwich*, and in the counties of *Norfolk*, *Suffolk* and *Cambridge*, ſhall have power to ſearch all worſteds, as well in the looms as out of the looms, wrought within the city of *Norwich*, or county of *Norfolk*. *ſ.* 4.

If any man before the mayor and ſteward be found defective, he ſhall be corrected, and the ſtuff found defective ſhall be forfeited; the one half of ſuch forfeiture in the ſaid city to be to the mayor, and in any other place to the mayor or bailiffs of the cities and towns, or the chief lords of the fee, and the other half to the wardens; and no man ſhall make any worſted, unleſs he put his mark upon the ſame, or elſe the worſted to be forfeited to the king. *ſ.* 5.

The eight wardens, the *Monday* after *Corpus Chriſti* yearly, ſhall aſſign a place or two within the city, and certain days by the week; and another place or more in the county of *Norfolk*, and certain days by the week, to the intent that every piece of worſted be brought before the wardens to one of the ſaid places; and if the wardens find the worſteds well made, a mark ſhall be ſet by the wardens, without fee; and ſuch as they find defective, the mayor and ſteward of the duchy, or one of them, by the aſſent of the wardens and twelve artificers, ſhall have power to ſet ſuch correction as ſhall ſeem reaſonable. And for every piece of worſted ſold not marked, the firſt ſeller ſhall forfeit the price of the piece to the king. *ſ.* 6.

All mayors and other officers ſhall be attending to the wardens in their ſearch, as often as reaſonably required. *ſ.* 7.

By 7 *Edw.* 4. *c.* 2. The inhabitants in the three hundreds (*Leſtome*, *Taveſtock* and *Rowburgh* in *Devon*) may make all manner of woollen cloth, and to the ſame put ſuch quantity of flocks as ſhall be profitable. And all the cloths to be made with flocks within the ſaid three hundreds may be ſold without forfeiting.

By 7 *Edw.* 4. *c.* 3. No perſon ſhall carry into parts beyond the ſea any woollen yarn or cloth not fulled. And all cloth ſhall be fulled and fully wrought within the realm before it be carried out; upon pain of forfeiture of the value of all ſuch yarn unwoven and cloth not fulled; the one half to the king, and the other half to him that maketh proof of ſuch unwoven yarn or cloth not fulled carried beyond the ſea.

By 1 *Ric.* 3. *c.* 8. No perſon ſhall put to ſale any broad cloths, unleſs the ſame be fully watered. *ſ.* 1.

Every whole cloth and broad cloth, after it be fully watered, ſhall contain in length 24 yards, and to every yard an inch, to be meaſured by the creſt of the cloth, and ſhall contain in breadth two yards within the liſts. *ſ.* 2.

Every half cloth, after his full watering, ſhall contain 12 yards in length with the inches, and two yards in

breadth within the liſts; ſo that the half cloth do not exceed 16 yards; upon pain of cutting the whole cloth in three pieces, and the half cloth in two pieces; and alſo to loſe for every whole cloth 6 *s.* 8 *d.* and for every half cloth 3 *s.* 4 *d.*; and if the whole cloth be longer than 24 yards and the inches, and the half cloth longer than 12 yards with the inches, the buyer ſhall pay for as much as it doth exceed, ſo that the half cloth do not paſs 16 yards. *ſ.* 3.

Every kerſey, after the full watering, ſhall contain in length 11 yards and the inches, and in breadth one yard and a nail within the liſts; upon pain of cutting the kerſey in two, and to loſe 3 *s.* 4 *d.*; the ſaid forfeitures to run upon the ſellers: and every the ſaid cloths ſhall be duly made throughout. *ſ.* 5.

No perſon ſhall ſet nor draw in length or breadth any woollen cloth after it be fully watered, by tentering or otherwiſe; upon pain to forfeit the cloth. *ſ.* 7.

No man ſhall ſet, caſt or put upon any cloth, any flocks or other like deceitful thing; upon pain of 40 *s.* for every cloth. *ſ.* 8.

No perſon ſhall ſet or caſt upon any white cloth or kerſey any chalk, upon like pain. *ſ.* 9.

Alſo, no ſheerman or other ſhall ſheer nor cancel any cloths, except ſuch cloth be before fully watered; upon pain to forfeit 40 *s.* for every cloth. *ſ.* 10.

No perſon ſhall ſend any woollen cloth over the ſea, unleſs the ſame be fully watered; and after the ſame be watered, it ſhall in no wiſe be ſet nor drawn in length nor breadth; upon pain of 40 *s.* for every cloth. *ſ.* 11.

No perſon ſhall retale any woollen cloth, lining nor other, except it be fully watered; and after it be watered, it ſhall in no wiſe be ſet nor drawn in length or breadth; upon pain to forfeit the cloth or the value. The ſame pain to run upon the ſeller of ſuch cloths. *ſ.* 12.

No perſon ſhall keep any tenter, or any other thing in his houſe, whereby woollen cloths may be drawn out in length or breadth; upon pain to forfeit 20 *l.*; but all tenters uſed for due ſtretching of cloth after it cometh from the mill, and before it be rowen, ſhall be ſet in open places. And every mayor of *London*, and all other mayors, bailiffs and governors of cities, towns and villages, ſhall diligently ſurvey, that all cloths put upon tenters ſhall not be drawn out in length and breadth, otherwiſe than before rehearſed. *ſ.* 13.

No perſon ſhall dye woollen cloth with orchel or cork called jarrock; upon pain to forfeit 40 *s.* for every cloth. Nor no perſon ſhall put to ſale any ſuch cloth dyed with orchel or cork called jarrock; upon pain of forfeiture of ſuch cloth. Theſe pains to run upon the ſeller, except that cork made within *England* may be uſed in dying upon woolwards, and in dying of cloth made only of woolwards, ſo that the ſame wool and cloth be perfectly boiled and maddered. *ſ.* 15.

Cork made within this realm may be put upon cloth that is perfectly boiled and maddered. Alſo, no dyer ſhall dye any cloth, except he dye the cloth and the liſt with one colour, without tacking any bulruſhes or ſuch like thing upon the liſts; upon pain to forfeit 40 *s.* for every cloth. And no perſon ſhall put to ſale any cloth deceitfully dyed; upon pain to forfeit the cloth or the value. The ſame forfeiture always to run upon the ſeller. *ſ.* 16.

If any happen to ſeize woollen cloth, otherwiſe made or dyed than aforeſaid, he ſhall bring the ſame before the mayor, bailiffs, or other governor, of the cities, towns or villages, where ſuch ſeizing ſhall be made, to judge by the diſcretion of the mayor, *&c.* calling to him ſuch perſons as ſhall ſeem convenient, whether the cloth be otherwiſe made, wrought or dyed, than according with the acts. And if it be judged that the cloth is made or dyed contrary to the acts, the cloths ſhall be cut in three pieces in preſence of the mayor, *&c.* to the uſe of the commonalty. The one half of all the other penalties to be to the king, and the other half to the king's ſubjects that ſhall ſeize or ſue for the ſame. *ſ.* 17.

This act ſhall not extend to the making of any woollen cloth called ray, nor to any cloth made in *Wincheſter* or *Saliſbury*, uſed to be joined with ray; the cloth whereof commonly uſed to be ſold at 40 *s.* or within; nor to the making of any cloth called verviſe, otherwiſe plonkets, turkins or celeſtrins, with broad liſts; nor packing whites nor veſſes, cogware or worſteds; nor *Florences* with cremil liſts; nor to cloths called baſtards; nor *Kendals*; nor to cloths called ſailing ware, with cremil liſts, broad liſts or ſmall liſts; nor to friſe ware. *ſ.* 18.

So that the ſame cloths for the king's honour and profit of this realm be truly made. *ſ.* 19.

By 3 *Hen.* 7. *c.* 11. No ſtranger nor denizen ſhall carry out of this realm any woollen cloths, but they before be barbed, rowed and ſhorn, within this realm, for the ſetting on work of the poor commons; upon pain of the forfeiture limited in the ſtatute 7 *Edw.* 4. *c.* 3. Provided that cloths called veſſes, rays, ſailing cloths, and all other cloths ſold at 40 *s.* or under, be not compriſed in this act. *ſ.* 2.

By 12 *Hen.* 7. *c.* 1. Every perſon of the occupation of making of worſteds, ſays, and ſtamins, in the county of *Norfolk*, which the four wardens of the ſaid occupation within the ſaid county ſhall enable to keep a prentice, ſhall be at liberty to keep apprentices any perſons put to the ſaid occupation, ſo that he paſs not two at once.

By 3 *Hen.* 8. *c.* 7. Cloths called veſſes, rays, ſailing cloths, and other cloths commonly ſold at four marks or under, ſhall not be compriſed in any of the acts, but may be carried out of this realm, not barbed, rowed nor ſhorn. *ſ.* 2.

By 5 *Hen.* 8. *c.* 2. *Made perpetual by* 6 Hen. 8. *c.* 8. No perſon ſhall make cloths (called white ſtraits) to ſell, without it be when raw, ready to be tucked, of the breadth of a yard and half a quarter, and of length 15 yards; and no perſon ſhall make ſuch cloths, but he ſet his mark upon the cloths. And no perſon ſhall uſe mark on his cloths, ſuch as any other hath uſed before; upon pain of forfeiture of the cloths, the one half to the king, and the other half to him that ſeizeth the cloths.

By 5 *Hen.* 8. *c.* 4. *Made perpetual* 25 Hen. 8. *c.* 5. No perſon ſhall dry calander any worſted, upon pain to forfeit for every worſted 100 *s.* No perſon ſhall wet calander any worſteds, but only ſuch as have been bound apprentices to perſons of the ſame craft ſeven years, or approved and admitted by the mayor of *Norwich*, and the two maſters of the craft within the ſaid city, or in the county of *Norfolk*, of the craft of wet calandring; upon pain to forfeit for every piece ſo calandred 100 *s.* one moiety to the king, and the other moiety to the maſters of the ſaid occupation; and it ſhall be lawful to the maſters to ſue for the one moiety by writ at the common law, or by bill, or plaint, after the cuſtom of ſuch city, port or town, where ſhall happen any ſuch forfeiture, or by information in the exchequer. *ſ.* 2.

By 6 *Hen.* 8. *c.* 8. No perſon ſhall make any white ſtraits, nor ruſſet ſtraits, without that they (being raw) be of the breadth and length in 5 *Hen.* 8. *c.* 2. and marked, and ſo being raw to weigh 14 *lb.* at leaſt; upon pain of forfeiture of the cloths, the one half to the king, and the other half to him that ſeizeth the ſame.

By

By 6 *Hen.* 8. *c.* 9. The wool which ſhall be delivered by the clothier, for breaking, kembing, carding or ſpinning, ſhall be by even weight of *avoirdupois*, ſealed by authority, not exceeding in weight after the rate of 12 *lb.* of ſeimed wool, above one quarter of a pound for waſte. And the breaker or kember ſhall deliver again to the clothier the ſame wool ſo broken and kembed; and the carder and ſpinner ſhall deliver again to the clothier yarn of the ſame wool by the ſame weight (the waſte excepted) without more oil, water, or other thing put thereunto deceivably; upon pain to forfeit to the lord of the leet 12 *l.* upon proof of ſuch deceit, by diſcretion of the mayor, bailiff, or other head officer of the city or town where the deceit ſhall appear; the ſame mayor, &c. calling to him ſuch perſons as ſhall ſeem convenient. *ſ.* 1.

The weaver ſhall work into the web all the ſame yarn as the clothier ſhall deliver to the weaver with his uſed mark, and reſtore the ſurplus if any be, and without any more oil, brine, moiſture, duſt, ſand, or other thing, deceivably putting to the web; upon pain to forfeit 3 *s.* 4 *d.* *ſ.* 2.

No perſon ſhall buy any coloured wool or coloured yarn of any carder, ſpinner or weaver, but only in open market; upon pain of forfeiture of ſuch wool and yarn. *ſ.* 3.

The walker and fuller ſhall truly walk, full, thick and work every web of woollen yarn, without any flocks or other deceit; and ſhall not row nor work any cloth or web with cards; upon pain to forfeit 6 *s.* 8 *d.* *ſ.* 4.

The clothier ſhall not put any cloth to ſale, which when it ſhall be full wet, ſhall ſhrink more than one yard in the length, and one quarter of a yard in the breadth; and cloths called narrows or ſtraits after the rate; upon pain to forfeit for every cloth 6 *s.* 8 *d.* and beſide to deduct of his price after the rate. *ſ.* 5.

The buyer of woollen cloths ſhall not draw in length, nor ſtrain in breadth the ſame cloths, by tenter or wrinch, or other means; upon pain of forfeiture for every cloth 5 *l.* *ſ.* 6.

Provided that if ſuch buyer of woollen cloths, for proof cauſe the ſame to be wet, he may draw and ſtrain them for evening of them only, ſo that he exceed not one yard in length more than it ſhall be when full wet. *ſ.* 7.

No perſon ſhall work upon woollen cloths, flocks or other deceivable thing; upon pain to forfeit for every cloth, 20 *s.* *ſ.* 8.

No perſon ſhall buy or ſell woollen cloths by other meaſure than after the true content thereof, to be meaſured by the yard, adding to every yard one inch; upon pain to forfeit for every cloth 100 *s.* the one moiety to the king, and the other moiety to the perſon which ſhall ſue, &c. *ſ.* 9.

This act ſhall not extend to *Kendals* nor *carpenel* whites, made for lining for hoſen, nor to *Taveſtokes* made in *Devonſhire*, nor to cloth made in *Cornwall*, nor for cottons or plain lining, or frieſe made in *Wales*, *Lancaſhire* and *Cheſhire*. *ſ.* 10.

By 14 *Hen.* 8. *c.* 11. Cloths called veſſes, otherwiſe ſet cloths, not being above the value of 40 *s.* a cloth, ſhall not be forfeited for that they lack in length and breadth when they be wet, after ſale; the act 6 *Hen.* 8. *c.* 9. notwithſtanding. *ſ.* 5.

By 14 & 15 *Hen.* 8. *c.* 3. The worſted weavers in *Great Yarmouth* ſhall have power to elect yearly for ever, in the *Monday* after *Pentecoſt*, one of the ſame myſtery, being an houſholder in the town, and having goods to the value of 10 *l.* or lands of freehold to the yearly value of 20 *s.* to be warden of the ſame craft; which man ſo elected ſhall appear before the mayor of *Norwich*, the *Monday* after *Corpus Chriſti* to be ſworn as the four wardens of *Norwich*, by virtue of 7 *Edw.* 4. *c.* 1. And if the mayor be abſent, the warden elect, within four days after, ſhall come before the bailiffs of *Yarmouth*, and receive an oath for the true exerciſing of the office. *ſ.* 1.

The ſaid warden of *Yarmouth* may appoint a ſeal, with this letter *Y.* and ſearch and ſeal in lead all worſteds, ſays, and ſtamins, within the ſaid town made, as the wardens of *Norwich* and the wardens of the county of *Norfolk* do. *ſ.* 2.

No perſon in *Yarmouth* ſhall weave any worſteds, ſays, or ſtamins, within the town, except he be an *Engliſhman* born, and have been apprentice to the occupation, and without he weave there ſuch mark as ſhall be appointed by the warden, upon pain of forfeiture thereof to the king; and every warden of the ſaid town ſhall limit marks to every worſted weaver; the ſame marks by the warden to be regiſtered. *ſ.* 3.

Whenſoever the town of *Lynn* ſhall be inhabited with ten houſholders or more, uſing the craft of worſted weavers, it ſhall be lawful to the ſame inhabitants yearly on the *Monday* after *Pentecoſt*, to elect one warden of the ſaid craft of the value aforeſaid, who ſhall be ſworn at *Norwich*; or in default of the mayor of *Norwich*, before the mayor of *Lynn*, as before; and the ſaid warden of *Lynn* may ſeal with this letter *L.* and ſearch, ſeize, and ſeal in lead, all worſteds, &c. within the ſaid town made. *ſ.* 4.

No perſon ſhall make any worſteds, ſays, or ſtamins, within the ſame town, except he be an *Engliſhman* born, and have been apprentice to the ſame occupation, and without he weave therein ſuch mark as ſhall be appointed by the warden of the town, upon forfeiture thereof to the king; and every warden of the ſaid town ſhall limit diſtinct marks to the worſted weavers; the marks by the warden to be regiſtered. *ſ.* 5.

When that number of ten houſholders ſhall fail in *Lynn*, the wardens of *Norwich* ſhall cauſe one of themſelves, or one of the wardens of the county of *Norfolk*, to come every 28 days to *Lynn*, or within ſix days after every ſuch 28 days, and there to continue ſo long as he may ſearch and ſeal all ſuch worſteds, &c. made in the town; and the ſaid worſted weavers of *Lynn* ſhall pay the ſaid warden of *Norwich* or *Norfolk*, for every time that he ſhall come between the feaſt of St. *Michael* and the annunciation of our lady, 3 *s.* and for every time that he ſhall ſo come between the annunciation and St. *Michael*, 2 *s.*; and if the worſted weavers of *Lynn* do not pay the warden in form aforeſaid, they ſhall forfeit to the ſaid warden for every default, 40 *s.* And if one of the wardens of *Norwich* and *Norfolk* come not to *Lynn* in manner above remembered, the wardens of *Norwich* ſhall forfeit to the ſaid inhabitants of *Lynn* for every ſuch default, 40 *s.* For recompenſe of which forfeits, the warden of *Norwich* or *Norfolk*, being thereunto entitled, with this addition, *unus gardianorum*, or *nuper unus gardianorum artis ſive miſterii textorum panni lanei vocati* Worſtedes *in civitate* Norwich, vel. *comitat.* Norfolk, ſhall have action of debt againſt the ſaid inhabitants of *Lynn*; and the ſaid inhabitants, with this addition *textor. panni lanei voc.* Worſtedes, *inhabitan. villoe de* Lynn, ſhall have like actions againſt the wardens of *Norwich* by the name of *Gardiani artis ſive miſterii textorum pannorum laneorum voc.* Worſtedes *infra civitatem* Norwic. *vel com.* Norfol. *ſ.* 6.

All cloths of worſteds, ſays, and ſtamins, made within *Lynn* and *Yarmouth*, and marked as ſhall be limited to the makers, and ſealed by any of the wardens, may be put to ſale without any other ſealing by any other wardens. *ſ.* 7.

Every

Every craftſman of the ſaid myſtery, dwelling within *Lynn* and *Yarmouth*, may take apprentices (being male) of the age of 14 years and upward, and being the king's natural ſubjects, for ſeven years, and not under, ſo that none of them exceed two at once. *ſ.* 8.

The mayor of *Norwich*, and wardens of the ſaid city and county, may uſe all powers in 7 *Edw.* 4. *c.* 1. as well for the ſealing, and correction of the wardens, to be elect by this act, as all other inquiries, ſearches, ſealings, and reformations, for the true making of worſteds, ſays, and ſtamins, as well within the towns of *Lynn* and *Yarmouth*, as without. *ſ.* 9.

The worſted weavers of *Lynn* and *Yarmouth*, or any other perſons which ſhall buy any worſteds, *&c.* made within the ſaid towns, and ſealed by the wardens, ſhall not ſheer, dye, or put in colour, or calandar any worſteds, *&c.* made within the ſaid towns, in any other place but *Norwich*, upon pain of forfeiture of the ſame, or the value thereof; one half to the king, and the other half to ſuch as ſhall ſeize the ſame; ſo that the worſteds brought to *Norwich* may be ſhorn, dyed, coloured, and calandared, at convenient price. *ſ.* 11.

No perſon ſhall convey beyond ſea, any cloths or worſteds, before the ſame be ſhorn, dyed, coloured and calandared, upon pain of the value thereof; the one half to the king, and the other half to the party that will ſue in any of the king's courts. *ſ.* 12.

Made perpetual by 26 Hen. 8. c. 16. *See* 6 Ann. c. 9.

By 23 *Hen.* 8. *c.* 17. *made perpetual by* 13 Eliz. *c.* 25. No perſon ſhall wind any fleece of wool not ſufficiently waſhed, nor wind within any fleece, clay, lead, ſtones, ſand, tails, deceitful locks, cot call, combre, lambs wool, or any other things whereby the fleece may be more weighty, to the deceit of the buyer; upon pain to forfeit for every fleece (by 28 *Geo.* 3. *c.* 38. *ſ.* 79.) 2*s.*; one moiety to the king, the other to the finder and prover of the ſame deceit, by action, *&c.* *ſ.* 1.

This act concerning waſhing of wool ſhall not extend to any ſhire, the inhabitants whereof have not uſed to river or waſh their ſheep afore they be ſhorn, nor ſhall be hurtful to any perſons that have uſen to ſell their wool by tale, and not by weight. *ſ.* 2.

By 25 *Hen.* 8. *c.* 5. No perſon uſing the craft of dying of worſteds, ſtamins, or ſays, ſhall uſe to calander any worſteds, ſtamins, or ſays, or any other commodities made of worſted yarn, upon pain to forfeit for every piece ſo dyed and calandered, 40*s.*; to be divided into three parts, one to the king, one other to the mayor, and the third part to him that will ſue for the ſame, in any of the king's courts. *ſ.* 2.

By 25 *Hen.* 8. *c.* 18. No perſon ſhall make within the ſhire of *Worceſter*, any woollen cloths to be ſold, except ſuch perſons as ſhall be dwelling within the city of *Worceſter*, the towns of *Eveſham*, *Droitwich*, *Kidderminſter* and *Bromeſgrove*; upon pain of forfeiture for every broad-cloth, 40*s.* *ſ.* 2.

The owners of tenements within the ſaid city or towns, ſhall at no time let any tenement ſufficiently repaired, within the ſaid city or towns, to any perſons that ſhall inhabit in the ſaid city or towns, and exerciſing the ſaid craft, at any higher rent than was given for the ſame within 20 years next before the making of this act. *ſ.* 3. *Rep.* 21 Jac. 1. *c.* 28.

Provided that this act be not hurtful to any perſon for making cloths for their own, their children, or ſervants wearing. *ſ.* 4.

Provided that in the ſaid city and every borough afore-ſaid, there ſhall be due ſearch made of every ſuch cloth; and that they be meeted both length and breadth, being wet from the mill and before they be ſet upon the rack; and that they be ſealed with the ſeal of the ſearcher, which ſhall have a ſtamp containing the true numbers for length and breadth of the cloth being wet; in pain of forfeiting for every cloth put to ſale not having the ſeal, 20*s.* and the ſealer to forfeit for every cloth by him ſearched and ſealed contrary to this act, 6*s.* 8*d.* the one half to the king, and the other half to the party that will ſue, *&c.* And the ſearcher ſhall have for ſearching and ſealing of every cloth, a penny. *ſ.* 5.

By 27 *Hen.* 8. *c.* 12. Every clothier ſhall weave his mark in every cloth, kerſey, and other cloths made to be ſold. And when any ſuch cloth ſhall be made and dreſſed to be put to ſale, the clothier ſhall ſet his ſeal of lead unto the ſame, in which ſeal ſhall be contained the length of the cloth, as it ſhall be found by every buyer, upon proof thereof, to be tried by the water. And in caſe of ſuch proof, there be found leſs length than is ſpecified in the ſeals, the clothier ſhall forfeit to ſuch buyer the double value of ſuch cloth as ſhall want of his length, at the judgment of any two indifferent perſons. And every clothier putting cloths to ſale before the cloths be ſealed, ſhall forfeit his cloths, the one half to the king, and the other to him that will ſue, *&c.* *ſ.* 1.

Every broad cloth ſhall contain in breadth ſeven quarters of a yard, within the liſts at leaſt, and hold the ſame content always, if it be proved at the water. And every kerſey ſhall contain in breadth one yard within the liſt proved in water; upon pain to forfeit for every broad cloth, 3*s.* 4*d.* and for every kerſey, 20*d.* to be recovered to the uſe of the king, and of any other that will ſue, *&c.* *ſ.* 2.

This act ſhall not extend to cloths called ſet cloths, made in *Suffolk*, not exceeding the price of 46*s.* 8*d.* the cloth, nor to cloths called *Taveſtokes*, weſtern dozens, frizes, *Kendals*, cottons, and all coarſe cloths made for linings. *ſ.* 3.

No buyer of cloths or kerſeys ſealed, ſhall draw or ſtretch the ſame, otherwiſe than to make them even after they be wet, and to agree with the contents ſpecified in the ſeal as near as they can; upon pain to forfeit the double value of every cloth or kerſey ſo miſuſed, to the uſe of the king, and of any other that will ſue. *ſ.* 4.

Provided that all cloth made to be ſold within the city of *Worceſter*, the towns of *Droitwich*, *Eveſham*, *Kidderminſter*, and *Bromeſgrove*, in the county of *Worceſter*, ſhall be ſealed with the ſeal of the ſearchers there; and that the owners of cloths made within the ſaid city and towns ſhall not be compelled to put their ſeals to any cloths there made. *ſ.* 5.

By 27 *Hen.* 8. *c.* 13. If any perſons ſend beyond ſea any coloured cloth, above the price of 3*l.* unrowed, unbarbed, and unſhorn, the perſons offending ſhall forfeit the value of the cloths; the one moiety to the king, and the other to him that will ſue, *&c.* *ſ.* 2.

By 33 *Hen.* 8. *c.* 3. *Welſh* called whites, ruſſets, and kennets, made in *North Wales* and *Orcheſter* hundred, brought to any markets or fairs to be ſold, ſhall be folded either in pleats or cuttles, as the cloths of other countries. And every piece of the ſaid cloths which ſhall be brought to any markets and fairs to be ſold, contrary to the forms aboveſaid, ſhall be forfeited; the one moiety to the king, and the other to him that will ſue, *&c.*

By 33 *Hen.* 8. *c.* 16. *made perpetual* 1 *Edw.* 6. *c.* 6. No perſon ſhall buy within the city of *Norwich*, or county of *Norfolk*, any worſted yarn ſpun in the ſaid city or county,

but

but only weavers, or other artificers, which ſhall weave or work, or cauſe to be woven or otherwiſe wrought, the ſaid yarn in the city of *Norwich*, or ſome other market town, or elſewhere within the county of *Norfolk*; upon pain of forfeiting for every pound of worſted yarn, 40*s.* one half to the king, and the other to him that ſhall take the yarn, or ſue for the ſame. *ſ.* 1.

If any perſon ſhip to convey beyond the ſea any worſted yarn, not made in cloth, ſo ſuch yarn be ſpun in *England*, he ſhall forfeit for every pound 40*s.* one half to the king, and the other to him that will ſue for the ſame in any court of record. *ſ.* 2.

By 33 *Hen.* 8. *c.* 19. *ſ.* 2. No perſons ſhall ſhip any coloured cloth, above the value of 3*l.* unrowed, unbarbed, or unſhorn, to be conveyed beyond the ſea; upon pain of forfeiture of the cloths, or the value thereof, to be recovered as mentioned in 27 *Hen.* 8. *c.* 13.

By 34 & 35 *Hen.* 8. *c.* 10. No perſons dwelling within the county of *York*, or nigh the ſame, ſhall make any coverlets or covering to be put to ſale, unleſs ſuch perſons be inhabiting within the city of *York*, upon pain of forfeiture of every ſuch coverlet, or the value thereof. *ſ.* 2.

No perſons of the occupation of coverlet-makers, dwelling in *York*, or within the county, ſhall go as hawkers, or put to ſale any coverlets in any other place out of the city, but only in the open markets and fairs, upon pain of forfeiture of the coverlets, or the value; half of the ſaid forfeitures, if it be in any city, borough, or town corporate, to be to the commonalty of ſuch city, *&c.* and the other to ſuch as ſhall ſeize or ſue for the ſame, in any court of record. *ſ.* 3.

If the forfeiture be out of the city, *&c.* the moiety to be to the king, and the other moiety to ſuch as will ſue. *ſ.* 4.

The wardens and ſearchers of the ſaid occupation in *York* ſhall have power to ſearch in all fairs and markets, from *Trent* northward, all ſuch coverlets put to ſale, not being well wrought, and made of ſufficient ſtuff, or not containing the aſſiſes, viz. *the beſt*, 3 *yards in length, and in breadth* 2¼; *the ſecond ſort, in length* 3 *yards, and in breadth* 2; *and the loweſt ſort* 2½ *yards in length, and in breadth*, 1¾; and to ſeize the ſame as forfeited; one moiety, if out of the cities, *&c.* to be to the king, and the other to the ſearchers. *ſ.* 5.

It ſhall be lawful to every perſon dwelling in the county of *York*, to make coverlets of what aſſiſe or ſtuff they will, for their own uſe, or for their lords to whom they be tenants, ſo that the ſame be not put to ſale. *ſ.* 6.

When the ſearchers or wardens ſhall make ſearch in any franchiſes within the county, they ſhall require the head officer of the franchiſe to be aſſiſting; and if he refuſe, the ſearchers or wardens to make ſearch themſelves. *ſ.* 7.

Lords of franchiſes, where any ſuch ſearches ſhall be made, ſhall have ſuch forfeitures. *ſ.* 8.

By 1 *Edw.* 6. *c.* 6. All perſons dwelling within the county of *Norfolk*, and city of *Norwich*, may buy wools growing within the county of *Norfolk*, ſo that they ſell the ſame again in the common market or open place within the county of *Norfolk*, or city of *Norwich*, to any perſons within the ſaid county and city, that ſhall ſpin the ſame within the ſaid county and city. *ſ.* 1.

It ſhall be lawful for every hatmaker in *Norwich* to buy middle-wooff yarn, ſo that the ſame be uſed in hat making within the city; notwithſtanding 33 *Hen.* 8. *c.* 16. *ſ.* 7.

By 3 & 4 *Edw.* 6. *c.* 2. Every clothier ſhall ſet his ſeal of lead to his cloth, declaring thereby the juſt length to be tried by water. *ſ.* 1.

No perſon ſhall ſtrain or ſtretch any ſet cloths, or other cloth, above one yard and a half in length, and a quarter of a yard in breadth, upon pain to forfeit 40*s.* *ſ.* 2.

No perſon ſhall, upon pain laſt remembered, put to ſale any cloth, which, when it ſhall be wet, ſhall ſhrink more than one yard and a half in the length, and a quarter of a yard in breadth; and narrow ſtraits and kerſeys ſhall not be ſtretched above a yard in length, and half a quarter of a yard in breadth, upon pain of 20*s.* nor ſhall put to ſale any cloth, narrow, ſtrait, or kerſey, the pieces whereof being wet ſhall ſhrink more than after the ſame rates, upon pain to forfeit 20*s.* *ſ.* 3.

No perſons occupying the feat of dying, ſhall dye or alter into colours, any woollen cloths, as brown, blue, pewkes, tawnies, or violets, except the ſame cloths be perfectly boiled, grained, or maddered upon the woad, and ſhot with good cork or orchel, according to the ancient workmanſhip, upon pain to forfeit 20*s.* *ſ.* 4.

Nor any perſon ſhall dye any wool, to be converted into cloth called ruſſets, muſters, marbles, grays, roys, and ſuch like colours, or to be made into hats or caps, unleſs the ſame wool be perfectly woaded, boiled and maddered; upon pain of forfeiture for the falſe dying of every ſuch cloth, or of as much wool as ſhall ſerve for the making of every cloth, 40*s.*; nor ſhall dye with braſel to make a falſe colour in cloth nor wool, hats nor caps, upon pain to forfeit 20*s.* *ſ.* 5.

No perſon ſhall put any flocks, chalk, flour, or ſtarch, or other deceivable thing, upon any ſet cloth or other cloth, upon pain to forfeit 40*s.* *ſ.* 6.

No perſon ſhall occupy any iron cards, or picards, in rowing of any ſet cloth, or any woollen cloth, upon pain to forfeit, as well the iron cards or picards, as alſo 20*s.* *ſ.* 7.

Nor any perſon ſhall ſell any cloth by leſs meaſure than after the true content thereof, to be meaſured by the yard, adding to every yard an inch; upon pain to forfeit for every yard of cloth ſo put to ſale by leſs meaſure, 6*s.* 8*d.* And no perſon ſhall put to ſale any cloth, being preſſed, to be worn within *England*, *Wales*, or *Ireland*, upon pain of forfeiture of the cloth, or the value thereof. *ſ.* 8.

In every town, village, or hamlet, being not corporate, where cloth ſhall be made or ſold, the juſtices of peace of the ſhire, or two of them, and in every city or town corporate, the head officer of the ſame, together with the wardens of the clothworkers, or two of them, ſhall have power once every year to call before them, two, four, ſix, eight, or more, as they ſhall think good by their diſcretion, of the moſt honeſt and indifferent men of every ſuch city, town, village, or hamlet, and them ſhall appoint to be overſeers, for one year next following, charging them upon their oaths, that they endeavour, as much as in them ſhall lie, to ſee that this ſtatute be obſerved within the limits of their charge. *ſ.* 9.

The ſame overſeers, or two of them, ſhall every quarter of the year, or ſo often as need ſhall require, by their diſcretions, viſit every clothier's, draper's, clothworker's, dyer's and preſſer's houſes, ſhops, and other places, where cloth or dyed wool ſhall be, and make ſearch, and view the cloths and wools, and try whether the ſaid cloths be drawn or ſtrained, or falſely dyed, as alſo all other the defaults before ſpecified. And if the cloths be found drawn or ſtrained, or the cloth or wools falſely dyed or coloured, or any other of the ſaid faults committed, the ſaid forfeitures

to incur upon the parties; the one half to the king, and the other to ſuch of the overſeers as doth find the defaults, and that will ſue for the ſame in any of the king's courts of record, or before the juſtices of peace. *ſ.* 10.

If the overſeers ſhall be negligent, and will not ſue for the forfeitures by one half year, the half of the ſame forfeitures to be to the king, and the other to them that will ſue for the ſame, within one half year. *ſ.* 11.

If any of the perſons ſo commanded to appear to be made overſeers, having no reaſonable cauſe, do refuſe to come and take upon him to be an overſeer, ſuch perſon to forfeit 40*s.* the one half to the king, and the other to the juſtices of peace or other head officers; and the overſeer ſo offending to remain in the ward of the ſheriff until he hath made payment, or put in bond for the ſame. And if the overſeers do not once in every quarter make ſearch, the ſaid overſeers to forfeit 10*l.* the one half to the king, and the other to him that will ſue, *&c.* And if the overſeers ſhall be interrupted, and not ſuffered to enter into the ſaid houſes, and other places, every one that ſhall make ſuch interruption ſhall forfeit 20*l.* the one half to the king and the other to the overſeers to whom ſuch interruption ſhall be made, to be purſued for in manner before expreſſed. *ſ.* 12.

Provided that no perſon ſhall take advantage of any of the ſaid forfeitures, unleſs he commence his ſuit within one year after the offences committed. *ſ.* 14.

Every clothier ſhall, before he puts his cloth to ſale, cauſe every cloth to be marked with a letter *E.* crowned, wrought in the cloth; upon pain of forfeiture for every cloth, 20*s.* the one half to the king, and the other to him that ſues for the ſame. *ſ.* 15.

By 5 & 6 *Edw.* 6. *c.* 6. Every cloth, kerſey, piece of frize and cotton, ſhall be made as is herein-after mentioned. *ſ.* 3.

Every broad cloth made within *Kent* and *Suſſex*, or at *Reading*, or elſewhere, of like making, ſhall contain in length at the water 28 yards, and in breadth 7 quarters at leaſt within the liſt, the liſts to be of the like aſſiſe as they have been uſed. And every piece of the ſaid cloths being well ſcoured, thicked, milled, and fully dried, ſhall weigh 90 pounds at leaſt. *ſ.* 4.

Every white cloth made within the city of *Worceſter*, called long *Worceſters*, and all cloths of like making made in *Coventry*, or elſewhere, ſhall contain in length 29 yards, and be of the breadth above ſpecified, and ſhall be liſted as accuſtomed. *ſ.* 5.

All coloured cloths made in the ſaid cities of *Coventry* and *Worceſter*, or elſewhere, of like making, ſhall be of length and breadth as is laſt mentioned, and be liſted as aforeſaid; and being well ſcoured, *&c.* ſhall weigh 70 pounds. *ſ.* 6.

Every white cloth called ſhort *Worceſters*, ſhall contain in length, being wet, 24 yards, yard and inch, and ſhall be of breadth aforeſaid, and liſted according to cuſtom; and being well ſcoured, *&c.* ſhall weigh 60 pounds. *ſ.* 7.

All coloured long cloths made in *Suffolk*, *Norfolk*, and *Eſſex*, or of like ſort, ſhall contain in length, wet, 28 yards, yard and inch, and ſhall be in breadth 7 quarters, within the liſt, and liſted as accuſtomed; and being well ſcoured, *&c.* ſhall weigh 80 pounds. *ſ.* 8.

Every ſhort cloth coloured, made within the ſhires laſt remembered, or of like ſort, ſhall contain wet 24 yards, yard and inch, and ſhall be in breadth, as laſt remembered, and liſted as aforeſaid; and being ſcoured, *&c.* ſhall weigh 64 pounds. *ſ.* 9.

Every coloured cloth made within the ſhires laſt remembered, or of like ſorts, called handy-warps, ſhall be in breadth out of the water as is laſt remembered, and liſted as accuſtomed; and being ſcoured, *&c.* every yard ſhall weigh 3 pounds. And all whites, *Cockſall* whites, *Glanſford*, and other, being handy-warps, ſhall contain in breadth as afore remembered, and be liſted as aforeſaid; and being ſcoured, *&c.* ſhall weigh by the yard 3 pounds. *ſ.* 10.

All whites and reds made in the ſhires of *Wiltſhire*, *Glouceſter*, and *Somerſet*, and all other whites not afore remembered, ſhall contain in length, being wet, 26 yards, and ſhall be 7 quarters in breadth within the liſts, and liſted according to cuſtom; and being ſcoured, *&c.* ſhall weigh 60 pounds, being coloured. And all broad plunkets, azures, blues, and other coloured cloth, made within the ſhires of *Wiltſhire*, *Glouceſter*, or *Somerſet*, or elſewhere, of like making, ſhall contain, being wet, 25 yards, yard and inch, and ſhall be 7 quarters within the liſts, and liſted according to cuſtom; and being ſcoured, *&c.* ſhall weigh 88 pounds. *ſ.* 11.

All kerſeys called ordinaries, ſhall contain in length 17 yards, and being ſcoured, *&c.* weigh 20 pounds. And all kerſeys, called ſorting kerſeys, ſhall contain in length, at the water, 17 yards, yard and inch; and being ſcoured, *&c.* ſhall weigh 23 pounds. *ſ.* 12.

All *Devonſhire* kerſeys called dozens, ſhall contain in length, at the water, 12 yards, and an inch; and being ſcoured, *&c.* ſhall weigh 14 pounds. *ſ.* 13.

All broad cloths, called *Taunton* cloths, *Bridgewaters*, and other of like ſort, ſhall contain, at the water, 12 yards, yard and inch, and in breadth 7 quarters. And every narrow cloth made in the ſaid towns, or of like ſorts, ſhall contain in the water in length 24 yards, yard and inch, and in breadth one yard; and every ſuch cloth both broad and narrow, being ſcoured, *&c.* ſhall weigh 34 pounds. *ſ.* 14.

All *Welch* frizes made in the ſhires of *Cardigan*, *Caermarthen*, and *Pembroke*, or of like making, ready to be ſold for a whole piece, ſhall contain in length, at the water, 36 yards, yard and inch, and in breadth three quarters of a yard; and being fully wrought ſhall weigh 48 pounds; and every half piece of *Welch* frizes ſhall contain in length, breadth, and weight, after the ſame rate, *&c.* *ſ.* 17.

All northern cloths ſhall contain 23 yards in length, yard and inch, and in breadth, being thorough wet, 7 quarters within the liſts; and being ſcoured, *&c.* ſhall weigh 66 pounds. *ſ.* 18.

Every half piece called dozen, ſhall contain 12 yards and 7 quarters in breadth, within the liſts; and ſcoured, *&c.* ſhall weigh 33 pounds. *ſ.* 19.

All cloth called peniſtones, or foreſt whites, ſhall contain in length, being wet, 12 yards, yard and inch, and in breadth, 6 quarters and a half out of the water; and being ſcoured, *&c.* ſhall weigh 28 pounds. *ſ.* 20.

All cottons called *Cheſhire* cottons, full wrought to the ſale, ſhall be in length 22 goads, and in breadth three quarters of a yard in the water, and ſhall weigh 30 pounds. *ſ.* 21.

Every perſon which ſhall make any of the kinds of broad cloths above rehearſed, of ſhorter meaſure than is above ſpecified, or of leſs breadth, or weight, being well ſcoured, thicked, milled, and fully dried, and ſhall put the ſame to ſale, ſhall forfeit for every ſuch cloth, 40*s.* and for every pound weight which any cloth ſo offered to be ſold ſhall lack, not above 4 pounds in weight, ſhall forfeit 2*s.* the ſame forfeiture to go to the finder; and if any ſuch cloth

lack

lack above 4 pounds weight, the owner ſhall forfeit 40*s.* *ſ.* 23.

All perſons which ſhall make any of the kerſeys, narrow cloths, ſtraits, dozens, frizes, or cottons, above-mentioned, which ſhall not be made in manner aboveſaid, nor contain in length, breadth, and weight, as above ſpecified, ſhall forfeit for every piece of ſtrait or dozen, and narrow cloth, kerſey, frize, or cotton, 40*s.* *ſ.* 25.

No perſon ſhall put any hair, flocks, or yarn made of lamb's wool, into any cloth, kerſey, frize, or cotton, offered to be ſold, upon pain to forfeit ſuch cloth, *&c.* or the value thereof. *ſ.* 26.

No perſon ſhall tranſport beyond the ſea any cloth, kerſey, frize, or cotton, of the ſorts above recited, unleſs the ſeal of the owner or maker (declaring the length it ſhall be in the water), be ſet upon every ſuch cloth, upon pain to forfeit every ſuch cloth, or the value thereof. *ſ.* 29.

No perſon which ſhall retail any of the cloths or kerſeys, frizes, rugs, or cottons aforeſaid, ſhall put to ſale any of the cloths aforementioned, till he have made trial, as well by water as by weight and meaſure, whether they be according to this act. *ſ.* 30.

If any perſon ſhall find any defective cloth in length, weight, or meaſure, he ſhall preſent ſuch cloth to every mayor, bailiff, or other head officer, of city, or town corporate, to the intent the ſame may be cut into three equal parts; one piece to be forfeited to the king, another to the preſenter, and the third part to ſuch perſons as it ſhall be preſented to; upon pain that every perſon that ſhall not ſo ſearch every of the cloths, kerſeys, cottons, or frizes aforeſaid, ſo by him to be bought and ſold, and ſhall not ſeize and preſent ſuch cloths as he ſhall find defective, ſhall forfeit the double value of ſuch cloth. *ſ.* 31.

Every perſon which ſhall ſell any ſuch faulty kerſey, cotton, or frize, whereunto the owner ſhall have ſet his ſeal, ſhall within 14 days after requeſt, by the perſon which ſhall buy ſuch cloth, make payment of ſuch money as he received for the ſame, upon pain of forfeiture to the party grieved, the double value, to be recovered by bill, plaint, *&c.* *ſ.* 32.

No perſon ſhall ſtrain or ſtretch any cloth above one yard in length, and one half quarter in breadth, upon pain to forfeit 5*l.* *ſ.* 33.

No perſon which ſhall keep any tenter ſhall have wrinch, rope, or ring with the ſame tenter, or ſhall uſe any other engine unlawfully, to ſtrain or ſtretch any cloth, upon pain to forfeit 20*l.* *ſ.* 34.

As well the mayor of *London* and aldermen, as every mayor, bailiff, and every head officer of every city, borough, or town corporate, ſhall have power to appoint expert perſons, which ſhall upon their oaths view and ſearch all cloths that ſhall be dreſſed, dyed, or preſſed with the cold preſs, within every ſuch city, *&c.* and ſearch whether the ſame cloths be well dreſſed and preſſed, without putting thereto flocks, ſollace, chalk, flour, or other deceitful thing; and whether the ſame be dyed with good colours, without any deceivable thing; or whether it be ſtretched or ſtrained more than is above ſpecified; and ſhall have power to enter into every perſon's houſe to ſearch and ſeize all ſuch cloths as they ſhall find defective in the premiſes; the moiety of which forfeit ſhall be to the king, and the other moiety to the mayor and commonalty of the city of *London*, or to the uſe of every city, town corporate, port-town, or market-town, where the ſame ſhall be ſeized. *ſ.* 37.

Every perſon in whoſe hands ſuch defective cloth ſhall be found, ſhall have his remedy by action, *&c.* againſt every perſon by whoſe defaults ſuch cloth ſhall be ſo found faulty. *ſ.* 38.

PART II.

As well the ſaid mayor of *London*, as every other mayor, bailiff, portreve, or other head officer, of every city, town coporate, or port-town, ſhall cauſe to be prepared a ſeal of lead, wherein, as well the arms as the name of every ſuch city, town corporate, or port-town, ſhall be graven, which the ſearchers ſhall cauſe to be fixed to every cloth that they ſhall find ſufficiently dreſſed, dyed, and preſſed with the cold preſs, without any deceits, and ſhall have for the ſealing of every cloth, 2*d.* *ſ.* 39.

If any ſearcher find any of the cloths, being coloured or dyed, either cockly, purſey, bandy, ſqually, or rowy, or evil burled, or waſted in the mill, or full of holes or bracks, the ſame ſearcher ſhall, beſides the ſeal of the city or town, put another ſeal of lead at every end of the cloth, wherein ſhall be graven the letter *F.* and ſhall alſo ſet a mark in the liſt againſt the faults, with the print of a letter or mark of an inch compaſs at leaſt. *ſ.* 40.

If any of the ſearchers ſhall ſet the ſeal of any city or town to any coloured cloth, which ſhall not be ſufficiently dreſſed, dyed, preſſed, and wrought, the mayor and commonalty, or corporation of the townſhip, ſhall forfeit the value of the cloth. *ſ.* 41.

If any of the ſearchers ſet the ſeal of the city or town to any cloth which ſhall be cockly, purſey, bandy, ſqually, rowy, evil burled, watted in the mill, or full of holes, and not ſet at any end of the cloths, one ſeal, with the letter *F.* and alſo declare by the liſts where the faults be, the mayor and commonalty, or other corporation of ſuch city or town, ſhall forfeit 5*l.* *ſ.* 42.

No perſons which uſe to retail cloth or kerſey, ſhall put to ſale any cloth being dreſſed, dyed, and preſſed, except there be fixed at every end the ſeal of ſuch city or town where the cloth ſhall be ſo dyed, dreſſed, or preſſed, or the ſeveral ſeal of every ſuch city or town, to remain at the laſt end of the cloths during all the time that any remnant of ſuch cloth is to be ſold; upon pain of forfeiture of the value of ſuch cloth. *ſ.* 43.

Every mayor, bailiff, or other head officer of any city, *&c.* in which any ſuch cloth ſhall be made, dyed, dreſſed, or preſſed with the cold preſs, which doth not appoint ſo many ſearchers as ſhall be requiſite, ſhall forfeit 10*l.* *ſ.* 44.

If any of the ſaid ſearchers, being a freeman of the city, having no reaſonable excuſe, refuſe to take upon him to be a ſearcher, and do not uſe the office, he ſhall forfeit for every refuſal, 5*l.* the one half to the king, and the other to the commonalty; and remain in ward till he hath made payment, or put in ſufficient bond for the ſame. *ſ.* 45.

No perſon ſhall preſs cloth with the hot preſs, or in other deceivable manner, but only with the cold preſs, upon pain of forfeiture of the cloth, or the value thereof. *ſ.* 47.

If any perſon (but ſuch as are permitted by this act) ſet to, or take away from, any of the cloths, *&c.* aforeſaid, any of the ſeals above recited, he ſhall for the firſt offence (being thereof convicted by verdict, by two witneſſes, or by confeſſion) forfeit 40*l.* and for the ſecond offence ſhall be ſet in the pillory, and forfeit to the king all ſuch goods (his debts being paid) as he had at the time of conviction. *ſ.* 48.

The moiety of all forfeitures before expreſſed, and not otherwiſe appointed, ſhall be to the king, and the other moiety to him that will ſue, *&c.* *ſ.* 51.

This act ſhall not extend to any cloths made in *Taveſtoke* in *Devonſhire*, or elſewhere within the ſaid county, called *Taveſtoke* cloths. *ſ.* 52.

It ſhall not be lawful to boil any wools, to be converted into broad cloth or kerſeys, with galls, rinds, barks of trees,

or ſawduſt, upon pain to forfeit all ſuch wool, or the value thereof. *ſ.* 53.

By 5 & 6 *Edw.* 6. *c.* 22. No perſons ſhall uſe gig-mills, for the working of woollen cloth; upon pain of forfeiture for every cloth ſo wrought 5 *l.* the moiety to the king, and the other to him that will ſue.

By 1 *Mar. ſtat.* 3. *c.* 7. *ſ.* 2. Every perſon inhabiting in any market-towns where cloth-making hath been uſed, may make all manner of broad cloths, and put them to weaving, walking, fulling, dying, and ſheering, without any impediment, ſo the ſame cloths be ſubſtantially made, bearing lawful length, breadth, and weight, according to the ſtatute 5 *Edw.* 6. *c.* 6.

By 1 & 2 *Phil. & Mar. c.* 14. The ruſſels ſattens, ſattens reverſes, and fuſtian of *Naples*, made in *Norwich*, may be called *Norwich* ſattens, and *Norwich* fuſtians. And the mayor and other citizens of the ſame city ſhall be a fellowſhip, and ſhall yearly, the third of *February*, chooſe of their fellows four wardens in the ſame city; and they ſhall be wardens of the ſame fellowſhip one year, and ſhall come before the mayor the *Monday* after the third of *February*, and be ſworn, diligently to ſearch all the ruſſels ſattens, ſattens reverſes, and fuſtian of *Naples*, made within the city; and ſuch ruſſels, *&c.* as ſhall be truly wrought, ſhall ſeal with lead, bearing the arms of the city of *Norwich*. *ſ.* 2.

The wardens and fellowſhip ſhall be a body corporate, by the name of *wardens and fellowſhip of the myſtery of ruſſels ſattens, ſattens reverſes, and fuſtian of* Norwich *making, within the ſaid city of* Norwich. And if any default be found in any of the ſaid ruſſels, *&c.* by the wardens, the ſame ſhall be reformed, and the offenders puniſhed, according to ſuch rules as ſhall be made within the city, by the fellowſhip, and the defaults ſhall be inquired of and tried before the mayor, by the oaths of 12 of the fellowſhip. *ſ.* 3.

The four wardens ſhall have power to do and reform all things concerning the ſaid myſtery, within the city; and it ſhall be lawful to the mayor and the fellowſhip and wardens of the ſame myſtery, to make laws for the good order and governance of the ſaid myſtery, and for the true making of the ſaid ruſſels, *&c.* the ſame to be obeyed by all the inhabitants of the city, and to be put in execution by the maſter and wardens. *ſ* 4.

Such makers of ruſſels, *&c.* ſhall not occupy the ſaid myſtery within the ſaid city, before they be made free of the city, and admitted of the ſaid fellowſhip by the mayor, warden, and fellowſhip. And no perſon ſhall occupy out of the city, the ſaid myſtery of making ruſſels, *&c.* before he have been prentice ſeven years, or elſe admitted by the mayor and fellowſhip, upon pain of forfeiture of the ruſſels, *&c. ſ.* 5.

Provided that the maſter and wardens ſhall not take any reward to their own uſes, for the admitting of any perſons, upon pain of treble the value. *ſ.* 6.

It ſhall be lawful to the wardens and every of them, to make ſearch for all the ſaid ruſſels, *&c.* that ſhall be defective. *ſ.* 7.

It ſhall be lawful to the wardens to ſeize the ſaid ruſſels, *&c.* and preſent the ſame to the mayor, to the intent that twelve men of the fellowſhip being ſworn before the mayor, may preſent the manner of the ſaid defaults before the mayor; and all perſons that ſhall uſe the myſtery contrary to this act, and the rules that ſhall be made for the continuance of the true and perfect making of the ſaid ruſſels, *&c.* ſhall forfeit ſuch fines, amerciaments and pains, as ſhall be aſſeſſed and affeered by 12 men of the fellowſhip, to be ſworn before the mayor and wardens, to inquire and make true verdict and preſentment of ſuch defaults; the one half of which forfeiture to be to the mayor, and the other moiety to the wardens, by action of debt, *&c.* in any court of record. *ſ.* 8.

In caſe any of the ſaid ruſſels, *&c.* ſhall lack of ſuch lengths and breadths, or of the true making or ſorting of the yarn, as ſhall be appointed by the rules, the ſame ſo found defective by verdict of 12 men of the fellowſhip, before the mayor and wardens, the ſaid ruſſels, *&c.* ſhall be cut in two, and to pay ſuch fines as ſhall be affeered by the 12 men. *ſ.* 9.

If any warden ſhall ſeal any ruſſels, *&c.* not well wrought, he ſhall forfeit the value of every ſuch piece; the one half to the king, and the other moiety to ſuch as ſhall ſue for the ſame in any of the king's courts of record. *ſ.* 10.

By 2 & 3 *Phil. & Mar. c.* 11. No perſon uſing the myſtery of cloth-making, and dwelling out of a city, borough, market-town, or corporate town, ſhall keep in his houſe or poſſeſſion, above one woollen loom, nor ſhall take profit by letting or ſetting any loom, or any houſe wherein any loom is uſed, which ſhall be together by him let, upon pain of forfeiture for every week, 20*s.* *ſ.* 2.

No woollen weaver dwelling out of a city, *&c.* ſhall have above two woollen looms, or receive profit as aforeſaid by more than two looms, upon pain to forfeit for every week, 20*s.* *ſ.* 3.

No perſon which ſhall uſe the myſtery of a weaver, and not cloth-making, ſhall keep any tucking-mill, or uſe the myſtery of a tucker, fuller, or dyer, upon pain to forfeit for every week, 20*s.* *ſ.* 4.

No perſon which ſhall uſe the myſtery of a fuller or tucker, ſhall keep any loom, or take any profit by the ſame, upon pain to forfeit for every week, 20*s.* *ſ.* 5.

No perſon ſhall cauſe to be made any broad white woollen cloths, but only in a city, *&c.* or where ſuch cloths have been commonly made ten years before this act, upon pain of forfeiture of every cloth otherwiſe made, 5 *l.* *ſ.* 6.

It ſhall not be lawful to any weaver, dwelling out of a city, *&c.* to have in his ſervice above two apprentices, upon pain of 10 *l.* *ſ.* 7.

It ſhall not be lawful for any perſon to ſet up weaving, unleſs he have been apprentice to the ſame, or exerciſed the ſame ſeven years, upon pain of 20 *l.* the one moiety of all which forfeitures ſhall be to the king, *&c.* and the other to him that will ſue, *&c. ſ.* 8.

This act ſhall not extend to any that ſhall dwell in the counties of *York*, *Cumberland*, *Northumberland*, and *Weſtmoreland*. *ſ.* 9.

The clauſe in 5 Eliz. *c.* 2. *ſ.* 32. *is repealed by* 5 Will. & Mar. c. 9.

By 2 & 3 *Phil. & Mar. c.* 12. *ſ.* 2. No perſon inhabiting within the county of *Somerſet*, ſhall put to ſale any cloths, called *Bridgwater*, *Taunton*, and *Chard* cloths, or cloths of like ſort made within the ſaid county, except ſuch cloths be firſt ſearched in one of the towns aforeſaid, and ſealed with the ſeal of one of the ſaid towns, upon pain that every perſon offending ſhall forfeit the ſaid cloth ſold, or the value thereof; the moiety to the king and queen, *&c.* and the other to him that will ſue, *&c.*

By 2 & 3 *Phil. & Mar. c.* 13. It ſhall be lawful to any perſon inhabiting within the pariſh of *Halifax*, to buy wool at ſuch times as the clothiers may buy the ſame, other than by engroſſing and foreſtalling, ſo that the perſons buying do carry the wools to *Halifax*, and there ſell the

the ſame to ſuch poor folks of that and other pariſhes adjoining, as ſhall work the ſame in cloth of yarn (to their knowledge), and not to the rich and wealthy clothier, nor to any other to ſell again. And if either the wool driver ſhall ſell his wools at any other place, or if any ſuch as ſhall buy their wools at *Halifax*, ſhall ſell their wools again unwrought, in yarn or cloth, every ſuch offender ſhall forfeit the double value of ſuch wool; one moiety to the king, and the other to him that will ſue for the ſame in any of the king's courts of record, or before the juſtices of peace in their ſeſſions. — *This act was made to take off the reſtriction in* 5 & 6. Edw. 6. c. 7. *which is repealed by* 21 Jac. 1. c. 28.

By 4 & 5 *Phil. & Mar. c.* 5. Every white cloth called long *Worceſters*, and all like cloth, ſhall weigh 75 pounds. *ſ.* 2.

Every white cloth made in *Wiltſhire*, *Glouceſter*, and *Somerſet*, or of like making, ſhall weigh 61 pounds. *ſ.* 3.

Every broad cloth made in *Kent* and *Suſſex*, or at *Reading*, or of like making, ſhall weigh 86 pounds. *ſ.* 4.

Every coarſe ſhort cloth made in *Suffolk*, *Norfolk*, and *Eſſex*, or of like ſort, and every coarſe cloth made in *Kent*, not exceeding the price of 6*l.* ſhall contain, thorow wet, 6 quarters and ½ within the liſts. *ſ.* 5.

Every yard of cloth called handy-warp, ſhall weigh 2 pounds and ½. *ſ.* 6.

No perſons ſhall add unto any cloths ſuch liſts as are added to handy-warps, except the warp be ſpun upon the rock, or diſtaff; upon pain of forfeiture of the cloths, or the value thereof. Provided that the cloth-makers within the city of *Worceſter* may make ſuch liſts as heretofore. *ſ.* 7.

No perſons inhabiting within the weſt-riding of the city of *York*, ſhall make any broad cloths called pewks, tawneys, violets, or greens, except the wool, before it be converted into yarn, be firſt dried, litted, and coloured, with the coloured blue, of the value of 2*d.* a pound; upon pain of forfeiture of every ſuch coloured cloth, or the value thereof. *ſ.* 8.

Every ordinary kerſey ſhall contain in length in the water, 16 yards, yard and inch; and being well ſcoured, thicked, milled, dreſſed, and dried, ſhall weigh 19 pounds. And every ſorting kerſey ſhall weigh 22 pounds. *ſ.* 9.

Every *Devonſhire* kerſey, called dozens, ſhall weigh every yard 1 pound. *ſ.* 10.

Every goad of *Welſh* lining ſhall be three quarters of a yard in the water, and ſhall weigh one pound and a half quarter; and every yard of cotton, being fully wrought and cottoned, ſhall weigh one pound. *ſ.* 11.

No perſon which ſhall buy to ſell again, any of the ſaid *Welſh* linings, ſhall dreſs by himſelf or his ſervants any of the ſaid *Welſh* linings, but ſhall put the ſame to ſuch as be of the art of ſheermen, cottoners, or frizers, to be dreſſed; upon pain of forfeiture for every *Welſh* cotton or lining frized or cottoned to the contrary, 6*s.* 8*d.* *ſ.* 12.

All cottons called *Cheſhire* cottons, may be divided into half pieces. *ſ.* 13.

If any ſuch cloth or kerſey ſhall lack of weight, the maker, or other perſon in whoſe hands the ſame be found, ſhall forfeit for every pound lacking above four pound, 5*s.* and for every pound exceeding, not above four pound, 2*s.* *ſ.* 15.

If any perſon ſhall counterfeit, ſet to, or take away from any cloth, kerſey, frize, rug, or cotton, any ſeal appointed to be fixed by this act, or by ſtat. 5 *Edw.* 6. *c.* 6. every perſon ſo offending ſhall have like puniſhment as in the ſaid act is appointed for the like offence. *ſ.* 20.

The ſeal of every borough ſhall be fixed to all cloth being well made, within ſuch borough, which cloth ſo ſealed ſhall not be ſearched by any ſearcher or ſealer of any other town. *ſ.* 21.

Every perſon not dwelling within any city or town corporate, and making any of the cloths or kerſeys aforeſaid, may bring the ſame to the next city, borough, or town corporate, where ſuch cloth or kerſeys be commonly made, there to be ſealed as before expreſſed. *ſ.* 22.

If any ſearcher or ſealer ſhall ſet the ſeal of any city or town to any cloth which ſhall not contain ſuch length, weight, and breadth, as is appointed, the mayor and commonalty, or other corporation of the townſhip, ſhall forfeit the value of the cloth. *ſ.* 23.

The ſaid ſearchers or ſealers ſhall have power in the daytime to enter into all houſes where they ſhall think meet, to ſearch all cloths, kerſeys, frizes, and rugs, and the ſame to try by water and weight. *ſ.* 24.

If any perſon ſhall deny any cloths, kerſeys, frizes and rugs, from the ſealers and ſearchers, or will not ſuffer them to enter into their ſhops, houſes, or places where their cloths, *&c.* ſhall be, every ſuch perſon ſhall forfeit 10*l.* *ſ.* 25.

It ſhall not be lawful to ſearch any woollen cloth, or kerſey, whereunto the ſeal of a city or town corporate ſhall be fixed, within the common cloth market of *London*, called *Blackwell-hall*, or in any cloth fair, or market, of any other city or town corporate. *ſ.* 26.

Every clothier ſhall cauſe every cloth which he ſhall put to ſale, to be marked with the letter *M.* crowned, wrought in cloth, upon pain to forfeit, 20*s.* for every cloth. *ſ.* 29.

No perſon ſhall make any woollen cloths, or kerſeys, to be ſold, unleſs ſuch perſons ſhall have been apprentice to the occupation of making, weaving, and rowing, of cloth and kerſeys, or have been exerciſed therein by the ſpace of ſeven years before, upon pain of forfeiture of ſuch cloth or the value thereof. *ſ.* 33.

All penalties of this ſtatute, or of the ſaid former act, being not otherwiſe appointed, ſhall be equally divided into two parts, whereof the one ſhall be to the queen, and the other to him that will ſeize or ſue for the ſame. *ſ.* 34.

It ſhall be lawful to all perſons which ſhall dwell in *North Wales* or *South Wales*, *Cheſhire*, or *Lancaſhire*, *Weſtmorland*, *Cumberland*, *Northumberland*, biſhoprick of *Durham*, *Cornwall*, *Suffolk*, *Kent*, the town of *Godalmin* in *Surrey*, or *Yorkſhire*, being not within 12 miles of the city of *York*, or in any the towns and villages near adjoining the water of *Stroud*, in the county of *Glouceſter*, where cloths have been uſually made by the ſpace of twenty years, and having been prentice to the occupation of cloth-making, or exerciſed in the ſame ſeven years, to uſe the myſtery of making, weaving, or rowing of cloth, out of a city, borough, or market town, as heretofore. *ſ.* 36.

By 1 *Eliz. c.* 14. It ſhall be lawful to all perſons which ſhall dwell in the towns of *Bocking*, *Weſtbarfold*, *Cockſhall*, and *Dedham* in *Eſſex*, that ſhall uſe the myſtery of making, weaving, or rowing, of cloth or kerſeys, by ſeven years, or have been apprentice thereto for ſeven years, to dwell in the ſaid town, and to uſe the making, weaving, or rowing, of cloth or kerſeys, as before they might; 4 & 5 *Phil. & Mar. c.* 5. or any other law notwithſtanding. *ſ.* 4.

By 8 *Eliz. c.* 6. For every nine cloths unwrought, to be carried beyond the ſeas, contrary to any ſtatute heretofore made, by force of any licenſe, the party ſhall carry over alſo one like woollen cloth of like ſort, length, breadth,

and goodneſs, ready wrought and dreſſed, *viz.* rowed, barbed, firſt courſed and ſhorn, upon pain to forfeit for every ſuch nine cloths, 10*l.* *ſ.* 2.

Such tenth cloth ſhall not be accounted any of the cloths permitted to be tranſported by ſuch licenſe. *ſ.* 3.

No perſon ſhall ſhip or carry beyond the ſeas, contrary to any ſtatute, any cloth called *Kentiſh* cloth, or *Suffolk* cloth, made in *Kent* or *Suffolk*, unwrought and undreſſed, *viz.* not rowed, barbed, firſt courſed and ſhorn, upon pain to forfeit for every ſuch cloth, 40*s.* *ſ.* 4.

No licenſe for tranſporting cloth ſhall extend to *Kentiſh* or *Suffolk* cloth. *ſ.* 5.

All forfeitures appointed by this ſtatute, ſhall be one half to the queen, the other moiety to the maſter and wardens of the company of cloth-workers, to the relief of the poor of the ſaid company. *ſ.* 6.

By 8 *Eliz.* *c.* 7. No perſons dwelling in *Shrewſbury*, other than ſuch as ſhall have ſerved as apprentices in the occupation of drapers, or be free of the ſaid myſtery, ſhall uſe the trade of buying *Welſh* cloth, or lining, cottons, frizes, and plains, upon pain to forfeit for every piece, 6*s.* 8*d.* *ſ.* 3.

No perſon dwelling as aforeſaid, and uſing the trade of buying of frizes, cottons, or plains, ſhall uſe the faculty of frizing or cottoning, upon pain to incur like forfeitures; the moiety of which forfeitures ſhall be to the queen, and the other moiety to ſuch as will ſue for the ſame. *ſ.* 4.

Every perſon uſing the trade of buying and ſelling *Welſh* cloth, and linings, and who ſhall deliver any *Welſh* cloth or linings to be cottoned, frized, dreſſed, or wrought, to any ſheerman, cottoner, or frizer, ſhall pay ready money for all his work, and ſhall not deliver any ware or other thing in ſatisfaction of his work; upon pain to loſe all liberties which he hath as one of the company of drapers, and alſo ſhall be diſabled to uſe the ſaid trade of buying or ſelling of *Welſh* cloths or linings. *ſ.* 6.

By 8 *Eliz.* *c.* 12. No perſon ſhall put to ſale within the county of *Lancaſter*, or convey out of the ſaid county, any cloths, cottons, frizes, or rugs, made within the ſaid county to be ſold, before the owner or maker ſhall fix to every ſuch cloth, *&c.* one ſeal of lead, having the mark of ſuch clothier engraved on one ſide, and the length of every ſuch cloth, being wet, on the other ſide; upon pain of forfeiture of all ſuch cloths, cottons, frizes, and rugs; the one moiety to the queen, and the other to ſuch perſons that ſhall ſeize or will ſue for the ſame. *ſ.* 2.

Every of the ſaid cottons, being ſufficiently milled or thickened, clean ſcoured, well wrought, and fully dried, ſhall weigh 11 pounds, and ſhall contain in length 20 goads at leaſt, and in breadth at moſt three quarters, or within one nail of three quarters of a yard at leaſt. And every of the ſaid frizes or rugs being thicked and fully dried, ſhall weigh 43 pounds, and ſhall contain in length, betwixt 35 and 37 yards, in breadth at the moſt three quarters of the yard, or within one nail of three quarters at the leaſt, and not to be ſtrained upon the tenters above one nail in breadth. And if any of the ſaid cottons, frizes, or rugs, be of greater length, every goad or yard exceeding the ſaid length, ſhall weigh after ſuch rate, upon pain of forfeiture for every goad or yard, not weighing after ſuch rate, 12*d.* *ſ.* 6.

If any of the ſaid cottons, frizes, and rugs, ſhall be of leſs weight, then all ſuch perſons that ſhall offer to be ſold any ſuch cotton, frize, or rug, ſhall forfeit for every pound lacking under three pounds, 12*d.*; and for every pound lacking above three pounds, 5*s.*; the one half to the queen, and the other half to ſuch perſons that ſhall ſue for the ſame. *ſ.* 7.

Every clauſe contained in any other acts of parliament before made, concerning the ſealing and making of the ſaid cottons, frizes, and rugs, ſhall be repealed. *ſ.* 8.

Provided that this act ſhall not be prejudicial unto any liberty of any borough, or town corporate, within the county of *Lancaſter*. *ſ.* 9.

By 27 *Eliz.* *c.* 17. *Made perpetual by* 35 Eliz. *c.* 7. No perſon ſhall be charged for any default, in any of the cloths mentioned in this act, (*viz.* whites and reds made in *Wiltſhire*, *Glouceſter*, and *Somerſet*, and all other whites) for want of breadth of ſeven quarters, ſo that the ſame contain in breadth, being thoroughly wet, ſix quarters and a half at leaſt within the liſts, unwrought and liſted according to cuſtom. *ſ.* 3.

If any of the ſaid cloths ſhall not contain ſix quarters and a half within the liſts, every perſon offending in that behalf, ſhall for every cloth be ſubject to ſuch pains as were by force of the ſtatute 5 *&* 6 *Edw.* 6. *c.* 6. to have been forfeited for want of breadth of ſeven quarters. *ſ.* 4.

If any cloth made within the ſaid counties or elſewhere, of like making, called narrow-liſted whites, being well ſcoured, thicked, milled, and fully dried, ſhall contain in weight leſs than threeſcore and one pounds; or if any cloth of like making, called broad-liſted whites, being well ſcoured, *&c.* ſhall contain in weight leſs than threeſcore and three pounds, the clothiers therein offending ſhall incur double the penalties for every pound wanting, as by the ſtatute 4 *&* 5 *Phil.* *&* *Mar.* *c.* 5. is provided. *ſ.* 5.

By 27 *Eliz.* *c.* 18. The branch in 5 *Edw.* 6. *c.* 6. which prohibiteth putting of hair, flocks, or yarn made of lamb's wool, into any cloth or frize, having regard unto the cloths called plain white ſtraits, and pinned white ſtraits, ſhall be repealed. *ſ.* 3.

It ſhall be lawful to all inhabiting the counties of *Devon* and *Cornwall*, to make plain white ſtraits, and pinned white ſtraits, and to uſe in making the ſaid cloths, flocks, hair, and yarn of lamb's wool, and to uſe in their houſes three looms, and not above, for making of the cloths aforeſaid, and to make the ſame cloths of ſuch length, weight, and breadth, as the merchant ſhall like. *ſ.* 5.

By 35 *Eliz.* *c.* 9. No perſon ſhall be charged for any default which ſhall be in any broad plunkets, azures, blues or other coloured cloths, for want of breadth of ſeven quarters, ſo that the ſame contain in breadth, being thoroughly wet, ſix quarters and an half at leaſt within the liſts, unwrought and liſted according to cuſtom; the ſtatute 5 *&* 6 *Edw.* 6. *c.* 6. notwithſtanding. *ſ.* 1.

If any of the ſaid cloths ſhall not contain ſix quarters and an half within the liſts, every perſon offending ſhall be ſubject to ſuch penalties as by ſtatute 5 *&* 6 *Edw.* 6. *c.* 6. for want of breadth. *ſ.* 2.

If any of the ſaid broad plunkets, azures, blues or other coloured cloths, being well ſcoured, thicked, milled and fully dried, ſhall contain in weight leſs than threeſcore and eight pounds, the clothiers offending ſhall incur double ſuch penalties for every pound wanting, by the ſaid ſtatute 5 *&* 6 *Edw.* 6. *c.* 6. *ſ.* 3.

If any cloths made within the county of *Somerſet*, or elſewhere of like making, called plunkets, azures and blues, being well ſcoured, thicked, milled and fully dried, ſhall contain in weight leſs than threeſcore and eight pounds, the clothiers offending ſhall incur double ſuch penalties for every pound wanting, as by the ſtatute 5 *&* 6 *Edw.* 6. *c.* 6. are to ſuch defaults limited. *ſ.* 4.

By

By 35 *Eliz. c.* 10. *Continued indefinitely by* 3 Car. 1. c. 4. & 16 Car. 1. c. 4. Each kerſey called *Devonſhire* kerſey or dozen, made within the county of *Devon* or any other county next adjoining, being raw, unſcoured, untucked and unwet, as it comes from the weavers beam, and being made of clean ſtuff, *viz.* of wool ſhorn, cleanſed and thoroughly waſhed or ſcoured after the ſhearing and before the weaving, without any fraud or any ſtuff thereunto deceitfully added for increaſe of the weight, ſhall weigh in the market 15 *lb. ſ.* 2.

Every raw *Devonſhire* kerſey or dozen, made in the county of *Devon* or any of the counties adjoining, being a *Rudgewaſh* kerſey, *viz.* made of fleece wool waſhed only on the ſheeps back, and the wool not being cleanſed, waſhed and ſcoured after it is ſhorn, ſhall (without fraud or addition of ſtuff) weigh in the market 17 *lb.* being raw as it cometh off the beam, and each of the ſame *Devonſhire* kerſeys or dozens ſo being raw (without racking, ſtretching or other device) ſhall contain between 15 and 16 yards, by yard and inch. *ſ.* 3.

If any weaver ſhall make any of the ſaid kerſeys of leſs weight or meaſure, he ſhall forfeit for every quarter of a pound in weight which the ſaid raw kerſeys or dozens, brought to any market or offered to be ſold, ſhall want of their weight, 12 *d.* and for every quarter of a yard wanting in length, 12 *d.* And each ſort of the ſaid kerſeys or dozens ſhall be ſewantly woven of well and like ſorted yarn. And no weaver ſhall uſe any diverſity in the bigneſs and goodneſs of his yarn in the ſaid kerſeys, ſaving only in the liſts, nor uſe any other practice in edging or weaving of the ſame, to make the ſame ſeem finer near the edge than in other part. *ſ.* 4.

Each weaver ſhall weave his ſhop-mark of ſome coloured yarn in the end of every kerſey, and ſhall at each end weave one purrel of coloured yarn, of the breadth of three quarters of an inch at leaſt; and if any weaver ſhall uſe deceit in mingling his yarn, or ſhall omit his ſhop-mark, or ſhall not weave in every kerſey two purrels, *&c.* he ſhall forfeit 10 *s. ſ.* 5.

No perſon ſhall put to ſale any raw kerſeys called dozens, before the ſame have been viewed, weighed and marked, in ſome city or market-town; upon pain to forfeit for every cloth 10 *s.* the one half to her majeſty, and the other half to the principal officer or magiſtrate of the city or market-town next adjoining to the working place, if the ſame officer or magiſtrate ſhall firſt make ſeizure thereof, or elſe to the principal officer of that city or market-town where the ſame ſhall be offered to be ſold, to be recovered by action of debt, *&c.* with coſts in any court of record. *ſ.* 6.

The principal officer or magiſtrate in every city or market-town, where any *Devonſhire* kerſeys or dozens ſhall be woven or put to ſale, ſhall every year appoint two or more known ſearchers, which ſhall be ſworn truly to view, weigh and mark, each kerſey called a dozen, in ſuch city or town made or put to ſale, and to preſent each offence or defect contrary to this ſtatute; every which ſearcher ſhall have power to enter in the day-time into all ſhops and other places convenient, to ſee whether any kerſey or dozen be made or offered to be ſold contrary to this act; taking for the weighing and marking of every kerſey, a farthing, to be payed by the ſeller. *ſ.* 7.

If ſuch ſearchers ſhall not be yearly appointed and attendant at all times convenient, or ſhall neglect their duties, or ſhall mark any kerſey which wants of his weight; the chief magiſtrate of ſuch city and town ſhall forfeit for every ſuch offence of their ſearchers, 20 *s.* and for every market-day they ſhall want one ſuch ſearcher, 40 *s. ſ.* 8.

No perſon ſhall buy any raw kerſey called *Devonſhire* kerſey or dozen, unleſs the ſame be tried, weighed and marked; upon pain of forfeiture of every ſuch kerſey ſo bought or put to dreſſing. *ſ.* 9.

No perſon ſhall cut or diminiſh the length of any *Devonſhire* kerſey or dozen, and after put the ſame to ſale as a whole kerſey or dozen, upon pain of 20 *s.*; the one half of which forfeitures, not before appointed, ſhall be to the queen, and the other half to him that will ſue for the ſame in any court of record; the plaintiff to recover coſts. *ſ.* 10.

By 39 *Eliz. c.* 14. *Continued indefinitely by* 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. *and inforced by* 13 & 14 Car. 2. c. 19. No perſon ſhall bring into this realm any cards for wool to be ſold, upon pain to forfeit ſuch cards in whoſe hands ſoever they be found, or the value thereof; the one half to the queen, and the other moiety to him that will ſeize the ſame or ſue in any court of record of the queen.

By 39 *Eliz. c.* 20. No perſon within the counties of *York*, *Lancaſter*, and other on the north ſide of *Trent*, ſhall ſtretch or ſtrain any cloths, kerſeys, peniſtones, rugs, frizes, *Kighley* whites, plain greys, or other cloths, made within the ſaid counties on the north of *Trent*, upon pain to forfeit 5 *l. ſ.* 1.

No perſons within the counties aforeſaid ſhall have any tenter or wrinch, rope or other engines, to ſtretch or ſtrain any cloths, *&c.* wrought within the ſaid counties, upon pain to forfeit 20 *l. ſ.* 2.

Every perſon within the counties aforeſaid, which ſhall make any cloths, *&c.* ſhall make the ſame of ſuch weights, lengths and breadths, as by the ſtatutes is provided; and before the ſame be offered to be ſold, ſhall ſet his ſeal of lead unto every of the ſame cloths, *&c.* in which ſeal ſhall be contained the length and weight of every ſuch cloth, *&c.* as it ſhall be found by due proof by water or weight; upon pain to forfeit every cloth, *&c.* whereunto ſuch ſeal ſhall not be ſet; and in caſe upon proof any ſuch cloths, *&c.* ſhall be found of leſs weight or length than is ſpecified in the ſeal, the perſons in whoſe hands ſuch cloths, *&c.* ſhall be found, ſhall forfeit for every yard wanting, 4 *s.* and for every pound wanting, 2 *s. ſ.* 3.

In every pariſh, village and hamlet, within the ſaid counties where any cloths, *&c.* ſhall be made or ſold, the juſtices of peace of the ſhire, *&c.* or two of them, and in every city or town corporate, the head officers of the ſame, together with ſome one or two of the juſtices of peace of the ſhire, *&c.* next adjoining, ſhall have power once every year, and as often as they ſhall think good, to call before them 2, 4, 6 or 8, or more of the moſt honeſt and able men of every ſuch city, village, hamlet or pariſh, where any cloth ſhall be made or ſold, and them ſhall conſtitute overſeers for one year, or ſix months, or ſhorter time, within the city, *&c.* and ſhall take them ſworn and bound in recognizance of 40 *l.* a-piece, to her majeſty, to do their beſt endeavour to ſee this ſtatute obſerved within the limits of their charge; and the ſame overſeers, or two of them, ſhall once every month, or ſo often as they ſhall think fit, viſit all houſes, ſhops or rooms, of any clothiers, drapers, cloth-workers, or other perſons, where any of the ſaid cloth ſhall be, and there make ſearch and view the ſame, and try, as well by weight, water or other way, the ſaid cloths, *&c.* and if any cloths aforeſaid ſhall not be found ſealed with a ſeal, containing the length and weight, then the clothier and owner of the cloth ſhall forfeit every ſuch cloth, *&c.* and the overſeers ſhall ſeize and carry away the ſame, and preſent the ſame to the juſtices of peace at the next quarter-ſeſſions. *ſ.* 4.

If

If the overſeers ſhall find any falſe ſeal ſet upon any cloth aforeſaid, or ſhall upon ſearch find the ſame cloths ſtretched or ſtrained, they ſhall preſent the ſame defaults unto the juſtices at the next quarter ſeſſions, and the names of the owners or poſſeſſors of ſuch cloths, *&c.* and if any perſon ſhall deny or withhold any cloth, *&c.* from the overſeers, or will not ſuffer them to enter into the houſes or other places where ſuch cloths ſhall be, ſuch perſons ſhall for the firſt offence forfeit 10 *l.* and for the ſecond offence 20 *l.* and for the third offence, being thereof convicted by verdict and two witneſſes, ſhall ſtand upon the pillory in the next market-town; and if any of the perſons commanded to appear to be made overſeers, and having no reaſonable excuſe, refuſe to come and take upon them to be overſeers, every ſuch perſon ſhall forfeit for every refuſing 5 *l.* the one half to her majeſty, and the other half to the juſtices of peace or other head officers, and the overſeers ſo offending to remain in ward of the ſheriff or other head officer, until he hath made payment, or put in bond for the ſame. *ſ.* 5.

The ſaid overſeers ſhall fix unto every kind of the cloths aforeſaid, a ſeal of lead, containing the length and weight of every ſuch cloths, together with this word *(ſearched)*, which cloth ſo ſealed ſhall not be ſearched by any other ſearcher of any other city, *&c. ſ.* 6.

If any perſons, but ſuch as are appointed by this act, or their ſervants or deputies, do counterfeit or ſet to or take away from any the ſaid cloths, *&c.* any of the ſeals ſo to be fixed, every perſon ſo offending ſhall for the firſt offence forfeit 10 *l.* and for the ſecond offence, being convicted by verdict and two witneſſes, ſtand upon the pillory and forfeit to her majeſty 20 *l. ſ.* 7.

Every juſtice of peace, head conſtable, or other the overſeers aforeſaid, ſhall have power to enter any of the houſes or grounds of any perſon, to ſearch for tenters, or any ropes, rings, heads, wrinches, or other engines, whereby deceit may be uſed in the ſtretching and ſtraining of the ſaid cloths, *&c.* and if they find any ſuch tenters, *&c.* they ſhall deface the ſame. And if any perſon with whom ſuch ſhall once have been found, ſhall after that be known to have any ſuch tenter, *&c.* the ſaid juſtices, head conſtables or overſeers, ſhall take and ſell the ſame to the beſt value, and by the conſent of two juſtices of peace diſpoſe the money to the poor of that pariſh where the ſame ſhall be taken; and upon information given of any ſuch tenter, *&c.* to any juſtice of peace, he ſhall within ſeven days repair to the place and execute this law; and if any perſon ſhall reſiſt any ſuch juſtice of peace or head officers in the premiſes, ſuch perſon ſhall forfeit as for reſiſting the overſeers. *ſ.* 8.

If any juſtice of peace ſhall make default in any thing touching this ſtatute, ſuch juſtice ſhall forfeit 5 *l.* And all forfeitures by this act ſhall be one third to the overſeers, one third to the queen, and one other third to the poor, to be employed as the juſtices in their quarter-ſeſſions to be holden next after judgment ſhall appoint. *ſ.* 9.

The juſtices of peace in their quarter-ſeſſions ſhall hear and determine every offence contrary to this act (except offences committed by the juſtices) by preſentment, bill, or information, and upon proof by two witneſſes and thereupon preſentment made by the jury, to give order for the execution of this ſtatute, and for the recovery of the penalties. *ſ.* 10.

The juſtices of aſſiſe ſhall hear and determine every offence done by any juſtice of peace contrary to this act, and upon proof by two witneſſes and by preſentment of the jury, ſhall give order for recovery and employment of the penalties, and for default of juſtice to be done by the juſtices of peace or juſtices of aſſiſe, the one moiety of ſuch forfeitures to be one half to her majeſty, the other to him that will ſue for the ſame in any court of record at *Weſtminſter*. *ſ.* 11.

All cloths aforeſaid, which ſhall be brought to *London* to be ſold, ſhall be brought into *Blackwell-hall* to be ſearched dry, without wetting, and out of market-times, by the ſearchers of the city; upon pain that every owner ſhall forfeit for every ſuch cloth not ſo brought into the market, 40 *s.* and upon pain that every ſearcher, that ſhall ſearch in the market-times to the diſturbance of the ſale of ſuch cloths, ſhall forfeit 5 *l.* which forfeitures ſhall be the one moiety to the queen, the other to ſuch perſons as ſhall ſue for the ſame. *ſ.* 12.

By 43 *Eliz. c.* 10. *Continued indefinitely by* 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. No perſon ſhall put any hair, flocks, thrums or yarn of lamb's wool, or other deceivable thing, in any broad woollen cloth, half cloth, kerſey, frize, dozen, peniſtone or cotton, *Taunton* cloth, *Bridgewater*, *Dunſter* cotton (which *Dunſter* cotton ſhall be of like weight, length and breadth, as *Taunton* and *Bridgewater* cloth or other cloth of what kind ſoever), made or offered to be ſold; upon pain to forfeit every ſuch cloth, *&c.* and upon pain that every perſon which ſhall buy, gather or procure, any hair, flocks, thrums, yarn or lamb's wool, or other deceivable thing for that intent, to forfeit the ſame hair, *&c. ſ.* 1.

No perſon ſhall have any tenter, inſtrument, engine, or other device, with any lower bar, pin, ring, or other device, wherewith any rough and unwrought woollen broad cloth, *&c.* may be ſtretched or ſtrained in breadth, or ſhall have any wrinch, ringhead, growm, rope or other engine, to ſtretch or ſtrain any rough and unwrought woollen cloth, *&c.* in length, made to be ſold; upon pain that every offender ſhall forfeit 20 *l.* the one half to the queen, and the other half to him that will ſue, *&c. ſ.* 2.

No perſon ſhall ſet any wrought woollen broad cloth, *&c.* made for ſale, upon any tenter, *&c.* to ſtretch or ſtrain the ſame; otherwiſe than the whole wrought woollen broad cloth one yard in length, and one half quarter in breadth; and the half cloth one half yard in length, and one half quarter in breadth; and the kerſey, cotton, dozen, peniſtone, frize and rug, one half yard in length, and one nail in breadth; or ſhall utter any wrought woollen cloth, *&c.* tentred, ſtrained or ſtretched, otherwiſe than aforeſaid; upon pain to forfeit every ſuch wrought woollen cloth, *&c. ſ.* 3.

No woollen broad cloth, *&c.* ſhall (being well ſcoured, thicked, milled and fully dried, offered to be ſold) exceed the lengths heretofore limited, upon pain of forfeiture of every ſuch broad woollen cloth, *&c. ſ.* 4.

Every woollen broad cloth, *&c.* ſhall (being well ſcoured, thicked, milled and fully dried) weigh the weight heretofore appointed, ſaving that *Taunton* cloths, *Bridgewaters* and other of like ſort, limited to weigh 34 pounds, may from henceforth weigh only 30 pounds; and ſaving that *Suffolk*, *Norfolk*, *Eſſex* and northern cloth, may be abated for the workmanſhip of the whole cloth four pounds, and for the half cloth two pounds. *ſ.* 5.

If any of the ſaid broad woollen cloths, *&c.* ſhall lack of the weight above three pounds in any whole broad cloth, or above one pound and half in one half broad cloth, *Taunton* cloth, *Bridgewater*, or other cloth of like ſort, or above one pound in one kerſey, cotton, dozen, peniſtone, frize, rug, or other woollen cloth, the offender ſhall forfeit for one pound wanting more than as aforeſaid, 10 *s.* and

for

for two pounds, 20 *s.* and for three pounds, 40 *s.* and ſo double the forfeiture for every pound wanting, unleſs the party offending will yield the cloth, *&c.* forfeited. *ſ.* 6.

One ſtatute 39 *Eliz. c.* 20. as concerning views, ſeals, ſearchers, overſeers, penalties, *&c.* for northern cloths, ſhall extend to all woollen broad cloths, *&c. ſ.* 7.

Every broad woollen cloth, *&c.* ſealed by the overſeers, ſhall not be ſearched by any other ſearcher and overſeer of any other city, town or hamlet. *ſ.* 8.

The ſeveral branches of the ſeveral acts, *viz.* 5 *Edw.* 6. *c.* 6. and the act 4 *&* 5 *Phil. & Mar. c.* 5. and in the act 27 *Eliz. c.* 17. and in the act 35 *Eliz. c.* 9. concerning the exceeding of length of cloths, mentioned in the ſaid ſtatute 5 *Edw.* 6. ſhall be repealed, as concerning the over-lengths, and one other branch in 4 *&* 5 *Phil. & Mar.* concerning certificates of faulty cloths, ſhall be likewiſe repealed. *ſ.* 9.

No merchant, which ſhall tranſport beyond the ſeas any broad woollen cloth, *&c.* by reaſon of any clothier's or ſeller's hand to ſuch buyer's book or ticket, touching any defects, ſhall take any advantage. *ſ.* 10.

Every clauſe in any act concerning the ſaid abuſes in this act mentioned, and contrariant to this act, ſhall be void. *ſ.* 11.

All ſuch as ſhall offend againſt the act 39 *Eliz. c.* 20. obſerving this act, ſhall not incur any penalty mentioned in the act 39 *Eliz. c.* 20.; the moiety of all which forfeitures (not otherwiſe by this act appointed) ſhall be to the ſearchers and overſeers that ſhall find the ſame, and in their default, to him that ſhall find the ſame, and the other half to the poor of the pariſh. *ſ.* 12.

If any unwrought cloth, *&c.* tranſported beyond the ſeas, ſhall be found to have been tentered and ſtretched, by conſent of the maker or ſeller, ſuch buyer may at his own coſts return the ſame, and deliver it unto the maker or ſeller, with the ſeals fixed, and thereupon ſhall recover the value by action of debt, *&c.* againſt the maker or ſeller, by whoſe means the ſame was tentered. *ſ.* 14.

By 1 *Jac.* 1. *c.* 25. No perſon ſhall incur any penalty for want of length, breadth or weight, of *Welſh* cottons, under the price of 15 *d.* the yard, or 2 *s.* the goad, ſo as they be not mixt with hair or other deceitful ſtuff; nor for any others above that price, except they be mixt as aforeſaid, or ſhall ſhrink above half a yard in 12 yards, or weigh leſs than 14 ounces the yard, or hold not full three quarters of a yard broad. *ſ.* 28.

By 3 *Jac.* 1. *c.* 16. *Continued indefinitely by* 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. Ordinary kerſeys ſhall not exceed 24 yards, yard and inch; and every ordinary kerſey of the length of 24 yards, being well ſcoured, thicked, milled, dreſſed and fully dried, ſhall weigh 28 pounds and one half; and ſorting kerſeys ſhall not exceed the length aforeſaid; and every ſorting kerſey of the length of 24 yards, being well ſcoured, *&c.* ſhall weigh 32 pounds and one half; and every kerſey of a ſhorter length ſhall weigh proportionably, *viz.* every ordinary kerſey one pound and three ounces for every yard, and every ſorting kerſey one pound three ounces and one half for every yard. *ſ.* 3.

If any kerſey ſhall either exceed the ſaid length of 24 yards, or ſhall not weigh according to the proportions aforeſaid, every perſon that ſhall make the ſame for ſale ſhall forfeit for every yard exceeding 24 ſuch yards, 5 *s.* only; and for every pound weight that ſhall be wanting, 2 *s.* and no more; the one moiety to the king, and the other moiety to them that will ſue for the ſame. *ſ.* 4.

By 4 *Jac.* 1. *c.* 2. Every long broad cloth made of dyed wools and mingled colours within *Kent*, *Yorkſhire*, or at *Reading*, or of like making, ſhall contain in length at the water, being thoroughly wet, between 30 and 34 yards, yard and inch, and in breadth ſix quarters and a half at leaſt within the liſts; and every piece of the ſame cloth being well ſcoured, thicked, milled and fully dried, ſhall be in weight 86 pounds at leaſt. *ſ.* 1.

Every white cloth made within the cities of *Worceſter*, *Coventry* and *Hereford*, called long *Worceſters*, or of like making, ſhall contain in length, being wet, between 30 and 33 yards and inches, and ſhall be in breadth 7 quarters throughout, and being clean ſcoured, thicked, milled and fully dried, ſhall weigh 78 pounds at leaſt. *ſ.* 2.

All long coloured cloths called plunkets, azures and blues, and long white cloths made in *Suffolk*, *Norfolk* and *Eſſex*, or elſewhere of like making, ſhall contain in length, being wet, between 29 and 32 yards and inches, and ſhall be in breadth ſix quarters and one half within the liſts at leaſt, and being well ſcoured, *&c.* ſhall weigh 80 pounds. And all ſhort cloths coloured, and ſhort white cloths called ſorting cloths, made in any of the ſhires laſt mentioned, or of like ſort, ſhall contain, being wet, in length between 23 and 26 yards and inches, and in breadth ſix quarters within the liſts, and being well ſcoured, *&c.* ſhall weigh 64 pounds. *ſ.* 3.

All ſhort cloths coloured, and ſhort white cloths called fine ſhort *Suffolks*, made in the ſhires laſt mentioned, or of like making, ſhall contain, being well wet, in length between 23 and 26 yards and inches, and in breadth ſix quarters and a half within the liſts at leaſt, and being well ſcoured, *&c.* ſhall weigh 64 pounds: and every ſorting ſhort cloth ſhall be differenced from the fine cloths, by a blue ſelvedge on both liſts. And every white cloth made within the ſame ſhires, or of like making, called handy-warps, ſhall contain in length between 29 and 32 yards and inches, and in breadth 7 quarters; and being well ſcoured, *&c.* ſhall weigh 76 pounds. And all broad plunkets, azures, blues, and other coloured cloth, made in *Wiltſhire* and *Somerſetſhire*, or of like making, ſhall contain, being wet, between 26 and 28 yards and inches, and in breadth ſix quarters and a half within the liſts; and being well ſcoured, *&c.* ſhall weigh 68 pounds. And ſhort cloths made of dyed wools, and mingled colours, in the county of *York*, or of like making, ſhall contain in length, being wet, between 23 and 25 yards and inches, and in breadth ſix quarters and an half between the liſts; and being clean ſcoured, *&c.* ſhall weigh 66 pounds; and every half piece called dozens, to be made after the ſame rate. *ſ.* 4.

All broad liſted whites and reds made in *Wiltſhire*, *Glouceſterſhire*, *Oxfordſhire*, and the eaſtern limits of *Somerſetſhire*, or of like making, called ſorting pack broad liſted cloths, ſhall contain in length, being wet, between 26 and 28 yards and inches, and ſhall be in breadth ſix quarters and a half; and being clean ſcoured, *&c.* ſhall weigh every piece 64 pounds. And all narrow liſted whites and reds made in *Wiltſhire*, *Glouceſterſhire*, *Oxfordſhire*, and the eaſtern limits of *Somerſetſhire*, or of like making, called ſorting pack cloths, ſhall contain in length, being wet, between 26 and 28 yards and inches, and ſhall be in breadth within the liſts ſix quarters and a half, and liſted with narrow liſts, as accuſtomed; and being clean ſcoured, *&c.* ſhall weigh every piece, being white, 61 pounds, and being red ſhall weigh 60 pounds. *ſ.* 5.

Every fine cloth with plain liſts made in *Wiltſhire*, *Glouceſterſhire*, *Somerſetſhire* and *Oxford*, or of like making, ſhall contain in length between 29 and 32 yards and inches,

inches, and in breadth ſix quarters and a half between the liſts; and being clean ſcoured, &c. ſhall weigh 72 pounds. ſ. 6.

All cloths having ſtop liſts ſhall contain in length between 30 and 33 yards and inches, and in breadth 7 quarters within the liſts, and in weight 78 pounds, as *Worceſter* cloths are limited. And every broad cloth called *Tauntons*, *Bridgewaters* and *Dunſters*, made in the weſtern parts of *Somerſetſhire*, or of like making, ſhall contain, being wet, between 12 and 13 yards and inches, and in breadth 7 quarters; and being well ſcoured, &c. ſhall weigh 30 pounds. And every narrow cloth of like ſort ſhall contain in length, being wet, between 24 and 25 yards and inches, and in breadth one yard within the liſts, and liſted with a narrow liſt; and well ſcoured, &c. ſhall weigh 30 pounds; and the half cloth to be of a proportionable length and weight, and of like breadth. And all ſuch broad cloths and narrow cloths made within the county of *York* into whites and reds, the broad cloth to hold the ſame lengths, breadth and weight, but the narrow cloths to contain between 17 and 18 yards, and in weight proportionable. ſ. 7.

All *Devonſhire* kerſeys, called dozens, ſhall contain in length at the water between 12 and 13 yards and inches; and being well ſcoured, &c. ſhall weigh 13 pounds. And all check kerſeys, ſtraits and plain grays, ſhall contain in length at the water between 17 and 18 yards and inches, and in breadth one yard; and being well ſcoured, &c. ſhall weigh 24 pounds. And all ordinary peniſtones, or foreſt whites, ſhall contain in length in the water between 12 and 13 yards and inches, and in breadth five quarters and a half; and being clean ſcoured, &c. ſhall weigh 28 pounds. And ſorting peniſtones ſhall contain in length in the water between 13 and 14 yards and inches, and ſhall be in breadth ſix quarters and a half; and being clean ſcoured, &c. ſhall weigh 35 pounds. ſ. 8.

All cogware *Kendal* and *Carptmeales* ſhall be made as ſhall pleaſe the buyer, and ſhall not be ſearched or ſealed, or ſubject to any other penalty than ſuch as was impoſed thereon before the 39 *Eliz.* ſo as they ſhrink not above one yard for every twenty. ſ. 9.

All kerſeys called waſhers or waſh-whites, made in the counties of *York*, *Lancaſter*, or elſewhere, of like making, ſhall contain in length at the water, being half thicked, between 17 and 18 yards, and being quarter thicked, ſhall contain between 18 and 19 yards and inches; and being clean ſcoured and dried ſhall weigh 17 pounds. And no cloth-worker, ſheerman or fuller, ſhall raiſe or row any cloths or kerſeys with any greaſes or oils, but ſhall ſheer the cloth or kerſey plain and ſtrait, without laying in any oils or other liquid or moiſt thing, but only upon the edge of the ſheers with ſemet or oils, upon pain to forfeit 13 *s.* 4 *d.* And no cloth-worker, ſheerman or fuller, ſhall raiſe, full or row, or ſheer the liſts and ſides of cloths and kerſeys better than the midſt, but ſhall work all alike, upon pain of forfeiting for every cloth, kerſey, plain and ſtrait, done contrary, 13 *s.* 4 *d.* ſ. 10.

No perſon ſhall have for the cutting or taking away of the wool from the back ſides of any cloths and kerſeys any knife, rubſter, pumis-ſtone, or other device, but only to ſheer the back ſide with a pair of ſheers, upon pain of forfeiting for every piece wherein the ſame ſhall be ſo done, 13 *s.* 4 *d.* ſ. 11.

No perſon ſhall blow, ſpout or bedew any broad cloth or kerſey on the ſides near the liſts with water or other moiſt thing, whereby the edges may ſhew better than it is in the ridge, creſt or midſt, upon pain to forfeit 13 *s.* 4 *d.* And if any perſon ſhall blow, ſpout, wet or bedew with any liquid, any cloth or kerſey for increaſe of weight, to deceive the buyers or ſearchers, ſuch perſon ſhall forfeit 40 *s.* ſ. 12.

All the ſaid white cloths and coloured cloths, which by this act are not limited to be wrought, dreſſed and ſhorn, ſhall have allowance for the dying, dreſſing, rowing and ſheering, for every ſuch ſhort broad woollen cloths four pounds in weight, and the long cloths five pounds, and after that rate in every half woollen cloth, kerſey and other woollen cloth. ſ. 13.

Provided that where flannels, wadnals, and coverlets or blankets, are uſually made, the ſame may be made as heretofore. ſ. 16.

If any of the ſaid cloths mentioned in this act, made to be ſold, ſhall be more in length than is appointed in this act, every perſon ſelling the ſame, ſhall forfeit for every yard and inch exceeding the length appointed, 10 *s.* and no more. ſ. 17.

If any ſuch cloth ſhall not weigh proportionably to the weight appointed, the perſon ſelling the ſame ſhall forfeit for every pound weight that ſhall be wanting above two pounds, 10 *s.* and no more. ſ. 18.

If any ſuch cloth, not exceeding the lengths limited, and holding the weight, do want of the breadth, the perſon ſelling the ſame ſhall forfeit for every cloth falling narrow through the whole cloth, 20 *s.* and throughout half the cloth, 10 *s.* and under half the cloth, 5 *s.* only. ſ. 19.

If any cloths ſhall upon trial, within convenient time after ſale, in preſence of the party that ſold the ſame, or if he will not be preſent, having reaſonable notice, then in his abſence, be found of leſs length than the ſeals fixed purport, the owner, or perſon ſelling the ſame, ſhall forfeit to the perſon that ſhall have bought the ſame, for ſo much as ſhall be wanting of the length ſpecified in the ſeal, 6 *s.* 8 *d.* for every yard over and beſides the value of ſo much cloth as ſhall be found wanting. ſ. 20.

Every clauſe in any former ſtatute, whereby any other length, breadth or weight, of the cloths before mentioned, or any other penalty concerning the length, breadth or weight, of the aforeſaid cloths, or any other offence by this act intended to be reformed, is limited, or whereby any penalty for the offences in this bill mentioned are given to any other perſons, ſhall be repealed. ſ. 21.

None of the cloths aforeſaid which ought to be ſealed, being ſealed by the overſeers authoriſed by ſtatute of 39 *Eliz.* c. 20. as alſo by ſtatute 43 *Eliz.* c. 10. ſhall afterwards be ſearched or watered by any other, but only by the perſon to whom the ſame ſhall be ſold: and if any woollen cloth, upon the ſearch by the ſearchers or overſeers of the places where ſuch cloth is made, ſhall be found either to exceed the length, or to want of the weight, the ſaid ſearchers or overſeers certifying the ſaid over-length, and the weight that ſhall want by their ſeal, ſhall have one moiety of all forfeitures by this ſtatute given for exceſs of length or want of weight, and may ſue for the ſame, and the king ſhall have the other moiety. ſ. 22.

If any woollen cloths aforeſaid ſhall after ſuch ſearch in the country be found faulty in any thing not certified by the perſons buying the ſame, upon trial within convenient time after the ſale, in preſence of the party that ſold the ſame, or if he will not be preſent, having notice, then in his abſence, the perſon that bought the ſame, and no other, ſhall have one moiety of the penalties incurred, and not become due to the overſeers and ſearchers; and may ſue for the ſame in any court of record at *Weſtminſter*; and his majeſty ſhall have the other moiety. ſ. 23.

If

It ſhall be lawful for every clothier of what town or county ſoever, where clothing hath been uſed, to make any true woollen cloth, of what name or making ſoever, albeit the ſame do bear the name of ſome other county or town. *ſ.* 25.

By 7 *Jac.* 1. *c.* 7. Every lewd perſon who ſhall unjuſtly or deceitfully embezzle, ſell, or detain, any wool or yarn delivered by any perſon making cloths or ſtuffs, to any ſorter, carder, kember, ſpinſter, or weaver, as well the ſorter, *&c.* ſo offending, as the buyers and receivers, knowing the ſame, being convicted by confeſſion, or by one witneſs upon oath, before two juſtices of peace, or if within a town corporate, before the mayor or chief officer and one of the aldermen or moſt ſubſtantial perſons of the town, ſhall make the party grieved ſuch ſatisfaction, as by the juſtices, *&c.* ſhall be ordered. And if the parties offending, ſhall not be thought ſufficient, or do not make ſatisfaction, they ſhall for the firſt offence be apprehended and whipped, or ſet in the ſtocks, in the place where the offence was committed, or in ſome market town in the county; and for the ſecond offence incur the like or further puniſhment, by whipping or ſtocks. *ſ.* 2.

Every receiver of wool or yarn embezzled or purloined contrary to this act, knowing the ſame to be embezzled, *&c.* ſhall be ſubject to like puniſhment. *ſ.* 3.

Every ſpinner in *Eſſex*, that ſhall receive wool to be ſpun into yarn for any clothier, or maker of bays, ſays, or other ſtuffs, dwelling in *Coggſhal*, *Bocking*, *Braintree*, *Halſteed*, *Wittam*, or *Colcheſter*, and ſhall deliver back the yarn by any ſhorter reel than hath been there uſual, *viz.* two yards about, ſhall be ſubject to like puniſhment. *ſ.* 4.

By 7 *Jac.* 1. *c.* 16. All cogware, *Kendals*, coarſe cottons, and *Carptmeales*, made in *Cumberland* and *Weſtmorland*, or within the towns and pariſhes of *Carptmeale*, *Hawkſhead*, and *Broughton*, in the county of *Lancaſter*, whereof the dozen ſhall not exceed the price of 13 *s.* 4 *d.* ſhall be made as may pleaſe the buyer, and ſhall not be ſearched or ſealed. *ſ.* 2.

By 21 *Jac.* 1. *c.* 18. *continued indefinitely by* 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. No perſon ſhall put any flocks noiles, thrums, hair, or other deceivable thing, into any broad woollen cloth, upon pain to forfeit 5 *l.* and no more, for every ſuch cloth, to the uſe of the poor of the pariſh where ſuch cloth ſhall be made. *ſ.* 3.

It ſhall be lawful for any overſeer or ſearcher of cloth to enter into any houſes, ſhops, mills, or rooms, of any perſon ſuſpected to have made deceivable cloth, to ſearch all their cloths, and the mixture of their wools; and it ſhall be lawful for any two juſtices of peace, upon information or ſuſpicion of any ſuch offence, to grant their warrant to call before them any perſons that ſhall be thought fit to diſcover ſuch offence, and to examine upon oath ſuch perſons; and if it ſhall be found by teſtimony of two witneſſes, or by confeſſion of the party, that any ſuch offences have been committed, the party ſhall remain convicted: and it ſhall be lawful for the two juſtices to certify ſuch offence unto the churchwardens and overſeers of the poor of the pariſh where ſuch deceivable cloth ſhall be made. *ſ.* 4.

After ſuch certificate delivered, and warrant made to the ſaid overſeers and churchwardens, for the levying of the forfeiture, it ſhall be lawful to levy the ſum forfeited by diſtreſs and ſale of goods, and in defect of diſtreſs, it ſhall be lawful for the two juſtices to commit the party to the common gaol until payment of the ſum forfeited. And if any action be brought againſt any perſon for taking of ſuch diſtreſs, or any thing concerning the ſame, it ſhall be lawful for ſuch perſon to plead the general iſſue, and to be allowed double coſts. *ſ.* 5.

PART II.

The overſeers and ſearchers authoriſed to ſearch and weigh cloths, ſhall certify the ſame by their ſeals affixed to ſuch cloths, and with the word *faulty* thereon ſtamped, if there be cauſe. And none of the ſaid cloths, being formerly ſearched, weighed, and ſealed by the overſeers and ſearchers of the pariſh or place where made, ſhall afterwards be ſearched or weighed by any other officer; upon pain of forfeiture of 5 *l.* to the party grieved, who may ſue for the ſame at the quarter ſeſſions for the county or town corporate wherein ſuch offence ſhall be committed. *ſ.* 7.

Provided that all woollen cloths woven in any city or town corporate, ſhall be ſearched, tried, and ſealed, by the reſpective overſeers of cloth for the places where the ſame ſhall be woven, before ſuch cloths ſhall be offered to be ſold. *ſ.* 8.

No tenters for broad cloths made in the county of *York* to be ſold ſhall have any further chaſe to the under bar of ſuch tenters than half a quarter of a yard; and no tenters for narrow cloths, made within the ſaid county to be ſold, ſhall be allowed any farther liberty for the under bar, than half of a half quarter of a yard; and the overſeers and ſearchers of cloth within the county of *York* ſhall upon the penalties of their recognizances make due ſearch of the tenters; and if they find any tenter uſed contrary to this act they ſhall deface ſuch tenters. *ſ.* 9.

If any perſon whoſe tenters ſhall be once defaced ſhall eftſoons offend, ſuch perſons ſhall for every their offence forfeit 40 *s.* to the uſe of the poor. *ſ.* 10.

Every overſeer of cloth appointed to fix a ſeal of lead, ſhall upon the penalty of their recognizance engrave upon their ſeals, their chriſtian and ſurname; and no cloths ſealed with any ſeal which ſhall want ſuch engraving, ſhall be allowed ſufficiently ſealed. All preſſing of cloths with deceitful means, with any heat of fire, ſhall be adjudged to be preſſing with a hot preſs, and puniſhed with the like forfeitures. *ſ.* 11.

All penalties for want of length, breadth, and weight of cloth, ſhall be diſtributed into three parts, whereof one third ſhall be to the overſeers and ſearchers, finding the default, to be recovered by them, at the general quarter-ſeſſions, by actions of debt, *&c.* and the other parts ſhall be to the poor of the pariſh where the cloth ſhall be made, to be levied by diſtreſs and ſale of the goods, by the churchwardens and overſeers of the poor of ſuch pariſh. *ſ.* 12.

By 21 *Jac.* 1. *c.* 28. *ſ.* 5. and 3 *Car.* 1. *c.* 4. *ſ.* 26. No perſon ſhall incur any penalty for want of length, breadth, or weight of *Welſh* cottons, under the price of 15 *d.* the yard, or two ſhillings the goad; nor for others above that price, except they be mixed with hair, or other deceitful ſtuff, or ſhall ſhrink above half a yard in 12, or weigh leſs than 14 ounces the yard, or hold not full three quarters of a yard broad.

By 12 *Car.* 2. *c.* 22. The governors of the *Dutch Bay-hall* in *Colcheſter* and the *Dutch* people there, ſhall exerciſe the free trade of making *bays*, *ſays*, and other foreign draperies in *Colcheſter*, and be permitted to govern the ſaid trade in as ample manner as they have enjoyed the ſame by virtue of any grant made by queen *Elizabeth*, king *James*, or the late king *Charles*. *ſ.* 1.

If any perſons ſhall weave in *Colcheſter* any *bay* known by the name of four and fifties, ſixties, ſixty-eights, eighties, and hundred *bays*, and ſhall not within two days after ſuch weaving, carry ſuch *bay* to the *Dutch Bay-hall* called the *Raw-hall*, to be viewed and ſearched before the ſaid *bay* ſhall be carried to be ſcoured and thicked; or if any fuller or thicker ſhall receive any ſuch *bay* to be fulled and

thicked, before the ſaid *bay* hath been carried to the *Raw-hall* and ſtamped; every ſuch weaver, fuller, and thicker, ſhall forfeit for the firſt offence 40*s.* to be levied by diſtreſs and ſale of goods; and ſuch forfeitures, in caſe ſuch *bay* be made by an *Engliſh* maſter-maker, to be accounted for to the mayor and commonalty of the town for the benefit of the poor; and in caſe ſuch *bay* be the *bay* of a *Dutch* maſter-maker, the ſame to be diſpoſed of by the governors of the *Dutch Bay-hall*, for the uſe of the poor of the *Dutch* congregation; and for the ſecond offence ſhall forfeit 5 *l.* in manner aboveſaid; and for the third offence not to be permitted to work any more in *Colcheſter*. *ſ.* 2.

If any perſon ſhall buy any of the aforeſaid *bays*, or carry ſuch *bay* out of *Colcheſter* before the ſaid *bay* hath been viewed, ſearched, ſtamped, and meaſured, by the ſworn officers of the *Dutch Bay-hall*, the ſaid *bay* ſhall be confiſcated; the one moiety to him that ſhall ſeize the ſame, and the other moiety to the poor of the pariſh where the ſaid *bay* ſhall be taken. *ſ.* 3.

If any perſon ſhall counterfeit any of the ſeals uſed by the corporation or congregation of the *Dutch Bay-hall* in *Colcheſter*, or ſhall, not being the officer by the corporation appointed, affix any ſuch ſeal to any *Colcheſter bays*, every perſon ſo offending, ſhall, for his firſt offence, forfeit to the uſe of the governors of the *Dutch Bay-hall*, 20 *l.* to be recovered in any of his majeſty's courts of record, or in the town-court of *Colcheſter*; and for the ſecond offence ſhall ſtand in the pillory in the market or moſt public place where ſuch offence ſhall be committed, for one hour; and for the third offence ſhall ſuffer as a felon; and if any *bays* ſhall be taken carrying out of *Colcheſter* without the mark of the maker, all ſuch *bays* ſhall be forfeited. *ſ.* 4.

It ſhall be lawful for the governors of the *Dutch Bay-hall* or their officers, in the day-time, to ſearch any cart, waggon, or pack, wherein they ſhall ſuſpect any ſuch deceitful *bays* to be; and alſo with a conſtable to make ſearch in any houſe, ſhop, or warehouſe, where they are informed any ſuch deceitful *bays* to be, and to ſeize and carry the ſame to the *Dutch Bay-hall*, and ſuch *bays* ſhall be diſpoſed as the forfeitures before-mentioned. *ſ.* 5.

It ſhall be lawful for the governors of the *Dutch Bay-hall* to make by-laws. *ſ.* 6.

Provided that no ſuch by-law be made in diminution of the prerogative, or the laws be executed, until the ſame have been approved by the lord chancellor, lord treaſurer, or chief juſtice of either bench or any three of them, or before both the juſtices of aſſize in their circuit in the county of *Eſſex*, upon pain of 20 *l.* *ſ.* 7.

By 13 & 14 *Car.* 2. *c.* 5. There ſhall be twelve wardens and thirty aſſiſtants, which are to be maſter-weavers, within the county of the city of *Norwich*, and county of *Norfolk*; ſix of which wardens, and fifteen of the aſſiſtants, ſhall be choſen on the next *Monday* after *Pentecoſt*, by the maſter-weavers of *Norwich*; and the other ſix wardens, and fifteen aſſiſtants, ſhall be choſen upon the ſame day within the city of *Norwich*, or county of *Norfolk*, by the maſter-weavers of *Norfolk*. And the ſaid wardens ſhall, within fourteen days after they ſhall be choſen, and notice thereof given, take the oath enſuing, to be adminiſtered by the mayor of the city, and the ſteward of the duchy within the ſaid county, or before the ſaid mayor only, *viz.* *I* A. B. *do ſwear, that I will well, faithfully, and honeſtly perform and diſcharge the office of a warden of the trade of worſted-weavers, according to the beſt of my ſkill, power and knowledge.* And the aſſiſtants, within the time aforeſaid, ſhall take the like oath; and if any of the wardens ſo choſen ſhall refuſe to take the oath, or die before the end of the year, it ſhall be lawful for the maſter-weavers of the city and county reſpectively, to chuſe others. *ſ.* 2.

The wardens and aſſiſtants, or thirteen of them, whereof ſeven to be wardens, ſhall meet and conſult for the benefit of the trade, ſo often as ſhall ſeem expedient, or when it ſhall be deſired by eight aſſiſtants, at *Weavers-hall* in the ſaid city, or ſuch other place as they ſhall think fit; and any thirteen of the wardens and aſſiſtants, whereof ſeven to be wardens, ſhall have power to make by-laws for the regulation of the worſted and other ſtuffs, which ſhall be made within the ſaid city and county, both in length, breadth and goodneſs, and of ſuch other particulars as ſhall be adjudged requiſite for the better regulating the trade and the artificers, which by-laws being confirmed by the mayor and two juſtices of peace of *Norwich*, and three juſtices of peace of *Norfolk* (whereof one of the *quorum*), ſhall be publiſhed four times in the year, at four public aſſemblies for the trade, and ſhall be obeyed by the ſeveral perſons under the ſaid regulation. *ſ.* 3.

The ſaid wardens and aſſiſtants ſhall have power to impoſe a fine or penalty upon any perſon under ſuch regulation as ſhall not conform to ſuch rules. *ſ.* 4.

Provided that the fine or penalty ſhall not exceed 10*s.* for one offence. *ſ.* 5.

The wardens and aſſiſtants of *Norwich* ſhall give perſonal notice unto the wardens of *Norfolk*, or two of them, of the time when they intend to conſider of the making of by-laws, and ſhall ſet it up upon the door of their ſealing-hall, 14 days before they ſhall proceed to the making the ſame. *ſ.* 6.

All yarns uſed by the worſted-weavers ſhall be made without fraud, and ſhall be reeled on a reel of a full yard about, and every reel-ſtaff ſhall contain fourteen leas, and every lea forty threads, twelve of which reel-ſtaffs ſhall make a dozen, and twelve of theſe dozens a groſs; and in caſe any perſon ſhall ſell, or expoſe to ſale, any of the ſaid yarns, made and reeled in other manner, ſuch perſon ſhall forfeit the moiety of the value of the yarns, to the uſe of the trade after charges of ſuit deducted, which forfeiture ſhall be recovered by action in any of the king's courts of record. *ſ.* 7.

It ſhall be lawful for the wardens and aſſiſtants, or two of them, to view and ſearch in all fairs and markets, and other public places of ſale of yarns, within the city of *Norwich* and county of *Norfolk*, all yarns expoſed to ſale; and ſuch as they find defective, it ſhall be lawful for them to ſeize, and bring the ſame, within twenty days after ſeizure, to trial by a jury, in ſuch manner as is limited for defective ſtuffs; which jury ſhall have power to ſet fines upon the yarns, the ſame not to exceed the moiety of the yarn, and to go to the poor of the trade. *ſ.* 8.

No perſon ſhall be doubly puniſhed for one offence touching yarns. *ſ.* 9.

All ſorts of ſtuffs, whether woven of woollen only, or of wool and other materials, within the city of *Norwich* and county of *Norfolk*, and the makers of the ſame, ſhall be under the regulation of the wardens and aſſiſtants; except ſuch ſtuffs as are under the regulation of the wardens and fellowſhip of the myſtery of ruſſel-ſattens, ſattens reverſes, and fuſtians of *Norwich*-making, within the city of *Norwich*: and all ſtuffs made under the regulation aforeſaid, before the ſame ſhall be put to ſale, ſhall be brought to *Weavers-hall* in *Norwich*, to be viewed and ſearched by the wardens; and if the ſame be found well made, ſuch ſtuffs ſhall be ſealed and allowed, without any money paid; and if any ſuch ſtuffs ſhall be found defective, ſuch defective ſtuffs ſhall be ſeized by the wardens, and tried by a jury

jury of worſted-weavers, ſix of the city of *Norwich*, and ſix of the county of *Norfolk*, who ſhall be impanelled by a precept of the mayor of *Norwich*; and if any ſo impanelled ſhall fail in appearance, the number to be made up either of the maſter-weavers of *Norwich*, or of the county of *Norfolk*, by a precept from the mayor; which jury ſhall try the ſtuffs, and find whether they be made according to this act, and the by-laws made by virtue thereof, and ſhall have power to impoſe a fine, not exceeding the moiety of the value of the defective ſtuffs, the ſame fines to go to the uſe of the trade; and thoſe ſtuffs found defective, to be detained until the fines be paid; which if the owner ſhall not pay to the wardens within forty days after the trial, the ſtuffs to be ſold by any two of the wardens. *ſ.* 10.

If any warden ſhall ſeal any ſtuffs, which ſhall afterwards be diſcovered to be defective, and found ſo to be by a jury of twelve artificers, before the mayor and the ſteward of the duchy, if preſent, they ſhall have power to ſet a fine upon the wardens offending, for every piece of defective ſtuff ſo ſealed, not exceeding 40*s.* which ſhall be to the uſe of the king; and any ſuch jury ſhall likewiſe inquire into all other frauds and abuſes of the wardens and aſſiſtants in their offices, and puniſh them in ſuch manner as other offenders. *ſ.* 11.

If the wardens be unjuſtly moleſted, and if ſuch ſtuffs be found by the jury to be good, or that they or the aſſiſtants are not guilty of any ſuch frauds or abuſes as they are complained of for, the perſons ſo cauſeleſly moleſting, ſhall pay to the wardens or aſſiſtants double damages. *ſ.* 12.

It ſhall not be lawful for any perſon to buy any piece of ſtuff, before the ſame be ſealed; and if any piece of ſtuff be found in the poſſeſſion of any perſon unſealed, except the maker, the perſon in whoſe cuſtody the ſame ſhall be found, ſhall be adjudged guilty of deceit, and ſhall forfeit for every ſuch piece, 4*s.* and the maker and ſeller of the ſame, who ſhall deliver the ſame, ſhall likewiſe forfeit 4*s.* to the poor of the trade. *ſ.* 13.

If any perſon ſhall counterfeit any ſeal of the trade, or ſhall ſeal any piece of ſtuff under the regulation with any counterfeit ſeal, or ſhall remove a ſeal off one piece and ſet it to another which hath not been ſealed by the wardens, every perſon being thereof convicted by confeſſion, or by oath of two witneſſes, before the mayor, or any juſtice of peace of *Norwich*, or county of *Norfolk*, ſhall forfeit 20*l.* to the king. *ſ.* 14.

No perſon ſhall uſe the ſame trade as a weaver, unleſs he hath ſerved as an apprentice ſeven years, upon pain of 40*s.* for every month; the one half to the king, and the other half to the perſon who will ſue in any of his majeſty's courts of record. *ſ.* 15.

Every perſon under the ſaid regulation ſhall weave his ſtuff-mark into every piece at the head-end, upon pain of 3*s.* for every piece that ſhall be woven without ſuch mark, to the uſe of the poor of the trade. *ſ.* 11.

The wardens and aſſiſtants, or two of them, ſhall have power to enter into, and ſearch the houſes and work-houſes of any artificers within the city of *Norwich*, and county of *Norfolk*, under the regulation of the ſaid wardens and aſſiſtants, and the ſhops, houſes and warehouſes of any merchant, common buyer, and retailer of the ſaid ſtuffs, and the houſe and work-houſe of any dyer, ſheer-man, calender, or other workman's houſe and place of ſale, and dreſſing of the ſaid ſtuffs, at all times of the day, and uſual times of working, and may there ſearch the ſtuffs; and if any ſuch ſtuff ſhall be found faulty, they ſhall ſeize the ſame to be brought to trial, and proceeded againſt in manner before mentioned. *ſ.* 17.

Whatſoever perſon under the regulation of the ſaid trade, ſhall employ two apprentices, ſhall likewiſe employ two journeymen; and no maſter-weaver under the regulation, ſhall have above two apprentices, or any week-boy, to weave in a loom in worſted-weaving; upon pain for every month of 5*l.* to the king. *ſ.* 18.

If any perſon will not permit the wardens or aſſiſtants to execute their office, every perſon ſo offending, being convicted by the oath of one witneſs before the mayor, or one juſtice of peace of *Norwich* or *Norfolk* reſpectively, ſhall forfeit 40*s.* *ſ.* 19.

If any perſon ſummoned upon any jury, according to this act, ſhall neglect to appear, he ſhall forfeit 5*s.* to the poor of the trade, which penalties appointed to the poor of the trade, the recovery of which is not otherwiſe provided, ſhall be levied by diſtreſs and ſale of goods, by warrant of the mayor or any juſtice of peace of *Norwich* or *Norfolk*, or by action in any his majeſty's courts of record. *ſ.* 20.

No weaver ſhall ſet any loom on work for the weaving of any ſtuffs under the ſaid regulation in the time of harveſt, from the 15th of *Auguſt* until the 15th of *September*, upon pain of 40*s.* for every loom. *ſ.* 21.

An account ſhall be made at the four aſſemblies by the wardens before the mayor and one of the juſtices of *Norwich*, and two juſtices of *Norfolk*, of all forfeitures belonging to the trade, and of the diſburſements touching the trade, and the overplus ſhall be divided into two parts, one moiety to be diſpoſed of by the wardens and aſſiſtants of *Norwich*, and the other by the wardens and aſſiſtants of *Norfolk*, for the uſe of the poor, in ſuch manner as the mayor and juſtices reſpectively ſhall order. *ſ.* 22.

All mayors, *&c.* ſhall be aſſiſting to the wardens and aſſiſtants, and in all actions brought for acting according to this act, the perſons may plead the general iſſue of *not guilty*, and ſhall recover double coſts. *ſ.* 23.

This act ſhall not extend to compel the weavers of *Yarmouth* and *Lynn*, to bring their wares to *Norwich* to be ſealed, or deprive them of ſuch liberties as are granted by 14 *Hen.* 8. *c.* 3. or any other grant. *ſ.* 24.

By 22 *&* 23 *Car.* 2. *c.* 8. *ſ.* 2. There ſhall be choſen one preſident, four wardens and eight aſſiſtants, all maſter weavers within the borough of *Kidderminſter* in the county of *Worceſter*, the firſt *Monday* after *Penteceſt* yearly at ſome public place, by the maſter weavers of the ſaid borough; and the ſaid preſident, wardens and aſſiſtants, ſhall within fourteen days after they be elected, and notice thereof, take the following oath, which any juſtice of peace of the borough is required to adminiſter, *viz.*

I A. B. *do ſwear, that I will well, faithfully, and honeſtly perform and diſcharge the office of preſident*, &c. mutatis mutandis, *of the trade of clothiers and ſtuff-weavers within the borough and pariſh of* Kidderminſter, *according to the beſt of my ſkill, power, and knowledge.*

If the ſaid preſident, *&c.* ſhall refuſe to take the oath, or ſhall die before the end of the year, it ſhall be lawful for the maſter-weavers to chuſe another preſident, *&c. ſ.* 3.

The ſaid preſident, wardens and aſſiſtants, or any ſeven of them, whereof the preſident and three wardens to be preſent, ſhall meet and conſult for the good of the trade, and make by-laws for regulation of the trade and artificers of the ſame, and make ſeals for ſealing ſtuffs; which by-laws being confirmed by the juſtices of aſſize for the county of *Worceſter*, ſhall be publiſhed twice in the year at two public aſſemblies, and ſhall be obeyed by the perſons uſing the ſame trade under the ſaid regulation. And the ſaid preſident,

ſident, wardens, &c. ſhall have power to impoſe a fine or penalty upon ſuch perſons not conforming to ſuch by-laws ſ. 4.

Provided that the fine or penalty exceed not 40 s. for one offence. ſ. 5.

If any perſon choſen preſident, warden or aſſiſtant, and notice given by the bailiff of the borough, ſhall neglect to execute the place or to take the oath; ſuch perſon ſhall be fined at the diſcretion of the bailiff or any one juſtice of peace of the borough, ſuch fine not to exceed 5 l. which fine ſhall be levied by warrant under the hands and ſeals of the bailiff and one juſtice on the goods of the offender by diſtreſs and ſale, and ſhall be employed to the uſe of the poor artificers of the trade at the diſcretion of the bailiff and any one juſtice. ſ. 6.

All linen yarn reeled and uſually bought by the lea, uſed by the ſtuff-weavers within the ſaid borough, ſhall be made without deceit, and openly bought in ſome market-place, on the market-day within the borough, to be appointed by the bailiff; and before the ſame be expoſed to ſale, ſhall be reeled on a reel four yards about, every lea containing two hundred threads. ſ. 7.

In caſe any perſon ſhall expoſe to ſale any the yarns aforeſaid, made or reeled in other manner; it ſhall be lawful for the ſaid preſident, &c. or any two of them, to ſeize all ſuch defective yarns, which within twenty days after ſhall be tried by a jury of twelve artificers, ſummoned by a precept under the hands and ſeals of the bailiff and any one juſtice of peace, to appear at the *Guildhall* of the ſaid borough: and if the jury ſhall find the ſaid yarns not made and reeled according to this act and the by-laws made by virtue thereof, the ſaid bailiff and juſtice ſhall impoſe fines upon the owners of defective yarns, not exceeding the value of the moiety of ſuch defective yarns; which fines the owners ſhall pay to the preſident, to be diſpoſed of as to the preſident, wardens and aſſiſtants ſhall ſeem meet at their next public meeting within thirty days after the trial; and in default thereof the ſaid yarns to be ſold by the preſident and two of the wardens, and the overplus reſtored to the owners. ſ. 8.

All cloths and ſtuffs woven with wool within the ſaid borough, ſhall be under the regulation of the preſident, wardens and aſſiſtants. ſ. 9.

All cloths and ſtuffs made under the ſaid regulation, before the ſame be put to ſale, ſhall be brought to ſome place within the borough to be appointed by the preſident and wardens, to be viewed by the preſident and one warden, or two wardens; and if the ſame be found well made, they ſhall be ſealed and allowed; and if they be conceived not to be well made, they ſhall be ſeized and brought to trial, and the owners fined, as before limited for linen yarn. ſ. 10.

The preſident, wardens, and aſſiſtants, or any two of them, ſhall have power to enter and ſearch the houſes of any artificer, under the ſaid regulation, at uſual times of working, and the houſes of any dealer in the ſaid cloths and ſtuffs, and there view the ſaid cloths, ſtuffs, and yarns, and if any be found defective, to carry away the ſame to be tried. ſ. 11.

It ſhall not be lawful to buy any cloths or ſtuffs made within the ſaid borough, before the ſame be ſealed; and if any be found unſealed (except in poſſeſſion of the firſt owner), the perſons in whoſe cuſtody the ſame ſhall be found, ſhall be adjudged guilty of deceit, and ſhall forfeit for every piece 4 s. and the maker ſhall forfeit other 4 s. to the uſe of the poor of the trade. ſ. 12.

If any perſon ſhall counterfeit any ſeal of the trade, or ſhall remove a ſeal off one piece and ſet it to another which hath not been ſealed; every perſon ſo offending and convict by confeſſion or oath of two witneſſes, by any juſtice of peace of the borough, ſhall forfeit 20 l. ſ. 13.

Every perſon under the regulation of the ſaid trade, who ſhall employ two apprentices, ſhall likewiſe employ two journeymen, upon pain to forfeit 20 s. a month. ſ. 14.

One moiety of all penalties in this act, not otherwiſe appointed, ſhall be to the king, the other to the uſe of the poor of the trade; and ſhall be levied by diſtreſs and ſale of goods, by warrant under the hands and ſeals of the bailiff and one juſtice, or be recovered by action of debt, &c. ſ. 15.

All officers ſhall be aſſiſting to the preſident, wardens, and aſſiſtants; and in all actions brought for what ſhall be done in purſuance of this act, the defendant may plead the general iſſue, *not guilty*; and ſhall recover double coſts. ſ. 16.

By 7 *Ann. c.* 13. Every broad cloth made in *Yorkſhire*, and well ſcoured and fully milled, ſhall be five quarters and a half in breadth, within the liſts, in water. An end or half cloth fully wet ſhall not exceed 23 yards in length. Every long or whole cloth, being fully wet, ſhall not exceed 46 yards in length. And whole thick kerſeys, and whole thick plains, ſhall be 17 yards and a half long, and three quarters and a half broad when fully wet. ſ. 1.

Any perſon making or expoſing to ſale any of the ſaid cloths, not made according to the ſaid breadths and lengths, and being convicted by the oath of any ſearcher of cloth in *Yorkſhire*, or by the oath of one witneſs, before one juſtice of peace (no trader in the woollen manufacture), ſhall, for every inch wanting in the breadths, and for every yard the long or whole cloths ſhall exceed 46 yards, and the end or half cloths ſhall exceed 23 yards, and for every half yard the whole thick kerſeys or whole thick plains, ſhall be leſs in length than ſeventeen yards and a half, forfeit 20 s. ſ. 2.

The occupier of every fulling-mill in *Yorkſhire*, where the ſaid cloths ſhall be milled or fulled, ſhall, before it is carried from the mill, fix at each end of the cloth a ſeal of lead, riveted and ſtamped with his name, with the number of yards and inches, which the cloths contain in length and breadth when wet, ſcoured, and milled, for which the owner ſhall pay a penny. ſ. 3.

The fuller neglecting to fix ſuch ſeal, or any perſon defacing or altering the figures, before the cloth is exported or ſold to the retailers, or ſtretching or ſtraining any piece of the woollen cloth more than an inch in breadth in a quarter of a yard, or any piece of the broad cloths more than a yard in 20 yards in length, or the whole thick kerſeys, and whole thick plains, more than half a yard in every 17 yards and a half, or if any fuller ſhall mill or full in any one ſtock, at the ſame time, more than one whole broad cloth, or two half broad cloths, and being convicted as aforeſaid, he ſhall forfeit 20 s. ſ. 4.

One moiety of the forfeitures ſhall be to the informer, the other moiety to the poor of the place where the offence was committed. And an offender neglecting to pay in ſeven days after conviction, the juſtice before whom he was convicted may grant a warrant to the conſtable to levy by diſtreſs; and if no ſufficient diſtreſs can be had, then to commit him to the houſe of correction or gaol, to be kept to hard labour, for any time not exceeding one month for one offence. ſ. 5.

Provided that the penalties ſhall be inflicted within ten days next after the offences are diſcovered. ſ. 6.

If any ſuch cloths, without the wilful default of the maker,

maker, ſhall in ſome parts be leſs than the reſpective breadth, not exceeding in the whole one fifth part in length, yet ſuch may be ſold without incurring the penalty. *ſ.* 7.

The party grieved by the conviction of the juſtice, may appeal to the next quarter-ſeſſions, and if the ſeſſions ſhall confirm or diſannul the juſtice's order, they may allow coſts. *ſ.* 8.

If any action is brought for putting this act in execution, the defendant may plead the general iſſue, and ſhall recover treble coſts. And this act ſhall be a public act. *ſ.* 9.

All acts relating to the aſcertaining the length, breadth, or weight of woollen cloths, within the Weſt Riding *of* York, *were repealed by* 5 Geo. 3. c. 51.

By 10 *Ann. c.* 16. All mixture or medley broad cloth ſhall be meaſured at the fulling mill after it is milled, ſcoured, and thoroughly wet, by the maſter of the mill, who muſt take oath before ſome neighbouring juſtice, that he will truly perform ſuch meaſuring; and the juſtice ſhall give him a certificate that he hath made ſuch oath; and the fuller ſhall fix a leaden ſeal at the head of every cloth, before it ſhall be carried from the mill, which ſeal the owner of the cloth ſhall provide; and the fuller ſhall rivet the ſeal on the cloth, and ſtamp his name on it, mentioning in figures the length and breadth thereof, the owner of the cloth paying him a penny. And the length and number of yards ſo ſtamped on the ſeal ſhall be a rule of payment by the buyer of the cloth. Provided that if after the cloth hath been milled, ſealed, and ſtamped, any part ſhall by accident be damaged and taken off, the remaining part ſhall be again meaſured, ſealed, and ſtamped. *ſ.* 1.

The fuller neglecting to fix the ſeal, or any perſon taking off or altering the figure before the cloth is ſold, and if the buyer ſhall refuſe to accept the ſame, according to the meaſures hereby directed, the perſon offending, and convicted by oath of one witneſs, ſhall forfeit 20 *s.* for every cloth. *ſ.* 2.

No clothier or clothworker ſhall, after any medley broad cloth is fully wet, ſealed, and ſtamped, ſtretch the ſame above one yard in twenty, or above one nail in the breadth; the offender being convicted before the cloth is ſold, or expoſed to ſale, ſhall forfeit 20 *s.* *ſ.* 3.

Every mill-man and fuller ſhall have in his mill a table 12 foot long and 3 foot wide, whereon the cloth ſhall be doubled and laid plain, with the length of a yard nailed thereon, to which ſhall be added one inch, ſo that the ſame contain 37 inches. Perſons neglecting to keep ſuch table forfeit 10 *l.* *ſ.* 4.

Every perſon concerned in the woollen manufacture ſhall pay their workmen in money and not in goods, under the penalty of 20 *s.* for every offence. *ſ.* 6.

Offences againſt this ſtatute ſhall be heard and determined by one juſtice of peace, upon the oath of one witneſs, ſo as the juſtice of the peace be not concerned in the matter of complaint; and one moiety of the forfeitures ſhall be to the informer, and the other to the poor of the pariſh where the offence is committed: if the offender neglect to pay the forfeitures 14 days after conviction, the juſtice of peace may iſſue his warrant to the conſtable to levy the ſame by diſtreſs and ſale of goods; and if no diſtreſs can be had, then to commit him to the gaol or houſe of correction, to be kept to hard labour not exceeding three months for one offence. *ſ.* 7.

Provided that the proſecution be within 30 days after the offence is diſcovered. *ſ.* 8.

Perſons aggrieved by the warrant or order of the juſtice may appeal to the next quarter ſeſſions, giving notice; and if the ſeſſions ſhall vacate or confirm the order or warrant, they may allow coſts to the party aggrieved. *ſ.* 9.

Any perſon ſued for any thing done in execution of this act, may plead the general iſſue, and ſhall have treble coſts. And this act ſhall be a public act. *ſ.* 10.

This act ſhall not extend to any cloth made in the county of *York*, nor to invalidate any of the powers contained in an act, 7 *Ann. c.* 13. *ſ.* 11.

By 1 *Geo.* 1. *c.* 15. All mixed or medley broad cloth ſhall, at the inſtance of the buyer, be put into water, and then meaſured by two indifferent perſons, to be choſen, one by the buyer, and another by the ſeller; and if they diſagree, in aſcertaining the length and breadth, then the admeaſurement ſhall be made by a third perſon, choſen by the two perſons appointed as before; and if the ſaid two perſons ſhall not in two hours chuſe ſuch third perſon, or if being choſen, he will not take upon him the admeaſurement, then, if in *London*, it ſhall be finally determined by the keeper of *Blackwell-hall*, who ſhall be ſworn before ſome juſtice of peace, truly to perform ſuch meaſuring; and ſuch admeaſurement ſhall be concluſive to all parties, and be the rule of payment to the buyer; and if elſewhere than in *London*, the ſaid cloth ſhall be meaſured by any two indifferent perſons, as aforeſaid, and if they diſagree, or refuſe to make the admeaſurement, or to appoint a third perſon, then a fit perſon ſhall be appointed by the chief magiſtrate of ſuch city, *&c.* where the cloth ſhall be ſold, who ſhall ſwear ſuch perſon, and he determining the meaſure of ſuch cloth, ſhall receive 6 *d.* for each piece meaſured, to be paid by the buyer. And if on ſuch admeaſurement there be found a leſs quantity in length or breadth than is mentioned in the ſeal directed by the act 10 *Ann. c.* 16. to be fixed to ſuch cloth by the maſter, *&c.* of the fulling-mill, then the ſeller of ſuch cloth ſhall forfeit the ſixth part of the value thereof; and the ſaid forfeiture ſhall be paid by the buyer, and by him deducted out of the price of the cloth, on certificate thereof by any of the perſons meaſuring the ſame, and making oath thereof before a juſtice of peace, who is to give the ſaid perſon a certificate without fee: and all ſuch money as the ſeller of ſuch cloth ſhall pay, on account of ſuch fraudulent ſeal, ſhall on demand be repaid by the maſter, *&c.* who affixed the ſeal, to the owner of ſuch cloth. *ſ.* 1.

If any maſter, *&c.* of a fulling-mill, ſhall neglect to take the oath directed by the act 10 *Ann. c.* 16. or to fix a ſeal at the head-end of every medley broad cloth before it be carried from the mill, or to enter the ſame in a book; or if any perſon ſhall take off, deface, counterfeit, or alter ſuch ſeal, or add any other before the cloth is ſold, he ſhall, being convicted by oath of one witneſs, forfeit 20 *l.* in diſcharge of the 20 *s.* that may be incurred by virtue of the ſaid former act. *ſ.* 2.

The hall-keeper of *Blackwell-hall* ſhall, at the charge of *Chriſt's Hoſpital*, have in the ſaid hall a table 30 yards long, to each of which yards ſhall be added one inch, ſo that each yard ſhall conſiſt of 37 inches, and ſhall be diſtinguiſhed by a mark along the table, and three foot wide, whereon the cloth ſhall be doubled and laid at length, where the ſaid admeaſurement of any medley broad cloth, if in *London*, ſhall be made, and the cloth ſhall be there put in water before ſuch admeaſurement. *ſ.* 3.

The buyer of medley broad cloths ſhall, within ſix days after delivery, give two days notice to the ſeller, or his factor, of the time when ſuch cloth is to be wetted, unleſs it be by conſent of the buyer and ſeller in writing; and if the ſeller or his factor doth not appoint an indifferent perſon, nor attend the admeaſurement, which ſhall be made within

within eight days after delivery, then the buyer or his agent may prove the cloth by water at *Blackwell-hall*, and the hall-keeper ſhall meaſure the ſame on the table, and aſcertain the true meaſure, and make a certificate thereof; which certificate ſhall, within ten days after ſuch admeaſurement, be filed with the clerk of the peace, who is to file the ſame among the records of the county, *&c.* and for ſo doing he ſhall have 1 *s.* and ſuch certificate ſhall be the rule of payment to the buyer, and ſhall be deemed a ſpecial conviction of the parties offending, to make them forfeit as aforeſaid. And the clerk of the peace or his deputy is to give an atteſted copy of ſuch certificate to any perſon demanding the ſame, for which he ſhall have 1 *s.*; which atteſted copy is to be a ſufficient authority to the clothier, *&c.* to demand of the maſter, *&c.* of the fulling-mill, the forfeitures deducted out of the price of any of the cloths aforeſaid, for want of length or breadth contained in the ſeals. *ſ.* 4.

All medley broad cloths, which ſhall be expoſed to ſale in *England*, ſhall be ſtamped with the watch-meaſure thereof, on the ſeal of the maſter, *&c.* of the fulling-mill, by whom the cloth was wetted, fulled, and milled; and every clothier putting to ſale ſuch cloth before ſealed and ſtamped, on which ſeal ſhall be ſpecified the name of the ſaid maſter, *&c.* of the fulling-mill, the length and breadth of the cloth, with a crown on the rivet of the ſeal, ſhall forfeit the ſixth part of the cloth. *ſ.* 5.

All offences againſt this act ſhall be determined by one juſtice of the county, *&c.* (not being concerned in the matter of complaint) where the ſame ſhall be diſcovered, or the offender inhabits, upon the oath of one witneſs. And all the forfeitures by this act ſhall be paid (after charges of conviction deducted), if in *London*, to the uſe of *Chriſt's Hoſpital*; if in any other place, to the poor of the pariſh, *&c.* where the offence ſhall be diſcovered: and if any offender refuſe to pay the forfeitures (being lawfully demanded) 30 days after conviction; or if the owner, *&c.* of the fulling-mill refuſe to pay the forfeiture for want of length or breadth of admeaſurement, it ſhall be lawful for the juſtice before whom the conviction was made, or where ſuch owner, *&c.* inhabits, to iſſue his warrant to the conſtable where ſuch offender dwells, or can be found, to levy the ſame by diſtreſs and ſale of goods, and where no diſtreſs can be found, to commit the offender to the common gaol or houſe of correction, to be kept to hard labour three calendar months. *ſ.* 7.

All offences committed againſt this act, ſaving in the caſe of the mill-man, on refuſal of payment of the forfeitures for want of length and breadth, ſhall be proſecuted in 40 days after the offence diſcovered. *ſ.* 8.

If any action ſhall be commenced againſt any perſon authoriſed to put this act in execution, he may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall have treble coſts. And this act ſhall be a public act. *ſ.* 9.

If any perſon finds himſelf aggrieved by any warrant or order made by any juſtice on any ſuch conviction, he may appeal to the next quarter-ſeſſions, giving notice; and the determination of ſuch quarter-ſeſſions ſhall be final; and the juſtices there ſhall allow coſts. *ſ.* 10.

Nothing herein ſhall affect any factor or his agent, who ſhall be only employed in the ſale of medley broad cloth. *ſ.* 11.

Every clothier, *&c.* ſhall make payment in ready money to all perſons employed in the woollen manufacture, and ſhall not deliver any goods for ſuch work: and in caſe any perſon, in lieu of money, impoſe on any workmen ſuch goods, *&c.* he ſhall forfeit 40*s.* *ſ.* 12.

No other than the clothier or the owner of the cloth ſhall be capable of ſuing the factor, on account of not demanding notes purſuant to the act 8 *Will.* 3. *c.* 9. *(which ſee in* "London," *Blackwell-hall)*, and no proſecution ſhall be commenced for any forfeitures mentioned in the ſaid act, unleſs within 12 months after the offence committed. *ſ.* 13.

Any thing herein contained ſhall not extend to any cloth made in the county of *York*, or to repeal any of the authorities mentioned in the act 7 *Ann. c.* 13. *ſ.* 14.

Yorkſhire cloths, whole thick kerſeys, whole thick plains, huggabags, and broken quilted kerſeys, ſhall not be made under 18 yards in length, and not leſs than three quarters and a half in breadth, when fully wet; and ſhall be contented and ſealed as *Yorkſhire* cloths are directed to be by the ſame act under the penalties therein mentioned: and if any perſon ſhall expoſe to ſale any *Yorkſhire* cloths not according to the ſame length and breadth, and be thereof convicted as offenders by the ſame are to be, he ſhall for every inch the ſaid cloths ſhall be leſs than the breadth, and for every half yard they ſhall be leſs in length than the 18 yards, forfeit 20*s.* and if any perſon ſhall ſtretch any of the ſaid *Yorkſhire* cloths more than one inch in every quarter of a yard in breadth, or more than half a yard in every 18 yards in length; or ſhall offer to ſale any *Yorkſhire* cloths mentioned in the ſame act, that are not contented and ſealed as they are thereby directed to be, every ſuch offender ſhall forfeit 20*s.* and if any maker of *Yorkſhire* cloth, or other perſon concerned in that manufacture, ſhall fix any other mark on his cloth than his own chriſtian and ſurname, and place of reſidence, or the firſt letters of the ſame, he ſhall upon conviction forfeit 40*s.* All which forfeitures ſhall be levied and paid as forfeitures incurred by the ſame act are to be; and for want of diſtreſs, the offender ſhall be liable to ſuch impriſonment and hard labour as offenders by the ſame act are liable to. *ſ.* 15.

Provided that the penalties incurred by the ſame act, or this, relating to *Yorkſhire* cloths, be inflicted within 21 days after the offence diſcovered; and if any perſon find himſelf aggrieved by any order or warrant of any juſtice, he may appeal to the quarter-ſeſſions, whoſe determination ſhall be final; and the juſtices there ſhall allow coſts. *ſ.* 16.

By 1 *Geo.* 1. *c.* 41. It ſhall be lawful for any perſon who hath ſerved an apprenticeſhip in *Colcheſter* for ſeven years, without intermiſſion, to any branch of the woollen manufacture, *i. e.* either to a bay-weaver, wool-comber, wool-beater, or a bay-rower, or the ſons of ſuch who live and exerciſe the trade of bay-making in *Colcheſter*, to uſe the ſaid trade, any by-law notwithſtanding. *ſ.* 1.

Saving to the governors of the *Dutch Bay-hall* in *Colcheſter* their right of halling and ſealing of bays, and all other rights, except only that of reſtraining the perſons hereby empowered to exerciſe the ſaid trade. *ſ.* 2.

It ſhall be lawful for any perſon reſiding in *Colcheſter*, who hath uſed the trades of bay-making, bay-weaving, wool-combing, wool-beating, and bay-rowing, or either of them, in the ſaid town for ſeven years before the making of this act, to uſe the ſaid trade of bay-making in the ſaid town to the *Dutch Bay-hall*, notwithſtanding he hath not ſerved his apprenticeſhip in *Colcheſter*. *ſ.* 3.

This act ſhall not prejudice the right of any perſons entitled to exerciſe the ſaid trade within the town of *Colcheſter*. *ſ.* 4.

By

By 12 *Geo.* 1. *c.* 34. All contracts, by-laws or orders, in unlawful clubs and ſocieties, made by or between perſons brought up in or exerciſing the art of a wool-comber or weaver, or journeyman wool-comber or journeyman weaver, for regulating the ſaid trade, or for ſettling the prices of goods, or for advancing their wages, or for leſſening their uſual hours of work, are declared to be illegal and void; and if any wool-comber or weaver, *&c.* or other perſon concerned in the woollen manufactures, ſhall keep up, ſign, or be knowingly concerned in, any contract, by-law or order, of any club or combination by this act declared to be illegal, or ſhall attempt to put any ſuch illegal agreement, *&c.* in execution, the offender, being convicted on the oath of one witneſs before two juſtices of peace upon any proſecution within three calendar months after the offence, ſhall by order of ſuch juſtices be committed either to the houſe of correction, to be kept to hard labour not exceeding three months, or to the common gaol of the county, *&c.* there to remain not exceeding three months. *ſ.* 1.

If any perſon retained as a wool-comber or weaver, or as a ſervant in either of theſe arts, ſhall depart from his ſervice before the end of the term, or ſhall quit or return his work before it is finiſhed, unleſs for reaſonable cauſe to be allowed by two juſtices, every perſon ſo offending, being convicted before two juſtices as aforeſaid, ſhall be committed to the houſe of correction, to be kept to hard labour, not exceeding three months; and if any perſon employed in the art of a wool-comber or weaver, ſhall wilfully damnify or deſtroy (without conſent of the owner) any goods or work committed to his care, he ſhall, being convicted as aforeſaid, forfeit to the owner double the value, to be levied by diſtreſs and ſale of goods by warrant of two juſtices, who, for want of diſtreſs, ſhall commit him to the houſe of correction, to be kept to hard labour, not exceeding three months, or till ſatisfaction be made. *ſ.* 2.

Every clothier, ſerge-maker, or woollen or worſted ſtuff-maker, or perſons employed in making any woollen cloths, ſerges or ſtuffs, or concerned in employing woolcombers, weavers, or other labourers in the woollen manufactory, ſhall pay all perſons by them employed, the full wages agreed on in money, and not in goods, or in any other manner, or make any deduction on account of any goods ſold previous to ſuch agreement; and it ſhall be lawful for any two juſtices of peace, on complaint made, to ſummon the parties offending, and for non-payment of the wages in money, to iſſue their warrant for levying the wages by diſtreſs and ſale of goods; and for want of diſtreſs, to commit the offender to the common gaol for ſix months, or till he ſhall pay the wages, or give ſatisfaction to the party. *ſ.* 3.

If any clothier, *&c.* ſhall pay any wages either in goods or by way of truck, or in any other manner than in money, the offender ſhall forfeit 10 *l.* one moiety to the informer, the other to the party aggrieved, to be levied by diſtreſs and ſale, *&c.* *ſ.* 4.

It ſhall be lawful for any perſon aggrieved by any order of the two juſtices, to appeal to the next quarter-ſeſſions, giving notice of ſuch appeal; and if it ſhall appear that reaſonable notice was not given, they ſhall adjourn the appeal to the next quarter-ſeſſions, and they ſhall have power to award coſts. *ſ.* 5.

If any perſon ſhall aſſault any maſter wool-comber, or maſter-weaver, or other perſon concerned in the woollen manufactures, whereby ſuch maſter, *&c.* ſhall receive any bodily hurt, for not complying with any ſuch illegal bylaws, *&c.*; or if any perſon ſhall write or ſend any letter or meſſage threatning hurt to any ſuch maſter, *&c.* or to burn or deſtroy their houſes, or to cut down their trees, or to maim or kill their cattle, for not complying with any demands of his workmen, or for not ſubmitting to any ſuch illegal by-laws, *&c.*; every perſon knowingly and wilfully offending in the premiſes, being convicted upon an indictment to be found within twelve calendar months after ſuch offence committed, ſhall be guilty of felony, and ſhall be tranſported for ſeven years. *ſ.* 6.

If any perſon ſhall enter by force into any houſe or ſhop with intent to cut or deſtroy any ſerge, or other woollen goods in the loom, or any tools employed in the making thereof, or ſhall maliciouſly cut or deſtroy any ſuch ſerges or woollen goods in the loom, or on the rack, or ſhall burn, cut or deſtroy, any rack on which any woollen goods are hanged to dry, or ſhall maliciouſly break or deſtroy any tools uſed in the making ſuch ſerges, *&c.* not having the conſent of the owner, every ſuch offender being convicted ſhall be guilty of felony without benefit of clergy. *ſ.* 7.

This act ſhall extend to combers of jerſey and wool, to frame-work knitters and makers of ſtockings, and to all perſons concerned in any of the ſaid manufactures. *ſ.* 8.

By 13 *Geo.* 1. *c.* 23. It ſhall not be lawful for any maker of mixed, medley, or white cloth, to uſe any warping bars, but only ſuch as ſhall be of the meaſure following, *viz.* every long warping bar ſhall be in length three yards and three inches, and no more; and every round warping bar ſhall be four yards and four inches round, and no more; the three inches on the long bar, and the four inches on the round bar, being in lieu of the over-meaſure uſually allowed in cloths: and the thrums at the end of the warping bars ſhall not exceed eight inches in length; and if any maker of ſuch cloth ſhall uſe any warping bar of other length, or with thrums exceeding eight inches in length, he ſhall forfeit 10 *l.* *ſ.* 1.

Every maker of ſuch cloth or goods mixed with wool ſhall give out all wool, yarn and other materials, by weight of 16 ounces to the pound, and ſhall receive back the ſame by the ſame weight, without fraud, upon pain of 5 *l.* for every offence. *ſ.* 2.

No clothier or maker of woollen cloth, druggets or other woollen goods, or goods mixed with wool, ſhall uſe any end of yarn, wefts or other refuſe of cloths, *&c.* (flocks and pinions only excepted) by working the ſame up again into any goods, on the penalty of 5 *l.* *ſ.* 3.

All proſecutions for offences contrary to this act ſhall be heard by two juſtices of peace, upon information given on oath within three calendar months after the offence; and the juſtices are empowered to hear and determine the ſame, and on conviction to iſſue their warrants to levy the penalties by diſtreſs and ſale of goods; one moiety to the informer, and the other to the poor of the pariſh; and for want of diſtreſs, to commit the offender to the county gaol for any time not exceeding three months, or till ſatisfaction be made. *ſ.* 4.

All diſputes relating to work, wages or damages, between any clothier and weaver, or other perſon employed in ſuch manufacture, ſhall be heard and determined by two juſtices of peace; who are required, on complaint, to ſummon the parties, and to hear and examine on oath, and adjudge ſatisfaction; and to give coſts and damages, and to iſſue their warrants to levy ſuch coſts and damages, by diſtreſs and ſale of goods of ſuch perſons who ſhall refuſe for ten days to pay the coſts and damages; and for want of diſtreſs, to commit the party to the county gaol,

or

or houſe of correction, not exceeding three months, or till ſatisfaction be made. *ſ.* 5.

Perſons aggrieved by any order of the juſtices may appeal to the next quarter-ſeſſions, giving ſix days notice; and the juſtices in quarter-ſeſſions are required to make ſuch order, and to award ſuch coſts and damages, as ſhall ſeem reaſonable, and to levy, by their order or warrants, the coſts and damages, by diſtreſs and ſale of goods; and for want of diſtreſs, to commit the party to the county gaol or houſe of correction for any time not exceeding three months, or till ſatisfaction be made: and ſuch order of ſeſſions ſhall be final; nor ſhall the proceedings of any juſtices, in purſuance of this act, be removed by *certiorari* or other proceſs. *ſ.* 6.

It ſhall be lawful for any one juſtice of peace, upon information upon oath, that any perſons are ſuſpected to be guilty of any of the ill practices aforeſaid, to iſſue his warrant to any conſtable or other peace-officer, or to any church-warden or overſeer, directing him in the day-time to enter into any houſe, or other ſuſpected place, to ſearch for all ſuch bars and weights as ſhall be made uſe of by any clothier or maker of woollen goods; and if ſuch clothier, *&c.* ſhall interrupt ſuch officer, he ſhall forfeit 5 *l.* *ſ.* 7.

If any end-gatherers ſhall be found buying or carrying ends of yarn, wefts, thrums, ſhort yarn, or other refuſe of cloth, drugget, or other woollen goods, or goods mixed with wool (flocks and pinions only excepted), it ſhall be lawful for any conſtable or peace-officer, by warrant of one juſtice, to ſearch ſuch perſon and his bags; and if the conſtable, *&c.* find any ſuch ends of yarn, *&c.* he ſhall carry ſuch perſon before any juſtice of peace; which perſon, upon conviction of any of the ſaid offences on the oath of one witneſs, or by confeſſion, ſhall be deemed a dangerous and incorrigible rogue or vagrant, and ſhall be puniſhed, as by 12 *Ann. ſt.* 2. *c.* 23. *ſ.* 8. *See* 17 Geo. 2. c. 5. ſ. 4. *under title* "Vagrants."

Every maker of mixed, medley, or white broad cloth, ſhall pay the weavers employed by him according to the number of yards that the chains are laid on the warping bars, and not otherwiſe, on pain of forfeiting 5 *l.* Qu. *If this clauſe be in force ſince* 30 Geo. 2. c. 12.?

Every owner of tenters or racks for medley broad cloth within the counties of *Glouceſter*, *Wilts* and *Somerſet*, ſhall meaſure ſuch tenters or racks, and mark in figures the length of yards of each tenter or rack upon the top bar on the foreſide, each yard to contain 36 inches, to which ſhall be added one inch in lieu of the over-meaſure; and if any ſuch tenter or rack be found not meaſured or marked, the owner ſhall forfeit 5 *l.* for each tenter, *&c.* And the juſtices of peace in their quarter-ſeſſions next after *Eaſter*, yearly, ſhall appoint ſkilful men within the ſaid counties to be inſpectors for the year enſuing, and may allow each of them a ſalary, not exceeding 30 *l.* out of ſuch money as ſhall be received by the treaſurers of the ſaid counties, as is herein after directed; which inſpectors ſhall have power at all ſeaſonable times in the day-time (*Sundays* excepted) to enter and inſpect all mills, ſhops, out-houſes and tenter-grounds, of every clothier, millman, or other perſon, concerned in the making and milling of mixed or medley broad cloth, and they are to meaſure the length of every tenter or rack, and the length and breadth of every cloth there, and ſtamp his name on a lead ſeal, to be furniſhed by the maker, and affix the ſame at the head end of every cloth, and ſhall keep books, in which ſhall be ſet down the clothier's, millman's, or other perſon's name, and the number, length and breadth, of every cloth which ſhall be made within their reſpective diviſions, and ſhall at every quarter-ſeſſions give in a copy of ſuch regiſter, with an account of what penalties have been levied by virtue of this act within their reſpective diviſions. And no inſpector ſhall enter upon his office before he hath taken the following oath before a juſtice of peace. *ſ.* 10.

I A. B. *do ſwear, that I will well and truly execute the office of an inſpector of mixed or medley woollen broad cloth within this county, according to the laws and ſtatutes of this realm, and according to the beſt of my ſkill and knowledge.*

So help me God.

If any perſon within the ſaid counties ſhall refuſe the inſpector entrance, he ſhall forfeit 10 *l.* *ſ.* 11.

If any inſpector ſhall act againſt his oath, and be convicted, he ſhall forfeit 20 *l.* *ſ.* 12.

Every maker of mixed or medley broad cloth ſhall pay to the inſpectors 2 *d. per* cloth, before the cloths be ſent from the mills; and the inſpectors ſhall every three months, or oftener, pay the money to the treaſurer of the county, to be applied by direction of the juſtices at their quarter-ſeſſions towards the ſalaries of inſpectors. *ſ.* 13.

If any millman within the ſaid counties ſhall ſend home to any clothier any cloths before they are inſpected and meaſured, he ſhall for every piece forfeit 40 *s.* *ſ.* 14.

Nothing in this act ſhall repeal any power formerly given to the corporation of clothiers in *Worceſter*. *ſ.* 15.

Every proſecution upon 12 *Geo.* 1. *c.* 34. for any clothier or other perſon concerned in making cloths, ſerges or ſtuffs, or in employing workmen in the woollen manufactures, paying any perſons ſo employed in goods or by way of truck, or in any other manner than in money, ſhall be commenced within three months after the offence. *ſ.* 17.

If any perſon is ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 18.

By 11 *Geo.* 2. *c.* 28. Every maker of narrow woollen cloth within the weſt-riding of the county of *York* ſhall ſet in the head of every piece by him made (except white kerſeys and cloths called *half thicks*) the initial letters of his name; and every piece of narrow woollen cloth made, milled or expoſed to ſale, in the ſaid weſt-riding (except as before) ſhall be meaſured at the fulling-mill, when it is fully wet, both by the millman and by the ſearcher, who ſhall meaſure the ſame down the middle for the length, and within the liſts for the breadth; and every millman ſhall affix at one end of every cloth, a ſeal of lead, to be furniſhed by the clothier; and ſhall rivet the ſame, and ſtamp his own name at length, and the length and breadth of ſuch cloth in figures, upon the ſeal; and every ſearcher ſhall alſo affix a ſeal at the other end, whereon he ſhall ſtamp his name, and the length and breadth; and the millman and ſearcher ſhall reſpectively keep books, wherein they ſhall enter the day and year when every ſuch piece of cloth is fulled or milled, and the name and place of abode of the owner, and the length and breadth. *ſ.* 1.

If any maker of ſuch cloth ſhall neglect to ſet the letters of his name in the head of each cloth; or if any millman or ſearchers ſhall neglect to fix ſuch ſeals at the end of every ſuch cloth, before it be carried from the mill, or to make entries as before directed, or ſhall refuſe to permit any buyer to inſpect ſuch entries, every perſon ſo offending ſhall forfeit the ſums after mentioned, *viz.* every maker ſhall forfeit 20 *s.* and every millman and ſearcher 5 *l.* *ſ.* 2.

The

The juſtices of peace for the weſt-riding ſhall, at their quarter-ſeſſions after *Eaſter*, yearly, appoint ſo many men of good character within the riding, who have ſerved apprenticeſhip to the trade of making narrow cloth, or who ſhall have exerciſed ſuch trade three years, as they ſhall think reaſonable, to be ſearchers for the year enſuing, and may allow to each of them ſuch ſalary as they ſhall think fit; which ſearchers ſhall have power at all ſeaſonable times, to enter into and inſpect all mills, ſhops, warehouſes and tenter grounds, of makers, merchants, or dealers in narrow cloth, and to meaſure any cloth which they ſhall ſuſpect to be over-ſtretched or ſtrained; and every ſuch ſearcher, before he enter upon his office, ſhall take the following oath before one of the juſtices. *ſ.* 3.

I A. B. *do ſwear, that I will well and truly execute the office of a ſearcher of narrow woollen-cloth within the weſt-riding of the county of* York.

So help me God.

If any perſon appointed ſearcher ſhall die during the year, or ſhall by ſickneſs or accident be rendered incapable of the office, it ſhall be lawful for any one juſtice of the riding, living near the place where ſuch ſearcher ſhall reſide, to appoint ſome other proper perſon to ſupply the place of ſuch ſearcher until the next quarter-ſeſſions, to be there confirmed or another appointed in his place. *ſ.* 4.

Every piece of ſuch narrow cloth ſhall be meaſured by the maker after it is brought from the mill and before it be ſet upon the tenter; and if ſuch maker finds ſuch cloth to be leſs than the meaſure ſtamped at the mill, or if ſuch cloth by lying wet in an improper ſeaſon ſhall fall ſhort of the meaſure, the maker or owner ſhall ſend the ſame to the millman and the ſearcher who meaſured the ſame, to be re-meaſured; and in caſe any maker or owner of ſuch cloth ſhall neglect ſo to do, he ſhall forfeit 5 *s.* *ſ.* 5.

It ſhall be lawful for the maker or owner of ſuch cloth, to ſtretch every ſuch piece one inch in every yard in length, and two inches in every three quarters of a yard in breadth; but if any maker, buyer, dreſſer or dealer in ſuch narrow cloth, ſhall ſtrain or ſtretch any ſuch cloth above the proportions before-mentioned, he ſhall forfeit for the firſt half yard in length, or firſt inch in breadth, 10 *s.* and for every other half yard in length or half inch in breadth, 20 *s.* *ſ.* 6.

If any perſon ſhall take off, alter, deface, counterfeit or cut out, any of the ſaid ſeals or any letters ſet in ſuch cloth, before the ſame ſhall be ſold or cut by the retailer, or exported beyond the ſeas, ſuch perſon ſhall forfeit 40 *s.* *ſ.* 7.

A ſum not exceeding 3 *d.* for every ſuch narrow cloth made or milled within the weſt-riding (which ſum ſhall be ſettled by the juſtices at their quarter-ſeſſions after *Eaſter*, yearly) ſhall be paid by every maker or owner of ſuch cloth, before the ſame is carried from the fulling-mill, to ſuch perſons as the juſtices ſhall appoint; and all money ſo raiſed ſhall be applied to pay the ſalaries of ſearchers, and to defray the other neceſſary expences of putting this act in execution, as the juſtices at their quarter-ſeſſions ſhall direct. *ſ.* 8.

It ſhall be lawful for ſuch millman or ſearcher, or ſuch other perſon as the juſtices ſhall appoint to receive the money, to detain ſuch cloth at the fulling-mill till the money be paid; and in caſe the owner of ſuch cloth ſhall neglect to pay for the ſpace of eight days after the ſame is demanded, it ſhall be lawful for the perſon appointed to receive the money to ſell one or more pieces of the cloth, and to retain ſo much as ſhall be due from the owner of the cloth. *ſ.* 9.

The offences in this act ſhall be enquired of, heard and determined, by any one juſtice of peace in the riding, not being a dealer in woollen cloth, upon the oath of one witneſs, notice being given to the perſon accuſed; and all ſuch penalties ſhall be paid into the hands of the juſtice, who ſhall (after the charges of conviction deducted) pay one moiety to the informer, and the other to the treaſurer of the weſt-riding, at the next quarter-ſeſſions, towards the expences of this act; and if any offender ſhall ten days after conviction (notice being given at his laſt place of abode) neglect to pay any penalty, or ſhall not appeal to the quarter-ſeſſions, it ſhall be lawful for the juſtice, or any other juſtice for the riding, not being a dealer, *&c.* upon certificate of ſuch conviction to iſſue warrants to the conſtable of the place, or the bailiff of the liberties where ſuch offender ſhall inhabit, to levy the ſame by diſtreſs and ſale of goods; and if no ſufficient diſtreſs can be found, to commit ſuch offender to the houſe of correction, to be kept to hard labour for one month. *ſ.* 10.

All informations and proſecutions againſt any millman or ſearcher ſhall be commenced within eight days after the cloth ſhall be removed from the fulling-mill; and all informations againſt any clothier or dealer ſhall be commenced within one month after the cloth is delivered; and all proſecutions againſt any other perſons for any of the penalties in this act ſhall be commenced within one month after the offence. *ſ.* 11.

Any perſon aggrieved by any order or warrant in purſuance of this act may appeal to the next quarter-ſeſſions, to be held after fourteen days from ſuch conviction, giving ten days notice to the perſon diſcovering the offence; and the quarter-ſeſſions ſhall allow coſts to the party aggrieved. *ſ.* 12.

It ſhall be lawful for every clothier in the weſt-riding to make narrow woollen cloth (except as before) of ſuch length and breadth as he ſhall think fit. *ſ.* 13.

Narrow coloured cloths made in the weſt-riding, and milled in the counties of *Lancaſter*, *Cheſter* or *Derby*, ſhall before they are dried and tentered be brought to the neareſt millman and cloth ſearcher in the weſt-riding, and by them meaſured, and have their lengths and breadths ſtamped, and ſhall be in every other reſpect conformable to the ſame regulations, as ſuch cloths are which are made and milled in the weſt-riding. *ſ.* 14.

If any action ſhall be brought againſt any perſon by this act authorized to put the ſame in execution, the action ſhall be laid in the county of *York*; and ſuch perſon may plead the general iſſue; and if the plaintiff ſhall be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 15.

By 15 *Geo.* 2. *c.* 27. In caſe any cloth or woollen goods remaining upon the rack or tenters, or any woollen yarn, or wool left out to dry, be ſtolen or taken away in the night-time, it ſhall be lawful for any juſtice of peace of the ſame county or place, upon complaint made within ten days after ſuch goods have been ſtolen, by the owner, by warrant to authorize any conſtable, headborough, or other peace officer in the day-time, to enter into, and ſearch the houſes, out-houſes, or other places of every perſon whom the owner of ſuch goods, upon his oath, declares he ſuſpects to have ſtolen or received the ſame; and in caſe ſuch conſtable, *&c.* find any cloth, woollen goods, or wool, which from the information of the perſon making ſuch oath, he has reaſon to ſuſpect to be ſo ſtolen or received, he ſhall apprehend every perſon in whoſe cuſtody ſuch goods be found, and carry him before ſome juſtice of

the peace of the ſame county, diviſion, or town; and if the perſon ſuſpected and carried before the ſaid juſtice give not a ſatisfactory account, how he acquired the property or poſſeſſion of ſuch goods, or within ſome convenient time to be ſet by the ſaid juſtice, produce not the party of whom he received the ſame, or ſome other witneſs to depoſe upon oath ſuch property or right to the poſſeſſion of the ſaid goods, the perſon ſo ſuſpected, and not giving ſuch ſatisfactory account, nor producing ſuch witneſs, ſhall be deemed convicted of the ſaid offence of ſtealing, or taking away the ſaid cloth, woollen goods, woollen yarn, or wool; and ſhall for the firſt offence forfeit to the owner treble the value; and in default of payment, in the time appointed by ſuch juſtice, ſuch juſtice ſhall iſſue forth his warrant to levy the ſame by diſtreſs and ſale of the offender's goods; and in default of ſuch diſtreſs, ſhall commit the offender to the common gaol of the place where he is apprehended, for three months, or until he pay the ſame; and if ſuch perſon again commit the ſaid offence, and be thereof convicted, then he ſhall, over and above the forfeiture of treble the value to be levied as aforeſaid, be committed to the common gaol for ſix months; and if ſuch perſon again commit the ſaid offence, and be thereof convicted, the juſtice before whom he is ſo convicted ſhall iſſue his warrant to commit the ſaid offender to the common gaol, there to remain till the next aſſizes or great ſeſſion, where he ſhall be tried; and in caſe ſuch offender ſhall not, by producing the party of whom he acquired the property or poſſeſſion of ſuch goods, or otherwiſe, prove to the ſatisfaction of the jury, that he lawfully obtained the property or poſſeſſion of the ſame, he ſhall be adjudged guilty of felony, and ſuffer tranſportation for ſeven years, and be liable to the ſame puniſhment, and to the like methods of proſecution, trial, and conviction for returning from ſuch tranſportation, as other felons tranſported are liable unto. *ſ.* 1.

If any perſon ſo ſuſpected and apprehended, find himſelf aggrieved by the judgment of any juſtice, it ſhall be lawful for ſuch perſon (unleſs he has twice before been convicted) to appeal unto the juſtices of peace in their next general quarter-ſeſſions, who are to give ſuch relief, and make ſuch order therein, as to them ſeems meet; and ſuch judgment or order by them made upon the ſaid appeal, ſhall be final. *ſ.* 2.

This act ſhall not alter or repeal any law for the puniſhment of perſons ſtealing or receiving ſuch cloth, woollen goods, woollen yarn, or wool, except in ſuch caſes where the proof is laid upon the offender. *ſ.* 3.

By 29 *Geo.* 2. *c.* 33. If any clothier, ſerge-maker, woollen or ſtuff-maker, worſted or woollen yarn ſtocking-maker, or perſon concerned in making any woollen clothes, ſerges, ſtuffs, worſted or woollen yarn ſtockings, or any other perſon concerned for himſelf or another, in employing weavers, combers of jerſey, or wool, worſted combers, ſpinners, knitters, or other labourers, in the woollen manufactures, ſhall pay any perſon employed by him, his wages, or other price, in goods, or by way of truck, bill, or note, or in any other manner than in money, every perſon ſo offending ſhall forfeit 20 *l.* *ſ.* 3.

The penalties made payable by this act, may be recovered by action of debt, by any perſon who ſhall ſue for the ſame, or may be levied upon conviction, before any two juſtices of peace for the county or place where the offence is committed, either by the confeſſion of the party, or upon the oath of one witneſs, in caſe the ſame be not paid within 14 days after ſuch conviction, by diſtreſs and ſale of goods of the offender, by warrant of ſuch juſtices, returning the overplus, after all charges paid; and for want of ſufficient diſtreſs, the ſaid juſtices ſhall commit the offender to the houſe of correction, for any time not exceeding three months, or until ſatisfaction be made. *ſ.* 4.

If any of the penalties be levied upon conviction before the juſtices of peace, one moiety ſhall be paid to the poor of the pariſh where the offence was committed, and the other moiety to the informer. *ſ.* 5.

In caſe any action of debt be brought for any of the penalties, the defendant ſhall not be liable to any conviction before the juſtices of peace for the ſame offence; nor in caſe of information laid before the juſtices and conviction, ſhall the perſon offending be liable to an action of debt, for the penalties incurred by the ſame offence for which he hath been convicted before the juſtices. *ſ.* 6.

It ſhall be lawful for any perſon who thinks himſelf aggrieved by any order of ſuch juſtices, to appeal to the next general or quarter-ſeſſions, for the county or diviſion where ſuch order is made; ſuch perſon ſo appealing having firſt entered into a recognizance, with ſecurity before ſuch juſtices, to proſecute and abide by the order made on ſuch appeal, and giving eight days notice in writing of ſuch appeal to the party in whoſe favour ſuch order hath been made; and the juſtices in ſeſſions are to determine ſuch appeal, and to make ſuch order, and to award ſuch coſts and damages by diſtreſs and ſale of the goods of any perſon refuſing to pay the ſame; and for want of ſufficient diſtreſs, to commit the party to the common gaol of the ſaid county or diviſion, for any time not exceeding three months, or until ſatisfaction be made; and ſuch order of the juſtices ſhall be final; and no proceedings of any ſuch juſtice out of ſeſſions, or of the juſtices in ſeſſions, in purſuance of this act, ſhall be liable to be removed by *certiorari*, or other proceſs of law. *ſ.* 7.

All proſecutions for offences againſt this act ſhall be commenced within three months after the offence committed. *ſ.* 8.

By 30 *Geo.* 2. *c.* 12. So much of 29 *Geo.* 2. *c.* 33. as enacts, that it ſhall be lawful for the juſtices of peace at any general or quarter-ſeſſions next after *Michaelmas*, yearly, to make rates for the payment of wages to weavers, and others employed in the woollen manufactures, according to the number of yards that the chains are laid upon the warping bars, and not otherwiſe, ſhall be repealed. *ſ.* 1.

All contracts or agreements made between any clothier or maker of mixed, medley, or white broad cloth, and the weavers employed by ſuch maker, in reſpect to any wages, ſhall be valid. *ſ.* 2.

The aforeſaid contracts or agreements ſhall extend only to the prices of workmanſhip or wages to be paid, and not to the payment thereof in any other manner than in money. *ſ.* 3.

If any clothier or maker of any mixed, medley, or white broad cloth, neglect to pay to the weavers employed by him their wages or price agreed on in money, within two days next after the work is performed and delivered to ſuch employer, or ſome perſon on his behalf (the ſame being demanded), every ſuch clothier or perſon ſo offending, ſhall for every ſuch offence forfeit 40 *s.*; to be recovered in ſuch manner, and diſpoſed of, as the penalties made payable by 29 *Geo.* 2. *c.* 33. *ſ.* 4.

By 5 *Geo.* 3. *c.* 51. The acts made in 11 *Geo.* 1. and 7 and 14 *Geo.* 2. and ſo much of all other acts heretofore made for aſcertaining the length, breadth, or weight of woollen cloths within the weſt-riding of *York*, ſhall be repealed. *ſ.* 1.

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The juſtices of the peace for the ſaid weſt-riding of the county of *York* (not being dealers in woollen cloth, or occupiers of any fulling-mill), at their general quarter ſeſſions, to be holden next after *Eaſter*, ſhall appoint ſo many men, having been brought up in the manufacture of woollen cloth in the ſaid riding, and being under the age of 60 years, as they ſhall think convenient, to be ſearchers and meaſurers of cloth within the ſaid riding, at ſuch mills and other places, as ſhall ſeem meet; and ſhall aſſign, allow, and appoint, to the ſaid ſearchers and meaſurers, appointed, ſuch yearly ſalaries, as the juſtices at their general or adjourned ſeſſions ſhall think proper. *ſ.* 2.

Such ſearchers and meaſurers ſhall, at the fulling-mills, where ſtationed, meaſure all the cloths, and ends or half-cloths, which ſhall be there milled at the times, and in manner after-mentioned; that is to ſay, ſuch cloths or ends as ſhall be ſtreamed or waſhed in the goit or mill-ſtream ſhall be meaſured within ſix, and not ſooner than four hours after ſtreamed or waſhed; and ſuch as ſhall not be ſtreamed or waſhed, within four hours after the ſame ſhall come out of the ſtock; and every ſuch ſearcher and meaſurer ſhall affix on one end of every cloth, before carried from the mill, a ſeal of lead, to be furniſhed by the maker, and ſhall rivet the ſeal, ſo to be affixed, and ſtamp, in words and figures, upon the ſeal or rivet, his name, and the length and breadth of every cloth, with the number of each of ſuch cloths, milled at ſuch mill ſucceſſively, beginning at number one, on every 25th day of *March*, and proceeding progreſſively in numbers during the year then enſuing; and immediately after the cloth ſhall be meaſured, ſealed, and ſtamped as aforeſaid, the ſaid ſearcher and meaſurer ſhall enter in a book, to be provided by the treaſurer, and kept by ſuch ſearcher or meaſurer, the name and place of abode of the maker, and the colour or ſort, together with the length, breadth, and number, on the ſeal; and ſhall give, once in every month, to the ſuperviſor, an account of all cloths milled, meaſured, and ſtamped, at ſuch mill during ſuch months; and the owner or maker ſhall pay to the ſaid ſearcher and meaſurer, for meaſuring and ſealing,

For the ſeal of every whole or long cloth, containing in length 35 yards or upwards, 6*d.*

And for every end or half-cloth, containing leſs than 35 yards, and more than 30 yards in length, 4*d.*

And for every end or half-cloth, leſs than 30 yards in length, 3*d.*

Which ſums ſhall be accounted for and paid by ſuch ſearcher or meaſurer, to the treaſurer of the weſt riding, to be applied for ſuch purpoſes as after directed. *ſ.* 3.

If any ſearcher or meaſurer ſhall neglect or refuſe to meaſure and ſtamp any ſuch cloth, or to give ſuch monthly account, or give a falſe account, ſuch ſearcher or meaſurer thereof, convicted on the oath of one witneſs, before any juſtice, ſhall, for the firſt offence, forfeit 20*s.* one moiety to the informer, and the other to the treaſurer; and for the ſecond offence, ſhall forfeit his office, and be incapable of being appointed a ſearcher or meaſurer. *ſ.* 4.

No cloth-maker ſhall take away his cloth from any mill, in caſe the ſame hath been ſtreamed or waſhed, before the ſame hath laid ſix hours after ſtreamed, or before it hath lain four hours after it hath come out of the ſtock (in caſe it ſhall not be waſhed or ſtreamed), unleſs ſuch cloth ſhall be ſooner meaſured or ſtamped. And if any cloth-maker ſhall take away his cloth before meaſured and ſtamped, or before the money for meaſuring, ſealing, and ſtamping, be paid, or ſhall take away his cloth after nine in the evening, or before five in the morning, unleſs meaſured and ſtamped, every perſon ſo offending, convicted upon the oath of ſuch ſearcher or meaſurer, or of the inſpector or ſuperviſor herein after directed to be appointed, or of any other witneſs, before one juſtice (not being a dealer in the woollen manufacture, or occupier of a fulling mill), ſhall forfeit 20*s.* one moiety to the informer, and the other to the treaſurer of the weſt riding. *ſ.* 5.

Every maker of broad-cloth, after brought from the fulling-mill, and before the ſame ſhall be put upon the tenter, ſhall meaſure the ſame, and affix, on the other end of every ſuch cloth, one other ſeal of lead, and ſhall rivet the ſame, and ſtamp upon ſuch ſeal or rivet, in figures, the length and breadth. *ſ.* 6.

The juſtices, for the weſt riding (not being dealers in woollen cloth, or occupiers of any fulling-mill) at their quarter-ſeſſions, to be holden after *Eaſter*, yearly, ſhall appoint 12 inſpectors of all broad woollen cloths, and the work-ſhops, tenters, tenter-grounds, and ware-houſes of the merchants or dreſſers, where ſuch cloths, made and milled within the ſaid riding, ſhall be dreſſed or tentered, and to appoint the ſaid inſpectors to inſpect ſo many workſhops, *&c.* and in ſuch manner as the juſtices at their general or adjourned ſeſſions ſhall think proper; and alſo the ſaid juſtices at their ſaid ſeſſions ſhall appoint four ſuperviſors of the fulling-mills within the ſaid riding, and of the conduct and behaviour of the ſearchers and meaſurers, and of all broad woollen cloths, and the workſhops, *&c.* of the merchants or dreſſers, and of the conduct and behaviour of the inſpectors; and to ſtation the ſuperviſors in ſuch places, in ſuch manner as they ſhall think proper, to prevent falſe ſtamping, and undue ſtretching of woollen cloths, and to enforce this act; and ſhall appoint to the inſpectors, yearly or other ſalaries, not leſs than 20*l.* for one year; and alſo ſhall appoint to the ſuperviſors, yearly or other ſalaries, not leſs than 40*l.* and 10*l.* more if their duty require them to keep a horſe for one year; and every ſearcher and meaſurer, inſpector and ſuperviſor, before he enter upon his office, ſhall take the following oath before one juſtice for the ſaid riding. *ſ.* 7.

" That I will well and truly, to the beſt of my ſkill and " power, execute the office of a ſearcher and meaſurer, or " an inſpector or ſuperviſor, *(as the caſe may be)* of wool- " len cloth, within the weſt riding of the county of " *York.*"

The ſaid ſuperviſors ſhall be daily employed in viſiting the mills, tenters, tenter-grounds, work-ſhops, and places within their diſtricts, and ſhall meaſure and mark with a ſeal of lead, whereon ſhall he impreſſed the name of ſuch ſuperviſor, ſo many of ſuch cloths as they conveniently can, and keep a regular account, and tranſmit the ſame, together with the accounts by them received from the ſearchers and meaſurers, to the juſtices at every quarter ſeſſions; and if any of the inſpectors or ſuperviſors ſhall be negligent or remiſs in his duty, or ſhall tranſmit a falſe account, he ſhall forfeit his office. *ſ.* 8.

If any ſearcher and meaſurer, or an inſpector or ſuperviſor ſhall die, during the year in which he was appointed, or ſhall be removed from his office, or ſhall, by ſickneſs or other accident, be incapable of executing the office, it ſhall be lawful for one juſtice to appoint ſome other ſearcher and meaſurer, inſpector or ſuperviſor, until the next *Eaſter* ſeſſions, to be there confirmed, or another perſon appointed in his place, or during the incapacity of ſuch ſearcher and meaſurer, inſpector or ſuperviſor. *ſ.* 10.

It ſhall be lawful for the treaſurer to deduct the ſums forfeited by the ſearchers and meaſurers, inſpectors and ſuperviſors, out of *their* yearly ſalaries. *ſ.* 16.

Every clothier and maker of cloth ſhall, at the time of

making thereof, weave or ſew into the head of the cloth, in diſtinct letters or words, plain to be read, at length, the name and place of abode of ſuch clothier and maker; and if any clothier or maker ſhall expoſe to ſale any cloth without ſuch name and place of abode ſo woven and ſewed into ſuch cloth, being thereof convicted on the oath of one witneſs, before any juſtice (being no dealer in cloth, or occupier of any mill), he ſhall forfeit 40 *s.* for every piece expoſed to ſale without ſuch name and place of abode ſo ſewed or woven into the ſame as aforeſaid. *ſ.* 18. *See* 6 Geo. 3. c. 23. ſ. 13.

For every yard of cloth, exceeding the length of 58 yards, whether in one cloth, or in two ſhort cloths or ends, which ſhall be milled in one ſtock, at one time, the owner ſhall pay to the miller one halfpenny *per* yard, for every yard ſuch cloth ſhall exceed the length of 58 yards, over and above the uſual price for milling a ſtockful, or 58 yards. *ſ.* 19.

All diſputes and demands between the makers of cloths, and the occupiers of mills, relating to the wages for fulling, milling, or ſcouring, ſhall, in caſe ſuch occupiers deſire the ſame, and the matter in diſpute ſhall not exceed 2 *l.* be determined by one juſtice (not being a trader or dealer in the woollen manufacture, farmer or occupier of a mill) who upon complaint may ſummon the parties, and examine upon oath, and adjudge ſuch damages, and give coſts, not exceeding 10 *s.* and levy the ſame by diſtreſs and ſale of the goods and chattels of ſuch perſon who ſhall refuſe for 10 days to pay ſuch coſts or damages. *ſ.* 20.

Every owner of any tenter in the ſaid weſt riding of *York*, ſhall meaſure ſuch tenter, and mark in figures, plain and fair to be ſeen, the true length of yards (computing 37 inches to each yard) of each tenter, beginning at number one, and ſo continuing it to the end thereof, marking each yard diſtinctly, to be ſeen upon the top bar on the foreſide, upon pain of 5 *l.* for each tenter not numbered and marked. *ſ.* 22.

If any perſon ſhall uſe, in dreſſing of cloth, any cards made with wire, or with teeth of iron, or other metal, he ſhall forfeit 40 *s.* *ſ.* 23. *See* 6 Geo. 3. c. 23. ſ. 16.

This act ſhall extend to all woollen cloth made and milled in the weſt riding of *York*, except ſuch narrow cloths as are mentioned in 11 *Geo.* 2. *c.* 28. *ſ.* 27.

Action for any thing done in purſuance of this act ſhall be commenced within ſix months, and ſhall be laid in the county of *York*, and not elſewhere; and the defendant may plead the general iſſue, and recover treble coſts. *ſ.* 30.

By 6 *Geo.* 3. *c.* 23. The juſtices for the weſt riding of the county of *York* (not being dealers in woollen cloth, or occupiers of any mill) at their general quarter ſeſſions to be holden next after *Midſummer* yearly at *Bradford*, ſhall appoint ſo many perſons, brought up in the manufacture of woollen cloth in the ſaid riding, and under the age of 60 years, to be ſearchers or meaſurers of cloth at the fulling-mills, and to be inſpectors and ſuperviſors for the purpoſes in 5 *Geo.* 3. *c.* 51. as they ſhall think proper; which ſearchers or meaſurers, inſpectors and ſuperviſors, ſhall have all the powers, and be ſubject to the reſtrictions in the ſaid act given or limited, except as by this act otherwiſe ordered, directed, or provided for. *ſ.* 1.

The ſearchers or meaſurers ſhall, at their reſpective fulling mills, where ſtationed, meaſure all the cloths and half-cloths there milled, at the times and in manner in the former act mentioned; and every ſuch ſearcher and meaſurer ſhall, on one end of every ſuch cloth, before carried from the mill, affix and rivet ſuch ſeal of lead, and ſtamp in words and figures, upon every ſuch rivet, his name, and the name of the mill; and upon the reſidue of ſuch ſeal, the length and breadth of every ſuch cloth, together with the number of each cloth milled at ſuch mill ſucceſſively, beginning at number one, and proceeding progreſſively as in the former act mentioned. *ſ.* 2.

If any inſpectors or ſuperviſors ſhall find any cloth, or end, or half cloth, falſely ſtamped by any meaſurer, above one inch in breadth, in more than one-third part of the length thereof, or above half a yard in length, ſuch inſpector or ſuperviſor ſhall, within ſeven days, give information thereof to one juſtice (not being a dealer in woollen cloth, or occupier of any mill), and on conviction, ſuch ſearcher or meaſurer ſhall forfeit 10 *s.* *ſ.* 3.

If the merchant or buyer of any ſuch cloth ſhall ſuſpect the lengths and breadths of ſuch cloth not to be the ſame as ſtamped on the ſeal, then it ſhall be lawful for the merchant or buyer, within 40 days after ſale and delivery of ſuch cloth (and before the ſame ſhall have been raiſed, rowed, dreſſed, dyed, or put in water), to put ſuch cloth into cold water for not exceeding four hours; and after the ſame ſhall be fully wet and taken out of ſuch water, to hang the ſame acroſs a plain rail or horſe-tree, for not leſs than two hours, nor more than four, and then immediately to cauſe the ſame to be meaſured by ſome ſworn ſearcher, inſpector, or ſuperviſor: and if there ſhall be found a leſs quantity in length or breadth, in more than one-third of the length thereof, than is mentioned on any of the ſeals, the ſearcher, inſpector, or ſuperviſor, who laſt meaſured ſuch cloth, ſhall within three days give information to one juſtice (not being a dealer in woollen cloth, or occupier of any fulling mill) that the ſearcher, meaſurer, or ſuperviſor, who before meaſured and ſtamped the ſaid cloth, did wilfully affix ſuch falſe ſeals; and ſuch meaſurer or ſuperviſor, being thereof convicted, before ſuch juſtice, upon the oath of ſuch ſearcher, inſpector, or ſuperviſor, who laſt meaſured the ſaid cloth, or any other credible witneſs, ſhall forfeit, for the firſt inch in breadth, or half-yard in length, that ſuch cloth, or end of cloth, ſhall fall ſhort of the meaſure marked on the ſeals, 5 *s.* and for every other inch in breadth, or half-yard in length, the further ſum of 10 *s.*: the ſaid penalties, after deducting thereout the coſts, to be paid, one moiety to the informer, and the other to the treaſurer of the weſt riding: and in caſe any ſearcher, inſpector, or ſuperviſor, who laſt meaſured ſuch cloth, ſhall neglect, for three days, to give ſuch information as aforeſaid, being convicted before ſuch juſtice, ſhall forfeit 40 *s.* and from thenceforth be for ever diſabled to exerciſe any office under this act. *ſ.* 4.

In all caſes upon ſuch admeaſurement of cloth, where the ſame ſhall be found to be of leſs length or breadth than mentioned on the ſeals, the ſearcher, inſpector, or ſuperviſor, who laſt meaſured the ſame, ſhall affix on every ſuch cloth, or end, a new ſeal, and rivet the ſame, and ſhall ſtamp on ſuch rivet his own name, adding the words inſpector or ſuperviſor; and on the ſame ſeal the true length (accounting thirty-ſeven inches to the yard in length) and the breadth between the liſts in inches, and the length and number of yards ſo ſtamped on ſuch ſeals ſhall be the rule of payment for ſuch cloth by the buyer; only ſuch buyer (to diſcourage the ſale of ſuch cloth with defective ſeals) ſhall and may deduct to himſelf, out of the price, double the value of ſo many yards or parts thereof, as the ſaid cloth, or end, ſhall fall ſhort in the length and breadth impreſſed on the former fraudulent ſeal, unleſs the maker or ſeller ſhall, within three days after notice of deficiency, accept the ſame again, and repay to the buyer all money received in payment for ſuch cloth, together with ſuch expences as he ſhall have been put unto, on account of ſuch defective cloth. *ſ.* 5.

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In caſe any buyer or ſeller of cloth ſhall be diſſatisfied with any admeaſurement to be made by any ſuch laſt-mentioned ſearcher, inſpector, or ſupervisor, and ſhall ſuſpect the true length and breadth not to agree with the ſeal, then ſuch buyer or ſeller ſhall and may, within 7 days after, give information thereof, before one juſtice (not being a dealer in woollen cloth); and every ſuch ſearcher, inſpector, or ſupervisor, having wilfully meaſured ſuch cloth, and being convicted, upon the oath of one witneſs, before any ſuch juſtice, ſhall, for ſuch offence, forfeit, for the firſt inch in breadth, or half-yard in length, that ſuch cloth, or end, ſhall exceed or fall ſhort of the meaſure marked on the ſeals, 20*s.*: and in caſe ſuch cloth, or end, ſhall exceed or fall ſhort more than two inches in breadth, or one yard in length, of the meaſure marked, then ſuch ſearcher, inſpector, or ſupervisor, upon ſuch conviction as aforeſaid, ſhall forfeit his office, and be diſcharged therefrom by ſuch juſtice, and ſhall from thenceforth be for ever diſabled to exerciſe any office under this act. *ſ.* 6.

In caſe any inſpector ſhall ſuſpect that any cloth ſhall be in the poſſeſſion of any buyer, dreſſer, or clothworker, not truly ſtamped and meaſured at the fulling-mill; then the ſaid inſpector ſhall give notice to ſuch merchant, buyer, dreſſer, or cloth-worker, of his ſuſpicion, deſcribing the cloth by the maker's name or ſeal thereon; after which notice, ſuch merchant, dreſſer, or cloth-worker, ſhall give two hours notice to ſuch inſpector, of the time at which he intends to put ſuch cloth into water, in order that ſuch inſpector may attend the wetting and meaſuring; and if he ſhall, without, or contrary to ſuch notice, put ſuch cloth into water, and be thereof legally convicted, he ſhall forfeit 20*s.* *ſ.* 7.

If any ſupervisor or inſpector ſhall wilfully refuſe or neglect to attend for meaſuring and ſtamping, for two hours after notice, he ſhall forfeit 20*s.* *ſ.* 8.

Every ſearcher, meaſurer, inſpector, or ſupervisor, ſhall, before he enters upon his office, at his own expence, give and execute a bond to the treaſurer of the weſt riding, with a ſurety, to be approved by the juſtices appointing, in the penalty of 50 *l.* conditioned for accounting for, and paying the money received by virtue of his office. *ſ.* 9.

It ſhall not be lawful for any inſpector or ſupervisor, to enter into any houſe, warehouſe, or outhouſe (unleſs ſuch places ſhall be made uſe of for dreſſing, tentering, or keeping of wet or undreſſed cloth), under pretence of ſearching for or examining any woollen cloth, which he ſhall ſuſpect to be falſely ſtamped, or unduly ſtretched, or to ſearch or examine any cloth after put up in papers for preſſing, or ſent to be frized, or otherwiſe fully manufactured, or fitted for exportation or home conſumption. *ſ.* 10.

If any perſon ſhall willingly take off, alter, or counterfeit, deface, obliterate, or cut out, any ſeal, or the figures, letters, and words thereon ſtamped, made or ſet, or therein woven or ſewed, before the cloth be put in papers for the preſs, or into the frizing-mill: or if any inſpector or ſupervisor ſhall find any woollen cloth, after the times directed for ſealing the ſame, without the ſeal, or find ſuch ſeal defaced, counterfeited, or altered (except accidentally loſt or maliciouſly taken off), or ſhall find any ſuch cloth, or end, which ſhall appear by the ſeal affixed, by the ſearcher, meaſurer, inſpector, or ſupervisor, who laſt meaſured the ſame, to be overſtretched, or that the loom mark, ſpecifying the name and place of abode of the maker, ſhall be cut out or altered; in ſuch caſe, every perſon ſo offending, or the merchant, dreſſer, clothier, or owner, in whoſe cuſtody any ſuch cloth ſhall be found, ſhall forfeit, not exceeding 40*s.* nor leſs than 20*s.* *ſ.* 11.

Any perſon againſt whom any information ſhall be made by any merchant, buyer, ſeller, owner, or dreſſer of cloth for falſe ſealing or ſtamping any cloth, ſhall and may within two days of ſuch information to him given, go to the houſe of ſuch merchant, owner, or dreſſer, and requeſt to ſee the cloth, to examine whether the charge be juſt, and whether any frauds have been committed by the merchant, dreſſer, or owner; and the merchant, dreſſer, buyer, or owner, refuſing to permit ſuch offender to ſee or examine ſuch cloth (unleſs put in papers for preſſing, or ſent to be frized), ſuch proſecution ſhall ceaſe, and any conviction thereupon ſhall be void; and in caſe of wilful refuſal to ſhew ſuch cloth, ſuch merchant or buyer ſhall loſe all benefit of deduction out of the price, as aforeſaid. *ſ.* 12.

Every clothier and maker of cloth, who ſhall weave or ſew into the head of every cloth, and end, his name and place of abode, either in diſtinct letters or words, or in ſome common or known abbreviation, ſufficient to be read or underſtood, before he ſhall expoſe the ſame to ſale, ſhall not be ſubject to be proſecuted for the penalty inflicted by 5 *Geo.* 3. *c.* 51. for not inſerting the ſame in diſtinct letters or words, plain to be read at length. *ſ.* 13.

If any perſon ſhall ſtretch or ſtrain any whole or long cloth, or end, or half-cloth, more than one yard (conſiſting of 37 inches) in every 20 yards of the length thereof, and in the like proportion for cloths of greater or leſs length, or more than one inch in every 12 of the breadth thereof, beyond the length and breadth marked upon the ſtamp or ſeal thereon fixed by the ſearcher, ſupervisor, or inſpector, who laſt meaſured the ſame, then every perſon ſo offending, convicted by the oath of one witneſs, before one juſtice as aforeſaid, ſhall, for the firſt half yard in length, overſtretched, forfeit 5*s.* and alſo for every quarter of a yard, above ſuch half yard, 10*s.* and for the firſt inch in breadth, 5*s.* and alſo for every inch above the firſt inch, 10*s.* *ſ.* 15.

It ſhall be lawful for any perſon in the ſtriking or plaining of cloth, upon the tenters only, to uſe cards called *Fine Hatters Cards*, for the better laying the wool, and manufacturing the cloth, without being ſubject to the penalty in *ſ.* 23. of 5 *Geo.* 3. *c.* 51. *ſ.* 16.

In caſe any of the officers to be appointed, or who ſhall enjoy any place under this or the former act, ſhall keep a public houſe for the ſelling of ale, beer, or other liquors, or ſhall be concerned in the making, buying, or ſelling, any wool, woollen manufactures, or goods commonly made uſe of in dying, or be guilty of any miſbehaviour or neglect of duty, and ſhall be thereof convicted by the oath of one witneſs, before two juſtices; it ſhall be lawful for the juſtices, at the quarter ſeſſions next after conviction, on producing the ſame, or due proof thereof, to diſcharge ſuch officer and appoint another perſon in his room; and ſuch perſon ſo convicted and removed, ſhall be from thenceforth for ever diſabled to exerciſe any office under this or the former act. *ſ.* 17.

The appointment of all officers by the recited act directed to be made at the quarter ſeſſions held next after *Eaſter*, ſhall hereafter be made by the ſaid juſtices at the quarter ſeſſions held for the ſaid riding at *Bradford*, next after *Midſummer*, yearly. *ſ.* 18.

All informations relating to any offences againſt this or the former act (except where otherwiſe provided for) ſhall be made within 10 days after offence diſcovered; and all offences ſhall be determined, and conviction thereon made, upon oath of one witneſs, by one juſtice (not a dealer in woollen cloth, nor occupier of a mill), notice being firſt given of the charge to the perſon therewith charged; and all penalties or forfeitures, by this or the former act, ſhall, after deducting the charges of conviction, go, one half to the perſon who ſhall give information, on which the conviction

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ſhall be made, and the other half to the treaſurer of the ſaid weſt-riding; and ſuch part as ſhall belong to the treaſurer, ſhall be received by the juſtice, and by him immediately paid to ſome inſpector or ſupervifor; and ſuch juſtice ſhall alſo within three months after any convictions, ſend an account thereof to the ſaid treaſurer. *ſ.* 19.

If any offender ſhall, for 10 days after convicted, and notice thereof to him given, at his dwelling-houſe, or laſt place of abode, refuſe or neglect to pay any forfeiture by him incurred, by this or the ſaid act, or ſhall not give notice of appeal, then, and not before, it ſhall be lawful for the juſtice, before whom ſuch conviction ſhall be made, or any other juſtice, upon a certificate of ſuch conviction ſent to him, to iſſue warrant or warrants, to the conſtable or bailiff, to levy the ſame by diſtreſs and ſale of the offender's goods; and where no diſtreſs can be found, to commit the offender to the houſe of correction, for not exceeding three months. *ſ.* 20.

Perſons aggrieved by any order or determination made by any juſtice, in purſuance of this act, may appeal to the next quarter-ſeſſions, which ſhall not be held within fourteen days after the cauſe of appeal ſhall ariſe, giving ten days notice to the party in whoſe favour ſuch determination ſhall be made; and if the quarter-ſeſſions either confirm or diſannul the orders or proceedings of the juſtice, they ſhall allow ſuch coſts as they think reaſonable, to be levied and paid as is uſual in caſes of appeal from any order of the juſtices to the ſeſſions, whoſe order herein ſhall be final. *ſ.* 21.

The juſtices before whom any conviction ſhall be made, by virtue of this act, as alſo the inſpectors and ſupervifors, ſhall, at the four general quarter-ſeſſions return and tranſmit to ſuch ſeſſions, a perfect account in writing, of all convictions in purſuance of this act, that ſhall happen within their knowledge; and of all penalties and forfeitures inflicted or levied, which, by this or the former act, are made payable to the treaſurer; and the ſaid inſpectors and ſupervifors ſhall pay to the treaſurer within three months after receipt thereof, all money by them received on account of ſuch convictions; and every perſon neglecting or refuſing to return and tranſmit ſuch account, within twenty days next after any of the ſaid ſeſſions, or to pay ſuch money, for three months next after receipt thereof, and being thereof convicted, upon the oath of one witneſs, before any two juſtices (not being dealers in cloth, or occupiers of any fulling-mill), ſhall forfeit 10*l.* above the ſums by him received. *ſ.* 22.

This act ſhall extend to all woollen cloths made and milled within the weſt-riding of *York*, except ſuch narrow cloths as are mentioned in 11 *Geo.* 2. *c.* 28.; and alſo except ſuch woollen goods as are made for blanketing, and ſtriped duffel'd blankets. *ſ.* 23.

The treaſurer of the weſt-riding ſhall, out of the money now in his hands, or which ſhall hereafter be received by him, on account of the duties and forfeitures herein, or by the former act, directed to be paid to ſuch treaſurer, firſt pay the charges remaining unpaid on account of obtaining the former act, and afterwards the charges of obtaining this act, together with ſuch intereſt, for ſuch charges, as the juſtices at their general quarter-ſeſſions, next after *June* 24th 1766, ſhall order; and the ſaid treaſurer ſhall afterwards apply the ſaid duties and penalties received, in payment of the ſalaries of the ſearchers, meaſurers, inſpectors, and ſupervifors, in ſuch proportions, and manner, as the juſtices at their general quarter-ſeſſions, yearly, to be held next after *Midſummer*, ſhall direct. *ſ.* 24.

After all the money to be expended in obtaining this act, and yet remaining due of the expences of the ſaid recited act, ſhall be totally diſcharged, it ſhall be lawful for the juſtices at their general quarter-ſeſſions held next after *Midſummer*, yearly, to make orders for the increaſing or diminiſhing the rates to be paid for meaſuring, ſtamping, and ſealing, ſo as the ſame ſhall never exceed the ſeveral rates herein before, or by the former act, directed to be paid. *ſ.* 25.

Action for any thing done in purſuance of this act, ſhall be commenced within ſix months; and ſhall be laid and tried in the county of *York*; and the defendant may plead the general iſſue; and upon judgment againſt the plaintiff, may recover treble coſts. *ſ.* 26.

By 14 *Geo.* 3. *c.* 25. If any picker, ſcribbler, ſpinner, or weaver, or other perſon, employed in manufacturing of woollen cloth, or in preparing materials for that purpoſe, ſhall not return all working tools, wool, yarn, chain, woof, or abb, delivered out to be manufactured, and all materials wherewith he ſhall be entruſted, or give a ſatisfactory account touching the ſame to his employer, or ſhall fraudulently ſteam, damp, or water the wool or yarn delivered to him to be worked up; or if any perſon ſhall take off, cut, or pick out, the liſt, forrel, or other mark of any piece of cloth, and ſhall be convicted of any ſuch offence before ſome juſtice, either by confeſſion, or the oath of one witneſs, ſuch perſon ſhall be committed to the houſe of correction for one month. *ſ.* 1.

If any perſon ſo employed, and who ſhall have been entruſted with any tools, wool, or other materials, ſhall not have delivered or accounted for the ſame, ſhall abſcond, or ſhall ſell, or otherwiſe diſpoſe of the ſame; or if any perſon ſhall fraudulently buy or receive ſuch tools, or materials; or if any perſon ſhall be ſuſpected of, and charged on ſuch ſuſpicion, with having embezzled and kept back, by damping, ſteaming, or watering the wool and yarn delivered out to him; or with having ſold, bought, or received the ſame, and oath ſhall be made thereof before one juſtice, ſuch juſtice ſhall iſſue his warrant to any conſtable, or peace officer, to enter into and ſearch, in the day-time, the reſidence of ſuch perſon offending, and alſo ſuch other place of which the clothier, his clerk, or ſervant, ſhall make oath, that he have juſt cauſe to ſuſpect, it appearing to the ſaid juſtice to be reaſonable ſuſpicion that the ſaid working tools, or materials, or part thereof, may be ſecreted and lodged: and if upon ſearch, any of the ſaid working tools, wool, yarn, chain, woof, or abb, or any cloth with the liſt, forrel, or other marks, taken off, cut, or picked out, ſhall be found, the ſaid conſtable or peace officer ſhall ſeize the ſame, and apprehend the perſon in whoſe poſſeſſion the ſame ſhall be found, and bring him before the ſame, or ſome other juſtice; and unleſs ſuch perſon can give a good account how he came by the ſame, to the ſatisfaction of ſuch juſtice, ſuch perſon ſhall be thereof convicted, and ſuffer ſuch puniſhment as is inflicted on perſons not returning the tools or materials; and all ſuch tools, wool, yarn, chain, woof, or abb, or ſuch cloth, ſo ſeized, and not accounted for, ſhall, upon ſuch conviction, be delivered over to the churchwardens or overſeers, to be by them ſold; and the monies ariſing by ſuch ſale, after defraying the expences of ſuch ſale, ſhall be applied to the uſe of the poor. *ſ.* 2.

In caſe the perſon accuſed ſhall requeſt of ſuch juſtice to appoint a reaſonable time to produce the perſon from whom he bought or received the ſame, or ſome witneſs to prove the ſale or delivery; the ſaid juſtice is to appoint ſuch time, and to iſſue a ſummons to the conſtable where ſuch perſon

perſon or witneſs ſhall reſide, requiring him to appear before ſuch juſtice to be examined and give evidence, on oath, of the matters; but ſuch perſon at the time of making ſuch requeſt, ſhall enter into a recognizance, with or without ſureties, as ſuch juſtice ſhall think proper, for his appearance at the time ſet, or, for want of ſuch recognizance, ſhall be committed until the time that ſhall be appointed for the appearance of ſuch party or witneſſes: and if at ſuch appointed time ſuch perſon ſhall be convicted of any of the offences, he ſhall ſuffer ſuch puniſhment as is before directed. *ſ.* 3.

Any juſtice, upon information on oath, by any credible perſon, that there is juſt cauſe to ſuſpect that any ends of yarn, wefts, thrumbs, ſhort yarn, or other refuſe of cloth, drugget, or of other woollen goods, or of goods mixed with wool (flocks and pinions only excepted), have been collected and received, and are lodged or concealed, in any place, by warrant under his hand and ſeal, is to cauſe ſuch place to be ſearched in the day-time; and if ſuch ends of yarn, *&c.* (flocks and pinions only excepted), above three pounds, ſhall be found therein, to ſeize the ſame; and alſo to cauſe the perſon in whoſe houſe the ſame ſhall be found, to be brought before him, or ſome other juſtice, and on proof being made thereof upon oath before ſuch juſtice, that ſuch ends, *&c.* (flocks and pinions only excepted) were found in the dwelling-houſe, or other place of ſuch perſon, ſuch perſon not exculpating himſelf to the ſatisfaction of ſuch juſtice, ſhall thereupon ſuffer ſuch puniſhment as is before directed for perſons not returning the tools, and the materials found in the cuſtody of ſuch perſon ſhall, by order of ſuch juſtice, be burnt or deſtroyed. *ſ.* 4.

If upon any information made upon oath before any juſtice againſt any perſon offending againſt this act, it ſhall appear to ſuch juſtice, that ſuch perſon hath been before convicted of any offence againſt this act; ſuch juſtice ſhall not proceed to convict ſuch offender, but ſhall commit him to the houſe of correction until the next general quarter-ſeſſion, or until ſuch offender ſhall have entered into a recognizance, with ſureties, to appear at ſuch ſeſſions, and abide the order of ſuch ſeſſion; and ſuch juſtice ſhall bind over the informer to proſecute the offender at the ſaid ſeſſions, and the ſeſſions ſhall enquire into and determine the ſame in a ſummary way; and if ſuch perſon ſhall be found guilty of the ſaid offence, the ſaid juſtices ſhall commit ſuch offender to the houſe of correction for not exceeding three months. *ſ.* 5.

If it ſhall appear to the juſtices at their general quarter-ſeſſions, that ſuch perſon hath been convicted at ſome ſeſſions of any offence againſt this act; the ſaid juſtices ſhall, upon a like enquiry and conviction, in a ſummary way, direct the offender to be committed to the houſe of correction, for not exceeding ſix months, and alſo to be once publicly whipped at ſuch time and place as ſuch ſeſſions ſhall direct. *ſ.* 6.

Any perſon aggrieved by the judgment of any juſtice may appeal; and the juſtice is to make known to ſuch perſon, at the time of conviction, his right to appeal to the next general quarter-ſeſſions, the perſon, at the time of convicton, giving to ſuch juſtice notice in writing, ſignifying his intention to appeal, and alſo entering into a recognizance at the time of ſuch notice, with ſureties conditioned to try ſuch appeal, and to abide the judgment of, and pay ſuch coſts as ſhall be awarded by the ſeſſions; and the ſeſſions are upon proof of ſuch notice and recognizance, to hear and determine the appeal in a ſummary way, and award coſts to the party appealing or appealed againſt, if they think proper; but if upon ſuch hearing the judgment of the juſtice, before whom ſuch appellant ſhall have been convicted, ſhall be affirmed, ſuch appellant ſhall ſuffer ſuch puniſhment, in conſequence of ſuch conviction, as is before directed for not returning tools. *ſ.* 7.

The juſtice before whom any offender ſhall be convicted, ſhall cauſe the conviction to be made out in form following; *ſ.* 8.

Be it remembered, that on the —— —— *day of* —— —— *in the year of our Lord* —— —— A. B. *is convicted before me* (us), —— *of his majeſty's juſtices of the peace in and for the county, diviſion, liberty, or place* (as the caſe may be), *of having* (here ſpecify the offence, and the time and place where the ſame was committed). *Given under my hand and ſeal, or our hands and ſeals* (as the caſe may be), *the day and year aforeſaid.*

And ſhall cauſe the ſaid conviction to be fairly wrote over, upon parchment; and alſo to be returned to the next general quarter-ſeſſion, to be filed by the clerk of the peace, and kept among the records of ſeſſions. *ſ.* 9.

No perſon ſhall be proceeded againſt for any of the offences againſt this act, unleſs information ſhall be made upon oath, before one juſtice, within three months; and no order, *&c.* ſhall be quaſhed for want of form, or be removed by *certiorari* into any court of record at *Weſtminſter*. *ſ.* 10.

By 14 *Geo.* 3. *c.* 44. If any perſon ſhall reel falſe or ſhort yarn, and ſhall be thereof convicted by the oath or affirmation of the owner, or of any other credible witneſs, or by the confeſſion of the perſon charged with ſuch offence, before one juſtice, ſhall for the firſt offence forfeit, not exceeding twenty, nor leſs than five ſhillings; for the ſecond offence, not exceeding five pounds, nor leſs than forty ſhillings; and for every other offence, ſuch juſtice may commit the perſon convicted to the houſe of correction to be kept to hard labour for one month, and alſo order the perſon convicted to be once publicly whipped at the neareſt market town to where the offence was committed, and upon a market day; all which penalties ſhall go to the party aggrieved. *ſ.* 2.

The juſtice ſhall cauſe the conviction to be made out in the manner following;

Be it remembered, that on the —— —— *day of* —— —— *in the year of our Lord* —— —— A. B. *is convicted before me, or us,* —— —— *of his majeſty's juſtices of the peace for* —— —— [ſpecifying the offence, and the time and place when and where the ſame was committed, and alſo ſpecifying that it was the firſt, ſecond, or third offence againſt this act, as the caſe ſhall be.]

Given under my hand and ſeal, or our hands and ſeals, the day and year aforeſaid.

Which the ſaid juſtice ſhall cauſe to be fairly wrote on parchment, and returned to the next general quarter-ſeſſion to be filed by the clerk of the peace, and remain among the records. *ſ.* 3.

Any clerk of the peace where ſuch conviction ſhall be filed, is, upon application, to cauſe a copy of any conviction filed by him under this act, to be delivered to ſuch perſon upon payment of one ſhilling for every copy. *ſ.* 4.

Any perſon convicted may, at the time of conviction, enter into a recognizance conditioned to try ſuch appeal, abide the order of, and pay ſuch coſts as ſhall be adjudged by the ſeſſions; and the ſeſſions ſhall take cognizance of ſuch appeal, and may affirm ſuch conviction, and award ſuch coſts as they think proper: and in caſe the ſame are

not paid, according to the order of the juſtices, ſuch coſts may be recovered by diſtreſs and ſale of the goods of the perſon who ought to pay the ſame, by warrant under the hand and ſeal of any juſtice; and if no goods can be found, ſufficient to pay the coſts and charges of diſtreſs, the ſaid juſtices may cauſe the perſon to be committed to the common gaol for three months; and the determination of the ſeſſions ſhall be final: and no order or other proceedings ſhall be quaſhed for want of form, or removed by *certiorari* into any court of record at *Weſtminſter*. *ſ.* 5.

By 15 *Geo.* 3. *c.* 14. The pecuniary penalties inflicted by 14 *Geo.* 3. upon perſons convicted of reeling falſe or ſhort yarn, together with the coſts attending ſuch proſecutions, ſhall (if not paid according to the order of the juſtice) be levied by diſtreſs and ſale of the goods of the offender, by warrant, under the hand and ſeal of the juſtice, together with the coſts of diſtreſs and ſale; and if no goods can be found ſufficient to anſwer the penalties, with coſts of diſtreſs, then ſuch juſtice ſhall cauſe ſuch offender to be committed to the common gaol for one month, unleſs ſuch penalties and charges of diſtreſs ſhall be ſooner paid. *ſ.* 1.

Any perſon aggrieved may appeal to the next general or quarter-ſeſſions; and the juſtices in their ſaid ſeſſions are to hear and determine the appeal, and make order therein; which determination ſhall be concluſive. *ſ.* 2.

By 17 *Geo.* 3. *c.* 11. A general meeting of the manufacturers of combing wool, worſted yarn, and goods made from worſted, in the counties of *York*, *Lancaſter*, and *Cheſter*, ſhall be held at *Halifax*, in *Yorkſhire*; at which general meeting the ſaid manufacturers preſent, by themſelves, or proxies appointed by writing, ſhall have votes; and having firſt choſen a chairman, the *Yorkſhire* manufacturers ſhall appoint eighteen perſons from amongſt themſelves, and the *Lancaſhire* and *Cheſhire* manufacturers nine perſons; which eighteen and nine perſons ſo elected, ſhall be a committee of the manufacturers until another committee ſhall be choſen, in manner after provided, and ſo as often as there ſhall be occaſion; which committee are to recommend two perſons, to be licenſed by the juſtices of the weſt-riding of *York*, at any of their quarter-ſeſſions, or adjournment thereof, to be inſpectors for the purpoſes after mentioned, and alſo to have the direction of all proſecutions of offenders againſt this and the acts 22 *Geo.* 2. 14 *Geo.* 3. and 15 *Geo.* 3. and the management of the fund herein-after to be created, and to do all other matters neceſſary for carrying this act into execution, in ſuch manner as the committee of manufacturers, or ſeven of them, at a public meeting ſhall judge beſt. *ſ.* 1.

The ſaid committee are to appoint a clerk, which ſhall attend the meetings, and in books enter true accounts of all proceedings; and each of the manufacturers may inſpect ſuch books *gratis*, and have copies thereof, paying two pence for every one hundred words; and if the clerk ſhall refuſe to permit ſuch manufacturer to inſpect, or refuſe to make copies, he ſhall forfeit 5 *l.* *ſ.* 2.

In every year a meeting of the committee ſhall be held, on the *Monday* before *Midſummer-day*, on the *Monday* before *Michaelmas-day*, on the *Monday* before the *Epiphany*, and on the *Monday* before *Eaſter-day*, at eleven of the clock in the forenoon, who ſhall have power to adjourn; three of which quarterly meetings ſhall be held within the county of *York*, and the other quarterly meeting within the county of *Lancaſter*. A chairman to be choſen. And all matters ſhall be determined by a majority; and if an equality of votes, the chairman to have a caſting vote. *ſ.* 3.

"No buſineſs to be done, unleſs ſeven members preſent. "*ſ.* 4. Three committee men may call a ſpecial meet-"ing. *ſ.* 5."

In caſe one or more of the committee ſhall die, or decline buſineſs, or go to reſide in any diſtant part of the kingdom, or ſhall wilfully abſent himſelf from the quarterly meetings for the ſpace of one year, or refuſe to act, the ſaid committee are to chooſe another manufacturer in his place. *ſ.* 6.

If it ſhall appear to fifty manufacturers that the committee neglect to diſcharge their duty; and ſuch fifty ſhall, in writing under their hands, make complaint thereof to the juſtices for the weſt-riding, in any general or quarter-ſeſſions; ſuch juſtices in ſuch ſeſſions are (if they think proper, after hearing the complaint) to appoint a general meeting of the manufacturers, and cauſe notice to be given of ſuch meeting in the *Leeds* and *Mancheſter* weekly newſpapers, not leſs than twenty-one days after ſuch notice, which ſhall be continued in the ſaid papers until ſuch meeting ſhall be held; and ſuch manufacturers then preſent may appoint a committee, conſiſting of the ſame number of perſons, and in like manner, and under the like directions, before laid down for the election of the firſt committee. *ſ.* 7.

The juſtices for the weſt-riding, at their next ſeſſions after *Midſummer* next after paſſing this act, ſhall appoint ſuch perſons within the counties of *York*, *Lancaſter*, and *Cheſter*, as ſhall be recommended to them by the ſaid committee, to be inſpectors of worſted yarn, within the counties of *York*, *Lancaſter*, and *Cheſhire*. *ſ.* 8.

The ſaid committee ſhall ſtation ſuch inſpectors for ſuch diſtricts in the ſaid counties as they ſhall think proper; and ſhall pay to the ſaid inſpectors ſuch ſalaries as they think proper, to be paid out of the fund herein-after mentioned; and alſo may remove ſuch inſpectors. *ſ.* 9.

The ſaid inſpectors ſhall, in the diſtricts allotted to them, uſe all diligence for bringing to juſtice all offenders againſt this and the former acts; and alſo ſhall as often as required by the committee, inſpect the reels of all ſpinners of worſted yarn, and alſo the hanks of worſted yarn, to ſee that the directions herein-after laid down for reeling ſuch yarn be complied with; and alſo ſhall when they detect any perſon offending, lodge informations againſt ſuch offender before the proper juſtice, and proſecute ſuch offender to conviction: and ſuch inſpector may demand entrance, at all ſeaſonable hours, into the dwelling-houſe or dwelling-houſes, ſhop, or outhouſes of any agents, or perſons employed to put out wool to be ſpun, to inſpect the yarn in the cuſtody of any ſuch agent, where he has any information of, or ſuſpects any falſe or ſhort-reeled yarn; and in caſe of refuſal to permit ſuch inſpection, he ſhall forfeit not exceeding 10 *l.* nor leſs than 5 *l.* as ſuch juſtice ſhall think proper. *ſ.* 10.

Every perſon employed, or undertaking to ſpin or reel worſted yarn for hire, in the counties of *York*, *Lancaſter*, and *Cheſter*, or any of them, ſhall reel, or cauſe the ſame to be reeled, either upon a yard reel of thirty-ſix inches, or a two-yard reel of ſeventy-two inches, round; and when reeled, each hank ſhall contain ſeven raps or leas, and each rap or lea eighty threads. *ſ.* 11.

If any perſon employed in the combing of wool, or in the ſpinning, reeling, winding, or weaving, of worſted yarn, or in the preparing or working up any of the materials uſed in the ſaid manufactures, in the ſaid counties, ſhall reel, or cauſe to be reeled, any worſted yarn contrary hereto, or ſhall conceal, embezzle, ſell, or otherwiſe diſpoſe of, any wool, or other materials, entruſted with him

to

to ſpin, or other purpoſes, and ſhall of ſuch offences be convicted, before one juſtice, upon the oath of the owner, or of any one witneſs, or by the confeſſion of the perſon charged with ſuch offences, ſhall for each offence be ſubject to the penalties and puniſhments inflicted by former acts, ſo far as they are unrepealed; all which penalties ſhall be recovered, and puniſhments inflicted, in the manner directed by the ſaid acts, and ſhall be publicly diſtributed by the conſtable, in the preſence and under the direction of the inſpector, amongſt the poor. *ſ.* 12.

No part of ſuch penalties ſhall be given to ſuch offenders or their families. *ſ.* 13.

If any agent, or perſon employed to put out wool to be ſpun, ſhall have in his poſſeſſion any worſted yarn not reeled according hereto, and ſhall refuſe, or not give in evidence before the juſtices, what perſon was the reeler of ſuch falſe or ſhort-reeled yarn, or who was employed to reel the ſame, ſo that the perſon may be convicted, he being convicted upon the oath of any perſon before ſuch juſtice, ſhall forfeit 5 *s.* for every parcel of yarn made up for a pound, ſo falſe or ſhort reeled, which ſhall be found in his cuſtody; all which penalties ſhall be recovered as the penalties by former acts, and ſhall go to the poor as before mentioned. *ſ.* 14.

If any perſon appointed inſpector ſhall die, or be removed, the juſtices of the weſt-riding in quarter-ſeſſions aſſembled are to licenſe ſome other proper perſon upon the like recommendation, and in manner before mentioned. *ſ.* 15.

In caſe any inſpector ſhall receive from any perſon offending againſt this or the former acts, any money, or other thing whatſoever, to ſcreen from juſtice, or to prevent ſuch perſon being convicted, and being thereof convicted upon the oath of two witneſſes, before one juſtice, ſuch juſtice is to commit ſuch inſpector to the houſe of correction for one month. *ſ.* 16.

The collectors, or ſupervifors, or other perſons employed in the collection of the duties on ſope, within the ſaid counties, and who are to pay the drawback of the duties on ſope to manufacturers of wool, *&c.* are required to deduct two-pence out of every ſhilling, to which any perſon, being a maſter manufacturer of combing-wool, worſted yarn, or goods made from worſted, reſiding within the ſaid counties, ſhall be entitled, and of which he ſhall demand payment for the duties of ſope conſumed in combing of wool, making of worſted yarn, or any kind of goods made from worſted, or preparing the wool for the ſame, in the ſaid counties; and ſuch collectors, ſupervifors, or other perſons, ſhall pay unto the treaſurer of the weſt-riding (demand being made thereof), all money by him ſo retained under this act. *ſ.* 17.

The ſaid treaſurer for the weſt-riding ſhall, out of the money, pay the charges of obtaining this act, and the expences relative thereto, together with intereſt for ſuch expences, the ſalaries of the inſpectors and clerk, the expences of all proſecutions in ſupport of this and the former acts, and ſuch other expences as may be incurred for the ſupport of the ſaid manufactory, as the ſaid committee, or four of them, in committee aſſembled, ſhall by writing appoint; and the ſaid treaſurer is not to pay any money received by him to any perſon without ſuch direction in writing; and ſuch treaſurer ſhall, every year, at the quarterly meeting of the committee, on the *Monday* before *Michaelmas*, return to ſuch committee a true account of all money come to his hands, or paid by him, ſince the laſt yearly account; which account ſhall be laid before the juſtices for the weſt-riding, at their general quarter-ſeſſions, held next after *Michaelmas*, by adjournment, at *Leeds*. *ſ.* 18.

In caſe the monies directed to be paid into the hands of the treaſurer, ſhall, after payment of all expences before ordered to be paid thereout, amount to 600 *l.*; then the juſtices for the weſt-riding, at their general quarter-ſeſſions at *Leeds*, upon application by the committee, or by application made to them by fifty manufacturers, by writing, ſhall make orders for reducing the two-pence *per* ſhilling which the collectors of exciſe are to retain, to three halfpence, one penny, or a halfpenny *per* ſhilling, until ſuch fund ſhall be reduced to 300 *l.*; and from time to time, upon like application, may advance or reduce the ſame, ſo as the fund in the treaſurer's hands ſhall not exceed 600 *l.* nor be reduced to leſs than 300 *l.* and ſo as the ſame ſhall never exceed the rate of two-pence *per* ſhilling. *ſ.* 19.

The juſtice before whom any offender ſhall be convicted, ſhall cauſe the conviction to be made out in the manner following:

Be it remembered, that on the —— —— *day of* —— —— *in the year of our Lord* —— —— —— A. B. *is convicted before me* [or *us*] —— —— *of his majeſty's juſtices of the peace for* —— —— —— [ſpecifying the offence, and the place where the ſame was committed; and alſo ſpecifying that it was the firſt, ſecond, or third offence, againſt this act, as the caſe ſhall be].

Given under my hand and ſeal [or *our hands and ſeals*] *the day and year aforeſaid.*

Which ſhall be fairly wrote on parchment, and returned to the next general quarter-ſeſſion, to be filed by the clerk of the peace, and kept among the records of the county. *ſ.* 20.

Any perſon aggrieved by any order or warrant by any juſtice, or upon any conviction, may appeal to the next general quarter-ſeſſions for the county where the offence ſhall be committed, which ſhall not be held within fourteen days next after the cauſe of appeal ſhall ariſe, giving ten days notice of ſuch appeal to the perſon diſcovering the offence on which the conviction was made; and if the ſeſſions either confirm or diſannul the orders, they ſhall allow coſts as uſual in caſes of appeal, whoſe order therein ſhall be final. *ſ.* 21.

The perſon appealing ſhall give ſecurity, to the ſatisfaction of the juſtice, to proſecute ſuch appeal, and to pay coſts, in caſe ſuch order or judgment be affirmed; and the ſeſſions are to hear and determine ſuch appeal, and make order therein, and to award ſuch coſts as to them ſhall appear juſt; which order ſhall be concluſive to all parties, and not removed by writ of *certiorari* into any court of record at *Weſtminſter*. *ſ.* 22.

No order or proceedings ſhall be quaſhed for want of form only. *ſ.* 23.

Actions for any thing done in purſuance of this act, ſhall be commenced within ſix months, and laid and tried in *York*, *Lancaſter*, and *Cheſter*, as the caſe ſhall happen; and the defendant may plead the general iſſue, and if the jury find for the defendant, *&c.* the defendant ſhall recover treble coſts. *ſ.* 24.

By 24 *Geo.* 3. *ſ.* 2. *c.* 3. * A like general meeting of the manufacturers of combing wool, worſted yarn, and goods made from worſted, in the county of *Suffolk*, ſhall be held at *Stow Market* in the ſaid county; at which the manufacturers preſent by themſelves, or proxies appointed

* The proviſions in this act being in general of the ſame tenor as thoſe in 17 *Geo.* 3. *c.* 11. the editor has only retained the effect of the ſeveral clauſes, except where materially varied.

by writing, and having firſt choſen a chairman, ſhall appoint fifteen perſons from amongſt themſelves to be a committee of the ſaid manufacturers, and until another ſhall be appointed in manner after provided; which committee are to recommend two perſons to be licenſed by the juſtices of the county of *Suffolk* at any of their quarter-ſeſſions, to be inſpectors for the purpoſes after mentioned, and alſo to have the direction of all proſecutions of offenders againſt this and the former acts, and the management of the fund herein-after to be created, and to do all matters neceſſary for carrying this act into execution, in ſuch manner as the committee or five of them at a public meeting ſhall think beſt. *ſ.* 1.

The committee to appoint a clerk, *&c.* as in 17 *Geo.* 3. *c.* 11. *ſ.* 2.

" Quarterly meetings appointed. Chairmen to be choſen. " And queſtions to be determined by a majority. *ſ.* 3. " No buſineſs to be done at quarterly meetings unleſs five " preſent. *ſ.* 4. Three committeemen may call a ſpe- " cial meeting. *ſ.* 5. New committeemen to be choſen " in caſe of death, *&c.* *ſ.* 6."

If committee neglect their duty, juſtices may, on complaint thereof by 15 manufacturers, in writing, call a general meeting, *&c.* of the manufacturers within the county of *Suffolk*, and ſhall alſo cauſe notice to be given of ſuch general meeting in the *Ipſwich* and *Bury* weekly newſpapers, not leſs than twenty-one days after ſuch notice in the ſaid papers; and ſuch manufacturers at ſuch general meeting may appoint a committee of the ſame number of perſons, and ſubject to the directions before ordered for the election of the firſt committee. *ſ.* 7.

" Juſtices to appoint inſpectors of yarn, *&c.* Com- " mittee to ſtation inſpectors, and allow them ſalaries. *ſ.* 9. " Inſpectors to uſe diligence in convicting and bringing " offenders to juſtice, *&c.* *ſ.* 10."

Every perſon employed or undertaking to ſpin or reel worſted yarn for hire in the county of *Suffolk*, ſhall reel, either upon a yard reel of thirty-ſix inches, or a ſeven quarter reel of ſixty-three inches, or a two yard reel of ſeventy-two inches round; and when reeled, each hank or ſkain reeled on a yard reel, ſhall contain ſeven raps or leas; each eighty threads of worſted yarn; and each hank or ſkain reeled on a ſeven quarter or a two yard reel, ſhall conſiſt of ſix raps or leas; each to contain eighty threads. *ſ.* 11.

If any perſon employed in combing of wool, or in ſpinning, reeling, winding, or weaving worſted yarn, or in preparing or working up any of the materials uſed in the ſaid manufactures in *Suffolk*, ſhall reel contrary to the directions before laid down, or ſhall conceal, embezzle, ſell, or otherwiſe diſpoſe of, any wool or other materials entruſted with him to ſpin, or other purpoſes, and ſhall be convicted before one juſtice upon the oath or affirmation of the owner, or inſpector, or one witneſs, or by the confeſſion of the perſon charged with ſuch offences, ſuch perſon ſhall, for each offence, be ſubject to the ſame penalties as are inflicted by the former acts, ſo far as they are unrepealed; which penalties ſhall be recovered and puniſhments inflicted in the manner directed by the ſaid acts; and which penalties ſhall be publicly diſtributed by the conſtable, in the preſence and under the direction of the ſaid inſpector, amongſt the poor. *ſ.* 12.

Nothing in this act ſhall extend to the ſubjecting any proſecutor to any charges of conveying offenders to priſon; but ſuch expences ſhall be paid by the conſtable; and ſuch conſtable ſhall be reimburſed ſuch expences in like manner as he is reimburſed any other charges of his office. *ſ.* 13.

No ſhare of ſuch penalties to be given to ſuch offenders or their families. *ſ.* 14.

" Penalty on agents refuſing to diſcover perſons guilty " of falſe reeling yarn, the ſame as in *ſ.* 14. in 17 " *Geo.* 3. *c.* 11. *ſ.* 15."

Penalties incurred by any married woman ſhall be recovered by diſtreſs and ſale of the goods of the huſband. *ſ.* 16.

" Upon the death, *&c.* of inſpectors, others to be ap- " pointed. *ſ.* 17. Puniſhment of inſpector ſcreening " offenders from juſtice the ſame as in *ſ.* 16. of 17 *Geo.* " 3. *c.* 11. *ſ.* 18."

The collectors, or ſupervifors, or other perſons employed in the collection of the duties on ſope within *Suffolk*, and who are to pay the drawback of the duties on ſope to manufacturers, are to retain four-pence out of every ſhilling, to which any maſter manufacturer of combing wool, worſted yarn, or goods made from worſted, reſiding within *Suffolk*, ſhall be entitled, and of which he ſhall demand payment under the acts for the duties of ſope conſumed in combing wool, making of worſted yarn, or any kind of goods made from worſted, or preparing the wool for the ſame, in the ſaid county of *Suffolk*; and ſuch collectors, or ſupervifors, or other perſons, ſhall pay unto the treaſurer of the diviſion of *Bury Saint Edmunds* (demand being made thereof), all money by him retained under this act. *ſ.* 19.

The treaſurer ſhall, out of the money received by him, pay the expences of obtaining this act, with intereſt, the ſalaries of the inſpectors and clerk, the expences of proſecutions, and ſuch other expences as may be incurred for the ſupport and encouragement of the manufactory, as the ſaid committee ſhall, by writing, direct; and the ſaid treaſurer is not to pay any money without ſuch order in writing; and ſuch treaſurer ſhall, every year, at the quarterly meeting of the committee, held on the *Thurſday* before *Michaelmas-day*, tranſmit to ſuch committee a true account of all money come to his hands, or paid, ſince the laſt yearly account; which ſhall be laid before the general quarter ſeſſions, yearly to be held next after *Michaelmas*, by adjournment, at *Bury Saint Edmunds*, in *Suffolk*. *ſ.* 20.

In caſe the monies directed to be paid into the hands of the treaſurer ſhall, after payment of expences before ordered to be paid thereout, amount to 50*l.* only, then the juſtices at their quarter-ſeſſions, holden by adjournment at *Bury Saint Edmunds*, upon application made to them by the committee, or five of them, or by fifteen manufacturers, by writing, ſhall make orders for increaſing the four-pence *per* ſhilling to eight-pence, or eleven-pence *per* ſhilling, as they think neceſſary, until ſuch fund ſhall amount to 400*l.* and from time to time, upon like applications, to reduce the ſame to three-pence, or to two-pence *per* ſhilling, ſo as the funds in the treaſurer's hands ſhall not exceed 400*l.* nor be reduced to leſs than 50*l.* and ſo as the ſame ſhall never exceed the rate of eleven-pence *per* ſhilling. *ſ.* 21.

The juſtices ſhall cauſe convictions to be made in the ſame manner and form as in 17 *Geo.* 2. *c.* 11. *ſ.* 20.

The remaining clauſes, ſ. 23, 24, 25, *and* 26. *are to the ſame effect as* ſ. 21, 22, 23, *and* 24, *of* 17 Geo. 3. c. 11.

By 25 *Geo.* 3. *c.* 40. A general meeting of the manufacturers of combing wool, worſted yarn, and goods made from worſted, in the counties of *Bedford*, *Huntingdon*, *Northampton*, *Leiceſter*, *Rutland*, and *Lincoln*, and the *Iſle of Ely*, ſhall be held at *Kattering*, in *Northampton*, who are to chooſe eighteen perſons from amongſt themſelves, in manner following; *viz.* from the county of

Bedford

Bedford three; from the county of *Huntingdon* three; from the county of *Northampton* three; from the county of *Leiceſter* two; from the county of *Rutland* two; from the county of *Lincoln* three; *viz.* one from the parts of *Lindſey*, one from the parts of *Holland*, and one from the parts of *Keſteven*; and from the *Iſle of Ely* two; which eighteen perſons ſhall be a committee of the ſaid manufacturers, until another committee ſhall be appointed; which committee are to recommend proper perſons for the ſaid counties, and the *Iſle of Ely*, to be licenſed by the juſtices of the ſaid counties, and the ſaid *Iſle of Ely* reſpectively, at any of their quarter-ſeſſions, or any adjournment, or if no adjournment, then by two juſtices, to be inſpectors; and the ſaid committee ſhall alſo have the direction of all proſecutions of offenders. *ſ.* 1.

The committee, or the majority of them, to appoint a clerk, *&c.*. *ſ.* 2.

" Quarterly meetings appointed. Chairman to be cho-
" ſen. Queſtions to be determined by a majority, *&c.*
" *ſ.* 3. No buſineſs to be done at quarterly meetings un-
" leſs ſeven members are preſent. *ſ.* 4."

If after the expiration of two years from the paſſing of this act, the ſaid committee ſhall judge it ſufficient to meet half-yearly only, inſtead of quarterly; then the ſaid committee ſhall not afterwards be obliged to hold their meetings oftener than twice in every year, which meetings ſhall be holden upon the *Monday* before *Michaelmas-day*, and the *Monday* before *Eaſter-day*; and the committee at ſuch half-yearly meeting ſhall be ſubject to the like regulations, and have the like powers as mentioned with reſpect to the quarterly meetings. *ſ.* 5.

" Three committeemen may call a ſpecial meeting.
" *ſ.* 6. New committeemen to be choſen upon vacan-
" cies at any of their meetings. *ſ.* 7."

If committee neglect their duty, the juſtices may, on complaint thereof by 60 manufacturers, call a general meeting of the manufacturers, and ſhall alſo cauſe notice to be given of ſuch general meeting in the *Northampton*, *Cambridge*, *Stamford*, and *Lincoln* newſpapers, the ſame not being leſs than twenty-one days after ſuch notice; and ſuch manufacturers, at ſuch general meeting, may appoint a committee, conſiſting of the ſame number as is ordered for the election of the firſt committee. *ſ.* 8.

The juſtices are to appoint ſuch perſons within the counties and the *Iſle of Ely* as ſhall be recommended by the committee, in writing, to be inſpectors of worſted yarn within the ſaid counties and the *Iſle of Ely*. *ſ.* 9.

" Committee to ſtation inſpectors, and allow them ſala-
" ries. *ſ.* 10."

" Inſpectors to uſe diligence in convicting and bringing
" offenders to juſtice, *&c.* *ſ.* 11."

Every perſon employed, or undertaking to ſpin or reel worſted yarn, for hire, in the ſaid counties, and the *Iſle* of *Ely*, ſhall reel, or cauſe the ſame to be reeled, either upon a yard reel of 36 inches, or a ſeven-quarter reel of 63 inches, or a two-yard reel of 72 inches round; and when reeled, each hank or ſkain reeled ſhall contain ſuch a number of raps or leas, each containing 80 threads of worſted yarn, as after ſpecified: The worſted yarn ſpun in the county of *Bedford*, ſhall be ſix or ſeven leas reeled on the yard reel, and ſix leas reeled on the ſeven-quarter reel, and ſix leas reeled on the eight-quarter or two-yard reel, according to the cuſtom of that county. The worſted yarn ſpun in the county of *Huntingdon* ſhall be ſix or ſeven leas reeled upon the yard reel, and ſix leas reeled on the ſeven-quarter reel, and ſix leas reeled on the eight-quarter or two-yard reel, according to the cuſtom of that county. The worſted yarn ſpun in the county of *Northampton*, ſhall be ſix or ſeven leas to the ſkain, reeled on the yard reel, according to the cuſtom of that county. The worſted yarn ſpun in the county of *Leiceſter*, ſhall be ſix or ſeven leas reeled upon the yard reel, according to the cuſtom of that county. The worſted yarn ſpun in the county of *Rutland*, ſhall be ſix or ſeven leas reeled upon the yard reel, according to the cuſtom of that county. The worſted yarn ſpun in the county of *Lincoln*, ſhall be ſeven leas, reeled upon the yard reel, or two-yard reel: and the worſted yarn ſpun in the *Iſle* of *Ely* ſhall be ſeven leas reeled upon the yard reel, and ſix leas reeled on the ſeven-quarter reel, and ſix leas reeled on the eight-quarter or two-yard reel. *ſ.* 12.

All perſons employed to put out wool for ſpinning, ſhall confine themſelves to ſix or ſeven lead yarn, but ſhall by no means put out both from the ſame place; nor ſhall any ſuch perſon take in, or have in his poſſeſſion, at one time, the wool or yarn belonging to more than one manufacturer; and every perſon who ſhall put out wool, or take in yarn, otherwiſe than above, ſhall pay 40 *s.* upon conviction of ſuch offence, by the oath or affirmation of one witneſs, which penalty ſhall be paid into the hands of the neareſt inſpector, and ſhall be levied by warrant under the hand and ſeal of the juſtice, for the benefit of the perſons intereſted in the fund herein-after directed to be eſtabliſhed; and the ſaid committee ſhall give inſtructions to the ſpinners, or agents employed to put out wool for ſpinning, that every hank or ſkain ſhall be the work of one ſpinner only; and if any perſon ſhall be ſuſpected of having mixed the work of two or more ſpinners in one hank, and it ſhall be made appear before one juſtice, by oath or affirmation of the inſpector, that in his opinion the ſuſpected hank is of ſuch different degrees of fineneſs as will be prejudical to the ſaid manufacturers, then the ſaid juſtice is to convict the perſon who ſhall have delivered in the ſame hanks, of having mixed the ſame as aforeſaid; and ſuch perſon, for every hank, ſhall forfeit ſixpence; and if a pound of yarn, more or leſs, be wrapt about with a ſkain of yarn, it ſhall be equal in goodneſs, and contain the ſame number of leas as the hanks in the pound, and the leas be divided, *viz.* three double leas and a ſingle lea for the ſeven leas, and three doubles for the ſix-lead yarn: provided that every ſpinner, to whom any wool or yarn ſhall be put out by any manufacturer, who ſhall keep the ſame in his cuſtody more than four months, before it is wrought or delivered back, ſhall be deemed guilty of embezzling the ſame. *ſ.* 13.

If any perſon employed in the combing of wool, or in the ſpinning, reeling, winding, or weaving of worſted yarn, or in the preparing or working up any of the materials uſed in the ſaid manufactures, in the ſaid counties, or the *Iſle of Ely*, ſhall reel, or cauſe to be reeled, or tie up, any worſted yarn, contrary to the directions before laid down, for the reeling and tying up ſuch yarn, or ſhall conceal, embezzle, ſell, or otherwiſe diſpoſe of any wool, or other materials entruſted with him, and ſhall of any of ſuch offences be convicted, before one juſtice, upon the oath or affirmation of the owner, inſpector, or one witneſs, or by confeſſion of the perſon charged, ſuch perſon ſhall, for each offence, be ſubject to the ſame penalties and puniſhments as are inflicted by the former acts unrepealed, *&c.* *ſ.* 14.

" Proſecutors not liable to charges of conveying offenders
" to priſon. *ſ.* 15."

" No part of penalties to be given to offenders or their
" families. *ſ.* 16."

" Penalty on agents refuſing to diſcover perſons guilty
" of falſe reeling, the ſame as in 17 *Geo.* 3. *c.* 11.
" *ſ.* 17."

" Goods of huſbands whoſe wives offend, liable to diſtreſs " and ſale. *ſ.* 18."

" Upon the death of inſpectors, others to be appointed. " *ſ.* 19."

" Puniſhment of inſpectors ſcreening offenders from " juſtice, the ſame as in 17 *Geo.* 3. *c.* 11. *ſ.* 20."

The collectors or ſupervifors, or other perſons employed in the collection of the duties on ſoap, are to deduct 4 *d.* out of every 1*s.* to which any maſter manufacturer, reſiding within the counties aforeſaid, or the *Iſle of Ely*, ſhall be entitled, and of which he ſhall demand payment under the acts for the duties of ſoap conſumed in the combing of wool, making of worſted yarn, or any kind of goods made from worſted, or preparing the wool for the ſame; and ſuch collectors ſhall ſeverally pay, into the hands of the treaſurer appointed by the committee, at their quarterly meeting, (demand being made thereof) all money ſo deducted, under this act, ſuch treaſurer giving ſecurity, to the ſatisfaction of the committee, for all ſums received by him. *ſ.* 21.

The drawback of the duties on ſoap conſumed within the county of *Leiceſter*, in preparing and combing of wool, and making of worſted yarn, uſed in the ſtocking manufacture, and in fitting wove ſtockings for ſale, ſhall, upon oath or affirmation being firſt made that the ſoap was ſpent, employed, and conſumed in the ſaid ſtocking-manufactory, be entirely exempted from the above-mentioned deduction; which oath or affirmation any juſtice is to adminiſter. *ſ.* 22.

The committee ſhall repay all manufacturers of haroteens that make their own yarn, within the county of *Northampton*, whoſe rate of ſpinning does not exceed 10 ſkains or hanks in a pound on the average, ſix leas to the hank or ſkain on the yard reel, half of the money which ſhall have by them been paid out of their drawback on ſoap the preceding year, ſuch manufacturers certifying the ſame to the committee on oath or affirmation, which any juſtice is to adminiſter; but if a manufacturer makes any other ſort of goods beſides haroteens, or any other ſort of yarn beſides that which is uſed in the manufacturing of haroteens, he ſhall be ſubject to the ſame deduction out of the drawback, as any other maker of worſted yarn. *ſ.* 23.

The ſaid treaſurer ſhall, out of the money received by him pay the expences of obtaining this act, with intereſt, the ſalaries of the inſpector and clerk, the expences of proſecutions, and ſuch other expences as may be hereafter incurred for the ſupport of the ſaid manufacture, as the committee ſhall, by writing, direct; and the ſaid treaſurer is not to pay any money without ſuch direction; and ſuch treaſurer ſhall lay the account before the committee for examination, whenever they require the ſame, and ſhall tranſmit to ſuch committee a true account of all money come to his hands, or paid by him, as often as the committee ſhall require. *ſ.* 24.

If the monies herein-before directed to be paid into the hands of the treaſurer, ſhall, after payment of all expences before directed, amount to 200 *l.* only, then the committee, by writing, may make orders for increaſing the four-pence *per* ſhilling, not exceeding ſix-pence in the ſhilling, until the fund ſhall amount to 500 *l.* and from time to time, upon like application, reduce the ſame to three-pence, two-pence, or one penny, ſo as the fund in the treaſurer's hands ſhall not exceed 500 *l.* nor be reduced to leſs than 200 *l.* and ſo as the ſame ſhall not exceed the rate of ſix-pence *per* ſhilling. *ſ.* 25.

All machines wherein worſted yarn is ſpun by a water-mill, ſhall be exempted from the proviſions of this act, and no order of any of the committees ſhall extend to the draw-back on ſoap uſed in the waſhing of wool to be ſpun in the ſaid machines; provided that all perſons poſſeſſed of ſuch machines, who ſhall give out wool to be ſpun by hand, ſhall cauſe the wool intended for ſpinning by hand to be waſhed in ſome place different and diſtant from that whereat they ſhall waſh the wool for any ſuch machine, and ſhall from time to time exhibit to the collectors or ſupervifors, and to the committee, if required, a ſeparate account of the wool waſhed in each place, and intended for each purpoſe herein mentioned, which account ſhall be verified upon oath or affirmation of the owner or conductor of ſuch machines, which any juſtice is to adminiſter. *ſ.* 26.

Such of the members of the committee as ſhall be appointed for, or reſide within any of the ſaid counties, or the ſaid *Iſle of Ely*, or the majority of them, are, whenever they judge neceſſary, to appoint ſuch a number of perſons to be additional inſpectors within their counties, or the *Iſle of Ely*, the expences attending ſuch appointment to be paid out of the money ſubſcribed or to be ſubſcribed, as after mentioned, and alſo to make ſuch regulations, and do ſuch acts as they ſhall think proper, for carrying the purpoſes of this act into execution within their reſpective counties, or the ſaid *Iſle of Ely* (except the removing of inſpectors to be nominated by the ſaid committee); and ſuch additional inſpectors (being approved of by the juſtices) ſhall have the ſame powers as are before given to the inſpectors nominated by the ſaid committee in purſuance of this act; and all ſuch regulations ſo to be made ſhall be as valid as if made by the ſaid committee, until the next quarterly meeting, at which, report ſhall be made of ſuch regulations; and the ſaid committee, at ſuch quarterly meeting, ſhall take ſuch report into conſideration, and allow or diſallow or alter ſuch report and the regulations therein mentioned as they think proper; provided, that nothing herein ſhall extend to the appointment of any additional inſpectors, or to any regulation in reſpect to the management of the private ſubſcription fund within any county, or the *Iſle of Ely*. *ſ.* 27.

All money which hath or ſhall be ſubſcribed by any perſon, not being a manufacturer, towards encouraging the ſaid manufacture within the ſaid county, or the *Iſle of Ely*, ſhall be paid to ſuch perſon as ſhall be appointed to receive the ſame, by ſuch of the members of the ſaid committee as ſhall be appointed for, or reſide within ſuch county, or *Iſle*; and ſuch members of the committee, acting for, or reſiding within ſuch county, or *Iſle*, are to apply ſuch money in paying and making proper ſalaries to additional inſpectors, and for the encouraging the ſaid manufacture in ſuch manner as they think proper, and to no other uſe whatſoever. *ſ.* 28.

The powers veſted in the juſtices ſhall, as to the county of *Lincoln*, and the city and county of the city of *Lincoln*, be veſted in the juſtices for the ſouthern diviſion of the parts of *Lindſey* within the ſaid county. *ſ.* 29.

The juſtice ſhall cauſe conviction to be made out in the ſame manner and form as in 17 *Geo.* 3. *c.* 11. *ſ.* 20.

The clauſes in this act (31, 32, 33, *and* 34) *as to appealing, limitation of actions*, &c. *are to the ſame purport as* ſec. 21, 22, 23, and 24 of 17 *Geo.* 3. *c.* 1.

The city and county of the city of *Lincoln* ſhall, for the purpoſes of this act only, be deemed to be part of the county of *Lincoln*, and to be within the parts of *Lindſey* in the ſaid county. *ſ.* 35.

By 28 *Geo.* 3. *c.* 38. Every perſon offending againſt 23 *Hen.* 8. *c.* 17. and 13 *Eliz. c.* 25. ſhall, in lieu of every ſixpence which by the ſaid acts might be recovered, forfeit 2*s.* the whole whereof ſhall be paid to the finder or prover

prover of the deceits; and the offences againſt the ſaid acts ſhall be heard and determined by one juſtice in a ſummary way; and ſuch juſtice ſhall cauſe the perſon or perſons, againſt whom any information ſhall be laid, to be ſummoned at a certain time and place, to be fixed by ſuch juſtice, and he is upon the appearance or default of ſuch perſon, to examine into, and give judgment in the premiſes. *ſ.* 79.

If it ſhall appear, to the ſatisfaction of ſuch juſtice, that the matter complained of was not done with intent to deceive the buyer of ſuch wool, or that any clay, ſand, or earth, found in ſuch fleece, was not intentionally put there to make the fleece more weighty, but became mixed or connected with the ſame by reaſon of the neceſſary paſturing, folding, or keeping of the ſheep, whereon ſuch fleece ſhall have been grown ſubſequent to the rivering or waſhing of ſuch ſheep, ſuch juſtice is empowered to diſcharge ſuch complaint, and acquit the perſon accuſed from the payment of any penalty on account of the matter therein alledged. *ſ.* 80.

In caſe the penalty hereby inflicted for falſe winding of wool, or ſelling thereof, ſhall not be paid within ſix days after conviction, the penalties ſhall be levied by diſtreſs and ſale of the goods of ſuch offender, by warrant of the juſtice. *ſ.* 81.

It ſhall be lawful for the ſeller of wool, touching which any complaint or information ſhall have been made, and which ſhall be then pending, immediately after he ſhall have received ſuch ſummons, to apply to the juſtice, and require him, upon information having been given for that purpoſe, to ſummon the perſon who actually wound or folded the wool, complained of as being falſely wound or folded, to appear at the time and place mentioned in ſuch original ſummons, or at ſuch other time and place as ſuch juſtice ſhall think proper (of which notice ſhall be given by the ſeller, to the perſon complaining), when the ſaid juſtice ſhall, whether the perſon charged as the actual winder of the wool complained of ſhall appear or not (proof being made that he had been ſummoned), hear and determine the complaint; and if it ſhall then appear, to the ſatisfaction of the ſaid juſtice, that the wool complained of had been actually wound or folded falſely by the perſon charged by the ſeller, and that without the privity or conſent of ſuch ſeller, then the perſon who actually wound or folded ſuch wool (and not the ſeller) ſhall be ſubject to the penalties impoſed upon the ſeller of wool deceitfully wound or folded; and ſuch remedies for the recovery of the ſame as are before mentioned; but if it ſhall, upon hearing, appear otherwiſe to ſuch juſtice, or if it ſhall appear and be determined otherwiſe upon hearing of the appeal which is herein-after given, then the ſeller ſhall remain ſubject to ſuch penalties and remedies; and in caſe of non-payment of ſuch penalties by, or that the ſame cannot be recovered from the perſon convicted, ſuch perſon ſhall be committed to the common gaol, or houſe of correction, for not exceeding 3 months, nor leſs than 21 days, unleſs the penalty and coſts (if any) ſhall be ſooner paid. *ſ.* 82.

Any perſon aggrieved by the judgment or determination of ſuch juſtice, may appeal to the next general or quarter ſeſſions, giving, within five days next after conviction, notice in writing, to the reſpondent in ſuch appeal, and ſhall at the time of making ſuch appeal, with two ſureties, enter into recognizance before the ſaid juſtice, to appear and proſecute ſuch appeal at the ſaid ſeſſions, and abide by the order or determination of the court, and to pay the coſts and charges thereby awarded againſt ſuch perſon (if any); and ſuch appeal ſhall, by the ſaid ſeſſions, be examined, and the circumſtances of the caſe fully enquired into, and the matter heard and determined; and the ſaid ſeſſions are to award coſts, to be paid by either party. *ſ.* 83.

No conviction ſhall be ſet aſide in any court for want of form, or miſtating any fact, provided the material facts alledged in ſuch conviction, and upon which the ſame ſhall be grounded, be proved to the ſatisfaction of the court. *ſ.* 84.

The juſtices at general quarter ſeſſions within *Great Britain*, or any adjournment thereof, are empowered to adminiſter to every perſon as ſhall be deſirous of becoming a ſworn winder of wool, and ſhall produce a certificate under the hands of two growers of wool, teſtifying to the ſatisfaction of ſuch juſtices, that ſuch perſon is properly qualified to become a ſworn winder of wool, an oath to the following purport:

I A. B. *do ſwear, That I will truly and juſtly, without deceit, wind and fold all and ſingular the wool which I ſhall take upon me to wind and fold, without leaving or putting any clay, lead, ſtones, ſand, tails, deceitful locks, lambs wool, or any other thing, whereby the fleece may be made more weighty, to the deceit and loſs of the buyer; and that I will not uſe any other deceit, craft, guile, or fraud, in the winding or folding of any ſuch aforeſaid wool.*

So help me GOD.

An entry of the adminiſtering and taking of which oath ſhall be made in the records of the ſeſſions, and a certificate thereof ſhall be delivered by the clerk of the peace, to the perſon who ſhall have taken the ſame. *ſ.* 85.

Provided that nothing herein ſhall prevent any one from employing any perſon in winding or folding of wool, although ſuch perſon ſhall not have been ſworn. *ſ.* 86.

Marque and Repriſal.

By 4 *Hen.* 5. *c.* 7. Of all attempts made by enemies upon any of the king's people, againſt the tenor of any truce, the king will grant marque in due form to all that feel themſelves grieved; and if they that feel them grieved againſt the tenor of ſuch truce upon the ſea, or in parts beyond the ſea, ſhall complain to the keeper of the privy-ſeal, he ſhall make to the party (if he require it) letters of requeſt under the privy-ſeal; and if after ſuch requeſt made, the party required do not make within convenient time due reſtitution or ſatisfaction to the party grieved, the chancellor ſhall cauſe to be made to the party grieved (if he demand it) letters of marque under the great ſeal.

By 10 *Hen.* 6. *c.* 3. If the goods of any of the king's lieges ſhall be taken by the king of *Denmark*, or any of his lieges, the keeper of the privy ſeal ſhall make to the party grieved, letters of requeſt without other purſuit: and if reſtitution be not made by ſuch letters, the king, by advice of his council, ſhall provide fit remedy.

Marriages.

By 32 *Hen.* 8. *c.* 38. revived by 1 *Eliz. c.* 1. as to ſo much as is not repealed by 2 & 3 *Edw.* 6. *c.* 23. All ſuch marriages as within the church of *England*, ſhall be contracted between lawful perſons (as all perſons be lawful that be not prohibited by God's law to marry) being contract and ſolemnized in the face of the church, and conſummate with bodily knowledge and fruit of children, ſhall be lawful and indiſſoluble, notwithſtanding any diſpenſation, preſcription,

or other thing. And no reſervation or prohibition (God's law except) ſhall impeach any marriage, without the *Levitical* degrees. And no perſon ſhall be admitted in the ſpiritual courts to any proceſs contrary to this act. *ſ.* 2.

By 2 & 3 *Ed.* *c.* 23. As concerning pre-contracts, the ſtatute 32 *Hen.* 8. *c.* 38. ſhall be repealed, and reduced to the ſtate of the king's eccleſiaſtical laws. *ſ.* 2.

By 1 *Jac.* 1. *c.* 11. If any perſon married, do marry any perſon, the former huſband or wife being alive, ſuch offence ſhall be felony, and the perſon offending ſhall ſuffer death; and the parties offending ſhall receive like trial and execution in ſuch county where ſuch perſons ſhall be apprehended, as if the offence had been committed in ſuch county. *ſ.* 1.

This act ſhall not extend to any perſon, whoſe huſband or wife ſhall be continually remaining beyond the ſeas ſeven years together; or whoſe huſband or wife ſhall abſent him or herſelf ſeven years together within his majeſty's dominions, the one of them not knowing the other to be living within that time. *ſ.* 2.

This act ſhall not extend to perſons that ſhall be divorced by any ſentence in the eccleſiaſtical court, or where the former marriage ſhall be by ſentence in the eccleſiaſtical court declared void; nor to any perſons for any former marriage to be had within age of conſent. *ſ.* 3.

No attainder for this offence ſhall work corruption of blood, loſs of dower, or diſinheriſon of heirs. *ſ.* 4.

By 6 & 7 *Will.* 3. *c.* 6. No perſon ſhall be married at any place pretending to be exempt from the viſitation of the biſhop, without a licence, except the bans be publiſhed and certified: and every parſon, vicar and curate, who ſhall marry any perſons contrary to the meaning hereof, ſhall forfeit 100*l.* to be recovered in any of his majeſty's courts of record; one moiety to the king, and the other to the informer; and ſhall for the ſecond offence be ſuſpended *ab officio et beneficio* for three years. *ſ.* 52.

By 7 & 8 *Will.* 3. *c.* 35. Every parſon, vicar, or curate, who ſhall marry any perſon without publication of bans, or without licences, ſhall forfeit 100*l.* *ſ.* 2.

Every parſon, vicar, or curate, who ſhall ſubſtitute, or knowingly permit any other miniſter to marry any perſons in any church or chapel to ſuch parſon, *&c.* belonging, without publication of bans or licences, ſhall forfeit 100*l.* to be recovered in any of his majeſty's courts of record; one moiety to his majeſty, and the other to him that ſhall ſue for the ſame. *ſ.* 3.

Every man married without licence or publication of bans ſhall forfeit 10*l.* to be recovered with coſts as aforeſaid by any perſon who ſhall ſue for the ſame; and every ſexton or pariſh clerk who ſhall knowingly aſſiſt at ſuch marriages ſhall forfeit 5*l.* to be recovered with coſts as aforeſaid by any perſon who ſhall ſue. *ſ.* 4.

By 10 *Ann.* *c.* 19. Every parſon, vicar, or curate, or other perſon in holy orders, who ſhall marry any perſon without publication of bans, or without licence from the proper ordinary, ſhall forfeit 100*l.* to be recovered with coſts in any of her majeſty's courts of record at *Weſtminſter*; one moiety to the queen, and the other moiety to him who ſhall ſue for the ſame: and if ſuch offender be a priſoner in any priſon (other than a county gaol) and ſhall be convicted of ſuch offence by action or information, upon oath made of ſuch impriſonment made before any judge of her majeſty's courts of record at *Weſtminſter*, and upon producing a copy of the record of ſuch conviction, proved upon oath, the judge is required to grant his warrant to the keeper of the gaol where ſuch offender is a priſoner, to remove ſuch offender to the gaol of the county; and if any gaoler ſhall knowingly permit any marriage to be ſolemnized in his priſon, before publication of bans, or licence obtained, he ſhall forfeit 100*l.* as aforeſaid. *ſ.* 176.

Saving to all archbiſhops, biſhops, and other ordinaries, *&c.* all eccleſiaſtical juriſdiction. *ſ.* 177.

The ſaid proviſion for marriages ſhall not extend to *Scotland*. *ſ.* 178.

By 26 *Geo.* 2. *c.* 33. All bans of matrimony ſhall be publiſhed in an audible manner in the pariſh church, or in ſome public chapel, in which bans of matrimony have been uſually publiſhed, belonging to ſuch pariſh or chapelry wherein the perſons to be married dwell, according to the form preſcribed by the rubric prefixed to the office of matrimony in the book of common prayer; upon three *Sundays* preceding the ſolemnization of marriage, during the time of morning ſervice, (or of evening ſervice, if there be no morning ſervice in ſuch church or chapel upon any of thoſe *Sundays*) immediately after the ſecond leſſon: and when the perſons to be married dwell in divers pariſhes or chapelries, the bans ſhall be publiſhed in the church or chapel belonging to ſuch pariſh or chapelry wherein each of them dwell; and where both or either of the perſons to be married dwell in any extra-parochial place having no church or chapel wherein bans have been uſually publiſhed, then the bans ſhall be publiſhed in the pariſh church or chapel belonging to ſome pariſh or chapelry adjoining to ſuch extra-parochial place: and where bans ſhall be publiſhed in any church or chapel belonging to any pariſh adjoining to ſuch extra-parochial place, the parſon, vicar, miniſter, or curate, publiſhing ſuch bans, ſhall under his hand certify the publication thereof, in ſuch manner as if either of the perſons to be married dwelt in ſuch adjoining pariſh; and all other rules preſcribed by the ſaid rubric, concerning the publication of bans and the ſolemnization of matrimony, not hereby altered, ſhall be obſerved. And in all caſes where bans ſhall have been publiſhed, the marriage ſhall be ſolemnized in one of the pariſh churches or chapels where ſuch bans have been publiſhed. *ſ.* 1.

No parſon, vicar, miniſter, or curate, ſhall be obliged to publiſh the bans of matrimony between any perſons, unleſs the perſons to be married ſhall ſeven days before the time required for the firſt publication of ſuch bans, cauſe to be delivered to ſuch parſon, *&c.* a notice in writing of their chriſtian and ſurnames, and of their reſpective abodes, within ſuch pariſh, chapelry, or extra-parochial place, and of the time during which they have dwelt in ſuch houſes reſpectively. *ſ.* 2.

No parſon, *&c.* ſolemnizing marriages between perſons, both or one of whom ſhall be under the age of 21 years, after bans publiſhed, ſhall be puniſhable by eccleſiaſtical cenſures, for ſolemnizing ſuch marriages without conſent of parents or guardians, whoſe conſent is required by law, unleſs ſuch parſon, *&c.* have notice of the diſſent of ſuch parents or guardians. And in caſe ſuch parents or guardians, or one of them, publicly cauſe to be declared, in the church or chapel, where the bans ſhall be publiſhed, at the time of ſuch publication, their diſſent to ſuch marriage, ſuch publication of bans ſhall be void. *ſ.* 3.

No licence of marriage ſhall be granted by any perſon having authority to grant ſuch licences, to ſolemnize any marriage in any other church or chapel, than in the pariſh church or public chapel belonging to the pariſh or chapelry within which the uſual place of abode of one of the perſons to be married ſhall have been for four weeks, immediately before

before the granting ſuch licence; or where both or either of the parties to be married dwell, in any extra-parochial place having no church or chapel wherein bans have been uſually publiſhed, then, in the pariſh church or chapel belonging to ſome pariſh or chapelry adjoining to ſuch extra-parochial place. *ſ.* 4.

All pariſhes where there ſhall be no pariſh church or chapel, or none wherein divine ſervice ſhall be uſually celebrated every *Sunday*, may be deemed extra-parochial places for the purpoſes of this act. *ſ.* 5.

Nothing herein contained ſhall deprive the archbiſhop of *Canterbury* and his officers of the right which hath hitherto been uſed, in virtue of 25 *Hen.* 8. *c.* 21. of granting ſpecial licences, to marry at any convenient time or place. *ſ.* 6.

No ſurrogate deputed by any eccleſiaſtical judge, who hath power to grant licences of marriages, ſhall grant any ſuch licence, before he hath taken an oath before the ſaid judge, faithfully to execute his office according to law, to the beſt of his knowledge, and hath given ſecurity, by his bond, in the ſum of 100*l.* to the biſhop of the dioceſe, for the faithful execution of his office. *ſ.* 7.

If any perſon ſhall ſolemnize matrimony in any other place than a church or public chapel, where bans have been uſually publiſhed, unleſs by ſpecial licence from the archbiſhop of *Canterbury*, or ſhall ſolemnize matrimony without publication of bans, unleſs licence of marriage be firſt obtained from ſome perſon having authority to grant the ſame; every perſon ſo offending, and convicted, ſhall be judged guilty of felony, and ſhall be tranſported to ſome of his majeſty's plantations in *America* for 14 years, according to the laws for tranſportation of felons. And all marriages ſolemnized in any other place than a church or ſuch public chapel, unleſs by ſpecial licence as aforeſaid, or without publication of bans, or licence of marriage from a perſon having authority to grant the ſame, ſhall be void. *ſ.* 8.

All proſecutions for ſuch felony ſhall be commenced within three years after the offence committed. *ſ.* 9.

After the ſolemnization of any marriage, under a publication of bans, it ſhall not be neceſſary, in ſupport of ſuch marriage, to give any proof of the dwelling of the parties in the reſpective pariſhes or chapelries wherein the bans were publiſhed; or where the marriage is by licence, it ſhall not be neceſſary to give any proof that the uſual place of abode of one of the parties, for four weeks as aforeſaid, was in the pariſh or chapelry where the marriage was ſolemnized; nor ſhall any evidence, in either of the ſaid caſes, be received to prove the contrary in any ſuit touching the validity of ſuch marriage. *ſ.* 10.

All marriages ſolemnized by licence, where either of the parties, not being a widower or widow, ſhall be under the age of 21 years, which ſhall be had without the conſent of the father of ſuch of the parties ſo under age, if living, or, if dead, of the guardians of the perſon of the party ſo under age, or one of them; and in caſe there be no ſuch guardian then of the mother, if living and unmarried; or if there be no mother living and unmarried, then of a guardian of the perſon appointed by the court of *Chancery*, ſhall be void. *ſ.* 11.

In caſe any ſuch guardian or mother, or any of them, whoſe conſent is made neceſſary, ſhall be *non compos mentis*, or beyond the ſeas, or ſhall refuſe their conſent to the marriage, it ſhall be lawful for any perſon deſirous of marrying, in any of the before-mentioned caſes, to apply by petition to the lord chancellor, who is hereby empowered to proceed upon ſuch petition in a ſummary way; and in caſe the marriage propoſed appear proper, the lord chancellor ſhall judicially declare the ſame to be ſo by an order of court, and ſuch order ſhall be deemed as good as if the guardian or mother of the perſon ſo petitioning, had conſented to ſuch marriage. *ſ.* 12.

In no caſe ſhall any ſuit or proceeding be had in any eccleſiaſtical court, to compel a celebration of any marriage *in facie eccleſiæ*, by reaſon of any contract of matrimony, whether *per verba de præſenti* or *per verba de futuro*, entered into after the 25th of *March* 1754. *ſ.* 13.

The churchwardens and chapelwardens of every pariſh or chapelry ſhall provide books of vellum, or durable paper, in which all marriages and bans of marriage reſpectively, there publiſhed or ſolemnized, ſhall be regiſtered: and every page thereof ſhall be marked at the top with the number of ſuch page, beginning at the ſecond leaf with number one; and every leaf or page ſo numbered, ſhall be ruled with lines at proper and equal diſtances: and all bans and marriages publiſhed or celebrated in any church or chapel, or within any ſuch pariſh or chapelry, ſhall be regiſtered, printed, or written upon, or as near as may be to ſuch ruled lines; and ſhall be ſigned by the parſon, vicar, miniſter, or curate, or by ſome other perſon in his preſence, and by his direction: and ſuch entries ſhall be made on or near ſuch lines in ſucceſſive order, where the paper is not damaged or decayed, until a new book ſhall be neceſſary; and then the directions aforeſaid ſhall be obſerved in every ſuch new book. And all books provided as aforeſaid, ſhall belong to every ſuch pariſh or chapelry reſpectively, and ſhall be carefully preſerved for public uſe. *ſ.* 14.

All marriages ſhall be ſolemnized in the preſence of two witneſſes, beſides the miniſter who ſhall celebrate the ſame. And immediately after the celebration of every marriage, an entry thereof ſhall be made in ſuch regiſter; in which it ſhall be expreſſed, that the ſaid marriage was celebrated by bans or licence; and if both or either of the parties married by licence be under age, with conſent of the parents or guardians, as the caſe ſhall be; and ſhall be ſigned by the miniſter with his proper addition, and alſo by the parties married, and atteſted by ſuch two witneſſes; which entry ſhall be in the form or to the effect following. *ſ.* 15.

A. B. of { *the* / *this* } *Pariſh*

and C. D. *of* { *the* / *this* } *Pariſh*

were married in this { *Church* / *Chapel* } *by* { *Bans* / *Licence* } *with conſent of* { *Parents* / *Guardians* } *this* *day of* *in the year*

by me J. J. { *Rector.* / *Vicar.* / *Curate.* }

This marriage was ſolemnized between us A. B. / C. D. *in the preſence of* E. F. / G. H.

If any perſon ſhall with intent to elude this act, wilfully inſert, or cauſe to be inſerted, in the regiſter book of ſuch pariſh or chapelry any falſe entry of any thing relating to any marriage; or falſely make, alter, forge, or counterfeit, or cauſe to be falſely made, *&c.* or aſſiſt in falſely making,

making, &c. any ſuch entry in ſuch regiſter; or falſely make, &c. or cauſe to be falſely made, &c. or aſſiſt in falſely making, &c. any ſuch licence of marriage as aforeſaid; or publiſh as true any ſuch falſe, altered, forged, or counterfeited regiſter, or a copy thereof, or any ſuch falſe, &c. licence of marriage, knowing ſuch regiſter or licence of marriage reſpectively to be falſe, &c.; or if any perſon ſhall wilfully deſtroy, or cauſe to be deſtroyed, any regiſter book of marriages, or any part of ſuch regiſter book, with intent to avoid any marriage, or to ſubject any perſon to any of the penalties of this act; every perſon ſo offending, and being convicted, ſhall be adjudged guilty of felony, and ſhall ſuffer death. *ſ.* 16.

This act ſhall not extend to the marriages of the royal family. *ſ.* 17.

Nothing in this act ſhall extend to *Scotland*; nor to any marriages amongſt *Quakers*, or amongſt perſons profeſſing the *Jewiſh* religion, where both the parties to ſuch marriage ſhall be *Quakers*, or perſons profeſſing the *Jewiſh* religion; nor to any marriages ſolemnized beyond the ſeas. *ſ.* 18.

By 21 *Geo.* 3. *c.* 53. All marriages ſolemnized before *Auguſt* 1ſt, 1781, in any church or public chapel, in *England*, *Wales*, and *Berwick upon Tweed*, erected ſince 26 *Geo.* 2. and conſecrated, ſhall be as valid in law as if ſolemnized in pariſh churches or public chapels having chapelries annexed, and wherein bans had been uſually publiſhed before or at the time of paſſing the ſaid act. *ſ.* 1.

All parſons, vicars, miniſters, and curates, who, before 10th *July* 1781, ſhall have ſolemnized any of the marriages which are hereby enacted to be valid, ſhall be indemnified againſt the penalties inflicted by the ſaid act upon perſons who ſolemnize marriages in any other place than a church or public chapel in which bans had been uſually publiſhed before or at paſſing the ſaid act. *ſ.* 2.

The regiſters of marriages hereby enacted to be valid, or copies thereof, ſhall be received in all courts as evidence. *ſ.* 3.

The regiſters of all marriages, ſolemnized in any public chapels which are hereby enacted to be valid, ſhall, within twenty days after 1ſt *Auguſt* 1781, be removed to the pariſh church of the pariſh in which ſuch chapel ſhall be ſituated; and in caſe ſuch chapel ſhall be ſituated in an extra-parochial place, then to the pariſh church next adjoining to ſuch place, to be kept with the marriage regiſters of ſuch pariſh, and as marriage regiſters are directed to be kept by the ſaid act. *ſ.* 4.

Marſhalſey.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 3. The ſteward and marſhal ſhall not hold plea of freehold, nor of debt nor covenant, nor of any contract, but only of treſpaſs done within the king's houſe or within the verge, and of contracts and covenants that one of the king's houſe maketh with another of the ſame houſe and within the houſe; and they ſhall plead no plea of treſpaſs, except the party were attached before the king departed from the place; and ſhall plead them ſpeedily from day to day, ſo that they may be pleaded and determined before the king depart out of the verge; and if they cannot be determined within the verge, the pleas ſhall ceaſe before the ſteward, and be determinable at common law; and the ſteward ſhall not take cognizance of debts, nor other thing, but of ſuch only as be of the king's houſe; and if they attempt any thing contrary to this ordinance, it ſhall be holden as void. In caſes of the death of men, whereof the coroner's office is to make a view and inqueſt, it ſhall be commanded to the coroner of the county, that he with the coroner of the king's houſe ſhall do his office, and inrol it: and that which cannot be determined before the ſteward ſhall be remitted to the common law, ſo that outlawries and preſentments ſhall be made thereupon in the eyre by the coroner of the county.

By 5 *Edw.* 3. *c.* 2. Where inqueſts be to be taken before the ſteward and marſhal of the king's houſe, ſuch inqueſts ſhall be taken by men of the country, and by no men of the king's houſe, except it be of the contracts, covenants or treſpaſſes, made by men of the king's houſe of either part, and that in the ſame houſe. And error before the ſteward, &c. ſhall be redreſſed before the king in his place.

By 10 *Edw.* 3. *ſtat.* 2. *c.* 3. Where a man will complain of errors before the ſteward and marſhal, he ſhall have a writ to cauſe the record to come before the king in his place, and there the error ſhall be redreſſed.

By 9 *Ric.* 2. *c.* 5. Prieſts and other people of holy church taken in the *Marſhalſea* of the king's houſe ſhall pay ſuch fees as lay people pay.

By 13 *Ric.* 2. *ſtat.* 1. *c.* 3. The court of the ſteward and marſhal of the king's houſe, ſhall not paſs the ſpace of twelve miles to be counted about the lodging of the king.

By 2 *Hen.* 4. *c.* 23. Whereas the marſhal of the *Marſhalſea* of the court of the king's houſe was wont to take of every perſon that cometh by *capias* to the court, 4 *d.* and if he be let to mainpriſe till his day, 2 *d.* more; and of every perſon which is impleaded of treſpaſs, and findeth mainpernors to keep his day to the end of the plea, 2 *d.* and of every perſon committed to priſon by judgment of the ſteward, 4 *d.* and of every perſon delivered of felony, and of every felon let to mainpriſe, 4 *d.*; if the marſhal or his miniſters take other fees, they ſhall loſe their offices, and pay treble damages, and the party grieved ſhall have his ſuit before the ſteward of the court. *ſ.* 1.

No ſervitor of bills that beareth a ſtaff of the ſame court ſhall take for every mile from the court to the place where he ſhall do his ſervice more than 1 *d.* and to ſerve a *venire facias*, or a *diſtringas*, out of the court, the double; and if any of the ſaid ſervitors of bills do the contrary, he ſhall be puniſhed by impriſonment, and make fine to the king after the diſcretion of the ſteward of the court, and be forejudged the court. And the ſteward ſhall have power to make proclamation, at his coming to the court in every country, of the articles aforeſaid. *ſ.* 2.

By 15 *Hen.* 6. *c.* 1. In every ſurety againſt defendants to be taken in the *Marſhalſea*, they ſhall not be ſtopped by ſuch record to ſay, that they or the plaintiffs in the ſame record were not at the time of the plea commenced of the king's houſe, as by the record is ſuppoſed.

Merchants.

Mag. chart. 9 *Hen.* 3. *c.* 30. All merchants ſhall have ſafe conduct to depart, to come, to tarry in and go through *England* to buy and ſell without evil tolls by the old cuſtoms, except in time of war; and if they be of a land making war, and be found in the realm at the beginning of the wars, they ſhall be attached without harm of body or goods, until it be known how our merchants be treated in the land making war; and if our merchants be well treated there, theirs ſhall be likewiſe with us.

By 2 *Edw.* 3. *c.* 9. All merchant-ſtrangers and privy may go and come with their merchandizes after the tenor of the great charter, and writs thereupon ſhall be ſent to all ſheriffs of *England*, and to mayors and bailiffs of good towns, where need ſhall require.

By

By 9 *Edw.* 3. *c.* 1. All merchants and other that will buy or ſell corn, and other things vendible, may freely ſell them as well to foreigners as denizens, except the enemies of the king. And if any diſturbance be done to any merchant or other, for the ſale of ſuch things in any city, town, port, or other place, which hath franchiſe, and the mayor or other which hath the rule of ſuch franchiſe, being required to provide remedy, do not, and be thereof attainted, the franchiſe ſhall be ſeized into the king's hands, and he which hath done diſturbance ſhall be bound to reſtore to the merchant his double damages: and if ſuch diſturbance be done in places where no ſuch franchiſe is, and the lord or his bail required to do right, do not, and thereof be attainted, they ſhall yield to the party his double damages; and the diſturbers ſhall have one year's impriſonment, and be ranſomed at the king's will. No alien or denizen upon the ſame pain ſhall be troubled, but that he may freely buy ſuch things, and carry them where it pleaſeth him; ſaving that ſuch merchants aliens ſhall carry no wine out of the realm. And the things aforeſaid ſhall be obſerved in every city, town, port, *&c.* notwithſtanding charters of franchiſe granted to them to the contrary; ſaving to the king and other the cuſtoms due. The chancellor, treaſurer and juſtices aſſigned to hold the king's pleas, ſhall enquire of ſuch diſturbances, and the ſame ſhall puniſh; and the king ſhall aſſign by commiſſion certain perſons, where and when it ſhall pleaſe him, to enquire of ſuch diſturbances, and the ſame to puniſh.

By 14 *Edw.* 3. *ſtat.* 2. *c.* 2. All merchants, denizens and foreigners (except thoſe which be of enmity) may ſafely come into *England* with their goods, and tarry and return, paying the cuſtoms and other profits; ſo that franchiſes granted to the city of *London*, and other cities and good towns, be ſaved.

By 25 *Edw.* 3. *ſtat.* 4. *c.* 2. Every merchant or other, as well alien as denizen, that bring wines, fleſh, fiſh, or other victuals, cloths, woolfels, *avoir du pois*, or other merchandizes, to *London*, or other cities and good towns, or ports, may freely ſell in groſs or at retail, notwithſtanding any franchiſes. And no mayor, bailiff nor other, ſhall meddle with the ſale of any victual vendible. And the king thereupon ſhall cauſe to be aſſigned his juſtices at all times that ſhall pleaſe him, and need be, to enquire of thoſe that ſhall offend againſt this ordinance, and to puniſh them; and every perſon that will ſue againſt ſuch ſhall have a writ in the chancery to attach him by his body, as a diſturber of the common profit, to cauſe him to come to make anſwer in the king's court.

By 27 *Edw.* 3. *ſtat.* 2. *c.* 2. Merchants-ſtrangers, which be not of enmity, may under ſafe conduct come and dwell where they will, and return with their ſhips and merchandiſes, and freely ſell their merchandiſes, paying the cuſtoms. Qu. *If in force ſince the loſs of the ſtaple.*

By 27 *Edw.* 3. *ſtat.* 2. *c.* 13. If any merchant, privy or ſtranger, be robbed of his goods upon the ſea, and the goods come within the realm, and he will ſue for the goods, he ſhall be received to prove the goods to be his own by his marks, or by his cocket, or by lawful merchants, privy or ſtrangers; and by ſuch proofs the goods ſhall be delivered to the merchants without ſuit at the common law. And in caſe any ſhips going out of the realm, or coming into the ſame, by misfortune break upon the ſea-banks, and the goods come to land, which may not be called wreck, they ſhall be preſently delivered to the merchants, or their ſervants, paying to them that have ſaved and kept the ſame for their travel, *viz.* by diſcretion of the ſheriffs and bailiffs, or other miniſters in places guildable, and by advice of four or ſix of the moſt diſcreet men of the country; and if within the franchiſe of other lords, by the ſtewards and bailiff, or wardens of the franchiſes, and by advice of four or ſix diſcreet men of the country.

By 27 *Edw.* 3. *ſtat.* 2. *c.* 17. No merchant-ſtranger ſhall be impeached for another's treſpaſs or debt whereof he is not debtor, pledge or mainpernor; provided that if the liege people, merchants or other, be endamaged by any lords of ſtrange lands or their ſubjects, and the ſaid lords (duly required) fail of right, the king ſhall have the law of marque, and of taking them; and in caſe debate riſe with lords of ſtrange lands, the people and merchants of the ſaid lands ſhall not be ſuddenly ſubdued becauſe of ſuch debate, but warned, and proclamation publiſhed, that they void the realm within forty days after the proclamation; and in caſe that for evident cauſe they cannot avoid the realm within ſo ſhort a time, they ſhall have other forty days.

By 27 *Edw.* 3. *ſtat.* 2. *c.* 19. No merchant nor other ſhall forfeit goods for the treſpaſs of his ſervant, unleſs he do it by the procurement of his maſter, or that he hath offended in the office in which his maſter hath ſet him, or in other manner that the maſter be holden to anſwer for the deed of his ſervant by the law-merchant. And ſpeedy right ſhall be to them done from day to day, and from hour to hour, according to the laws uſed in ſtaples elſewhere. Qu. *If in force.*

By 27 *Edw.* 3. *ſtat.* 2. *c.* 20. If any outrage or grievance be done to merchants-ſtrangers in the country out of the ſtaple, the juſtices of the place ſhall do ſpeedy juſtice to them after the law-merchant from day to day, and from hour to hour, without driving them to ſue at the common law; and if any be convict that he hath grieved the merchants, he ſhall be puniſhed for the contempt, in as much as ſhall be adjudged to the merchants for their damages; and to the merchants-ſtrangers their double damages ſhall be judged.

By 28 *Edw.* 3. *c.* 13. *confirmed by* 20 Ric. 2. *c.* 4. No ſhip ſhall be compelled to come to any port of *England*, nor to abide, againſt the will of the maſter, or of the merchants whoſe the goods be. And if ſuch ſhips come of their good will, or be driven by misfortune, to any port in *England*, and the maſters or merchants will ſell part of their merchandizes, it ſhall be lawful for every man to buy ſuch merchandizes, albeit the ſame be not put to land to ſell; ſo that no merchant nor other go to meet ſuch ſhips to foreſtal the merchandizes; ſo that the maſters and merchants, after they have ſold that which pleaſeth them, and paid the cuſtom, may freely depart. And none ſhall diſturb any ſhip to come to any port of *England*, but to the port where the maſters and merchants will of their free will arrive, nor ſhall meddle with the ſale of the merchandizes, nor diſturb the merchants; and if any ſet diſturbance, he ſhall incur a grievous forfeiture to the king. *ſ.* 3.

By 36 *Edw.* 3. *c.* 7. The mayors and conſtables of the ſtaples ſhall have cognizance only of debts, covenants and contracts, and other pleas touching merchandize and ſurety of merchandize, betwixt merchants which be merchants known; and proceſs of felonies, and all other pleas, as well wthin the ſtaple as without, ſhall be at the common law; ſaving that merchants aliens (be they plaintiffs or defendants) may ſue their plaints and quarrels, as well of treſpaſs as other, before the mayor of the ſtaple, by the law of the ſtaple, or at the common law. And the king and other lords ſhall enjoy their franchiſes; ſo that the mayor of the ſtaple have power to take recognizances of debts of every perſon, be he merchant or other.

By 38 *Edw.* 3. *c.* 2. All merchants, as well aliens as denizens, may ſell and buy all manner of merchandizes,

and freely carry them out of the realm, paying the cuſtoms; except that *Engliſh* merchants ſhall not paſs out of the realm with wools or woolfels; and that none carry out of the realm gold nor ſilver in plate nor money, ſaving the victuallers of fiſh, who fiſh, and they that bring fiſh in ſmall veſſels, which meddle not with other merchandizes, and that according to the arbitrement of the chancellor.

By 2 *Ric.* 2. *ſtat.* 1. *c.* 1. All merchants aliens, of the amity of the king, may ſafely come within the realm, and in all cities, boroughs, ports, fairs, markets, or other places, within the franchiſe and without, and abide with their goods, under the protection of the king, as long as ſhall pleaſe them. And every of them that will buy or ſell corn, fleſh, fiſh, and other victuals, and alſo all ſpiceries, fruit, fur, and all manner of ſmall wares, as ſilk, gold wire, or ſilver wire, coverchiefs, and other ſuch ſmall wares, may freely, as well in *London* as in all cities, boroughs, ports, fairs, markets, and other places, ſell and buy to whom and of whom them pleaſe, except the king's enemies; except that all wines ſhall be ſold by the ſaid ſtrangers in groſs, and by whole veſſels, as they be brought into the realm, and not at retail, by any in the ſaid cities and towns franchiſed, but only by the inhabitants and freemen; and as to all other great wares, as cloth of gold and ſilver, ſilk, drapery, linen cloth, canvas, and all other great merchandizes, as well aliens as denizens, as well in *London* as in other cities, ports, towns, fairs, markets, and elſewhere, within franchiſe and without, may ſell the ſame in groſs to every perſon, foreign or denizen (except to the king's enemies), by the bale or by whole pieces, and not at retail, upon pain of forfeiture of the ſame, but only the citizens and burgeſſes in their own cities and boroughs; and it ſhall be lawful for them to unfold and cut in their proper cities and boroughs the great merchandizes, and the ſame there to ſell in groſs and at retail, paying the cuſtoms. And the merchants that will buy and ſell their merchandizes at fairs and markets ſhall not be reſtrained by this ſtatute to ſell or buy in groſs, or at retail, as they were wont to do. And if diſturbance be made to any merchant or other upon the ſale of ſuch things againſt this ordinance, and the mayor, bailiffs, or other, that have the keeping of ſuch franchiſe, required to make remedy, do not the ſame, and thereof be attainted; the franchiſe ſhall be ſeized in the king's hands, and they that have done ſuch diſturbance ſhall yield to the plaintiff his double damages: and if ſuch diſturbance be made where no franchiſe is, and the lord or his bailiff be required to do right, and do not, and thereof be attainted, they ſhall yield to the plaintiff double damages: and the diſturbers, as well within franchiſes as without, ſhall have one year's impriſonment, and be ranſomed at the king's will. And the chancellor, treaſurer, and juſtices aſſigned to hold pleas of the king, ſhall diligently enquire of ſuch diſturbances, and do puniſhment.

By 5 *Ric.* 2. *c.* 1. All merchants ſtrangers of the amity of the king freely may come within the realm, as well within franchiſes as without, and there merchandiſe, and tarry as long as them liketh, and return without diſturbance.

By 11 *Ric.* 2. *c.* 7. If any ſtatute or judgment be made to the contrary of the ſtatutes 9 *Edw.* 3. *c.* 1. and 25 *Edw.* 3. *c.* 2. it ſhall be repealed.

By 14 *Ric.* 2. *c.* 1. Every alien that bringeth merchandiſe into *England*, ſhall find ſurety before the cuſtomers, to buy other merchandiſe to the value of the moiety of the merchandiſe ſo brought, as wool, leather, woolfels, lead, tin, butter, cheeſe, cloths, or other commodities of the land.

By 14 *Ric.* 2. *c.* 9. Merchants ſtrangers repairing into the realm, ſhall be courteouſly and rightfully uſed and governed.

By 4 *Hen.* 4. *c.* 15. All merchant ſtrangers and denizens, which bring merchandiſes and the ſame do ſell within the realm, and receive *Engliſh* money, ſhall beſtow the ſame money upon other merchandiſes, without carrying gold or ſilver out of the realm, upon pain of forfeiture of the ſame, ſaving their reaſonable coſts.

By 5 *Hen.* 4. *c.* 7. *confirmed by* 4 Hen. 5. *c.* 5. Merchant ſtrangers ſhall be demeaned within the realm as the merchants denizens be in the parts beyond the ſeas, upon pain of forfeiture to the king of all the goods of ſuch merchant ſtranger, and upon pain of impriſonment.

By 5 *Hen.* 4. *c.* 9. *confirmed by* 4 Hen. 5. *c.* 5. In every city, town, and port, where merchants ſtrangers be repairing, hoſts ſhall be aſſigned them by the mayors, ſheriffs, or bailiffs, of the cities, *&c.* and the ſaid merchants ſtrangers ſhall dwell in none other place but with their hoſts ſo aſſigned, and the hoſts ſhall take as accuſtomed.

By 6 *Hen.* 4. *c.* 4. Merchants ſtrangers ſhall not carry out of the realm any merchandiſes brought within the realm by merchant ſtrangers.

By 7 *Hen.* 4. *c.* 9. As well cloth makers and cloth ſellers, as other merchants with their merchandiſes, as wine, iron, oil, and wax, and other things, ſhall be free to ſell in groſs their merchandiſes, as well to the king's liege people as to the citizens of *London*, notwithſtanding any franchiſe.

By 3 *Hen.* 7. *c.* 8. Every merchant of *Ireland*, *Jerſey*, or *Guernſey*, that bringeth any merchandiſes into this realm, ſhall employ the money received for the ſame (his expences deducted), upon the commodities of this land, or put the ſame money in payment within this realm; the ſaid employment or payment to be proved as by *ſtat.* 17 *Edw.* 4. *c.* 1. viz. *by writing, to the ſatisfaction of the cuſtomer and the mayor*, upon pain of forfeiture of the value of the merchandiſe; and every cuſtomer or comptroller ſhall take ſurety of the merchant or other ſtranger, to employ the value of the merchandiſes, or to put the money in payment, upon pain of forfeiture of the value of the merchandiſes, the one half to the king, and the other half to the party that will ſue..

By 4 *Hen.* 7. *c.* 23. No perſon dwelling within this realm, ſhall pay or deliver wittingly, to any perſon born out of the king's obeiſance, any gold or ſilver, coined, wrought, or unwrought, upon pain to forfeit the double value; one half to the king, and the other half to any of his ſubjects that will ſeize or ſue for it.

By 12 *Hen.* 7. *c.* 6. Every *Engliſhman* ſhall have free recourſe into the coaſts of *Flanders*, *Holland*, *Zealand*, *Brabant*, or other places adjoining, under the obeiſance of the archduke, to the marts there, with his merchandiſes to buy, ſell, and make exchanges, without exaction by any *Engliſh* perſon, except 10 marks; upon pain of 20 *l.* and to forfeit to the party grieved, ten times ſo much as he taketh, and the trial to be had in ſuch place where the action is ſued.

By 3 *Jac.* 1. *c.* 6. It ſhall be lawful for all his majeſty's ſubjects of *England* and *Wales*, to have free trade into the dominions of *Spain*, *Portugal*, and *France*, any charter to the contrary notwithſtanding. *ſ.* 1.

This act ſhall not give liberty to any perſon to go over ſea without licence, who by any law or ſtatute ſhall be reſtrained. *ſ.* 2.

By

By 4 *Jac.* 1. *c.* 9. The act 3 *Jac.* 1. *c.* 6. ſhall not diſſolve or impeach the charter granted to the *governors, conſuls, and ſociety of the merchants adventurers of* Exeter. *ſ.* 3.

Meſne.

By 13 *Edw.* 1. *c.* 9. So ſoon as the tenant in demeſne (having a meſne between him and the chief lord) is diſtrained, the tenant ſhall purchaſe his writ of meſne; and if the meſne having land in the ſame county, abſent himſelf until the great diſtreſs, the plaintiff ſhall have ſuch day in his great diſtreſs, afore the coming whereof two counties may be holden, and the ſheriff in two full counties ſhall cauſe to be proclaimed, that the meſne do come at the day contained in the writ, to anſwer his tenant; and if he do not come he ſhall loſe the ſervices of his tenant, and from thenceforth the tenant ſhall anſwer unto the chief lord for ſuch ſervices and cuſtoms as the meſne uſed to do: neither ſhall the chief lord diſtrain ſo long as the tenant doth offer him the ſervices and cuſtoms due; and if the chief lord exact more than the meſne ought to do, the tenant ſhall have againſt him all ſuch exceptions as the meſne ſhould: and if the meſne have nothing, the tenant ſhall nevertheleſs purchaſe his writ of meſne to the ſheriff, and if the ſheriff return, that he hath nothing, *&c.* then ſhall the tenant ſue his attachment, and if the ſheriff return that he hath nothing to be attached by, he ſhall ſue his writ of great diſtreſs, and proclamation ſhall be made; and if the meſne have no land in the ſhire where the diſtreſs is taken, but hath land in ſome other ſhire, a writ original ſhall iſſue to ſummon the meſne unto the ſheriff of the ſhire where the diſtreſs is taken; when it is returned that he hath nothing in his ſhire, a writ judicial ſhall iſſue, to ſummon the meſne unto the ſheriff of the ſhire in which it ſhall be teſtified that he hath land, and ſuit ſhall be made until the great diſtreſs and proclamation as aboveſaid; and nevertheleſs ſuit ſhall be made in the ſame ſhire where he hath nothing, until the proceſs come to the great diſtreſs and proclamation, and after proclamation made in both counties, the meſne ſhall be fore-judged of his fee and ſervice. And where the tenant in demeſne is infeoffed to hold by leſs ſervice than the meſne ought to do, when after proclamation the tenant hath attorned to the chief lord, and the meſne being excluded, the tenant muſt of neceſſity anſwer to the chief lord for all ſuch ſervices and cuſtoms as the meſne was wont to do: and after that the meſne is come into court, and hath confeſſed that he ought to acquit his tenant, or be compelled by judgment to acquit, if after confeſſion or judgment it is complained, that the meſne doth not acquit his tenant, then ſhall iſſue a writ judicial, that the ſheriff ſhall diſtrain the meſne to acquit the tenant and to be at a certain day before the juſticers, to ſhew why he hath not acquitted him; and when they have proceeded unto the great diſtreſs, the plaintiff ſhall be heard: and if the plaintiff can prove that he hath not acquitted him, he ſhall yield damages, and by award of the court, the tenant ſhall go quit from the meſne, and ſhall not attorn unto the chief lord: and if he come not at the firſt diſtreſs, a writ ſhall go to diſtrain him again, and proclamation ſhall be made, and as ſoon as it is returned, they ſhall proceed in judgment. And by this ſtatute tenants are not excluded, but they ſhall have a warranty of the meſnes and their heirs, if they be impleaded for their tenements, as they have had before; nor ſhall the tenants be excluded, but that they may ſue againſt their meſnes as heretofore, if they ſee that the proceſs be more available. And by this ſtatute no remedy is provided to any meſnes, but only where there is but one meſne between the lord that diſtraineth and the tenant, and but of ſuch caſe where the meſne is of full age, and where the tenant may attorn unto the chief lord without prejudice of any other than of his meſne; which is ſpoken for women holding in dower, and tenants by the curteſy, or for life, or in fee-tail, unto whom remedy is not yet provided.

Militia.

By 1 *Edw.* 3. *ſt.* 2. *c.* 5. No man ſhall be charged to arm himſelf, otherwiſe than he was wont in the time of the king's progenitors; and no man ſhall be compelled to go out of his ſhire, but where neceſſity requireth, and ſudden coming of ſtrange enemies.

By 1 *Edw.* 3. *ſt.* 2. *c.* 7. Whereas commiſſions have been awarded, to prepare men of arms, and convey them to the king into *Scotland*, or elſewhere, at the charge of the ſhires; the king hath not before given wages to the ſaid preparers and conveyors, nor ſoldiers, whereby the commons of the counties have been at great charge: it ſhall be done ſo no more.

By 25 *Edw.* 3. *ſt.* 5. *c.* 8. No man ſhall be conſtrained to find men of arms, hoblers, nor archers, if it be not by common aſſent in parliament.

By 26 *Geo.* 3. *c.* 107. His majeſty ſhall, from time to time, appoint lieutenants for the counties, ridings, and places herein after mentioned, who ſhall call together, arm, array, and cauſe to be trained and exerciſed, ſuch perſons, and in ſuch manner as herein-after directed, once in every year; and the ſaid lieutenants ſhall appoint perſons qualified as after directed, being within their counties, to be deputy-lieutenants (the names of ſuch perſons having been firſt preſented to and approved by his majeſty), and ſhall alſo appoint colonels, lieutenant-colonels, majors, and other officers, qualified as after directed, to train, diſcipline, and command the perſons ſo to be armed and arrayed, according to the directions herein-after mentioned, and ſhall certify to his majeſty the names and ranks of all ſuch officers appointed; and in caſe his majeſty ſhall, within 14 days after ſuch certificate ſhall have been laid before him, ſignify his diſapprobation of any of the perſons appointed, the ſaid lieutenants ſhall not grant a commiſſion to any perſon ſo diſapproved, but commiſſions ſhall be granted to all who ſhall not be diſapproved; and the officers ſo appointed for the militia, ſhall rank with the officers of forces liable to ſerve out of *Great Britain*, as youngeſt of their rank. *ſ.* 1.

When the lieutenant of any county, *&c.* ſhall be out of *Great Britain*, or when there ſhall be no lieutenant, his majeſty may authoriſe any three deputy lieutenants to grant commiſſions to officers upon any vacancy that ſhall then happen, as ſuch lieutenant could, and to do all other acts which might have been done by the lieutenant. *ſ.* 2.

No commiſſion of any deputy lieutenant, nor of any officer in the militia, already granted or to be granted, by any lieutenant or deputy lieutenants, ſhall be vacated by revocation, expiration, or diſcontinuance of the commiſſion by which any lieutenant or deputy lieutenants were appointed. *ſ.* 3.

The lieutenants of every county ſhall have the chief command of the militia within the county, *&c.* to which he is appointed, and 20 deputy lieutenants ſhall be ap-

pointed within every county, &c. if ſo many can be found qualified; but if not, then as many perſons qualified as can be found, ſhall be appointed deputy lieutenants. ſ. 4.

All deputy lieutenants, or officers of militia (except within the counties of *Cumberland*, *Huntingdon*, *Monmouth*, and *Weſtmorland*, the *Iſle of Ely* in the county of *Cambridge*, the counties within *Wales*, and ſuch cities and towns as are counties within themſelves), ſhall be qualified as follows, *viz.* a deputy lieutenant ſhall be ſeiſed or poſſeſſed, either in law or equity, for his own uſe, of a freehold, copyhold, or cuſtomary eſtate for life, or for the life of his wife, ſhe having a freehold, copyhold, or cuſtomary eſtate for life, or for ſome greater eſtate, or of an eſtate for ſome long term of years, determinable on one or more life or lives, in manors, meſſuages, lands, tenements, hereditaments, in *England*, *Wales*, or the town of *Berwick upon Tweed*, of the yearly value of 200 *l.* or ſhall be heir apparent of ſome perſon who ſhall in like manner be ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of 400 *l.*:—Every colonel of a like eſtate, of yearly value of 1000 *l.* or heir apparent of 2000 *l.*:—Every lieutenant-colonel a like eſtate of the yearly value of 600 *l.* or heir apparent of 1200 *l.*:—Every major, or a captain, a like eſtate of the yearly value of 200 *l.* or heir apparent of 400 *l.* or a younger ſon of ſome perſon who ſhall be, or at the time of his death was, ſeiſed of a like eſtate of the yearly value of 600 *l.*:—Every lieutenant a like eſtate of the yearly value of 50 *l.* or poſſeſſed of a perſonal eſtate alone of 1000 *l.* or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the value of 2000 *l.* or ſon of ſome perſon who ſhall be or at the time of his death was ſeiſed or poſſeſſed of a like eſtate, of the yearly value of 100 *l.* or who ſhall be, or who at the time of his death was, poſſeſſed of a perſonal eſtate alone, of 2000 *l.* or of real and perſonal eſtate together, to the value of 3000 *l.*:—Every enſign a like eſtate of the yearly value of 20 *l.* or poſſeſſed of a perſonal eſtate alone of 500 *l.* or ſeiſed and poſſeſſed of a real and perſonal eſtate together, to the amount of 1000 *l.* or ſon of ſome perſon ſeiſed or poſſeſſed of a like eſtate of the yearly value of 50 *l.* or of a perſonal eſtate alone of 1000 *l.* or of real and perſonal eſtate together to the amount of 1500 *l.*; of which ſaid eſtates, required as qualifications for deputy lieutenants, colonels, lieutenant-colonels, majors, and captains, one moiety ſhall be ſituate or ariſing within the counties in which they ſhall be appointed to ſerve. ſ. 5.

Within the counties of *Cumberland*, *Huntingdon*, *Monmouth*, *Weſtmorland*, and *Rutland*, and within every county and place in *Wales*, a deputy lieutenant ſhall in like manner be ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of 150 *l.* or heir-apparent to 300 *l.*:—A colonel a like eſtate of the yearly value of 600 *l.* or heir-apparent of 1200 *l.*:—A lieutenant colonel, or major commandant, a like eſtate of the yearly value of 400 *l.* or heir-apparent of 800 *l.*:—A major, or captain, a like eſtate of the yearly value of 150 *l.* or ſon of a perſon ſeiſed and poſſeſſed of a like eſtate of the yearly value of 300 *l.*—A lieutenant, a like eſtate of the yearly value of 30 *l.* or perſonal eſtate alone to the amount of 600 *l.* or real and perſonal eſtate together to the amount of 1200 *l.* or ſon of a perſon ſeiſed or poſſeſſed of a like eſtate of the yearly value of 60 *l.* or perſonal eſtate alone to the amount of 1200 *l.* or real and perſonal eſtate together, to the value of 2400 *l.*—An enſign a like eſtate of the yearly value of 20 *l.* or a perſonal eſtate alone to the amouut of 300 *l.* or real and perſonal eſtate together, to the value of 600 *l.* or ſon of a perſon ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of 30 *l.* or of a perſonal eſtate alone to the amount of 600 *l.* or real and perſonal together to the value of 1200 *l.*:—Of all which eſtates (except lieutenants and enſigns) one moiety ſhall be ſituate or ariſing within the counties in which ſuch officers ſhall be appointed to ſerve. ſ. 6.

In the *Iſle of Ely*, a deputy lieutenant ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of 150 *l.* or heir-apparent of 300 *l.*:—A captain, a like eſtate of the yearly value of 100 *l.* or heir-apparent of 200 *l.* or younger ſon of ſome perſon ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of 300 *l.*:—A lieutenant, a like eſtate of the yearly value of 30 *l.* or poſſeſſed of a perſonal eſtate to the amount of 600 *l.* or ſon of ſome perſon ſeiſed or poſſeſſed of a like eſtate of the yearly value of 60 *l.* or poſſeſſed of a perſonal eſtate to the amount of 1200 *l.*:—An enſign, a like eſtate of the yearly value of 20 *l.* or poſſeſſed of a perſonal eſtate to the amount of 300 *l.* or ſon of ſome perſon ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of 30 *l.* or poſſeſſed of a perſonal eſtate to the amount of 600 *l.*—Of all which eſtates (except lieutenants and enſigns) one moiety ſhall be within the ſaid *Iſle of Ely*, or county of *Cambridge*. ſ. 7.

In all cities and towns, counties within themſelves, and heretofore empowered by law or ancient uſage, to raiſe a ſeparate militia, and which are united with any county raiſing militia only, the lieutenant of every ſuch city or town, or where there is no lieutenant appointed, then the chief magiſtrate, ſhall appoint the deputy lieutenants, and alſo officers of the militia, whoſe number and rank ſhall be proportionable to the number of militia men which ſuch city or town ſhall raiſe as their quota towards the militia of the county to which ſuch city or town is united; and all proviſions by this act, with reſpect to counties at large, and the regiſtering herein-after directed of the qualifications of deputy lieutenants and officers, ſhall take place, with reſpect to the ſaid cities, &c. and the militia thereof, and the regiſtering of the ſaid qualifications; and the value of the qualifications of deputy lieutenants and officers ſhall be; every deputy lieutenant ſhall be ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of 150 *l.* or poſſeſſed of a perſonal eſtate alone, or real and perſonal together, to the value of 3000 *l.*:—Every field officer a like eſtate of the yearly value of 300 *l.* or a perſonal eſtate alone, or real and perſonal eſtate together, to the value of 5000 *l.*:—A captain, a like eſtate of the yearly value of 150 *l.* or perſonal eſtate alone, or real and perſonal together, to the value of 2500 *l.*:—A lieutenant, a like eſtate of the yearly value of 30 *l.* or perſonal eſtate alone to the value of 750 *l.*:—An enſign, a like eſtate of the yearly value of 20 *l.* or perſonal eſtate alone to the value of 400 *l.*:—Of all which real eſtates (except lieutenants and enſigns) one moiety ſhall be within ſuch city or town, or within the county to which ſuch city or town is united. ſ. 8.

The immediate reverſion or remainder of and in manors, &c. leaſed for one life, or two or three lives, or term of years, determinable upon lives on reſerved rents, and which are to the leſſee of the clear yearly value of 300 *l.* ſhall be deemed equal to an eſtate before required as a qualification of the yearly value of 100 *l.* and ſo in proportion to the other qualifications required. ſ. 9.

A perſon poſſeſſed, either in law or equity, for his own uſe, of an eſtate for a certain term, originally granted for 20 years, or more, of an annual value (over all rents and charges payable out of the ſame) equal to the value of ſuch an eſtate as is required for the qualification of a deputy lieutenant and commiſſioned officer of the militia, and

ſituate

ſituate as aforeſaid, ſhall be ſufficiently qualified to act in the execution of this act. *ſ.* 10.

No perſon ſhall be appointed deputy lieutenant of any county, *&c.* or to a higher rank in the militia than that of lieutenant, until he ſhall have delivered in to the clerk of the peace, or (in his abſence) to his deputy, a ſpecific deſcription in writing, ſigned by himſelf, of his qualification, ſtating the pariſh in which the eſtate is ſituate; and the clerk of the peace, or his deputy, ſhall tranſmit to the lieutenant of the county, *&c.* a copy of ſuch deſcription; and no commiſſion granted for a higher rank than lieutenant, ſhall be valid, unleſs it be declared in the commiſſion, that the officer hath delivered in his qualification as above. *ſ.* 11.

"Commiſſions already granted to be void, unleſs qua-
"lifications are delivered in before *January* 1, 1787.
"*ſ.* 12."

The clerk of the peace ſhall enter the qualifications tranſmitted to him according to this act, upon a roll, kept for that purpoſe, and cauſe to be inſerted in the *London Gazette*, the dates of the commiſſions, and names and rank of the officers, together with the names of the officers in whoſe room they are appointed, as commiſſions in the army are publiſhed from the war office, and he is to charge the expence of ſuch inſertion to the treaſurer of the county, who is to pay the ſame; and the ſaid clerk of the peace or his deputy, ſhall, in *January* every year, tranſmit to one of the ſecretaries of ſtate, a complete account of the qualifications left with him, and the ſecretary ſhall cauſe copies thereof to be annually laid before both houſes of parliament; and every deputy lieutenant, and commiſſioned officer, not having taken and ſubſcribed the oaths, and made, repeated, and ſubſcribed the declaration, as required by this act, ſhall, at ſome general quarter ſeſſion of the peace, or in a court of record at *Weſtminſter*, within ſix months after he ſhall have accepted his commiſſion, take the oaths appointed to be taken by 1 *Geo.* 1. and 6 *Geo.* 3. and ſhall alſo make, repeat, and ſubſcribe the declaration in 1 *Geo.* 1. *ſ.* 13.

If any perſon ſhall execute any of the powers directed to be executed by deputy lieutenants, colonels, lieutenant colonels, or majors, not qualified, or without having delivered in his qualification as before required, ſuch perſon ſhall forfeit 200 *l.*; captains, 100 *l.*; one moiety whereof ſhall go to the uſe of the perſon who ſhall ſue; and in every action, *&c.* the proof of his qualification ſhall lie upon the perſon againſt whom the ſame is brought: but nothing in this act ſhall reſtrain any peer in this realm, or heir-apparent of ſuch peer, from being appointed, or acting as a deputy lieutenant, or a commiſſioned officer, in the militia, within the county, *&c.* wherein he ſhall have ſome place of reſidence, although he may not have the qualification required; or to oblige any peer, or his heir-apparent, who ſhall be appointed a deputy lieutenant or commiſſioned officer, to leave with the clerk of the peace any qualification in writing. *ſ.* 14.

The lieutenant of any county, *&c.* with three deputy lieutenants, and on the death or removal, or in the abſence of ſuch lieutenant, five deputy lieutenants, may, at the end of every five years, at their annual meetings, in caſe the militia ſhall not be then embodied, diſcharge one field officer of each regiment or battalion, and ſuch a number of officers of each inferior rank, in each regiment, *&c.* as ſhall be equal to the number of perſons who ſhall have given notice in writing to the lieutenant, one month before ſuch meeting, that they are willing to ſerve as field officers, captains, lieutenants, or enſigns; provided that the vacancies to be made by diſcharging ſuch officers ſhall not exceed one-third of ſuch who ſhall have ſerved five years in each rank; and nothing herein ſhall prevent any officer ſerving, or who has ſerved in an inferior rank, from offering himſelf to ſerve in a higher rank, if qualified. *ſ.* 15.

The lieutenant ſhall appoint a clerk of the general meetings, and may diſplace ſuch clerk and appoint another in his room; and the deputy lieutenants within their ſubdiviſions, ſhall alſo appoint a clerk for their ſubdiviſions, and may diſplace and appoint another. *ſ.* 16.

The number of private men to be raiſed by this act ſhall be as follows: *ſ.* 17.

For the county of	Bedford	400
	Berks	560
	Bucks	560
	Cambridge	480
	Cheſter and city	560
	Cornwall	640
	Cumberland	320
	Derby	560
	Devon and Exeter	1600
	Dorſet and Pool	640
	Durham	400
	Eſſex	960
	Glouceſter, city, and Briſtol	960
	Hereford	480
	Hertford	560
	Huntingdon	320
	Kent and Canterbury	960
	Lancaſter	800
	Leiceſter	560
	Lincoln and city	1200
	Middleſex (except the Tower Hamlets)	1600
	Monmouth	240
	Norfolk and Norwich	960
	Northampton	640
	Northumberland, Newcaſtle, and Berwick	560
	Nottingham and town	480
	Oxford	560
	Rutland	120
	Salop	640
	Somerſet	840
	Southampton and town	960
	Stafford and Litchfield	560
	Suffolk	960
	Surrey	800
	Suſſex	800
	Warwick and Coventry	640
	Weſtmoreland	240
	Worceſter and city	560
	Wilts	800
	York, the Weſt Riding of, and city	1240
	The North Riding	720
	The Eaſt Riding, and Kingſton upon Hull	400
For the county of	Angleſea	80
	Brecknock	160
	Cardigan	120
	Carmarthen and borough	200
	Carnarvon	80
	Denbigh	280
	Flint	120

For

For the county of	Glamorgan	—	—	360
	Merioneth	—	—	80
	Montgomery	—	—	240
	Pembroke and Haverfordweſt	—		160
	Radnor	—	—	120

General meetings of the lieutenancy of every county, *&c.* ſhall be holden in ſome principal town of every ſuch county; and ſhall conſiſt of the lieutenant, with two deputy lieutenants, or, on the death, *&c.* of the lieutenant, of three deputy lieutenants of every county, *&c.*; and one ſuch meeting ſhall be holden within every county, *&c.* upon the laſt *Tueſday* before the 24th *October* in every year; and the lieutenant, with two deputy lieutenants, or (on the death, *&c.* of the lieutenant) three deputy lieutenants, as often as they find neceſſary, may ſummon other general meetings, on days to be fixed by ſuch ſummons, of which notice ſhall be given in the *London Gazette*, and alſo in any weekly newſpaper circulated in ſuch county, *&c.* fourteen days before the holdi g ſuch meetings; and in caſe any annual or other general meeting ſhall not be attended by the lieutenant and two deputy lieutenants, or three deputy lieutenants, the lieutenant, or one deputy lieutenant, may adjourn the ſame; and in caſe no deputy lieutenant ſhall attend, then the clerk, or his deputy, ſhall adjourn ſuch meeting. *ſ.* 18.

Meetings of the deputy lieutenants within the ſubdiviſions of their counties, *&c.* ſhall be holden; which ſhall conſiſt of two deputy lieutenants: and where two deputy lieutenants do not attend, one, together with one juſtice, may do all acts, matters, and things, by this act directed to be done by deputy lieutenants at ſubdiviſion meetings; and all ſuch acts, *&c.* ſo done, ſhall be valid. *ſ.* 19.

The clerks of the ſubdiviſion meetings ſhall, after ſuch ſubdiviſion meeting ſhall have been appointed, give notice in writing of the time and place of meeting to the deputy lieutenants, reſident within ſuch ſubdiviſion, and alſo to the commanding officer of the regiment, if on actual ſervice, or (if not) to the colonel, or (in his abſence from *Great Britain*) to the next commanding officer within *Great Britain*, and an account of the days fixed for receiving liſts, and ballotting, and inrolling the militia men within ſuch ſubdiviſion; and ſhall, as ſoon as the militia men are inrolled, tranſmit to the colonel or commanding officer a liſt ſpecifying the names, trades, and abode of all ſuch militia men as are inrolled, and where there are ſubſtitutes, the names, trades, and abode of the perſons in the room of whom they were inrolled as ſubſtitutes. *ſ.* 20.

If there ſhall not appear at any ſubdiviſion meeting two deputy lieutenants or one, and one juſtice, the clerk ſhall, by notice to be given in writing to all the deputy lieutenants within ſuch ſubdiviſion, appoint another meeting within fourteen days, at the ſame place, ſuch notice being given five days previous thereto. *ſ.* 21.

The lieutenant and deputy lieutenants, or the deputy lieutenants, at every annual meeting, ſhall appoint the firſt meetings of the deputy lieutenants within the ſubdiviſions, which ſhall be appointed to be held as early after the 24th *October* as convenient; and may appoint a ſecond general meeting, and ſhall iſſue orders to the chief conſtables, and where there is no chief conſtable, to ſome other officer of the hundreds, *&c.* within their counties, *&c.* requiring ſuch conſtable, *&c.* to iſſue an order under his hand to all conſtables, tythingmen, headboroughs, or other officers of every pariſh, *&c.* within their reſpective hundreds, *&c.* to return to the deputy lieutenants within their ſubdiviſions, at the places and on the days appointed at the firſt general meeting in every year, liſts in writing of the names of all men dwelling within their pariſhes, *&c.* between eighteen and forty-five years, diſtinguiſhing their occupations, and where true names cannot be procured, the common appellation of ſuch perſons, and diſtinguiſhing which of the perſons returned labour under any infirmity likely to incapacitate them from ſerving, having firſt affixed a true copy of ſuch liſt on the door of the church or chapel belonging to ſuch pariſh, or (if no church or chapel) on the door of the church or chapel adjoining, on ſome *Sunday* morning before they make ſuch return, which *Sunday* ſhall be three days before the meeting, and alſo notice in writing, at the bottom of the copy of every ſuch liſt, of the day and place of meeting, and that all perſons aggrieved may then appeal, and that no appeal will be afterward received; and on the days, and at the places appointed for the returns of liſts, the conſtables, *&c.* ſhall attend and verify the returns upon oath; and the deputy lieutenants, or two of them, in their ſubdiviſions, ſhall (after hearing any perſon aggrieved by having his name inſerted in ſuch liſt, or by omiſſion of any other name) direct ſuch liſt to be amended, and ſhall alſo direct the names of all perſons excepted from ſerving to be ſtruck out of the liſt, and appoint the times and places for their ſecond meetings, within their ſubdiviſions, and ſhall return to the clerk of the general meetings, for the uſe of the general meetings, certificates under their hands of the number of men in each pariſh, *&c.* ſpecified in the liſt ſo amended, and the ſame ſhall be filed by the clerk for the uſe of the general meetings. *ſ.* 22.

The general meeting may alter the appointed ſubdiviſions, if they ſee occaſion; and alſo may alter the eſtabliſhed allotment of the number of men in each hundred, *&c.* to ſerve in the militia, towards raiſing the number by this act directed to be raiſed for ſuch county, *&c.* according to the numbers contained in the certificates laſt received from the ſubdiviſion meetings. *ſ.* 23.

The deputy lieutenants at their ſecond meeting, within any ſubdiviſion, ſhall appoint what number ſhall ſerve for each pariſh, *&c.* within ſuch ſubdiviſion, in proportion to the number laſt appointed, in manner before directed, at a general meeting, to ſerve for each hundred, *&c.* and ſhall appoint another meeting to be holden, within three weeks, within the ſame ſubdiviſion, and ſhall iſſue out an order to the chief conſtables, or other officers of the hundreds, *&c.* requiring them to give notice to the conſtable, *&c.* of every pariſh within their hundreds, *&c.* of the number of men appointed to ſerve for ſuch pariſh, *&c.* and of the time and place of the next ſubdiviſion meeting; and the deputy lieutenants, or two of them, aſſembled in purſuance of ſuch appointment, ſhall cauſe the number appointed to ſerve to be choſen by ballot out of the liſt returned for every pariſh; and ſhall appoint another meeting to be holden within three weeks in the ſame ſubdiviſion, and ſhall iſſue out an order to the chief conſtables of the hundreds, *&c.* to direct the conſtable of every pariſh, *&c.* to give notice to every man choſen to ſerve, to appear at ſuch meeting, which notice ſhall be given or left at his place of abode, ſeven days before ſuch meeting; and ſuch conſtable, *&c.* ſhall attend ſuch meeting, and make a return upon oath of the days when ſuch notice was ſerved; and every perſon choſen by ballot ſhall, upon ſuch notice, appear at ſuch meeting, and there take the following oath:

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his majeſty king* GEORGE; *and I do ſwear, that I am a proteſtant, and that I will faithfully ſerve in the militia, within the kingdom of* Great Britain, *for the defence of the ſame, during*

during the time of five years for which I am inrolled, unleſs I ſhall be ſooner diſcharged.

And ſuch perſon ſhall be inrolled (in a roll) to ſerve in the militia as a private militia man for five years: provided, that if any perſon choſen ſhall produce for his ſubſtitute a man of the ſame or ſome adjoining county fit for ſervice, who ſhall have not more than one child born in wedlock, and who ſhall be approved by the deputy lieutenants, or two of them, ſuch ſubſtitute ſhall be inrolled to ſerve for five years, and alſo for ſuch further time as the militia ſhall remain embodied, if, within the ſpace of five years, his majeſty ſhall order the militia to be drawn out and embodied; and ſuch ſubſtitute ſhall take the following oath:

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his majeſty king* GEORGE; *and I do ſwear, that I am a proteſtant, and that I will faithfully ſerve in the militia, within the kingdom of* Great Britain, *for the defence of the ſame, during the time of five years, or for ſuch further time as the militia ſhall remain embodied, if, within the ſpace of five years, his majeſty ſhall order and direct the militia to be drawn out and embodied, unleſs I ſhall be ſooner diſcharged.*

And any perſon choſen by ballot, for whom ſuch ſubſtitute ſhall have been produced, *&c.* ſhall be exempt from ſervice in the militia, as if he himſelf had ſerved. *ſ.* 24.

If through the neglect or miſtake of any chief conſtables, conſtables, or other officers, or from any other cauſe, the full number of men appointed for any ſubdiviſion ſhould not be duly inrolled at the meeting appointed for that purpoſe, then the deputy lieutenants, or two of them, may cauſe the liſts to be amended, and to proceed to a freſh ballot, and to adjourn, or appoint other meetings, and repeat the amending of the liſts; and one deputy lieutenant may adminiſter the oath to any perſon ballotted, or to any perſon offering as a volunteer under this act, or to any ſubſtitute; and ſuch deputy lieutenant is to direct the clerk of the ſubdiviſion to inroll the name of every ſuch perſon, together with the day on which the oath was adminiſtered, in the roll of ſuch ſubdiviſion. *ſ.* 25.

If any perſon choſen by ballot, according to this act, to ſerve in the militia (not being a quaker), ſhall refuſe or neglect to appear and take the oath, and ſerve, or to provide a ſubſtitute, ſuch perſon ſhall forfeit 10*l.* and at the expiration of five years be liable to ſerve again, or provide a ſubſtitute; and in default of payment, or for want of effects whereon to levy the ſame, the name of ſuch perſon ſhall be entered on the roll; and ſuch perſon ſhall be delivered over to ſome proper officer of the regiment, *&c.* for which he was ballotted, and ſhall be compelled to ſerve, and ſhall be ſubject to the ſame puniſhments, for afterwards deſerting, as in caſe he had appeared, and been duly ſworn and inrolled. *ſ.* 26.

No peer of this realm, nor any commiſſioned officer in any regiment, *&c.* nor any non-commiſſioned officer or private man, ſerving in any other forces, nor any commiſſioned officer ſerving, or who has ſerved four years in the militia, nor any member of either of the univerſities, nor any clergyman, nor licenſed teacher of any ſeparate congregation, nor any conſtable or other peace officer, nor any articled clerk, apprentice, ſeaman, or ſeafaring man, nor any perſon employed in his majeſty's docks, *&c.* or employed in his majeſty's ſervice in the tower of *London*, *Woolwich* warren, the gun wharfs at *Portſmouth*, or at the powder mills, magazines, or other ſtorehouſes, under the ordnance, nor any perſon free of the company of watermen of the river *Thames*, nor any poor man who has more than one child born in wedlock, ſhall be liable to ſerve perſonally, or provide a ſubſtitute; and no perſon having ſerved perſonally, or by a ſubſtitute, ſhall ſerve again, until by rotation it ſhall come to his turn; but no perſon who has ſerved only as a ſubſtitute ſhall be exempted from ſerving again, if choſen by ballot. *ſ.* 27.

The deputy lieutenants or two within their ſubdiviſions, may add together the liſts for two or more pariſhes, and proceed thereupon as if returned for one pariſh, *&c.* ſo as to make the choice of militia men within every ſubdiviſion as equal as poſſible. *ſ.* 28.

If the liſt of any pariſh, *&c.* ſhall be loſt or deſtroyed, the ſaid deputy lieutenants, or two of them, may cauſe a new liſt to be made and returned to them at their next ſubdiviſion meeting. *ſ.* 29.

The deputy lieutenants within any ſubdiviſion, or two of them, may iſſue their warrant under their hands and ſeals, requiring the attendance of the conſtable of any pariſh, *&c.* and if ſuch conſtable, *&c.* ſhall refuſe or neglect to appear according to ſuch warrant, or if any chief conſtable of any hundred, or any conſtable, *&c.* of any pariſh ſhall refuſe or neglect to return ſuch liſt as before directed, or to comply with ſuch orders as he ſhall receive from the deputy lieutenants, or ſhall in making ſuch return be guilty of any fraud or wilful partiality, or groſs neglect, in his duty, the ſaid deputy lieutenants are to commit the perſon ſo offending to the common gaol for one month, or to fine ſuch perſon, not exceeding 5*l.* nor leſs than 40*s.* *ſ.* 30.

Any perſon who ſhall endeavour to prevail on any chief conſtable, conſtable, *&c.* to make a falſe return of any liſt for any pariſh, *&c.* or to eraſe or leave out the name of any perſon who ought to be returned to ſerve, ſuch perſon ſhall forfeit 50*l.*; and if any perſon ſhall refuſe to tell his chriſtian and ſurname, or ſhall falſely tell a chriſtian or ſurname, pretending the ſame to be true, or ſhall refuſe to tell the chriſtian or ſurname of any man lodging within his houſe, or ſhall knowingly tell any falſe name, pretending it to be true, to any conſtable, *&c.* ſuch perſon ſhall forfeit 10*l.* *ſ.* 31.

Every perſon choſen by ballot to ſerve, ſhall be liable to ſuch ſervice, although he may have removed, provided he was reſiding in ſuch place at the time when the liſt was prepared; and every perſon liable to ſerve, having more than one place of reſidence, ſhall ſerve for the county, *&c.* where his name ſhall have been firſt inſerted in ſuch liſt; and the clerk to the ſubdiviſion ſhall, if required, grant a certificate *gratis* under his hand, that ſuch perſon's name was inſerted in ſuch liſt, ſpecifying the time when made and returned. *ſ.* 32.

Where any pariſh ſhall lie in two counties, the inhabitants ſhall ſerve in the militia of that county wherein the church is ſituated. *ſ.* 33.

If two deputy lieutenants ſhall at their ſubdiviſion meetings receive information, or ſhall ſuſpect, that any perſon inſerted in any liſt, and deſcribed as an apprentice, has been fraudulently bound to avoid ſerving in the militia, it ſhall be lawful for them to make enquiry thereof, and to ſummon and examine perſons on oath; and in caſe it ſhall appear that ſuch binding was fraudulent, ſuch deputy lieutenants may appoint ſuch perſon to ſerve, if there ſhall be a vacancy; and if not, then upon the firſt vacancy that ſhall happen; and the perſon to whom ſuch apprentice ſhall have been bound ſhall forfeit 10*l.* *ſ.* 34.

If any quaker ſhall be choſen to ſerve, and ſhall refuſe or neglect to appear, and to take the oath and ſerve, or to provide a ſubſtitute, then two deputy lieutenants ſhall, if they think proper, upon as reaſonable terms as may be, hire

hire a fit perſon to ſerve as a ſubſtitute for ſuch quaker, and ſuch ſubſtitute ſhall take the oath, and ſubſcribe his conſent to ſerve; and two deputy lieutenants may, by warrant under their hands and ſeals, levy by diſtreſs and ſale of the goods of ſuch quaker, ſuch money as ſhall be neceſſary to defray the expences of providing ſuch ſubſtitute, rendering the overplus (if any), after deducting the charges; and if no goods can be found ſufficient to levy, and it ſhall nevertheleſs appear to ſuch deputy lieutenants, that ſuch quaker is of ſufficient ability to pay the ſum of 10 *l.* then ſuch deputy lieutenants may commit ſuch quaker to the common gaol for three months, or until he ſhall have paid ſuch money as ſuch deputy lieutenants ſhall have agreed to pay to ſuch ſubſtitute; and in caſe any meaſures ſhall be uſed in making diſtreſs, which may be oppreſſive, ſuch quaker may complain to the deputy lieutenants at their next meeting, who are to hear and finally determine the ſame. *ſ.* 35.

Where any rate ſhall have been made for providing of volunteers, according to this act, and the churchwardens or overſeers ſhall make complaint to a juſtice, that any quaker refuſes to pay the money he ſhall be rated at, ſuch juſtice ſhall order ſuch charges to be paid for levying ſuch diſtreſs, not exceeding 10 *s.* on each of the quakers, where there are no more than two, and where there are a greater number than two, not exceeding 5 *s.* on each. Provided, that no man ſhall be deemed a quaker, unleſs he produce at ſome ſubdiviſion meeting, a certificate under the hands of two houſekeepers quakers, acknowledging ſuch man to be of their perſuaſion. *ſ.* 36.

Whenever it ſhall appear at any ſubdiviſion meeting, that any perſon choſen is unable, by infirmity, or is not the full height of five feet four inches, or otherwiſe unfit for the ſervice, and is not ſeiſed or poſſeſſed of an eſtate in land, goods, or money, of the clear value of 100 *l.* and who ſhall make oath that he is not ſeiſed or poſſeſſed of ſuch eſtate, ſuch deputy lieutenants ſhall diſcharge ſuch perſon, and immediately amend the liſt, and cauſe another perſon to be choſen in his ſtead. *ſ.* 37.

Whenever any militia man, after ſworn and inrolled, ſhall become unfit for ſervice, the colonel or commanding officer, with two deputy lieutenants, if the regiment ſhall then be within the county, or the commanding officer only, if the regiment ſhall be abſent therefrom, may diſcharge any militia man; but another man ſhall not be ballotted for, in the room of ſuch militia man diſcharged, until ſuch diſcharge ſhall be confirmed under the hands of two deputy lieutenants at the ſubdiviſion meeting. *ſ.* 38.

When any militia man ſhall die, or be appointed a ſerjeant, corporal, or drummer, or be diſcharged by a court-martial, the vacancy ſhall be filled up by a freſh ballot, except as before excepted. *ſ.* 39.

Two deputy lieutenants, at ſubdiviſion meetings, ſhall ballot for militia men in the room of all militia men actually ſerving, whoſe terms will expire before the 20th *Nov.* then next enſuing ſuch ſubdiviſion meetings, and ſhall at a following meeting inroll the ſaid ballotted men, or their ſubſtitutes; and the commanding officer of every regiment is to diſcharge any man whoſe time will expire before 20th *Nov.* then next enſuing, and to receive any other militia man in his room, who ſhall have taken the oath, and been inrolled; and every man ſo diſcharged, if ſerving for himſelf, ſhall be entitled to the ſame immunity from further ſervice as if he had ſerved his full term; and if ſuch man ſo diſcharged was ſerving as a ſubſtitute, then the perſon for whom he ſerved ſhall be entitled to the like immunity. *ſ.* 40.

In caſe any perſon not poſſeſſed of an eſtate in land, goods, or money, of the clear value of 500 *l.* and who ſhall make oath that he is not poſſeſſed of ſuch eſtate, ſhall be choſen to ſerve when the militia is ordered out for actual ſervice, and ſuch perſon ſhall be ſworn and inrolled, or ſhall provide a ſubſtitute; the churchwardens or overſeers of the pariſh ſhall, on receiving an order under the hands of two deputy lieutenants, pay ſuch perſon, not exceeding the ſum which ſuch deputy lieutenants ſhall adjudge to be one half of the current price then paid for a volunteer in the county where ſuch perſon was choſen, which money ſhall be taken out of the poor's rate to be made as hereinafter directed for providing volunteers, or in caſe no volunteers ſhall be provided by the churchwardens or overſeers, then out of a rate, to be made and collected agreeable to the poor's rate, as herein after directed; and in caſe any churchwarden or overſeer ſhall refuſe or neglect to pay ſuch money, upon demand, and the producing of ſuch order, ſuch churchwarden or overſeer ſhall forfeit 5 *l.* one half to the perſon choſen, in lieu of the ſum ordered to be paid to him: but if any man choſen and ſerving for himſelf, ſhall, within one month after his inrollment, be diſapproved of, and diſcharged by the officer commanding the regiment, ſuch ſum ſhall not be paid to the perſon choſen, but ſhall be paid to the next perſon choſen in his ſtead; and if any ſubſtitute be diſapproved and diſcharged, then no ſuch ſum ſhall be paid to the man choſen, whoſe ſubſtitute ſhall have been diſapproved, unleſs he ſerve himſelf, or find another ſubſtitute. *ſ.* 41.

If the churchwardens or overſeers ſhall, with the conſent of the inhabitants, taken at a veſtry, or other meeting, for the calling of which three days public notice ſhall be given, ſpecifying the cauſe, provide and produce to the deputy lieutenants, at any ſubdiviſion meeting, any volunteers who ſhall be approved by ſuch deputy lieutenants, ſuch volunteers ſhall be then and there ſworn in and inrolled, to ſerve as ſubſtitutes; and the deputy lieutenants ſhall cauſe only ſuch number of perſons to be choſen by ballot out of the liſt returned for ſuch pariſh as ſhall be then wanted to make up the whole number for ſuch pariſh, *&c.*; and if ſuch churchwardens or overſeers ſhall give to ſuch volunteers any money, not exceeding 6 *l.* each, to ſerve for ſuch pariſh, ſuch churchwardens or overſeers may make a rate upon the inhabitants according to the poor rate, which (being approved by a juſtice) ſuch churchwardens or overſeers may collect, and reimburſe themſelves ſuch money as they ſhall have paid to ſuch volunteers, and the overplus (if any) ſhall be applied as the poor's rate; and if any perſon ſhall refuſe to pay ſuch rate, any juſtice, upon complaint by ſuch churchwarden or overſeer, by warrant under his hand and ſeal, may levy the ſame by diſtreſs and ſale of the offender's goods, returning the overplus (if any), after the rate and charges paid; but no perſon who ſhall have ſerved in the militia, either by himſelf, or ſubſtitute, or who ſhall be then ſerving, ſhall be liable to ſuch rate: provided, that any perſon aggrieved by ſuch rate, may appeal to the next general or quarter-ſeſſions, as againſt rates for the relief of the poor. *ſ.* 42.

If any ſervant, hired by the year, or otherwiſe, ſhall be inrolled as a militia man, and any diſpute ſhall ariſe between his employer and him, touching any money due on account of his ſervice, before ſuch ſwearing and inrollment, or to ſuch time as he ſhall be obliged to quit the ſervice, on complaint made thereof, within three months from the time of quitting the ſaid ſervice, to any juſtice, ſuch juſtice may hear and determine ſuch complaint, and examine upon oath ſuch ſervant, or any other witneſs, touching the

ſame,

ſame, and make order for the payment of wages in proportion to the ſervice performed, provided the ſum in queſtion do not exceed 20 *l.*; and in caſe of refuſal or non-payment by the ſpace of twenty-one days after ſuch determination, ſuch juſtice ſhall iſſue his warrant to levy the ſame, by diſtreſs and ſale of the goods of ſuch employer, rendering the overplus, after payment of the charges of diſtreſs and ſale. *ſ.* 43.

Any perſon who ſhall receive money from any other to ſerve as his ſubſtitute, or from any churchwardens or overſeers, to ſerve as a volunteer, and ſhall neglect to appear at the meeting appointed for ſwearing the men, or before one deputy lieutenant, to be ſworn according to this act, ſuch perſon being convicted thereof before any deputy lieutenant, or juſtice, ſhall return the money to the perſon from whom he received it, and alſo forfeit to ſuch perſon, not exceeding 20 *s.*; and if ſuch offender ſhall not immediately return the money, and likewiſe pay the penalty, he ſhall be committed to the common gaol or houſe of correction for fourteen days. *ſ.* 44.

If any perſon choſen to ſerve ſhall have engaged any or other to ſerve as his ſubſtitute, or if any churchwardens overſeers ſhall have engaged any perſon to ſerve as a volnuteer, and the perſon ſo choſen, or ſuch churchwardens or overſeers, ſhall have agreed to pay to the perſon engaged, a certain ſum for ſuch ſervice, and ſhall, after ſuch perſon has been inrolled, refuſe to pay, one juſtice, on application made to him, is to order ſuch money to be immediately paid; and ſuch juſtice ſhall proceed therein according to 20 *Geo.* 3. *c.* 19. (*See general title* "LABOURERS.") *ſ.* 45.

Whenever any body of militia ſhall be embodied, and abſent from the county to which it belongs, the commanding officer ſhall apply to every man whoſe time ſhall be within four months of expiring, and who, in his judgment, ſhall be fit to ſerve, and inquire if he is willing to continue in the ſervice, and for what price; and ſuch commanding officer ſhall, on the 1ſt *Jan.* 1ſt *March*, 1ſt *May*, 1ſt *July*, 1ſt *Sept.* and 1ſt *Nov.* tranſmit to the clerk of the general meeting, a liſt of all ſuch men as he ſhall find willing to continue in the ſervice, in which liſt ſhall be ſet down the ſums they are willing to continue for, and which liſt ſhall be ſigned by every ſuch militia man, and made in the following form; *viz.*

Dated the day of

Name of the county.	Names of the men actually ſerving.	If ſubſtitutes, for whom they ſerve.	Of the pariſh of	In the hundred of	Time of ſervice expires on the	Sum for which they engage to ſerve.	Signature of conſent
	A. B.	*C. D.*	*P.*	*H.*			*A. B.*
	E. F.	*L. M.*	*Q.*	*I.*			*E. F.*
	G. K.		*R.*	*N.*			*G. K.*

And the ſigning of the ſaid roll ſhall be binding upon the perſons ſigning. *ſ.* 46.

In caſe any officer, ſerjeant, or other perſon, ſhall knowingly inliſt any man to ſerve in other forces, who at the time of inliſting ſhall be engaged to ſerve in the militia, ſuch inliſting ſhall be void; and in caſe any militia man, at the time of offering to inliſt, ſhall deny to the officer, *&c.* that he is (at the time of offering to inliſt) a militia man then actually engaged to ſerve (which the ſaid officer is to aſk), or ſhall offer himſelf to be inrolled and ſerve in any other regiment of militia, every militia man ſo offending ſhall, on conviction thereof, upon the oath of one witneſs before one juſtice, be committed to the common gaol, or houſe of correction, for not exceeding ſix months, over any penalty or puniſhment to which ſuch perſon ſhall be otherwiſe liable; and every perſon ſo offending, from the day on which his engagement to ſerve in the militia ſhall end, and not ſooner, ſhall belong, as a ſoldier, to ſuch corps into which he ſhall have been ſo inliſted; and if any officer, *&c.* ſhall inliſt any man belonging to the militia, to ſerve in other forces, knowing him to belong to the militia, or without aſking him if he belongs to the militia, ſuch officer, *&c.* ſhall forfeit 20 *l.*; and if any perſon actually ſerving in any other forces ſhall offer to ſerve and be inrolled as a ſubſtitute in the militia, every perſon ſo offending ſhall forfeit to the perſon informing, 10 *l.* or be committed to the common gaol or houſe of correction, for not exceeding three months. *ſ.* 47.

If any perſon ſhall give orders to any ſerjeant, drummer, or other perſon ſerving in the militia, to beat up for volunteers to ſerve in the militia, the perſon who ſhall give ſuch orders ſhall, upon proof thereof, and of ſuch beating up, upon oath, before any juſtice, forfeit 20 *l.*; one moiety to the uſe of the perſon who ſhall make information thereof before any juſtice; and if ſuch ſerjeant, *&c.* ſhall refuſe to declare upon oath, before ſuch juſtice, from whom he received ſuch orders, ſuch juſtice is, by warrant, to commit him to the houſe of correction, for not exceeding three months. *ſ.* 48.

The clerks of all ſubdiviſion meetings ſhall, within fourteen days after every ſubdiviſion meeting, tranſmit to the clerk of the general meeting copies of ſuch rolls as ſhall be ſigned at ſuch meeting. *ſ.* 49.

The lieutenant of every county ſhall tranſmit to the privy council, annually, an account in writing of the number of perſons fit and liable to ſerve in the militia for ſuch county, *&c.*; and afterwards the privy council ſhall forthwith fix the number of militia men who ſhall for the future ſerve for each county, by the proportion which the numbers returned bear to the whole number of men by this act directed to be raiſed, and tranſmit accounts of the numbers ſo fixed, to the lieutenants of the counties, *&c.*; and where the number ſo fixed ſhall be greater than the number by this act appointed to ſerve for any county, *&c.* then the lieutenant, with two deputy lieutenants, and on the death or removal, or in the abſence of the lieutenant, three deputy lieutenants, ſhall, at a general meeting holden for that purpoſe, appoint what number ſhall ſerve for each hundred; and the additional number, to make up the whole ſo fixed, ſhall be choſen as other militia men are by this act to be choſen; and all the additional men ſo choſen, or their ſubſtitutes, and alſo all volunteers, ſhall take the oath, and ſhall be inrolled, or ſign their conſent to ſerve as directed by this act, and in caſe of refuſal, ſhall be ſubject to the ſame penalties as in like caſes: but where the number fixed ſhall be leſs than the number appointed to ſerve for any county, *&c.* then the ſaid lieutenant, with two deputy lieutenants, or (on the death, *&c.* of the lieutenant) three deputy lieutenants, ſhall, at a general meeting held for that purpoſe, diſcharge by ballot, proportionably out of each hundred, *&c.* ſo many men as ſhall exceed the number fixed. *ſ.* 50.

The money ariſing by penalties incurred for refuſing to ſerve or find ſubſtitutes, ſhall be applied by two deputy lieutenants, within their ſubdiviſions, in providing ſubſtitutes for the perſons who ſhall have paid ſuch penalties, which ſubſtitutes ſhall be ſworn in and inrolled to ſerve for the ſame term, and on the ſame conditions, as before pro-

vided; and if any ſurplus ſhall remain, the ſame ſhall be paid to the colonels or commanding officers of the regiments in which ſuch perſons ought to have ſerved, and applied as part of the regimental ſtock. *ſ.* 51.

When any matter is to be examined into upon oath before any lieutenant, deputy lieutenant, or juſtice, ſuch lieutenant, *&c.* is to adminiſter ſuch oath; and all other oaths to be taken in purſuance of this act ſhall be adminiſtered by any lieutenant or deputy lieutenant. *ſ.* 52.

In the counties, ridings, and places, where the number of men is ſufficient, the militia ſhall be formed into regiments, of not more than twelve, nor leſs than eight companies, of eighty private men to a company at the moſt, and ſixty at the leaſt; and the field officers of ſuch regiments ſhall be, one colonel, one lieutenant colonel, and one major; and where the number ſhall be eight, and not leſs than five companies, ſuch militia ſhall be formed into a battalion, and the field officers ſhall be one lieutenant colonel, and one major only; and where the number ſhall amount to five, and not leſs than three companies, ſuch militia ſhall be formed into a battalion with one lieutenant colonel, or major, and no other field officer; and in each regiment or battalion there ſhall be one captain, one lieutenant, and one enſign to each company: provided, that every battalion of five companies may have one company of grenadiers or light infantry, to which two lieutenants ſhall be appointed inſtead of one lieutenant and one enſign; and every regiment of eight companies may have one company of grenadiers, and one company of light infantry, to each of which two lieutenants ſhall be appointed, inſtead of one lieutenant and one enſign. *ſ.* 53.

In counties, *&c.* where the number of men ſhall not be ſufficient to form a regiment or battalion, according to this act, the militia ſhall be formed into independent companies, each of eighty private men at the moſt, and ſixty at the leaſt, with one captain, one lieutenant, and one enſign, to each company; and his majeſty may join together ſuch independant companies, and form battalions, or incorporate them with any other regiment or battalion, provided the number of companies in ſuch regiment or battalion be not thereby made to exceed the number of companies of which a regiment or battalion is to conſiſt. *ſ.* 54.

The lieutenant of any county may act as colonel or commanding officer of any regiment, during ſuch time as there ſhall not be any colonel or commanding officer, but not at any one time, as colonel or commanding officer to more than one body of militia, whether regiment, battalion, or independent company; and where the lieutenant ſhall take the command of any body of militia not deemed a regiment, he ſhall rank colonel, except when the company ſhall be formed into battalion as aforeſaid, but ſhall receive no greater pay than the commanding officer would be entitled to. *ſ.* 55.

When any colonel or other commanding officer ſhall be abſent from *Great Britain*, all the powers by this act given to ſuch officer ſhall be exerciſed by the next officer in command, reſiding within *Great Britain*, until ſuch commanding officer ſhall return, and ſhall notify his arrival to the clerk of the peace of the county, and the clerk is, upon receipt of ſuch notification, to tranſmit an account thereof to the officer next in command; and all acts done by ſuch officer next in command ſhall be valid. *ſ.* 56.

When a battalion is commanded by a lieutenant colonel, who ſhall have been commandant of the ſame for five years, the lieutenant, with the conſent of his majeſty, may give to ſuch lieutenant colonel commandant a commiſſion of colonel. *ſ.* 57.

In all counties where the number of men are ſufficient to form ſix companies, but not a regiment, the lieutenant may appoint three perſons, qualified to ſerve, with the rank of colonel, lieutenant colonel, and major, but with no higher pay than if appointed lieutenant colonel, major, and captain; and where the number ſhall be ſufficient to form four companies, but not ſix, the lieutenant may appoint two perſons to ſerve, with the rank of lieutenant colonel and major, but only one of them ſhall be entitled to any higher pay than that of captain; and where the number is not ſufficient to form more than two companies, the eldeſt captain ſhall rank as major, but only be entitled to pay of captain. *ſ.* 58.

Any perſon qualified as a lieutenant may be appointed to the rank of captain lieutenant in any regiment or battalion, conſiſting of not leſs than ſix companies; but no captain lieutenant ſhall, by the date of his commiſſion or otherwiſe, be entitled to rank above, or to command any captain of a company in the militia. *ſ.* 59.

His majeſty may appoint one perſon from ſome of his majeſty's other forces, or militia that has been drawn out and embodied, to be an adjutant to each regiment, battalion, or independent company, in every county, and ſuch adjutant, if appointed out of other forces, ſhall, during his ſervice in the militia, preſerve his rank in the army as if he had continued in that ſervice; and the lieutenant may give any ſuch adjutant a commiſſion of a lieutenant or enſign, although he may not have the qualifications required by this act; and the lieutenant of any county, on the recommendation of the commanding officer of any regiment of militia, of not leſs than ſix companies, may appoint the adjutant to the rank of captain by brevet, provided ſuch adjutant has ſerved five years in the rank of lieutenant, whether in the militia, or other forces, although ſuch adjutant may not have the qualifications required for captains: no ſuch appointment to the rank of captain ſhall be valid, unleſs in the inſtrument granting the ſame it be ſpecified in what regiment, and whether of the militia or other forces, ſuch adjutant hath ſerved lieutenant, and what was the date of his commiſſion: and no adjutant ſo appointed to the rank of captain ſhall, by the date of ſuch appointment, or otherwiſe, rank above, or command any captain of a company in the militia, nor be entitled to any greater pay than a lieutenant, together with his pay as adjutant. *ſ.* 60.

The colonel, or (where there is no colonel) the commanding officer of every regiment, of more than two companies, when not in actual ſervice, may appoint a regimental or battalion clerk, who ſhall execute the office of paymaſter; but where the number of men ſhall not be ſufficient to form more than two companies, no clerk ſhall be allowed, but the receiver general of the land tax ſhall pay the money neceſſary for ſuch number of men to the commanding officer, who ſhall account with the receiver general for the ſame. *ſ.* 61.

No adjutant, ſurgeon, regimental or battalion clerk, or quarter maſter in the militia, ſhall be appointed captain of a company; and no captain an adjutant, ſurgeon, regimental, or battalion clerk, or quarter-maſter: but any battalion clerk may be appointed captain lieutenant in any regiment entitled by this act to have a captain lieutenant. *ſ.* 62.

No officer entitled to half-pay, ſhall forfeit ſuch half-pay during the time he ſhall ſerve as lieutenant, enſign, adjutant, battalion clerk, paymaſter, quarter-maſter, or ſurgeon, in any regiment, *&c.* of militia, but the ſame ſhall

continue;

continue; and inſtead of the oath directed by the mutiny act, ſuch officer ſhall take the following oath:

I A. B. *do ſwear, that I had not, between the* —— —— *any place or employment of profit, civil or military, under his majeſty, beſides my allowance of half-pay as a reduced* —— —— *in* —— —— *late regiment of* —— —— *ſave and except my pay as lieutenant, enſign, adjutant, battalion clerk, paymaſter, quarter-maſter, or ſurgeon* [as the caſe may be], *for ſerving in a regiment of militia.*

And the taking the ſaid oath ſhall entitle ſuch perſon to receive his half-pay. *ſ.* 63.

When not in actual ſervice there ſhall be one ſerjeant and one corporal to every thirty men, and when drawn out into actual ſervice, an addition ſhall be made, ſo that there ſhall be one ſerjeant and one corporal to every twenty men, and when not in actual ſervice, there ſhall be one drummer to every company, with an addition of one drummer for each flank company of regiments of ſix or more companies, and when drawn out into actual ſervice, there ſhall be an addition of one drummer to every company; and the daily pay of every ſerjeant, corporal, and drummer, ſhall be, to every ſerjeant 1 *s.* corporal 8 *d.* and drummer 6 *d.*; and ſuch ſerjeants, corporals, and drummers ſhall be new-clothed, when not in actual ſervice, once in two years: and all ſerjeants and corporals ſhall take the following oath:

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his majeſty king* GEORGE; *and I do ſwear that I am a proteſtant, and that I will faithfully ſerve as a ſerjeant*, or *corporal* [as the caſe ſhall be], *in the militia within the kingdom of* Great Britain, *for the defence of the ſame, until I ſhall be legally diſcharged.*

And the colonel of every regiment or battalion, or (where there is no colonel) the commanding officer of every battalion of four companies, may appoint a ſerjeant major out of the ſerjeants, and a drum major out of the drummers; and all ſerjeants, corporals, and drummers, having received any pay as ſuch, ſhall be deemed to be engaged, and compellable to ſerve until they ſhall be legally diſcharged: provided, that no perſon who ſhall keep any houſe of public entertainment, or who ſhall ſell ale or wine, or brandy, or other ſpirituous liquors by retail, ſhall be appointed ſerjeant, corporal, or drummer: and if in any regiment or battalion there ſhall be a ſurplus of fifteen men, after the apportionment of one ſerjeant and one corporal to every thirty men, ſuch regiment ſhall have one additional corporal, when not in actual ſervice, for ſuch ſurplus number. *ſ.* 64.

Any ſerjeant, corporal, or drummer, may be diſcharged by the colonel, or (where no colonel) by the commanding officer (with the conſent of the captain of the company); and the captain (with the approbation of the commanding officer) may appoint any perſon in the room of every ſerjeant, corporal, and drummer, who ſhall die, deſert, or be diſcharged, all which ſhall take the like oath as before. *ſ.* 65.

In caſe his majeſty's lieutenants for any county, or the commanding officer of any regiment, *&c.* ſhall be deſirous of keeping up a greater number of drummers than one *per* company, to be employed as fifers or muſicians for the uſe of the regiment, and ſhall be willing to defray the expence of ſuch additional drummers, the commanding officer may retain any number of drummers, over the number of one drummer *per* company eſtabliſhed by this act, to act as fifers or muſicians; and ſuch drummers ſhall be deemed drummers of militia within this act, and ſhall be ſubject to the ſame regulations, penalties, and puniſhments, as other drummers, and ſhall continue to ſerve as drummers ſo long as they receive pay and clothing, and no longer. *ſ.* 66.

Any ſerjeant on the eſtabliſhment of *Chelſea Hoſpital*, at the allowance of twelve pence a day, appointed to ſerve in the militia, ſhall receive the ſaid allowance, together with his pay from the militia; and any perſon who ſhall have ſerved as a ſerjeant in the militia for fifteen years, or as a corporal or drummer for twenty, and who ſhall be diſcharged on account of age or infirmity, ſhall, on the recommendation of the commanding officer, and the lieutenant, and two deputy lieutenants, or on the death, removal, or abſence of the lieutenant, by the commanding officer, and three deputy lieutenants, be entitled to examination at the *Chelſea* board, and capable to be placed on the penſion of five pence *per diem*, if the board judge him deſerving thereof: provided, no perſon appointed a ſerjeant in the militia after paſſing this act ſhall be entitled to ſuch recompence, until he ſhall have ſerved in the militia, or in the army and militia, for twenty years. *ſ.* 67.

The militia ſhall be trained and exerciſed once in every year for twenty-eight days together, at ſuch time and place as ſhall be leaſt inconvenient to the public, to be appointed by a general meeting of the lieutenancy, as before directed, within every county, or in default of ſuch meeting, by the lieutenant of the county, or three deputy lieutenants, authoriſed to act when the lieutenant ſhall be out of *Great Britain*; and during ſuch time as the militia ſhall be aſſembled to be trained and exerciſed, all matters in the mutiny act ſhall be in force with reſpect to the militia, ſo that no puniſhment extend to loſs of life or limb. *ſ.* 68.

Notice of the time and place of exerciſe of the militia men of each pariſh ſhall be ſent by the clerk of the general meetings, to the chief conſtables of the hundreds, *&c.* with directions to forward the ſame to the conſtables, *&c.* within their hundreds; which conſtables, *&c.* ſhall cauſe ſuch notice to be affixed on the doors of the churches or chapels, or (if no church or chapel belonging thereto) on the door of the church or chapel of ſome pariſh adjoining; and all ſuch militia men ſhall attend according to ſuch notice. *ſ.* 69.

The clerks of the ſubdiviſion meetings ſhall, ten days before the annual exerciſe, cauſe a liſt, ſpecifying the name and date of the inrollment of all the perſons inrolled (within each ſubdiviſion) to ſerve, to be tranſmitted to the commanding officer, or the perſon appointed by ſuch officer to receive the ſame; and ſhall in like manner cauſe a duplicate of ſuch liſt to be tranſmitted to the adjutant. *ſ.* 70.

At the firſt meeting for annual exerciſe appointed after paſſing this act, the commanding officer of each regiment ſhall, on the firſt day on which ſuch regiment is to aſſemble, and in the preſence of the deputy lieutenants and officers aſſembled, cauſe ſuch a number of the perſons inrolled to ſerve in ſuch regiment to be choſen by ballot out of the liſt returned for each ſubdiviſion, as ſhall be equal to two thirds of the complete number that ought to be inrolled: provided, that where the number cannot be divided into three equal parts, the two thirds, to be choſen by ballot as aforeſaid, ſhall be computed upon the next higheſt number that can be divided into three parts. *ſ.* 71.

On the day next after ſuch ballot, the commanding officer ſhall cauſe the regiment, *&c.* to be muſtered according to the ſubdiviſion for which each perſon ſhall have been inrolled to ſerve, and ſhall cauſe the roll of each ſubdiviſion

to be publicly called; and as the name of each perſon therein ſhall be read, he ſhall declare whether ſuch perſon is or is not balloted out of ſuch roll. *ſ.* 72.

If any vacancy ſhall happen by the death or diſcharge of any perſon ſo balloted, or by the expiration of the term for which he ſhall have been inrolled to ſerve, the commanding officer ſhall, at the next annual exerciſe, proceed to ballot in manner before directed, for ſuch further number as ſhall be wanting to complete the proportion of two-thirds. *ſ.* 73.

Every perſon the commanding officer ſhall declare to have been balloted out of ſuch roll, ſhall be trained and exerciſed in manner before directed, during every year for which ſuch perſon is inrolled to ſerve; and every perſon the commanding officer ſhall declare to have been not balloted, ſhall be diſcharged from further attendance during the remainder of the annual exerciſe. *ſ.* 74.

Every perſon diſcharged ſhall, during the time he ſhall remain in the place where ſuch regiment is aſſembled, be ſubject to the ſame orders, as perſons choſen to be exerciſed, unleſs ſuch perſon ſhall be uſually reſident in ſuch place. *ſ.* 75.

All perſons diſcharged ſhall appear at any ſubſequent time or place of exerciſe, of which due notice ſhall be given, and ſhall, on default of appearance, be ſubject to the ſame penalties and puniſhments as other perſons inrolled to ſerve. *ſ.* 76.

If any inrolled perſon, not choſen by ballot, ſhall offer himſelf as a volunteer to be trained and exerciſed in the room of any perſon choſen by ballot, the commanding officer may accept ſuch volunteer in the room of ſuch perſon balloted; and ſuch perſon ſo accepted ſhall be trained and exerciſed as if he had himſelf been choſen. *ſ.* 77.

All mayors, bailiffs, conſtables, tythingmen, headboroughs, and other chief magiſtrates, and officers of cities, towns, pariſhes, tythings, and places, and in their default or abſence, one juſtice, are to quarter and billet the officers, non-commiſſioned officers, and the private men ſerving in the militia, at the times when they ſhall be called out to annual exerciſe, in inns, livery ſtables, alehouſes, victualling houſes, and all houſes of perſons ſelling brandy, ſtrong waters, cyder, wine, or metheglin by retail, upon application made to any ſuch mayor, *&c.* by his majeſty's lieutenant, or by the colonel or commanding officer where they ſhall be called out to exerciſe; and when the militia is not embodied, all mayors and other chief magiſtrates, and officers aforeſaid, or in their default or abſence, one juſtice, may order and provide convenient lodging in ſuch houſes for the ſerjeants, corporals, and drummers. *ſ.* 78.

In caſe any militia man ſhall on his march, or at annual exerciſe, be diſabled, by ſickneſs or otherwiſe, one juſtice, or any mayor or chief magiſtrate, where ſuch man ſhall be, may, by warrant, order him relief, and the ſame ſhall be given by the officers of the pariſh; and the officers giving ſuch relief ſhall, upon producing an account of the expences thereof to the treaſurer of the county, for which ſuch man ſhall ſerve (ſuch account being firſt allowed under the hand of a juſtice), be reimburſed ſuch expences by ſuch treaſurer, and he ſhall be allowed the ſame in his accounts. *ſ.* 79.

When the militia ſhall be called out to be trained and exerciſed, any juſtice may, being required by an order from the lieutenant, or deputy lieutenant, or from the colonel, or other chief commiſſioned officer of the regiment, being within ſuch county, iſſue his warrant to the chief conſtables of hundreds, or to the conſtables, *&c.* of the pariſhes, from, through, near, or to which any ſuch regiment or detachment ſhall be ordered to march, requiring them to provide carriages, to convey the arms, clothes, accoutrements, powder, match, bullets, and other ſtores, with able men to drive ſuch carriages, as ſhall be mentioned in the order; and in caſe ſuch carriages and men cannot be provided within ſuch county, hundred, *&c.* pariſh, or place, then any juſtice, for any adjoining county, ſhall, upon ſuch order being ſhewn him, iſſue his warrant to the chief conſtables of any hundred, *&c.* within ſuch adjoining county, for the purpoſes aforeſaid, to make up ſuch deficiencies of carriages and men; and ſuch lieutenant, deputy lieutenant, or colonel, or other chief commiſſioned officer, requiring ſuch carriages and men to be provided, ſhall pay to ſuch chief conſtable, conſtable, *&c.* for the uſe of the perſon who ſhall provide ſuch carriages and men, 1 *s.* for every mile any waggon with five horſes, and any wain with ſix oxen, or with four oxen and two horſes ſhall travel, and 9 *d.* for every mile any cart with four horſes ſhall travel, and ſo in proportion for any carriages drawn by leſs horſes or oxen; for which ſums every chief conſtable, conſtable, *&c.* receiving the ſame, is to give a receipt to the perſon paying the ſame; and ſuch chief conſtable, conſtable, *&c.* ſhall order ſuch perſons, having carriages within their hundreds, pariſhes, *&c.* as they think proper, to furniſh ſuch carriages and men according to the warrant; and every perſon ſo ordered is to provide the ſame for one day's journey, and no more: and in caſe any ſuch chief conſtables, conſtables, *&c.* ſhall be at any charges for ſuch carriages, over the money received, ſuch overplus ſhall be borne by every county where ſuch additional expence ſhall be incurred, and be repaid to them without fee, by the treaſurer of ſuch county, out of the public ſtock. *ſ.* 80.

The colonel, or other commanding officer of every regiment, *&c.* ſhall, when the regiment ſhall be called out to annual exerciſe, return to the lieutenant of the county, a true ſtate of ſuch regiment; and in caſe he ſhall refuſe or neglect for ſix months after annual exerciſe ſo to do, he ſhall forfeit 100 *l.* *ſ.* 81.

Every militia man (not labouring under any infirmity incapacitating him) who ſhall not appear at annual exerciſe, according to this act (notice having been publiſhed as this act requires), ſhall be deemed a deſerter, and if not taken until after the time of exerciſe, ſhall forfeit 20 *l.*; and every militia man who, having joined the regiment, ſhall deſert or abſent himſelf during annual exerciſe, and ſhall not be taken until after ſuch exerciſe, ſhall forfeit 20 *l.* and if ſuch penalty ſhall not be paid, the juſtice before whom he ſhall be convicted, ſhall commit him to the common gaol, for ſix months. *ſ.* 82.

In caſe any militia man ſhall deſert, and not return, or be taken within three months after his deſerting, then upon certificate thereof from the commanding officer, to the deputy lieutenants, at the ſubdiviſion meeting, ſuch deputy lieutenants, or two of them, are to hold a ſubdiviſion meeting, and to ballot for another to ſerve in the room of ſuch militia man; and in caſe ſuch militia man ſhall at any time return or be taken, he ſhall notwithſtanding ſerve in the ſame manner and for the ſame term as if no perſon had been choſen in his room. *ſ.* 83.

If any perſon, ſworn and inrolled to ſerve as a ſubſtitute, ſhall deſert, ſuch perſon ſhall ſerve for the full term for which he ſhall have been inrolled, to be computed from the day on which he ſhall be apprehended, and ſhall alſo be ſubject to ſuch other puniſhment as ſhall be inflicted upon him by this act; and the commanding officer ſhall cauſe notice to be given to the clerk of the ſubdiviſion, of the day on which he was apprehended, and ſuch clerk ſhall make an entry in the roll, of the name of ſuch perſon, and alſo of the time of his being apprehended. *ſ.* 84.

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All muſkets ſhall be marked with the letter (M), and the name of the county, &c. to which they belong; and in caſe any militia man ſhall ſell, pawn, or loſe any of his arms, clothes, or accoutrements, or neglect or refuſe to return the ſame in good order to his captain, or to the perſon appointed to receive the ſame, ſuch militia man ſhall forfeit, not exceeding 3 *l.* and if he ſhall not immediately pay ſuch penalty, the juſtice before whom he ſhall be convicted, ſhall commit him to the houſe of correction for not exceeding three months. *ſ.* 85.

If any perſon ſhall knowingly buy, take in exchange, conceal, or otherwiſe receive any arms, clothes, or accoutrements, belonging to any militia man, contrary to this act, he ſhall forfeit 5 *l.* which if not immediately paid, and there are not ſufficient goods to levy ſuch penalty, the juſtice ſhall commit him to the common gaol, for three months, or ſhall cauſe ſuch offender to be publicly whipped. *ſ.* 86.

When any regiment, &c. ſhall be aſſembled for the purpoſe of being trained and exerciſed, the captain, or commanding officer of every company may put the men under ſtoppages, not exceeding 6 *d. per* day, for the purpoſe of providing them with linen, ſtockings, and other neceſſaries, and for defraying the expence of repairing any arms broken or damaged by ſuch man's neglect: provided, that every ſuch officer ſhall account with each man for ſuch ſtoppage, and after having deducted what ſhall have been laid out for neceſſaries, and repairing the arms, ſhall pay the ſum remaining to the militia man before diſmiſſed from exerciſe. *ſ.* 87.

Every adjutant, ſerjeant major, ſerjeant, corporal, drum major, and drummer, ſhall be ſubject to the mutiny act, and to the articles of war, under the command of the colonel, or commanding officer; and the colonel, or (where no colonel) the commanding officer, may direct the holding of courts-martial, whenever ſuch regiment ſhall be embodied, for the trial of any ſerjeant major, &c for any offence committed during the time ſuch regiment was not embodied, ſo that no puniſhment extend to the loſs of life or limb. *ſ.* 88.

Any ſerjeant or corporal may, by ſentence of a court martial, be reduced to a private, to ſerve as ſuch not exceeding fifteen months; after which time, if not re-appointed, he ſhall be diſcharged. *ſ.* 89.

The arms belonging to every regiment, &c. when not embodied, ſhall be kept in ſuch place as the colonel or commanding officer ſhall direct, with the approbation of the lieutenant of the county. *ſ.* 90.

One third of the ſerjeants, corporals, and drummers, in every regiment, &c. ſhall conſtantly be reſident within the place where the arms are kept, and ſhall be under the command of the adjutant, who ſhall act under the orders of the colonel, or commanding officer; and in his abſence the ſerjeant major ſhall make a monthly return of the ſerjeants, corporals, and drummers, to the lieutenant of the county, and the commanding officer, in default of which, on each neglect, ſuch adjutant or ſerjeant major ſhall be ſubject to ſuch puniſhment as a court martial ſhall adjudge; and no ſerjeant, corporal, or drummer, ſhall be abſent from ſuch place without furlough from his colonel, or commanding officer; and every ſerjeant, &c. who ſhall abſent himſelf without furlough, ſhall be liable to be apprehended as a deſerter; and ſuch adjutant ſhall never abſent himſelf from ſuch place, without leave of his colonel, or commanding officer: provided, that whenever ſuch adjutant ſhall be abſent, then ſuch ſerjeants, &c. ſhall be under the command of the ſerjeant major, or ſerjeant appointed by the adjutant, with the approbation of the colonel or commanding officer. *ſ.* 91.

If any militia man ſhall not join the regiment to which he belongs, at annual exerciſe, or ſhall deſert during annual exerciſe, and ſhall not be apprehended before the expiration of ſuch exerciſe, and if the commanding officer or adjutant, or commanding officer of the company to which ſuch offender belongs, ſhall receive information of the place where he ſhall be, ſuch commanding officer or adjutant may, by writing under his hand, deſcribe the perſon of ſuch offender, and alſo certify that he did not join the regiment at annual exerciſe, or that he deſerted during annual exerciſe; and ſend the ſame by a ſerjeant, corporal, or drummer, to the adjutant, or ſerjeant major of the regiment of the county wherein ſuch offender is ſuppoſed to be; and the adjutant, or ſerjeant major to whom ſuch certificate ſhall be ſent, ſhall direct a party of ſerjeants, corporals, or drummers, to aſſiſt in apprehending ſuch offender, and in conveying him before ſome juſtice; and if, by his confeſſion, or the teſtimony of any witneſs upon oath, or the knowledge of ſuch juſtice, it ſhall appear that ſuch perſon is guilty of ſuch offence, ſuch adjutant, or ſerjeant major, ſhall order a party of ſerjeants, &c. to convey ſuch offender to the head quarters of the regiment of the next county, in the way to the county to which ſuch offender belongs, and deliver him into the cuſtody of the adjutant or ſerjeant major of ſuch regiment, who ſhall cauſe him to be conveyed in like manner to the adjutant or ſerjeant major of the regiment of the next county, and ſo in like manner, until ſuch offender ſhall be delivered into the cuſtody of the adjutant or ſerjeant major of the regiment to which he belongs, who ſhall take him before a juſtice to be dealt with as this act directs in caſes of militia men deſerting; and from the time of his being apprehended, until he is brought before ſuch juſtice, ſuch offender ſhall be ſubſiſted at 6 *d. per* day, from the ſtocks of the county, &c. to which ſuch regiment belongs, for which ſubſiſtence ſuch juſtice is to make an order upon the treaſurer of the county, &c. And if any ſerjeant, corporal, or drummer, ſhall deſert, any headborough, conſtable, or other officer, of the place where any perſon who may be ſuſpected to be ſuch deſerter ſhall be found, may cauſe ſuch perſon to be apprehended and taken before any juſtice, who is to examine ſuch ſuſpected perſon; and if, by his confeſſion, or the teſtimony of any witneſs, upon oath, or by the knowledge of ſuch juſtice, it ſhall appear that ſuch perſon is ſuch deſerter, ſuch juſtice ſhall forthwith cauſe him to be conveyed to the common gaol, there to remain until demanded by ſome perſon authoriſed to receive him, and ſhall tranſmit an account thereof to the clerk of the general meetings of the county to which ſuch deſerter belongs; and the keeper of ſuch gaol ſhall receive the full ſubſiſtence of ſuch deſerter, for his maintenance, during the time he ſhall continue in cuſtody, but ſhall not be entitled to any fee, on account of his impriſonment; and ſuch clerk of the general meetings receiving ſuch account, ſhall immediately tranſmit a copy thereof to the colonel, or commanding officer of the regiment, and alſo to the adjutant, or other officer commanding the ſerjeants, &c. and where there are more than one regiment, ſuch clerk ſhall ſend ſuch copy to all the colonels or commanding officers, and alſo to all the adjutants, or officers commanding ſerjeants, &c. within his county; and the colonel, or commanding officer of the regiment to which ſuch deſerter ſhall be found to belong, or the adjutant, or officer commanding the ſerjeants, &c. ſhall immediately on receiving ſuch copy as aforeſaid, ſend any ſerjeant, corporal, or drummer, or any party of the ſerjeants, &c. to the place where ſuch deſerter ſhall be

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confined, and ſhall alſo ſend by ſuch ſerjeant, *&c.* or the ſerjeant commanding ſuch party of ſerjeants, *&c.* an order, under his hand and ſeal, to the keeper of the gaol, *&c.* requiring him to deliver ſuch deſerter to the perſon therein named, which he is to do; and the ſerjeant, *&c.* to whom ſuch deſerter is ordered to be delivered, in caſe one only ſhall be ſent on ſuch duty, ſhall apply to the adjutant or ſerjeant major of the regiment of the county where ſuch deſerter ſhall be confined, and ſuch adjutant or ſerjeant major ſhall order a ſufficient party of the ſerjeants, *&c.* under his command, to aſſiſt in conveying ſuch deſerter, and he ſhall be conveyed to the adjutant or ſerjeant major of the regiment to which he belongs, as before directed with reſpect to conveying private men; and ſuch adjutant or ſerjeant major ſhall take ſuch deſerter before a juſtice, who ſhall cauſe him to be conveyed to the common gaol, where he ſhall remain until the regiment ſhall be embodied for annual exerciſe or actual ſervice; and the colonel or commanding officer ſhall then iſſue an order, under his hand and ſeal, to the keeper of the gaol, requiring him to deliver ſuch deſerter to the perſon therein named, which he is to do; and ſuch colonel or commanding officer is to hold a court martial for the trial of ſuch deſerter, in ſuch manner as ſhall be directed by any mutiny act; and if upon any ſuch trial, ſuch deſerter ſhall be found guilty, it ſhall be lawful to puniſh ſuch deſerter in ſuch manner as ſuch court martial ſhall think fit, according to the powers of ſuch act, and of the articles of war, ſo that no ſuch puniſhment extend to life or limb: and all gaolers ſhall, if required ſo to do by any ſerjeant, *&c.* confine ſuch offender for not exceeding 24 hours; and every gaoler who ſhall refuſe ſo to do, ſhall forfeit, 20*s.*; and all ſuch ſerjeants, *&c.* while employed in executing ſuch duty, ſhall be billetted as ſerjeants, *&c.* belonging to his majeſty's other forces employed in apprehending deſerters are. *ſ.* 92.

The juſtice before whom any deſerter ſhall be convicted, ſhall iſſue his warrant to the clerk of the regiment, or where there is no clerk, to the commanding officer, requiring ſuch clerk to pay out of the ſtock of ſuch regiment 20*s.* to the perſon who ſhall have apprehended ſuch deſerter; and ſuch clerk, *&c.* is required to pay the ſame upon demand. *ſ.* 93.

If any perſon ſhall conceal, or aſſiſt any deſerter, knowing him to be ſuch, he ſhall forfeit 5 *l.* *ſ.* 94.

In caſes of actual invaſion, or imminent danger thereof, and in caſes of rebellion or inſurrection, his majeſty (the occaſion being firſt communicated to parliament, if ſitting, or declared in council, and notified by proclamation, if no parliament be ſitting) may direct the lieutenants of the counties, or on the death, *&c.* of any of them, three deputy lieutenants, to draw out and embody all the regiments of militia within their counties, or ſo many of them as his majeſty ſhall judge neceſſary and as beſt adapted to the danger, and to put the ſaid forces under the command of ſuch general officers as his majeſty ſhall appoint; and may direct the ſaid forces to be led by their officers into any parts of this kingdom, for repelling of any invaſion, and for the ſuppreſſion of any rebellion within *Great Britain*; and the officers, non-commiſſioned officers, drummers, and private men of the ſeveral regiments, ſhall, until they be returned again, by his majeſty's orders, to their reſpective pariſhes, remain under the command of ſuch general officers; and during ſuch time all the proviſions in any mutiny act, ſhall extend to all officers, non-commiſſioned officers, drummers, and private men of the militia, in all caſes whatſoever. *ſ.* 95.

Neither the whole, or any part of the militia, ſhall on any account go out of *Great Britain*. *ſ.* 96.

Whenever his majeſty ſhall cauſe the militia to be drawn out and embodied, his majeſty ſhall iſſue a proclamation for the meeting of parliament, within 14 days, and it ſhall accordingly meet upon ſuch day, and continue to ſit and act as if it had ſtood adjourned or prorogued to the ſame day. *ſ.* 97.

The lieutenant of every county, or on his death, *&c.* any three deputy lieutenants, to whom any ſuch order from his majeſty ſhall be directed, ſhall iſſue orders to the chief conſtables of the hundreds, with directions to forward the ſame to the conſtables of the pariſhes within their hundreds; and ſuch conſtables are, upon receipt thereof, forthwith to cauſe notice in writing to be given to the militia men, or left at their uſual place of abode, within their pariſhes, to attend at the time and place mentioned in ſuch order; and if any man ſo ordered to be drawn out (not labouring under any infirmity incapacitating him) ſhall not appear and march in purſuance of ſuch order, ſuch militia man ſhall be liable to be apprehended and puniſhed as a deſerter, according to any mutiny act; and if any perſon ſhall harbour any militia man when ordered out into actual ſervice, knowing him to be a militia man, ſuch perſon ſhall forfeit 5 *l.* *ſ.* 98.

No officer in the militia ſhall ſit in any court martial upon the trial of any officer or ſoldier, ſerving in any other forces; nor ſhall any officer in other forces ſit in any court martial, upon the trial of any officer or private in the militia. *ſ.* 99.

When any regiment ſhall be drawn out into actual ſervice, and during the time of actual ſervice, the colonel, or commanding officer, ſhall appoint an agent to ſuch regiment, and take ſecurity from him; and ſuch colonel or commanding officer ſhall be liable to make good all deficiencies that may happen, from the ſaid agent or himſelf, upon account of the pay, clothing, or public ſtock of ſuch regiment, *&c.* *ſ.* 100.

When the militia ſhall be ordered out into actual ſervice, the receiver general of the land tax ſhall pay to the captain or commanding officer of every company, one guinea, for the uſe of every private man belonging to his company; and the receiver general ſhall alſo pay to every captain or commanding officer of a company, one guinea for every recruit, after ſuch recruit ſhall have joined his company, while in actual ſervice (all which money paid by the receiver general ſhall be allowed in his account), and the money ſo received by any captain or commanding officer (or ſo much thereof as he ſhall think proper) ſhall be laid out in the manner he ſhall think moſt advantageous for the militia men; and ſuch officer ſhall, before any man receives his diſcharge, account to him how the ſaid guinea hath been applied, and ſhall pay the remainder (if any) to the ſaid man. *ſ.* 101.

In caſe the term of ſervice of any man balloted and enrolled for any regiment, ſhall be prolonged beyond the five years, the receiver general of the land tax for the county ſhall pay to the captain or commanding officer of each company, one guinea for every perſon whoſe term ſhall be prolonged; and if prolonged for more than three years, then at the expiration of three years he ſhall pay the farther ſum of one guinea for every perſon whoſe term ſhall be further prolonged; and in like manner, at the expiration of every additional three years, pay the further ſum of one guinea (all which ſhall be allowed him in his account); and the money ſo received by any captain, ſhall be laid out in the manner he ſhall think moſt advantageous for each man;

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and ſuch captain, *&c.* ſhall account to ſuch militia man how the ſaid ſums have been applied; and ſhall, before ſuch man receives his diſcharge, pay over to him the remainder which ſhall not have been applied. *ſ.* 102.

From the date of his majeſty's warrant for drawing the militia out into actual ſervice, the officers and private men ſhall be entitled to the ſame pay as the officers and private men of his majeſty's other regiments of foot; and if any non-commiſſioned officer or private man of the militia, ſhall be maimed or wounded in actual ſervice, he ſhall be entitled to the benefit of *Chelſea Hoſpital*. *ſ.* 103.

When the militia, having been drawn out, ſhall be again diſembodied, and the officers and privates diſmiſſed, the officers, non-commiſſioned officers, drummers, and privates, ſhall be ſubject to the ſame directions and engagements only as they were ſubject to under this act, before they were drawn out. *ſ.* 104.

All powers by this act, with reſpect to *Northumberland*, ſhall extend to *Berwick upon Tweed*, and the liberties thereof (except only where by this act otherwiſe provided for); and out of the perſons returned in the liſts for *Berwick upon Tweed*, a number ſhall be choſen by ballot to ſerve for the ſaid town, in proportion with the privates appointed to ſerve for the other hundreds within *Northumberland*; and if perſons can be found within the ſaid town and liberties thereof, with ſuch qualifications as are required for deputy lieutenants and officers, within cities which are counties of themſelves, the chief magiſtrate of *Berwick upon Tweed* ſhall appoint five deputy lieutenants, and officers, proportional to the number which the ſaid town ſhall raiſe as their quota, towards the militia of *Northumberland*; and the lieutenant of the county, and deputy lieutenants, and all other officers and perſons acting in the execution of this act, for raiſing the militia within the ſaid county, are to put this act into execution within the ſaid town, and the liberties thereof, but ſubject to ſuch penalties as are inflicted upon deputy lieutenants, and other officers, for acting, not being duly qualified; and the militia men for the ſaid town ſhall join the militia of the county, and be exerciſed together, and ſhall then, and in actual ſervice, be deemed part of the militia of *Northumberland*. *ſ.* 105.

After the number of perſons which the *Iſle of Wight* is to furniſh to the militia of the county of *Southampton* ſhall have been appointed by his majeſty's lieutenant and deputy lieutenants, or by the deputy lieutenants of the ſaid county, the governor of the ſaid iſland ſhall appoint the officers, and ſhall act in the execution of this act as the lieutenants of counties, and ſhall appoint five or more deputies to act with him for the ſaid iſland; which deputies and offiers ſhall be qualified in the ſame manner, and are to act in the execution of this act, as deputy lieutenants and officers in the ſeveral counties within *Wales* are; and the militia of the ſaid iſland ſhall be raiſed as the militia of the county of *Southampton*, and ſhall be deemed a part of the militia of the ſaid county: and after the ſame ſhall be raiſed, the ſaid governor, lieutenant governor, and deputies, ſhall direct the training and exerciſing the ſaid militia within the ſaid iſland, in the ſame manner as the lieutenants and the deputy lieutenants are to do within *England*; and the militia raiſed within the ſaid iſland ſhall remain within the ſaid iſland as an internal defence thereof, unleſs his majeſty ſhall otherwiſe direct. *ſ.* 106.

The conſtablery of *Craike*, parcel of the county of *Durham*, ſhall be deemed part of the north riding of *Yorkſhire*; and that part of the pariſh of *Maker* which lies in *Cornwall* ſhall be deemed part of the county of *Cornwall*; and *Wokingham* ſhall be deemed part of *Berks*; and the townſhip of *Filey*, part of the eaſt riding of *York*; and *Threapwood*, part of the pariſh of *Worthenbury*, in *Flint*; and *Saint Martin*, called *Stamford Baron*, in the ſuburbs of *Stamford*, on the ſouth ſide of the waters called *Welland*, part of the county of *Lincoln*; and ſhall be ſubject to the juriſdiction and authority of the lieutenants, deputy lieutenants, juſtices, and other officers of the reſpective counties within which ſuch towns are hereby deemed ſituate. *ſ.* 108.

Nothing in this act ſhall extend to the tinners in *Devon* and *Cornwall*; but the warden of the ſtannaries, in purſuance of his majeſty's commiſſion, and ſuch as he ſhall authoriſe under him, ſhall array, aſſeſs, arm, muſter, and exerciſe the ſaid tinners, as hath been heretofore uſed according to the ancient cuſtoms of the ſtannaries. *ſ.* 109.

For the regulations reſpecting the London *militia, ſee* LONDON ("*Militia.*")

The warden of the cinque ports, two ancient towns, and their members, and in his abſence, his lieutenant, ſhall put in execution, within the ſaid ports, *&c.* all the powers given by this act, as lieutenants of counties, *&c.* and ſhall continue the uſual number of ſoldiers in the ſaid ports, *&c.* unleſs he find cauſe to leſſen the ſame; and the militia of the ſaid ports, *&c.* ſhall remain ſeparate from the militia of the counties within which the ſaid ports, *&c.* are ſituate; and the ſaid warden, or his lieutenant, in purſuance of orders from his majeſty, in the manner preſcribed by 13 & 14 *Car.* 2. *c.* 3. (*ſee* LONDON, "*Militia*,") notwithſtanding one or more months pay advanced be not reimburſed, may draw out the ſoldiers into actual ſervice, and cauſe the perſons charged, as by the ſaid act, to provide their ſoldiers with pay in hand, not exceeding one month's pay, in ſuch manner as if all the pay advanced had been reimburſed; and may uſe the like powers, and array, aſſeſs, arm, muſter, and exerciſe the ſaid ſoldiers, and make aſſeſſments, and iſſue warrants for the aſſeſſments for raiſing any trophy money, and for defraying the neceſſary charges of trophies, and other incident expences of the militia of the ſaid ports, *&c.* as hath been heretofore uſed, according to their ancient cuſtoms. *ſ.* 114.

His majeſty's lieutenant, or on his death, *&c.* three deputy lieutenants, of the counties of *Suſſex* and *Kent* reſpectively, ſhall iſſue orders to the chief conſtable of the ſeveral hundreds, in the rapes in the ſaid counties where their ſubdiviſions may be appointed, directing ſuch chief conſtables to iſſue precepts to *the churchwardens or overſeers of the poor* of each pariſh within their hundreds, to return to the deputy lieutenants within their ſubdiviſions, liſts, in writing, of the names of all men dwelling within their pariſhes, between 18 and 45, diſtinguiſhing their occupations, and for ſuch other purpoſes as are by this act directed to be done by the conſtables of each pariſh; and the churchwardens and overſeers to whom ſuch orders ſhall be iſſued, ſhall be deemed the officers of ſuch pariſh, and ſhall be inveſted with all authorities, and be liable to the ſeveral pains as the conſtables of any pariſh are for refuſing or neglecting to return ſuch liſts, or being guilty of fraud or partiality in making thereof, or not attending the orders iſſued by the lieutenant, or three deputy lieutenants, or for other offences. *ſ.* 115.

The lieutenant, or three deputy lieutenants of every county where the militia ſhall be raiſed, according to this act, ſhall, on 25th *Dec.* in every year, tranſmit a certificate to the clerk of the peace, containing an account of the names, number, and rank of the officers and privates in that year, and the time during which ſuch militia hath been trained and exerciſed; and ſuch clerk ſhall deliver

ſuch certificate to the juſtices at their general quarter ſeſſion to be held next after 25th *Dec.* in every year, on the day on which ſuch ſeſſion ſhall be opened, and the ſame ſhall be filed among the records of ſuch ſeſſion; but where no ſuch certificate ſhall be received by the clerk of the peace, he ſhall certify the ſame under his hand and ſeal to the juſtices; and ſuch certificate ſhall be filed among the records of ſuch ſeſſion. *ſ.* 116.

In every county where no ſuch certificate ſhall be tranſmitted to the clerk of the peace, five pounds ſhall be annually paid for every private directed to be raiſed within the ſame county; and the juſtices ſhall at their ſaid ſeſſion, aſſeſs 5*l. per* man upon every county, in ſuch manner and according to ſuch proportions upon every town within ſuch county, and the ſame ſhall be levied, paid, and accounted for as county rates. Provided, that no perſon reſiding or having an eſtate within ſuch county, who ſhall have ſerved as an officer in any body of militia raiſed within this kingdom for four years, or who ſhall be then actually ſerving as an officer, ſhall be liable to pay any ſuch rate; provided ſuch perſon ſhall have delivered a certificate of ſuch ſervice to the clerk of the peace for the county wherein he ſhall claim ſuch exemption, and alſo a liſt of his tenants, and the places of their abode, which certificate and liſt ſhall be ſigned by ſuch perſon, and ſuch clerk of the peace ſhall forthwith file ſuch certificate and liſt amongſt the records of the ſeſſion; and whenever the ſaid rate ſhall be ordered to be raiſed within ſuch county, ſuch clerk of the peace ſhall certify to the high conſtables the names of all perſons whoſe certificate ſhall have been ſo filed, and who ſhall have claimed ſuch exemption, and the names of their tenants inſerted in ſuch liſt; and ſuch high conſtables are to tranſmit ſuch certificate and liſt to the petty conſtable of every townſhip wherein the lands of ſuch perſon claiming to be exempted are ſituate, in order that the ſame may not be aſſeſſed to ſuch rate. *ſ.* 117.

Where a certain number of militia men are directed to be raiſed for any county, together with any city, being a county of itſelf, and the militia ſhall not be raiſed for ſuch county, the payment of the ſaid 5*l. per* man ſhall be divided between ſuch county and ſuch city in ſuch proportion as the quotas paid to the land tax for ſuch county and city bear to each other, unleſs the appointment of the number ſhall actually have been made in purſuance of the liſts directed to be returned by this act, in which caſe the 5*l. per* man ſhall be borne by ſuch county, and by ſuch city, in ſuch proportions as the numbers apportioned to be raiſed by ſuch county and city bear to each other. *ſ.* 118.

Where the militia ſhall not be raiſed within any city, *&c.* not rated to the county rate, the proportion of the ſaid 5*l. per* man, ſhall be raiſed by a ſeparate rate in like manner as the rates for the relief of the poor can, by the churchwardens and overſeers, who are to pay the ſame over to the treaſurer of the county with which ſuch city ſhall be joined. *ſ.* 119.

Where any town lies in two counties, the proportion of the ſaid money to be paid for ſuch town, in lieu of raiſing the militia, ſhall be paid to the treaſurer of the county wherein the church is ſituate. *ſ.* 120.

If any money which ought to be paid by any city not rated to the county rate, ſhall not be paid to the treaſurer of the county before the 1ſt of *June* in every year, the juſtices for ſuch county ſhall, at their next *Midſummer* quarter ſeſſion, iſſue an order to the overſeers of every pariſh within ſuch city, requiring them to certify and return at the next *Michaelmas* quarter ſeſſion, the quotas that every pariſh within ſuch city pays to the land tax for that year, and ſuch overſeers are to make ſuch certificate and return and being made, the juſtices at *Michaelmas* ſeſſion, by warrant directed to any conſtable of ſuch pariſh, are to cauſe the ſame to be levied by diſtreſs and ſale of goods of the churchwardens or overſeers, rendering the overplus (if any) to the owners, after ſuch money, and the charges of diſtreſs and ſale, ſhall be paid; and all churchwardens and overſeers ſhall be reimburſed the money levied on them by the ſame ways as overſeers are reimburſed money expended for the relief of the poor. *ſ.* 121.

The treaſurer for every county who ſhall receive the ſum of 5*l. per* man, is to pay all the money he ſhall ſo receive to the receiver general of the land tax for ſuch county within one month; and every receiver general to whom ſuch money ſhall be paid, ſhall give a receipt, which ſhall be a diſcharge for ſuch payment; and when the whole ſum directed to be raiſed in any county ſhall be paid into the hands of the receiver general, ſuch payment ſhall be a full diſcharge to ſuch county for the neglect in raiſing the militia for the year in reſpect whereof ſuch payment ſhall be made; and every ſuch receiver general ſhall, within 10 days, certify ſuch receipt to the treaſury, and forthwith pay the ſame into the exchequer, and the money ſo paid into the exchequer ſhall be kept ſeparate from all other money, and be accounted for yearly to parliament, and diſpoſed of as parliament ſhall direct, and no fee ſhall be given to any officer of the exchequer for receiving or iſſuing ſuch money; and the treaſury are to allow to the receiver general, upon clearing his accounts, ſuch ſalary for his trouble as they think proper, not exceeding two pence in the pound for ſo much money as he ſhall pay into the exchequer. *ſ.* 122.

The treaſurer of every county, as a recompenſe for his trouble in collecting and paying the money raiſed in ſuch county, ſhall be allowed one penny in the pound upon the whole ſum received and paid; which allowance he may detain in his hands out of the money received by him before payment made to the receiver general; and every high conſtable, petty conſtable, churchwarden, and overſeer, who ſhall act in collecting the ſaid money, ſhall reſpectively be allowed by ſuch treaſurer, one penny in the pound, and ſuch treaſurer is to deduct the ſame out of the money received by him, and to pay the proportions thereof to ſuch high conſtables and other officers. *ſ.* 123.

The clerk of the peace for every county ſhall, within 14 days next after the ſeſſion held after the 25th *Dec.* yearly, tranſmit to the treaſury, and alſo to the receiver general of the land tax for ſuch county, a copy, ſigned by ſuch clerk, of every certificate which he ſhall have received from the lieutenant, or three deputy lieutenants of ſuch county; and where ſuch certificate ſhall be omitted to be delivered, the clerk ſhall certify ſuch omiſſion to the treaſury, and alſo to the receiver general, and that ſuch clerk hath certified the ſame to ſuch ſeſſion, and required ſuch juſtices to proceed according to this act; and ſuch clerk ſhall alſo certify what proceedings have been had at ſuch ſeſſion, in relation to the aſſeſſing and raiſing the ſaid money, where the militia ſhall not have been raiſed; and in caſe ſuch juſtices ſhall not proceed to raiſe the ſaid money, according to this act, then the clerk ſhall, within 14 days next after ſuch ſeſſion, certify to the ſolicitor of the treaſury, ſuch omiſſion of ſuch juſtices, and the names of the juſtices preſent at ſuch ſeſſion; and the ſolicitor is, on receipt of ſuch certificate, to proceed to compel ſuch juſtices to pay obedience to this act, and cauſe the money to be raiſed. *ſ.* 124.

If the 5*l. per* man ſhall not be levied and paid into the exchequer, in manner before directed, the ſolicitor of the trea-

treaſury is, upon knowledge or information thereof, to proceed to compel the levying of ſuch money, and payment thereof into the exchequer. *ſ.* 125.

If any clerk of the peace ſhall refuſe or wilfully neglect to receive, deliver, file, make, record, or tranſmit ſuch certificates, according to this act, ſuch clerk ſhall forfeit 100*l.* and alſo his office, and be rendered incapable of having any office of truſt, civil or military, under the crown; and if any receiver general, treaſurer, chief conſtable, petty conſtable, or other officer, who ought to act in the raiſing the ſaid money, ſhall wilfully omit, or neglect, or refuſe to act, ſuch receiver general, or treaſurer, ſhall forfeit 200*l.*; every chief conſtable, 50*l.*; and every petty conſtable, 20*l.*: and the ſolicitor of the treaſury ſhall proſecute with effect all ſuch juſtices, receivers general, treaſurers, and other officers who ſhall not perform the duty required by this act, touching the raiſing the ſaid money; and in caſe the ſolicitor ſhall wilfully omit or delay to proceed againſt ſuch juſtices, *&c.* he ſhall forfeit 500*l.* *ſ.* 126.

The proviſions of 24 *Geo.* 2. *c.* 44. (*See general title*, JUSTICES OF PEACE), ſhall extend to all lieutenants, and deputy lieutenants, acting in execution of this or any other act relating to the militia. *ſ.* 127.

A commiſſion in the militia ſhall not vacate the ſeat of any member in parliament; and no officer of the militia ſhall be compelled to ſerve ſheriff. *ſ.* 128.

No officer of the militia, or private, ſhall be liable to any penalty for abſence during the time he ſhall be going to vote at any election of a member in parliament, or during the time he ſhall be returning therefrom. *ſ.* 129.

No ſerjeant, corporal, or drummer, nor any private, from the time of his enrollment, until diſcharged, ſhall be compelled to ſerve as a peace or pariſh officer, or to perform any highway duty, or to ſerve in any ſea forces. *ſ.* 130.

Every perſon having ſerved in the militia when drawn out into actual ſervice, being a married man, may ſet up any trade in any town within *Great Britain*, as ſoldiers may under act 22 *Geo.* 2. *c.* 44. (*See* SOLDIERS.) *ſ.* 131.

All penalties which ſhall exceed 20*l.* ſhall be recovered by action, *&c.* in any court of record at *Weſtminſter*, or great ſeſſion in *Wales*, or the counties palatine of *Cheſter*, *Lancaſter*, and *Durham*, wherein no eſſoin, *&c.* ſhall be allowed; and all penalties which ſhall not exceed 20*l.* ſhall, on proof upon oath of the offence before any juſtice, be levied by diſtreſs and ſale of the offender's goods, by warrant under the hand and ſeal of ſuch juſtice, rendering the overplus on demand, after deducting charges of diſtreſs and ſale, to the perſon whoſe goods ſhall have been diſtrained; and for want of diſtreſs, ſuch juſtice is, where no particular time of commitment is before directed, to commit ſuch offender to the common gaol where offence committed, for not exceeding three months; and the money ariſing by all ſuch penalties, the application whereof is not otherwiſe directed, ſhall be paid to the clerks, or (where no clerks) to the commanding officers of the regiments of the counties where offences ſhall have been committed, and ſhall be made part of the public ſtock of ſuch regiments. *ſ.* 132.

No order or conviction made by any lieutenant of any county, or by two deputy lieutenants, or by one deputy lieutenant, with one juſtice, or by any juſtice by virtue of this act, ſhall be removed by *certiorari*; and no writ of *certiorari* ſhall ſuperſede execution or other proceedings upon ſuch order. *ſ.* 133.

Actions for any thing done in purſuance of this act, ſhall be commenced within ſix months, and laid in the county where the cauſe of complaint did ariſe; and the defendant may plead the general iſſue; and if the jury ſhall find for the defendant, *&c.* he ſhall have treble coſts. *ſ.* 134.

All former acts relating to the militia of this kingdom, (except only ſuch as relate to the militia of *London*, the *Tower Hamlets*, and the *Cinque Ports*, and the two ancient towns and their members) ſhall be repealed. *ſ.* 135.

"But not to annul commiſſions already granted under "them, where the parties are legally qualified, *&c.* Pro- "ceedings of meetings held under former acts to be valid. "*ſ.* 136."

The pay and clothing of the militia is provided for by a bill which paſſes annually, generally to the following effect:

In every county, *&c.* within *England*, where the militia is or ſhall be raiſed, the receiver general of the land tax ſhall iſſue the ſums required for the uſes hereinafter mentioned, *viz.* for the pay of the ſaid militia, for four calendar months in advance, at the rate of 6*s.* a day for each adjutant, where an adjutant is appointed; and 1*s.* a day for each ſerjeant, with the addition of 2*s.* 6*d.* a week for each ſerjeant-major, where a ſerjeant-major is appointed; and 6*d.* a day for each drummer, with the addition of 6*d.* a day for each drum-major, where a drum-major is appointed; and at the rate of 8*d.* a day for each corporal, and 4*d.* a month for each private man and drummer; for defraying the contingent expences of each regiment, *&c.* 1*d.* whereof ſhall be applied for defraying the hoſpital expence of each regiment, *&c.* during annual exerciſe, and alſo for half a year's ſalary for the clerk of each regiment, *&c.* at the rate of 50*l.* a year; and alſo for the reſpective allowances to the clerk of the general meetings, and clerks of the ſeveral ſubdiviſion meetings, at the rates following, *viz.* to the clerk of the general meetings 5*l.* 5*s.* for each meeting; and to the ſeveral clerks of the ſubdiviſion meetings 1*l.* 1*s.* for each meeting; and alſo for the clothing of the militia for ſuch county, *&c.* at the rate of 3*l.* 10*s.* for each ſerjeant; 2*l.* for each drummer, with the addition of 1*l.* for each ſerjeant-major, and drum-major; and 2*l.* for each corporal (where ſuch perſons have not been clothed within two years); and where the militia hath not been clothed within three years, at the rate of 1*l.* 12*s.* for each private man. 29 *Geo.* 3. *c.* 15. *ſ.* 1.

All ſuch ſums granted for the pay of the militia (except ſuch as ſhall be due to the ſeveral clerks of the meetings aforeſaid, and on account of the clothing) ſhall, where the militia has never been embodied, be paid by the ſaid receivers general to the clerks of the regiments, *&c.* upon their producing their warrants of appointment under the hand and ſeal of his majeſty's lieutenants for ſuch county, *&c.*; and where the militia has been embodied, into the hands of the clerks of the regiments, *&c.* upon producing their warrants of appointment under the hand and ſeal of the colonel or commanding officer, notwithſtanding ſuch militia ſhall have been diſembodied; and where the militia ſhall be formed into independent companies, ſuch ſums ſhall be paid by the ſaid receivers general to the reſpective captain of each independent company, or to ſuch perſon as ſuch captain ſhall authoriſe, according to 26 *Geo.* 3. *c.* 107.; and ſuch receivers general ſhall, within 14 days after the expiration of the third calendar month from the time of the firſt payment, make a ſecond payment for four calendar months in advance; and within 14 days after the expiration of the third calendar month from the time of the ſecond payment, make a third payment for four calendar

months in advance: and the receipts of ſuch clerks and of ſuch captains of independent companies, or perſons authoriſed, ſhall be a ſufficient diſcharge to ſuch receivers general of the land tax. *ſ.* 2.

The clerk of each regiment or battalion ſhall forthwith, after the receipt of ſuch money, pay one calendar month's pay in advance to the adjutant; and to the captain or commanding officer of each company two months pay in advance for the ſerjeants, drummers, and corporals, and alſo to the officer commanding the company to which the ſerjeant-major and drum-major ſhall belong, two months pay in advance for ſuch ſerjeant and drum-major; and ſo from time to time ſo long as any money ſhall remain in his hands: which pay every ſuch captain or commanding officer is to diſtribute to each perſon belonging to his company entitled to the ſame, as it ſhall become due: and the captain of each independent company is to diſtribute to each perſon entitled thereto, ſuch money as he ſhall receive; and ſuch captain or officer commanding ſhall, once in every year, give to the clerk of the regiment or battalion, or if captain of an independent company, to the receiver general, an account of the ſeveral payments made, according to the following form:

County of	Dr.	*Per contra*	Cr.
To caſh received of Mr. —— regimental or battalion clerk, or receiver general [*as the caſe ſhall be*] for two months pay in advance,		Paid ſerjeant —— for ——days pay, from the—of—to the —of——following — *Ditto* as ſerjeant-major (if one in the company) —— Paid ſerjeant ——for —days pay, from the —of—to the—of—— following — Paid —drummer — days, at ſixpence, from the —of—to the—of—following *Ditto* as drum-major (if one in the company) — — Paid —drummer — days, from the—of ——to the—of—— following — — Paid — corporal — days, from the—of —to the—of—following — —	

And ſhall pay back to the ſaid clerk, or to the receiver general, the ſurplus (if any) then remaining in his hands. *ſ.* 3.

In caſe the commanding officer ſhall certify in writing to the clerk, that he hath diſcharged any ſerjeant or drummer as unfit for ſervice; no pay ſhall be iſſued for the perſon diſcharged, until another be appointed; and no payment ſhall be made to any ſerjeant or drummer who hath been diſcharged, or not previouſly approved of by the commanding officer. *ſ.* 4.

The clerk of each regiment or battalion, out of the money directed to be iſſued to him for defraying the contingent expences of each regiment, ſhall every year pay to the colonel or officer commanding, one penny a month for each private man and drummer, for defraying the hoſpital expences of each company, during annual exerciſe; and ſhall iſſue ſuch money as may be neceſſary for the repair of arms, and the carriage and removal thereof, upon an order in writing, ſigned by the colonel or officer commanding; and after payment of ſuch ſums as ſhall be drawn on him by ſuch colonel or commanding officer, as aforeſaid, he ſhall every year make up an account of all ſuch money, and the expenditure thereof, and of the balance remaining in his hands, which balance ſhall form a ſtock purſe for the uſe of the regiment, and tranſmit the ſame to the colonel or commanding officer, to be by him examined, allowed, and ſigned; and the account ſo allowed and ſigned ſhall be the proper voucher and acquittal of ſuch clerk for ſuch money. *ſ.* 5.

The money hereby directed to be iſſued for the contingent expences of each independent company, ſhall be applied to the particular uſe of ſuch independent company by the captain; and ſhall yearly be accounted for to the receiver general of the land tax; whoſe allowance of ſuch account ſhall be the proper voucher for the expenditure and diſpoſition thereof. *ſ.* 6.

The regimental or battalion clerk may retain to his own uſe, out of the money ſo received, ſuch further ſums as ſhall complete the allowance for his ſalary. *ſ.* 7.

Whenever his majeſty's lieutenant, or three deputy lieutenants, of any county, ſhall have fixed the days of exerciſe for the militia, they ſhall certify the ſame to the receiver general, ſpecifying the number of men, and the number of days ſuch men are to be abſent on account of ſuch exerciſe; and ſuch receiver general general is, within fourteen days after receipt of ſuch certificate, to iſſue to the clerks of the regiments, at the rate of 7 *s.* 6 *d. per* day for the captain of each company, 3 *s.* 6 *d. per* day for each lieutenant, and 3 *s. per* day for each enſign; and alſo 1 *s. per* day for each private militia man, who ſhall have been choſen by ballot to be trained and exerciſed, for the number of days ſuch officers and men ſhall be abſent from home on account of ſuch exerciſe; and alſo at the rate of 1 *s. per* day for each private militia man who ſhall attend the place of annual exerciſe, but who ſhall not have been choſen by ballot to be trained and exerciſed, for any number of days not exceeding five, during which ſuch men ſhall be abſent from home on account of their attendance at ſuch annual exerciſe; and in counties where there ſhall be independent companies only, the receiver general ſhall iſſue to the captains of the independent companies 7 *s.* 6 *d. per* day for each captain, 3 *s.* 6 *d.* for each lieutenant, and 3 *s.* for each enſign; and alſo at the rate of 1 *s. per* day for each private militia man who ſhall have been choſen to be trained and exerciſed, for the days ſuch officers and men ſhall be abſent from home on account of ſuch exerciſe; and alſo at the rate of 1 *s. per* day for each private militia man who ſhall attend the annual exerciſe, but who ſhall not have been choſen, for not exceeding five days, during which ſuch men ſhall be at annual exerciſe; and the ſaid regimental or battalion clerks are forthwith to pay to each captain of the ſaid regiments or battalions the proportion of pay belonging to each captain, and likewiſe the pay belonging to their companies. *ſ.* 8.

The captain of each company ſhall make up an account of all monies received and paid, according to the following form:

County

County of	Dr.	*Per contra*	Cr.
To caſh received of — the regimental or battalion clerk, or — receiver general [*as the caſe ſhall be*] for — days pay of — men.		By my pay as captain Paid lieutenant — Paid enſign — — Paid — militia men — days — — Paid — militia men — days, for their attendance at the place of exerciſe.	

Which account ſhall be ſigned by the ſaid captain, and counterſigned by the commanding officer; and ſuch captain ſhall, within ten days after ſuch exerciſe is finiſhed, deliver ſuch account, and pay the balance, if any, to the regimental or battalion clerk, or, if captain of an independent company, to the receiver general; and ſuch accounts ſhall be allowed as vouchers in the paſſing of the accounts of ſuch receiver general, by the auditor of the exchequer. *ſ.* 9.

Where any regiment, *&c.* ſhall be embodied, or called out into actual ſervice, and thereby the officers and privates ſhall be entitled to the ſame pay as the other regiments of foot, all pay from the receivers general, whether to adjutants, ſerjeants, privates, or others, and all money allowed as aforeſaid for contingent expences, and alſo the allowance to the clerk of ſuch regiment, ſhall, during actual ſervice, and until ſuch regiment ſhall be diſembodied and return home, ceaſe, and not be paid. *ſ.* 10.

The receivers general ſhall pay to the clerk of the general meetings his allowance of 5 *l.* 5 *s.* for each meeting, upon producing an order from the lieutenant, or three deputy lieutenants; and the clerks of the ſubdiviſion meetings their allowances of 1 *l.* 1 *s.* for each meeting, upon producing an order from one deputy lieutenant; which order ſhall be to the receivers general a diſcharge, and allowed in their account. *ſ.* 11.

The clerk of each regiment, *&c.* ſhall give ſecurity to the receiver general, by a bond to his majeſty, in the penalty of one half of the ſum required for the whole year's charge of the regiment, *&c.* to which ſuch clerk ſhall belong, for duly paying ſuch ſums as he ſhall have received, and for accounting for the ſame, and for performance of the truſt in him repoſed; which bond ſhall be lodged in the hands of the receiver general, who, in caſe the clerk ſhall not duly perform the conditions compriſed in the ſaid bond, ſhall put the ſaid bond in ſuit, in the name of his majeſty; the coſts of which ſuit, in caſe judgment ſhall be given againſt ſuch clerk, ſhall be paid by him to the receiver general, who ſhall likewiſe receive to his own uſe, at the rate of 5 *l. per centum* out of all ſuch monies as ſhall be by him recovered; and ſhall account for the reſidue with the proper auditor of his majeſty's revenue; charging himſelf therewith, upon the next account of the land tax. *ſ.* 12.

The clerk of every regiment or battalion, and the captain of every independent company ſhall, between the 25th *March*, and the 24th *June*, 1789, deliver to the receiver general of the county, to which ſuch regiment ſhall belong, a fair account in writing, of all monies received and diſburſed for the ſervice of the preceding year, with vouchers; and ſhall pay back to the ſaid receiver general any ſurplus then in his hands; which account, ſigned by ſuch regimental or battalion clerk, or by ſuch captain of an independent company, ſhall be tranſmitted by the receiver general into the office of the proper auditor of the revenue. *ſ.* 13.

All penalties, coſts and charges of ſuit, and all money for which any perſon is by this act anſwerable, ſhall be recovered in any court of record at *Weſtminſter*, by action, *&c. ſ.* 14.

No fee ſhall be given or paid for any warrant or money iſſued in purſuance of this act. *ſ.* 15.

Any perſon on half pay, or entitled to any allowance as having ſerved in any of the two troops of horſe guards, or regiment of horſe reduced, and ſerving in the militia, may take the ſubſiſtence money by this act directed to be paid to captains, lieutenants, or enſigns; and the receiving ſuch ſubſiſtence money ſhall not prevent ſuch perſon from receiving his half pay, or ſuch allowance; and ſuch perſon ſhall take the following oath before ſome juſtice:

I A. B. *do ſwear, that I had not, between the* —— —— *any place or employment of profit, civil or military, under his majeſty, beſides my allowance of half pay as a reduced* —— *in* —— *late regiment of* —— —— *(or allowance as* —— *in* —— *late troop of horſe guards, or* —— *regiment of horſe reduced), ſave and except my ſubſiſtence as a captain, lieutenant, or enſign* [as the caſe may be], *for ſerving in the militia of the county of* —— —— ——

And the taking the ſaid oath ſhall be ſufficient to entitle ſuch perſon to receive his half pay, or allowance, without taking any other oath. *ſ.* 16.

The receiver general, as ſoon as he ſhall receive a warrant under the hand of the colonel or commanding officer, certifying the receipt of the clothing, and an order from the colonel or commanding officer for the money due on account of the ſame, payable to the perſon who furniſhed the ſaid clothing, ſhall pay the ſum mentioned in ſuch order: and ſuch warrant and order, together with the receipt of the perſon receiving the ſaid money, ſhall be a diſcharge to ſuch receiver general. *ſ.* 17.

No man inrolled before the 1ſt *Nov.* 1786, ſhall be required to join the regiment to which he belongs, unleſs ſuch regiment ſhall be called into actual ſervice before the expiration of his term. *ſ.* 18.

No man inrolled for three years only, and of whom no ſervice, nor any attendance for the purpoſe of being trained and exerciſed, has been required, ſhall be deemed to be entitled to pay or clothing, nor ſhall have any claim upon his colonel, or commanding officer, for any pay, or any coat, hat, or other article of clothing, either during, or at the expiration of the term for which he was inrolled. *ſ.* 19.

In caſe any regiment ſhall ceaſe during the continuance of this act, the ſum of 3 *s. per diem* ſhall be paid to ſuch perſon as has actually ſerved as adjutant to ſuch regiment, from the time ſuch regiment ſhall ceaſe, to the 25th *March* 1790. *ſ.* 20.

By 29 *Geo.* 3. *c.* 40. All deputy lieutenants and officers in the militia, who ſhall, on or before the 1ſt *Sept.* 1789, deliver in their qualifications in the manner directed by 26 *Geo.* 3. *c.* 107. ſhall be indemnified from all penalties and diſabilities incurred for *not having tranſmitted a ſpecific deſcription of their qualifications for ſuch commiſſion to the clerk of the peace. ſ.* 8.

And perſons proſecuted and hereby indemnified, may plead the general iſſue. ſ. 9.

Mills.

Ordinance for bakers, incerti temporis, c. 4. The toll of a mill ſhall be taken according to the cuſtom, and according to the ſtrength of the water-courſe, to the twen-

tieth or four and twentieth corn; and toll ſhall be taken by the raſe, and not by the heap; and in caſe the farmers find the millers their neceſſaries, they ſhall take nothing beſides their due toll; and if they do otherwiſe they ſhall be grievouſly puniſhed.

Mines.

By 1 *Will. & Mar. ſtat.* 1. *c.* 30. No mine of copper, tin, iron, or lead, ſhall be adjudged a royal mine, although gold or ſilver may be extracted out of the ſame. *ſ.* 4.

By 5 *Will. & Mar. c.* 6. All proprietors of mines, wherein any ore ſhall be found, in which there is copper, tin, iron, or lead, ſhall hold and enjoy the ſame, notwithſtanding that ſuch mines or ore ſhall be claimed to be royal mines. *ſ.* 2.

Provided that their majeſties, and all claiming royal mines under them, may have the ore of ſuch mines (other than tin ore in the counties of *Devon* and *Cornwall)* paying to the proprietors, within thirty days after the ore is laid upon the banks, and before the ſame be removed, the rates following, *viz.* for all ore waſhed wherein is copper, 16*l. per* ton; and for all ore waſhed wherein there is tin, 40*s. per* ton; and for all ore waſhed wherein there is iron, 40*s. per* ton; and for all ore waſhed wherein there is lead, 9*l. per* ton; and in default of payment, it ſhall be lawful for the proprietors to diſpoſe of the ore. *ſ.* 3.

Nothing in this act ſhall alter the charters granted to the tinners of *Devon* and *Cornwall*, or any of their liberties, or make void the laws of the ſtannaries. *ſ.* 4.

By 9 *Ann. c.* 24. The governor of the company of *Mine Adventurers*, ſhall be annually choſen out of the members, having 10 of the 6012 ſhares; and no member ſhall be governor above one year in four; and every member entitled to one ſhare ſhall have a vote at all general meetings, and for the election of a governor, deputy governor, and directors; and every member having ſix ſhares ſhall be capable to be deputy governor; and every member having four ſhares ſhall be capable of being a director; but no member, unleſs entitled to ten ſhares, ſhall vote by proxy, and ſuch proxies ſhall be members; and no perſon ſhall continue deputy governor above one year, or be deputy governor above one year in four, and four of the directors ſhall be every year changed, and no perſon ſhall continue a director above three years; and if any perſon ſhall ſerve three years together as a director, he ſhall not be a director again for two years; and the governor, deputy governor, and directors, are required annually, within three months after the expiration of their offices, to make a ſtate of the affairs of the company, and ſubſcribe the ſame, and preſent it at a general meeting; and to all books of the company every member may have free reſort two days in every week, *viz. Tueſdays* and *Thurſdays*, between nine and twelve in the forenoon; and if the deputy governor and directors omit to make ſuch ſtate, they ſhall be incapable of transferring their ſhares, or of receiving any profit thereof, or of ſerving as governor, deputy governor, or director, till they have made ſuch ſtate. *ſ.* 8.

The governor and company are reſtrained from calling in upon their members any ſums exceeding in the whole 40*s. per* ſhare. *ſ.* 9.

Monaſteries.

By 27 *Hen.* 8. *c.* 28. His majeſty ſhall have all religious houſes which have not in tenements above the yearly value of 200*l.* and all the manors, meſes, lands, tithes, penſions, churches, advowſons, rights, and hereditaments, appertaining to every ſuch monaſtery. Alſo his highneſs ſhall have all monaſteries, which within one year have been granted to his majeſty, or ſuppreſſed or diſſolved; to hold unto the king's majeſty, his heirs and aſſigns for ever. *ſ.* 1.

All perſons which have any letters patent of the king, of any of the ſites, lands, tithes, penſions, portions, churches, advowſons, conditions, or other hereditaments, which appertained to any monaſteries ſuppreſſed or diſſolved, ſhall enjoy the ſame in like manner as the abbots and governors of religious houſes. *ſ.* 2.

Saving to every perſon (other than the abbots, *&c.* and the founders, patrons, or donors of ſuch houſes) all right, *&c. ſ.* 3.

This act ſhall not extend to any monaſteries certified to have above the ſaid yearly value of 200*l.* concerning cells belonging to their monaſteries. *ſ.* 7.

Saving unto founders, patrons, or donors of religious houſes, all ſuch right, fees, offices, commons, and other profits which they ſhould have had otherwiſe than by reaſon of the diſſolution. *ſ.* 8.

By 31 *Hen.* 8. *c.* 13. All monaſteries, colleges, hoſpitals, and other religious and eccleſiaſtical houſes, which ſhall be diſſolved, ſuppreſſed, relinquiſhed, forfeited, or by another mean come to the king, and the ſites, precincts, manors, lands, tithes, penſions, portions, parſonages appropriate, vicarages, churches, advowſons, conditions, commons, and other hereditaments, belonging to the ſame, as ſoon as they ſhall be diſſolved, *&c.* ſhall be veſted in the actual ſeiſin and poſſeſſion of the king. *ſ.* 3.

Saving to all perſons (other than the abbots, *&c.* and the founders, patrons, or donors of ſuch monaſteries, *&c.)* all right, *&c.* rents, ſervices, and ſuits except. *ſ.* 4.

All perſons which ſhall have any monaſteries, *&c.* or any manors, meſſuages, parſonages appropriate, tithes, penſions, portions, or other hereditaments, which belong unto the monaſteries, *&c.* ſhall hold the ſame diſcharged of tithes, in as ample manner as the abbots, *&c.* held the ſame at the days of their diſſolution, *&c. ſ.* 21.

Saving to the king all rents and other duties. *ſ.* 22.

Such of the late monaſteries, *&c.* and all churches and chapels to them belonging, which before the diſſolution, *&c.* were exempted from the viſitation and juriſdiction of the ordinary, ſhall be within the juriſdiction and viſitation of the ordinary within whoſe dioceſe they be ſituate, or of ſuch perſons as by the king ſhall be appointed. *ſ.* 23.

By 32 *Hen.* 8. *c.* 20. All the ſame liberties and temporal juriſdictions, which the late owners of the ſites and lands of monaſteries had, or by themſelves or their officers might have uſed in three months next before the ſaid ſites, *&c.* came to the poſſeſſion of the king, ſhall be revived in like manner as they were lawfully uſed before they came to the poſſeſſion of the king. *ſ.* 1.

Sites of monaſteries, and other hereditaments, which become to the king by attainders of high treaſon, ſhall be revived, and in the king, and ſhall be in the ſurvey of the king's general ſurveyors. *ſ.* 2.

The ſtewards, bailiffs, and other officers of the ſame, ſhall be obedient to all other the king's courts, as well for all executions and returns of writs and precepts, as for their perſonal appearances, and other duties of their offices, like as the officers of the late owners ſhould have done. And no ſheriff or officer ſhall intromit in the premiſes, otherwiſe than they lawfully might have done before the premiſes did come to the poſſeſſion of the king. *ſ.* 3.

Provided

Provided that all perſons ſhall have all liberties which they now have by letters patent or otherwiſe. *ſ.* 4.

The king's general attorney ſhall have power to take to the uſe of the king, knowledges of concords for fines to be recorded in the court of common place of all manors, lands, and hereditaments, under the ſurvey of the court of augmentations, without fee. *ſ.* 5.

The ſaid attorney ſhall have power to take knowledge for inrolments of deeds made to the uſe of the king, of any lands and tenements, and of all obligations to be made to the king, or to other perſons to the uſe of the king, for any matter concerning the court of augmentations, or concerning the ſaid manors, lands, and tenements, without fee. *ſ.* 6.

Provided that whereſoever the king ſhall come within the verge accuſtomed to his grace's court during his abode, the ſteward, or great maſter of his grace's houſehold, the marſhal, coroner, clerk of the market, and all other his miniſters, ſhall keep their courts for juſtice, and exerciſe their offices, as well within liberties as without; and his grace's clerk of the market, and none other, during the ſame time, ſhall exerciſe the office of clerk of the market within the ſaid verge. *ſ.* 7.

Provided that this article be not prejudicial to the city of *London*. *ſ.* 8.

The ſites of the late monaſtery of *Furnes*, and of the late monaſteries and priories of *Cartemele*, *Coningſhead*, *Buſtough* and *Holland*, and the honours, manors, lands, and other hereditaments, late appertaining to the ſaid late monaſteries, ſhall be in the ſurvey of the chancellor and officers of the county palatine and duchy of *Lancaſter*. *ſ.* 9.

This act ſhall not diminiſh any liberties, juriſdictions, or profits, belonging to any the king's caſtles, lands, or other poſſeſſions, of his county palatine and duchy of *Lancaſter*. *ſ.* 11.

This act ſhall not be hurtful to any of the liberties of the five ports or the members of the ſame. *ſ.* 12.

By 34 & 35 *Hen.* 8. *c.* 19. If any occupier of any lands or other hereditaments of the late monaſteries, out of which any portions, penſions, corodies, indemnities, ſynodies, proxies, or other profits, have been paid to any archbiſhops, biſhops, archdeacons, and other eccleſiaſtical perſons, wilfully deny the payment, whereof the ſaid archbiſhops, *&c.* were in poſſeſſion within 10 years before the diſſolution of ſuch monaſteries, *&c.* it ſhall be lawful for the ſame archbiſhops, *&c.* to make ſuch proceſs, as well againſt every ſuch perſon as ſhall ſo deny payment as againſt the churches charged with the ſame, as heretofore they have lawfully done; and if the defendant be convict according to the eccleſiaſtical laws, the plaintiff ſhall recover the thing in demand, and the value thereof in damages, with coſts. *ſ.* 4.

If the cauſe be determinable at common law, the party grieved ſhall ſue at common law; and if the defendant be condemned, the plaintiff ſhall recover the thing in demand, and the value thereof in damages, with coſts. *ſ.* 5.

By 1 *Edw.* 6. *c.* 14. It ſhall not be lawful to any perſon by reaſon of any remainder, uſe, or condition, to enter into and claim any lands or tenements, for the not doing, not naming, or not finding, of any chantry prieſt, or poor folks mentioned in the act (viz. *poor perſons entitled to profits out of lands, of colleges, free chapels or chantries, granted to the king by the act)*, obit, anniverſary, light or lamp, to be founded or done. *ſ.* 38.

By 1 & 2 *Phil. & Mar. c.* 8. *confirmed by* 1 *Eliz. c.* 1. *ſ.* 32. Whoſoever contrary to law ſhall moleſt any perſon for any manors, lands, *&c.* of monaſteries, chantries, chapels, biſhoprics, *&c.* granted to king *Hen.* 8. or king *Edw.* 6. ſhall incur the danger of the act of *præmunire*, 16 *Ric.* 2. *c.* 5. *ſ.* 40.

Money.

Stat. de moneta, 20 *Edw.* 1. It ſhall be cried through the realm, that no man upon grievous forfeiture diſpend or receive money of other coin than of the king of *England*, of *Ireland*, and of *Scotland*. *ſ.* 1.

That none ſhall bring money into this country but for his expences, neither arrive in *England* but at common ports; and he ſhall ſhew his money to him that ſhall be aſſigned by the king without concealment, upon pain of forfeiture of his body and that which he hath. *ſ.* 2.

That upon the ſame forfeiture, no man ſhall ſend money in bales or other manner whereof ſuſpicion may be of concealment; and if there be any ſuch found, he which found the ſame ſhall have 4 *d.* of the pound, and the reſt to be to the king. *ſ.* 3.

That if any find money of other coin, he ſhall pierce the ſame, and none ſhall gainſay upon pain of grievous forfeiture; and he which findeth the ſame falſe ſhall break the ſame; the pierced money ſhall be given to him who oweth it, and the falſe money broken without reſtoring; and the body of him in whoſe hands falſe or clipped money appeareth, ſhall be taken, until he find ſurety, if he be a ſuſpicious man. *ſ.* 4.

He which ought to receive or pay money ſhall receive and pay the ſame by weight of 5 *s.* by the tumbrel delivered by the warden of the exchange, marked with the king's mark; and it ſhall be lawful to any man to pierce money which ſhall not weigh the tumbrel, and the money of other coin. *ſ.* 5.

The weights ſhall be as well marked by the warden of the exchange as the tumbrel. *ſ.* 6.

The viewer and the warden of money ſhall weigh the ſame, and if he find of new money that the pound weigheth not 20 *s.* and if he ſee money which is much uſed, if in the pound it want but 6 *d.* it ſhall be delivered to him who brought the ſame, and if it want more it ſhall be done as of the reſt. *ſ.* 7.

By 27 *Edw.* 1. *ſtat.* 3. None ſhall bring pollards and crockards, *&c.* into the realm, on forfeiture of life and goods; ſo always that all people may ſafely bring to the exchange all money of good ſilver, of whatſoever foreign coin. And ſtrict guard ſhall be kept upon the coaſts and at the ports by lawful jurats, who ſhall arreſt thoſe that bring bad money, and ſend them to whom the king ſhall appoint. And the commonalty of every port ſhall elect two good men of the ſame port, for whom they will anſwer, who with the bailiffs of the ports ſhall arreſt and ſearch all that arrive, and ſhall ſend the bodies of ſuch as bring falſe money to the chief priſon of the county. And the wardens ſhall ſend the money to the king's great exchange, and anſwer for their other goods at the exchequer. And all that bring ſterlings into the realm, ſhall put them under the ſeals of the wardens of the ports, who ſhall ſend them to the next aſſayers; and if they be found falſe, the bodies of thoſe that bring them ſhall be in the king's will. None ſhall ſell or ſend out of the realm, wool, leather, ſkins, lead, or tin, but for good ſterling, or for ſilver plate aſſayed and marked at the king's great exchange, or in exchange of good and lawful merchandize; and if any do otherwiſe, and be thereof attaint by the ſaid wardens or other the king's miniſters,

the

the things ſo ſold, &c. ſhall be forfeited. No ſilver coin or plate ſhall be carried out of the realm without the king's ſpecial leave, under the pain aforeſaid. The wardens ſhall ſwear before the ſheriffs, or before their chief wardens, where they are not anſwerable to the ſheriffs, that they ſhall without negligence do what belongs to their office. If they releaſe any for gift or for favour, or otherwiſe, and be thereof attaint, they ſhall be in forfeiture of life and of all that they have. All who bring money out of the dominion of the king of *France*, ſhall carry it to the table at *Dover*, and receive current money of this realm; and if they be found with it elſewhere, the money ſhall be forfeited.

By 9 *Edw.* 3. *ſtat.* 2. *c.* 1. No man ſhall carry any ſterling out of the realm, nor ſilver in plate, nor veſſel of gold nor ſilver, upon pain of forfeiture of the money, plate, or veſſel, without licence.

By 9 *Edw.* 3. *ſtat.* 2. *c.* 2. No falſe money ſhall be brought into the realm, upon forfeiture of ſuch money; ſo that all people may ſafely bring to the exchanges, bullion, ſilver in plate, veſſel of ſilver, and money of ſilver.

By 9 *Edw.* 3. *ſtat.* 2. *c.* 3. No ſterling, halfpenny, nor farthing, ſhall be molten to make veſſel or any other thing, upon forfeiture of the money ſo molten; and the goldſmith which hath molten ſuch money, ſhall be committed to priſon till he hath yielded the one half of that which he hath molten.

By 17 *Edw.* 3. The ſterling money ſhall not be carried out of the realm. *ſ.* 1.

Men ſhall be aſſigned in the ports and elſewhere, to ſee that no ſilver be carried out of the realm, except that great men when they go out may have ſilver veſſels to ſerve their houſes. And none ſhall bring falſe money into the realm on pain of forfeiture of life and member. And exchanges ſhall be made, with them that paſs the ſea, of gold for their good ſterling to the value. *ſ.* 2.

The ſearchers ſhall have the third part of all the falſe money that they find, and the third of the good money that they find paſſing out of the realm. And if they be negligent, their lands and goods ſhall be ſeized, and their bodies impriſoned until they have made fine. And in caſe they be aſſenting to the bringing in falſe money, or wittingly ſhall ſuffer ſilver to be tranſported out of the realm, they ſhall have judgment of life and member. *ſ.* 3.

By 25 *Edw.* 3. *ſtat.* 5. *c.* 12. It ſhall be lawful for every man to exchange gold for ſilver, or ſilver for gold; ſo that no man hold a common exchange, nor take profit for making ſuch exchange, upon pain of forfeiture of the money exchanged, except the king's exchangers.

By 25 *Edw.* 3. *ſtat.* 5. *c.* 13. The money of gold and ſilver ſhall not be impaired in weight nor in allay, but put in the ancient ſtate as in the ſterling.

By 25 *Edw.* 3. *ſtat.* 5. *c.* 20. The moneyers, and other wardens and miniſters of the money, ſhall receive plate of gold and ſilver by weight, and deliver the money when made by weight.

By 27 *Edw.* 3. *ſtat.* 2. *c.* 14. Merchants may ſafely bring plate of ſilver and billets of gold, and all other gold, and money of gold and ſilver, to the king's bullion or exchanges, at the ſtaples and elſewhere; and if any will take good money of gold and ſilver, of other coin than of the king's in payment, he ſhall take the ſame without impeachment, ſo that none be compelled. *ſ.* 1.

No money ſhall have common courſe within the realm but the king's coin; and none ſhall carry out of the realm the old ſterling, nor other money but the new money, except merchants ſtrangers that bring money and employ it within the realm, who may re-carry into their country all money not employed, ſo that good ſearch be made thereof in the ports; and all money that every merchant ſtranger ſhall bring, ſhall be put in writing by the ſearchers. *ſ.* 2.

None by colour of ſuch ſearch ſhall diſturb any merchant ſtranger unduly; and all the falſe money, that may be found in deceit of good money, ſhall be forfeited. *ſ.* 3.

By 5 *Ric.* 2. *c.* 2. No people, upon pain of as much as they may forfeit, ſhall carry out of the realm any gold or ſilver in money, bullion, plate, or veſſel, but the wages of the king's fortreſſes beyond the ſea, and except prelates, lords, and others of the realm, to whom it behoveth to make payments beyond the ſea, that of the ſame payments only they make exchanges in *England* by merchants to pay beyond the ſea, and leave had of the king, as well for the exchangers as for the perſon which ought to make the payments. And the merchants that ſhall make the exchanges ſhall be ſworn, that they ſhall not ſend beyond ſea any gold or ſilver. And if any perſon be attainted, that he hath ſent beyond ſea gold or ſilver againſt this reſtraint, he ſhall forfeit to the king. The king defendeth the paſſage of all people, upon pain of forfeiture of all their goods, except lords and other great men, and notable merchants, and the king's ſoldiers. Every perſon which ſhall paſs out of the realm without licence (which licence ſhall not be made but in the ports underwritten, *viz.* *London*, *Sandwich*, *Dover*, *Southampton*, *Plymouth*, *Dartmouth*, *Briſtow*, *Yarmouth*, *St. Botolph*, *Kingſton upon Hull*, *Newcaſtle upon Tine*, and the other ports towards *Ireland*, and the iſles pertaining to the realm) ſhall forfeit to the king as much as he hath in goods, and the maſter of the ſhip ſhall forfeit the veſſel to the king. If any ſuch ſearchers or wardens of the ports, ſuffer wittingly to be done the contrary, touching money, and paſſages of people, and be convict, he ſhall forfeit to the king his office and all his goods, and his body ſhall be committed to priſon a year; and whoſoever proveth any thing done againſt theſe articles ſhall have half the forfeiture.

This act concerning the reſtraint of paſſage is repealed by 4 Jac. 1. c. 1. *ſ.* 22.

By 14 *Ric.* 2. *c.* 2. For every exchange made by merchants to the court of *Rome* or elſewhere, the merchants ſhall be bound in chancery to buy within three months, merchandizes of the ſtaple to the value of the ſum exchanged, upon pain of forfeiture of the ſame. Qu. *If not obſolete.*

By 17 *Ric.* 2. *c.* 1. No gold nor ſilver of lands beyond the ſea ſhall run in payment, but ſhall be brought to the bullion, to be molten in the coin of *England*, upon pain of forfeiture of the ſame, and of impriſonment, fine, and ranſom.

By 2 *Hen.* 4. *c.* 5. If any ſearcher find gold or ſilver in the keeping of any that is paſſing out of the realm, without the king's licence, all that gold or ſilver ſhall be forfeit to the king, ſaving his reaſonable expences, which he ſhall be bound to diſcover preſently, after he is warned by the ſearcher, or elſe all the money concealed ſhall be forfeit; provided that merchants ſtrangers, that ſell their merchandize within the realm, and the one half of the money received do employ upon other merchandizes of the realm, may freely carry out the other half by the king's licence.

By 11 *Hen.* 4. *c.* 8. The chancellor ſhall every 15 days ſend the eſtreats of writs of exchange into the exchequer; and the treaſurer and barons ſhall have power to examine the cuſtomers, and to puniſh thoſe whom they find guilty contrary to the ſtatute 14 *Ric.* 2. *c.* 2.

By 17 Edw. 4. c. 1. *It is enacted, that no perſon carry out of the realm, coin, plate, veſſel, bullion, or jewels of gold or ſilver, without the king's licence, on pain of felony; and this act was by* 7 Edw. 6. c. 6. *continued for* 20 *years, and is now expired.* Qu. *therefore, if many of the foregoing ſtatutes are not obſolete.*

By 3 *Hen.* 5. *c.* 6. *revived by* 5 Eliz. c. 11. Clipping, waſhing, and filing of money ſhall be adjudged treaſon.

By 3 *Hen.* 5. *c.* 7. *revived by* 1 Eliz.. c. 11. The juſtices aſſigned to take aſſizes ſhall have power to hear and determine, as well of the counterfeiting, and of the bringing of falſe money into the realm, as of clipping, waſhing, and every other falſity, of the money. And the juſtices of peace ſhall have power to enquire of all ſuch matters, and thereupon to make proceſs by *capias* only againſt thoſe which ſhall be thereof indicted.

By 9 *Hen.* 5. *ſtat.* 1. *c.* 11. None ſhall receive gold in payment, but by the king's weight.

By 1 *Hen.* 6. *c.* 1. The lords of the king's council may aſſign maſters and workmen to make money of gold and ſilver, and to hold the exchanges of money, in *York*, *Briſtol*, and as many places as ſhall ſeem neceſſary.

By 2 *Hen.* 6. *c.* 6. No gold nor ſilver ſhall be carried out of the realm, unleſs it be for payment of the king's ſoldiers, upon pain of forfeiture of the value of the money carried out, to be levied of him that ſhall carry it out. And he which thereof giveth knowledge to the council, or to the treaſurer, ſhall have the fourth part of the forfeiture. Except ranſoms of *Engliſh* priſoners, and the money that the ſoldiers ſhall carry for their reaſonable coſts, ſo that the money be not carried without the king's licence. And merchants aliens ſhall find ſurety in chancery, every company for their company, that none of them ſhall carry out of the realm any gold or ſilver, or the value of the ſame. And if any of them do the contrary, and be gone over the ſea, the pledges of his company ſhall pay the king the forfeiture, whereof he that ſhall give notice ſhall have the fourth part.

By 2 *Hen.* 6. *c.* 12. The maſter of the mint ſhall keep his allay according to his indenture. And ſhall receive of every perſon that ſhall bring ſilver to the mint, the ſame money at the true value as it is worth; according to the allay, upon pain to pay double damages; and the king's aſſayer and the controller of the mint ſhall be preſent, when any bullion of ſilver is brought to the mint, that the aſſayer may ſet the value, in caſe of variance betwixt the maſter and the merchant, and the controller to control, as well ſilver that is brought to the mint, as carried out, every two days, without reward, other than the fee which they ſhall take of the king, upon pain to yield double damages. And the aſſayer and controller ſhall be expert men, having perfect knowledge in the myſtery of goldſmiths, and of the mint. And neither the maſter of the mint, nor the exchanger, ſhall ſell gold, nor ſilver, or bullion, brought to the mint, or to the exchange, but apply the ſame only to the money, according to the indenture.

By 8 *Hen.* 6. *c.* 24. No merchant alien ſhall bind any of the king's people, by promiſe, covenant, or bond, to make payment in gold for any debt, nor refuſe to receive payment in ſilver, upon pain of the double value. And no *Engliſhman* ſhall ſell to any merchant alien any merchandiſes, but for ready payment, or elſe in merchandiſes to be contented in hand, upon pain of forfeiture of the ſame. *ſ.* 2.

By 9 Hen. 6. c. 2. *Merchants might ſell their cloths to aliens for ready payment, or for money or merchandiſe to be paid from ſix months to ſix months, without farther day giving, on pain of forfeiture thereof; and that the ordinance ſhould endure as long as ſhould pleaſe the king. And this latter ſtatute is ſaid to be a repeal of* 8 Hen. 6. c. 24. 10 Hen. 7. fol. 7. b.

By 3 *Hen.* 7. *c.* 6. No man ſhall make exchange without the king's licence, nor make exchange of money to be paid within the land, but ſuch as the king ſhall depute thereto, upon the pains in the ſtatute of king *Richard* contained. *Said to be repealed by* 37 Hen. 1. c. 9. *but* qu.

By 4 *Hen.* 7. *c.* 2. All letters patent, and grants of offices belonging to the mint, with fees thereto belonging, ſhall be void. *ſ.* 3.

By 19 *Hen.* 7. *c.* 5. Groats or pence clipped or impaired, except reaſonable wearing, ſhall not be current, but it ſhall be lawful to any perſon, having ſuch groats or pence clipped or miniſhed, to bring the ſame to the king's mint to be changed, or convert the ſame into plate. And if the warden or controller of the mint execute not their office in ſearching the coin, before it paſs from the mint, they ſhall forfeit their office, and make fine at the king's pleaſure. No perſon ſhall convey out of this realm any bullion, plate, or coin, of gold and ſilver, into *Ireland*, above the ſum of 6 *s.* 8 *d.* nor convey any ſuch bullion, plate, or coin, into any ſhip, upon pain to forfeit the ſame, and to have impriſonment, and make fine and ranſom at the king's will.

By 5 & 6 *Edw.* 6. *c.* 19. If any perſon exchange coined gold, ſilver, or money, receiving or paying more in value for it, than the ſame ſhall be declared by the king's proclamation to be current for; the money ſo exchanged ſhall be forfeit, and the parties offending ſhall ſuffer impriſonment one year, and make fine at the king's pleaſure; the one moiety of the coin forfeited to be to the king, and the other moiety to the party that ſeizeth the ſame, or will ſue for it. *ſ.* 2.

By 13 & 14 *Car.* 2. *c.* 31. No perſon ſhall melt any current ſilver money, upon pain of forfeiture of the ſame and of the double value, the one half to his majeſty, the other half to the informers, in any of his majeſty's courts at *Weſtminſter*; and the perſons offending (if they be freemen of any city or corporation) ſhall, upon conviction, be diſfranchiſed; and if they ſhall not be freemen, they ſhall ſuffer impriſonment ſix months next enſuing their conviction.

By 18 *Car.* 2. *c.* 5. *made perpetual by* 9 Geo. 3. c. 78. Whatſoever perſon, native or foreigner, ſhall bring any foreign coin, plate, or bullion, or any manufacture of gold or ſilver, into his majeſty's mint to be coined, ſhall have the ſame aſſayed and coined with all convenient ſpeed, without any diminution or charge for the aſſaying, coinage or waſte; ſo as that for every pound *troy* of crown or ſtandard-gold, there ſhall be delivered out a pound *troy* of current coin of crown gold; and for every pound *troy* of ſterling or ſtandard-ſilver, there ſhall be delivered out a pound *troy* of current coins of ſterling. *ſ.* 1.

There ſhall be no preference in point of aſſaying or coinage; but the gold and ſilver brought in and coined ſhall be in the ſame order delivered to the bringers, without preference of one before the other; and if any undue preference be made by any officers of the mint, the party offending ſhall be liable to pay the value of the gold or ſilver brought in, and not entered and delivered according to this act, with damages and coſts, to the party grieved, and ſhall be fore-judged from his place; and if ſuch preference be unduly made by any deputy or clerk, without privity of his maſter, ſuch deputy or clerk only ſhall be liable to

ſuch

ſuch action, and be for ever uncapable of bearing office in any mint. *ſ.* 2.

It ſhall not be any undue preference if the officers ſhall deliver out monies coined, to any perſons that demand the ſame upon ſubſequent entries, before others that did not come to demand their monies in their courſe, ſo as there be money reſerved for them. *ſ.* 3.

The maſter-worker of his majeſty's mint ſhall, at the time of the delivery and entry of any gold or ſilver, give the bringers a bill denoting the weight, fineneſs, and value, together with the day and order of its delivery. *ſ.* 4.

No confiſcation or reſtraint ſhall be made in the mint, of any gold or ſilver brought in to be coined, for any imbargo, breach of the peace, letters of mark or repriſal, or war with any foreign nation, or upon any other pretence. *ſ.* 5.

No monies leviable by this act* ſhall be applied to any uſe, other than the defraying the charge of the mints, and the encouragement of the bringing in of gold and ſilver to be coined: nor ſhall any of the ſaid monies be iſſued out of the exchequer, but by warrant of the treaſury, to the maſters and workers of the mints, and mentioning that they are for the ſervice aforeſaid; to be kept in his majeſty's office of receipt in the mints, under the uſual keys of the warden, maſter and worker, and controller, and iſſued out according to the courſe of the mints. *ſ.* 9.

There ſhall not be iſſued out of the exchequer, of the ſaid monies, in any one year, for the ſalaries of officers of the mints, and towards the repairing of the buildings, and other neceſſaries for aſſaying and coining, above 3000 *l.* and the overplus ſhall be employed for the expence, waſte and charge of aſſaying, melting down, and coinage, and buying of gold and ſilver to coin. *ſ.* 10. *But ſee* 27 Geo. 2. c. 11. *poſt.*

By 6 & 7 *Will.* 3. *c.* 17. If any perſon ſhall at any one time receive or pay any ſilver money unclipt for more than the ſame ought to go for, he ſhall forfeit 10 *l.* for every 20 *s.* and ſo in proportion for any greater or leſſer ſum; one moiety to his majeſty, and the other moiety to the perſon who ſhall ſue for the ſame, to be recovered with coſts. *ſ.* 2.

If any perſon ſhall buy or ſell, and knowingly have in his cuſtody, any clippings or filings of the coin, he ſhall forfeit the ſame, and 500 *l.*; one moiety to his majeſty, and the other to the informer; and ſhall be alſo branded in the right cheek with the letter *R.* *ſ.* 4.

Every perſon who ſhall apprehend any who have counterfeited the coin, or that for gain have diminiſhed the ſame, or brought into this kingdom any clipt or counterfeit coin, and proſecute ſuch perſons until they be convicted, ſhall have from the ſheriff for every offender convicted, 40 *l.* without fee, within one month after conviction and demand made, by tendering a certificate to the ſheriff under the hands of the judge or juſtices before whom ſuch offenders ſhall be convicted; and in caſe any diſpute ſhall ariſe between the perſons apprehending and proſecuting ſuch traitors, the judge or juſtices ſhall in their certificate appoint the reward to be paid amongſt the parties, in ſuch proportions as ſhall ſeem juſt; and if default of payment ſhall be made, ſuch ſheriff making default, ſhall forfeit to the perſons to whom ſuch money is due, double the ſum he ought to have paid, to be recovered by them or their executors, *&c.* in any of his majeſty's courts at *Weſtminſter*, with treble coſts. *ſ.* 9.

All ſheriffs upon producing ſuch certificates and the receipts for the money, ſhall be allowed upon their account all monies which they ſhall diſburſe, as aforeſaid, without fee. *ſ.* 10.

If there ſhall not be money ſufficient in the hands of ſuch ſheriffs to re-imburſe them, they ſhall have the ſame repaid by the treaſury upon certificate from the clerk of the pipe. *ſ.* 11.

If any perſon, being out of priſon, ſhall be guilty of clipping, coining, counterfeiting, or diminiſhing the coin, and diſcover perſons who ſhall commit any of the ſaid crimes, ſo as two or more ſhall be convicted; ſuch diſcoverer ſhall have his majeſty's pardon for all ſuch crimes; and if he be an apprentice, he ſhall be free. *ſ.* 12. *For the reſt of this act, ſee* "Gold," *&c.*

By 7 & 8 *Will.* 3. *c.* 10. No perſon ſhall receive or pay any guineas at a higher rate than 26 *s.* for each, and the ſame proportion for half guineas, double guineas, and five pound pieces; and in caſe any perſon offend herein, he ſhall forfeit double the value of the gold received or paid, and 20 *l.*; one moiety to his majeſty, and the other to the perſon who ſhall ſue for the ſame; to be recovered with coſts. And nothing in this act ſhall compel any perſon to receive guineas at the ſaid rate. *ſ.* 18.

By 7 & 8 *Will.* 3. *c.* 19. No perſon ſhall utter or receive guineas at a higher rate than 22 *s.* each, and proportionably for every greater or leſſer piece of coined gold; and whoſoever ſhall offend, ſhall incur the penalties provided in *ſtat.* 7 *Will.* 3. *c.* 10. *ſ.* 12.

By 8 *Will.* 3. *c.* 1. The maſter worker, and other officers, of his majeſty's mint in the Tower, ſhall ſet apart one or more mills, with other conveniences, to be in the firſt place employed in the coinage of gold, brought thither by any perſons, to be received, coined, and delivered, as by the ſtatute 18 *Car.* 2. *c.* 5.; ſo that the courſe in coinage of gold and ſilver be kept in diſtinct accounts, and ſuch coining and delivering out gold in a diſtinct courſe, although there be ſilver remaining uncoined, ſhall not be interpreted any undue preference. *ſ.* 3.

By 9 *Will.* 3. *c.* 2. No hammered ſilver coin ſhall be reputed lawful coin of this realm. *ſ.* 1.

By 9 & 10 *Will.* 3. *c.* 21. It ſhall be lawful for any perſon to whom ſilver money ſhall be tendered, any piece whereof ſhall be diminiſhed, otherwiſe than by reaſonable wearing, or that by the ſtamp, colour, or weight thereof, he ſhall ſuſpect to be counterfeit, to cut or deface ſuch piece; and if any piece ſo cut, *&c.* ſhall appear to be counterfeit, the perſon tendring the ſame ſhall bear the loſs; but if the ſame ſhall be of due weight, and lawful money, the perſon that broke or defaced the ſame, ſhall take the ſame at the rate it was coined for; and if any queſtion ariſe whether the piece be counterfeit, it ſhall be heard and determined by the mayor, bailiff, or other chief officer, of any city or town corporate, where ſuch tender ſhall be made; and if out of any city, *&c.* then by the next juſtice of peace. *ſ.* 1.

The tellers of the receipt of exchequer, their deputies and clerks, and the receivers general of every branch of revenue, ſhall break or deface every piece of counterfeit or unlawfully diminiſhed ſilver money, that ſhall be tendred to them to the uſe of his majeſty; and the tellers and receivers general, *&c.* ſhall weigh in whole ſums, or otherwiſe, all ſilver money by them received, and if the ſame appear counterfeit, or unlawfully diminiſhed, the ſame ſhall not be received in the exchequer, nor allowed them upon their accounts. *ſ.* 2.

By 4 *Ann.* *c.* 22. It ſhall be lawful for the treaſury, by warrants, to iſſue out of the coinage duty the yearly ſum of 500 *l.* over and above the yearly ſum of 300 *l.* mentioned

* See the ſum in 27 *Geo.* 2. *c.* 11. and 27 *Geo.* 3. *c.* 13.

mentioned in 19 *Car.* 2. *c.* 5. for the ſalaries of officers of the mints, and towards repairing the buildings and other neceſſaries.

By 7 *Ann. c.* 24. Over and above the ſums not exceeding 3000*l.* and 500*l. per annum* mentioned in 18 *Car.* 2. *c.* 5. and 4 *Ann. c.* 22. it ſhall be lawful for the treaſury, by warrants, to iſſue out of the coinage duties yearly, ſuch ſum as they ſhall think neceſſary, not exceeding 1200*l.* for the ſalaries of officers of the mints in *Scotland*, and towards the providing buildings, and other neceſſaries for aſſaying, melting down, and coining in the mints of *Scotland*. *ſ.* 3.

Over and above the ſums mentioned in the former acts, for the uſes of the mint, it ſhall be lawful for the treaſury, by warrants, to iſſue out of the coinage duty yearly, any ſums not exceeding 400*l.* for the charges of officers, and others employed in the proſecution of offences concerning the coin in *England*. *ſ.* 4. *See* 15 *Geo.* 2. *c.* 28. *ſ.* 10.

By 15 *Geo.* 2. *c.* 28. If any perſon utter or tender in payment any falſe or counterfeit money, knowing the ſame to be ſo, and be convicted, he ſhall ſuffer ſix months impriſonment, and find ſureties for his good behaviour for ſix months more; and if the ſame perſon be convicted a ſecond time, he ſhall ſuffer two years impriſonment, and find ſureties for his good behaviour for two years more; and if the ſame perſon offend a third time, and be convicted, he ſhall be adjudged guilty of felony without benefit of clergy. *ſ.* 2.

If any perſon utter or tender in payment any falſe or counterfeit money, knowing the ſame to be ſo, and either the ſame day, or within ten days then next, utter, *&c.* any more, or other falſe or counterfeit money, knowing the ſame to be ſo, or at the time of ſuch uttering have about him in his cuſtody, one or more pieces of counterfeit money, beſides what was ſo uttered, ſuch perſon ſhall be deemed a common utterer of falſe money; and being convicted ſhall ſuffer a year's impriſonment, and find ſureties for his good behaviour for two years more; and if ſuch perſon again utter, *&c.* any falſe or counterfeit money, knowing the ſame to be ſo, being convicted, he ſhall be adjudged guilty of felony without benefit of clergy. *ſ.* 3.

The perſons convicted of any of the treaſons *(See general title* TREASON) and felonies before mentioned ſhall ſuffer death: but the blood of his heirs ſhall not be corrupted, nor his wife forfeit her dower. *ſ.* 4.

Perſons guilty of any of the treaſons, felonies, or crimes, aforeſaid, ſhall be indicted, arraigned, tried, and convicted, by ſuch like evidence, and in ſuch manner as is now uſed againſt any offenders for counterfeiting the lawful coin. Provided, there be no proſecution for any of the offences made treaſon or felony by this act, unleſs commenced within ſix months next after ſuch offence committed. *ſ.* 5.

If any perſon make, coin, or counterfeit, any braſs or copper money, called a halfpenny, or a farthing, ſuch perſon and his aiders, abetters, and procurers, being convicted, ſhall ſuffer two years impriſonment, and find ſureties for his good behaviour for two years more. *ſ.* 6.

Whoever ſhall apprehend any perſon who has committed any of the offences hereby made high treaſon or felony, or made or counterfeited any of the copper money aforeſaid, and ſhall proſecute ſuch offender until he be convicted, ſuch proſecutor ſhall receive from the ſheriff of the county or city where ſuch conviction ſhall be, for every ſuch offender convicted of any of the treaſons or felonies aforeſaid, 40*l.* and for every perſon ſo convicted of counterfeiting any of the ſaid copper money, 10*l.* without paying any fee for the ſame, within one month after ſuch conviction, and demand made by tendering a certificate to the ſheriff or under-ſheriff, under the hands of the judge or juſtices before whom ſuch conviction was made, certifying ſuch conviction, and that the offender was apprehended and proſecuted by the perſons claiming the reward, and directing in what ſhares the reward ſhall be divided; which certificate the ſaid judge or juſtices are to give without delay or fee. And if the ſheriff ſhall not pay the reward within the time aforeſaid, he ſhall forfeit to ſuch proſecutors ſeverally, double the ſum by the certificate directed to be ſeverally paid to them, to be recovered by them, or their executors or adminiſtrators, in any court of record at *Weſtminſter*, by action of debt, *&c.* with treble coſts. And ſuch ſheriff ſhall be allowed ſuch rewards upon his accounting, without fee; and if he ſhall not on paſſing ſuch account have money ſufficient to anſwer what has been paid for ſuch rewards, then the ſame ſhall be repaid by the treaſury out of the revenues of the crown, on certificate from the clerk of the pipe. *ſ.* 7.

Whoever being out of priſon ſhall commit any of the offences aforeſaid, and diſcover two or more perſons, who have committed any of the ſaid offences, ſo as they be convicted, ſuch diſcoverer ſhall have his majeſty's pardon. *ſ.* 8.

If any perſon be convicted of uttering or tendering any falſe or counterfeit money as aforeſaid, and afterwards be guilty of the like offence in any other county or city, the clerk of the aſſiſe, or clerk of the peace for the county, *&c.* where ſuch conviction was, ſhall, at the requeſt of the proſecutor, or any other on his majeſty's behalf, certify the ſame by a tranſcript, containing the effect of ſuch conviction; for which certificate 2*s.* 6*d.* and no more ſhall be paid; and ſuch certificate being produced in court, ſhall be proof of ſuch former conviction. *ſ.* 9.

The commiſſioners of the treaſury ſhall order out of the money ariſing by the coinage duty ſuch ſums, for defraying the future expences of the proſecutions of offenders againſt the laws relating to the coin, as they ſhall ſee fit, provided the ſaid expences do not in one year exceed 600*l.* *ſ.* 10.

By 27 *Geo.* 2. *c.* 11. *ſ.* 2. It ſhall be lawful for the treaſury to cauſe ſo much money to be applied as ſhall be neceſſary for defraying the expences of the mints of *England* and *Scotland*, by way of impreſt, ſo as the ſame do not exceed in one year 15,000*l.*

By 27 Geo. 3. c. 13. *ſ.* 64. *The treaſury are to iſſue their warrant to the proper officer of the exchequer for payment of any ſum they think proper, out of any of the duties of cuſtoms, to be applied to the purpoſes of* 27 Geo. 2. *provided the ſums do not exceed in one year* 15,000*l.*

By 13 *Geo.* 3. *c.* 71. It ſhall be lawful for any perſon to whom any gold money ſhall be tendered, any piece whereof ſhall be diminiſhed otherwiſe than by reaſonable wearing, or that by the ſtamp, colour, or weight thereof he ſhall ſuſpect to be counterfeit, to cut or deface ſuch piece; and if any piece ſo cut, *&c.* ſhall appear to be diminiſhed (otherwiſe than by reaſonable wear) or counterfeit, the perſon tendering the ſame ſhall bear the loſs thereof; but if the ſame ſhall be of due weight, and appear to be lawful money, the perſon that cut, *&c.* ſhall receive the ſame at the rate it was coined for; and if any queſtion ariſe, whether the piece be counterfeit or diminiſhed, it ſhall be heard and determined by the mayor, bailiff, or other chief officer, of any city or town corporate where ſuch tender ſhall be made; and if out of any city, *&c.* then by the next juſtice of peace; and the ſaid mayor, *&c.* ſhall

have power to adminiſter an oath to any perſon for determining any queſtions relating to the piece. *ſ.* 1.

The tellers at the receipt of exchequer, their deputies and clerks, ſhall cut, break, or deface, every piece of counterfeit or unlawfully diminiſhed gold money that ſhall be tendered in payment to them, to the uſe of his majeſty, or in reſpect of any part of the revenue; and the ſaid tellers, their deputies and clerks, ſhall weigh in whole ſums, or otherwiſe, all gold money by them received; and if the ſame appear to be counterfeit, or unlawfully diminiſhed, the ſame ſhall not be received in the exchequer, nor be allowed them upon their accounts. *ſ.* 2.

By 14 *Geo.* 3. *c.* 92. It ſhall be lawful for the warden, maſter, and comptroller of the mint, with the aſſiſtance of the aſſay maſter, and they are to make one weight of the guinea, and alſo one weight of the ſhilling, according to the eſtabliſhed ſtandard of the mint, and alſo other weights, parts and multiples of the guinea and ſhilling; which weights, together with their report of the accuracy thereof, they are hereby to tranſmit to the clerk of his majeſty's council in waiting, to be laid before his majeſty in council; and in caſe the ſaid weights ſhall be approved of by his majeſty in council, the ſame ſhall be the ſtandard weights of the gold and ſilver coin of this realm, and the ſame ſhall be lodged in the joint cuſtody of the warden, maſter, and comptroller of the mint. *ſ.* 1.

The ſaid warden, maſter, and comptroller, with the aſſiſtance of the aſſay maſter, ſhall make exact duplicates, or copies, of the ſaid ſtandard weights, and of the parts and multiples thereof; and if any of the ſaid duplicates ſhall hereafter, by any accident, be deſtroyed, loſt, or impaired, the warden, *&c.* with the aſſiſtance of the aſſay maſter, are, in like manner, to make other exact duplicates, or copies, of ſuch ſtandard weights, *&c.*; all which duplicates, or copies, ſhall be laid before his majeſty in privy council, as before directed; and in caſe the ſame ſhall be approved of by his majeſty in council, they ſhall then, by the ſaid maſter, *&c.* be lodged in the cuſtody of an officer, to be appointed by his majeſty under his ſign manual, during his royal pleaſure, with a ſalary not exceeding 250 *l. per ann.* to be iſſued by the warden out of the coinage duties. *ſ.* 2.

It ſhall be lawful for the warden, maſter, and comptroller, once, or oftener, in every year, by warrant under their hands, to ſummon ſuch officer, ſo appointed by his majeſty, to appear before them, and produce the duplicates, or copies, and the ſame to examine and compare with the ſtandard weights lodged in the cuſtody of the warden. *ſ.* 3.

All weights to be made uſe of for weighing the ſaid gold and ſilver coin, ſhall be regulated by the duplicates of the ſtandard weights in the cuſtody of the officer before mentioned; and after having been tried and compared therewith, and found to be juſt, ſhall, in teſtimony thereof, be marked by the ſaid officer with a ſtamp, to be approved of by the maſter of the mint; which ſtamp the ſaid officer is to provide: and that the impreſſion may be known, the ſaid officer is to publiſh a deſcription of the ſame, by advertiſements, in the *London Gazette*, three times at leaſt before the 31 *Dec.* 1774; and the ſaid officer is, upon application made to him, at all ſeaſonable hours, to ſtamp all weights to be uſed for weighing gold and ſilver coin which ſhall be brought to him for that purpoſe, and which he ſhall find to be juſt, without delay: and no other weights but ſuch as ſhall be juſt, according to the weights hereby directed, and ſhall be marked as before mentioned, ſhall be reputed to be true, or of any effect for determining the weight of the gold or ſilver coin. *ſ.* 4.

If any perſon ſhall counterfeit any ſtamp to reſemble any ſtamp uſed in purſuance of this act, or ſhall counterfeit the impreſſion of ſuch ſtamp on any weight; or ſhall utter or ſell any ſuch weight with the impreſſion of ſuch counterfeit ſtamp thereupon, knowing the ſame to be counterfeited; or ſhall wilfully increaſe or diminiſh ſuch weight after it has been ſtamped; or ſhall make uſe of any ſuch weight in weighing the gold and ſilver coin, knowing the ſame to have been increaſed or diminiſhed; ſuch perſon ſhall, upon conviction before two juſtices, forfeit, not exceeding 50 *l.* at the diſcretion of the juſtices; one moiety to his majeſty, and the other to him that ſhall inform, *&c.*; and, on default of payment, ſuch juſtices may commit ſuch offender to the common gaol, for not exceeding three months. *ſ.* 5.

Nothing herein ſhall take away or abridge any rights granted by *Jac.* 1. by letters patent, to the maſter, wardens, and commonalty of the myſtery of founders of *London*, and which they may lawfully claim or enjoy, with reſpect to the ſizing and marking of all manner of braſs weights made within *London*, or three miles thereof, or which ſhall be ſold or kept for ſale within *London*, or three miles thereof. *ſ.* 6.

Provided the weights before directed to be made uſe of for weighing the gold and ſilver coin, after having been ſized and marked according to the directions of the ſaid charter, be carried to be aſcertained and marked, as before directed, by the officer appointed by his majeſty, in purſuance of this act. *ſ.* 7.

By 15 *Geo.* 3. *c.* 30. It ſhall be lawful for the officer appointed in purſuance of 14 *Geo.* 3. *c.* 92. to demand and receive from every perſon bringing weights to be ſtamped in purſuance of the ſaid act, not exceeding one penny for every twelve weights ſo ſtamped, before he delivers the ſame.

Monopolies.

By 21 *Jac.* 1. *c.* 3. All monopolies, grants, and patents, made or to be made, for the ſole buying, ſelling, making, or uſing, of any thing within this realm, or of any other monopolies, or of power to diſpenſe with any, or to give licence to do any thing againſt any law, or to give any warrant for any diſpenſation, or to compound for any forfeitures limited by ſtatute, or of any grant or promiſe of the benefit of any forfeiture before judgment, and all proclamations, and other things countenancing the ſame, are contrary to law, and void. *ſ.* 1.

All monopolies, and all ſuch grants, *&c.* ſhall be determined by the common law. *ſ.* 2.

All perſons ſhall be diſabled to have any monopoly, or any ſuch grants, *&c.* as aforeſaid. *ſ.* 3.

If any perſon ſhall be diſturbed by pretext of any monopoly, or other matter aforeſaid, he may have his remedy at common law by action upon this ſtatute, wherein he ſhall recover three times the damages ſuſtained, and double coſts; and if any perſon, after notice given that the action is grounded upon this ſtatute, ſhall procure the ſame to be ſtayed before judgment by any order, ſave only the court where ſuch action ſhall be depending, or after judgment ſhall procure the execution to be ſtayed, ſave only by writ of error or attaint, the perſons ſo offending ſhall incur the penalties provided by the ſtatute of *præmunire*, 16 *Ric.* 2. *c.* 5. *ſ.* 4.

Any declaration before mentioned ſhall not extend to any patents of privilege for 14 years or under, to be made of the ſole working of any new manufactures to the firſt inventors, ſo as they be not contrary to law, nor miſchievous

to

to the ſtate, by raiſing prices of commodities, or hurt of trade, or inconvenient. *ſ.* 6.

This act ſhall not extend to any privy ſeal to be made to the juſtices of king's bench, common pleas, barons of the exchequer, and other juſtices having power to hear and determine offences done againſt any penal ſtatute, to compound for the forfeitures of any penal ſtatute, depending in queſtion before them after plea pleaded. *ſ.* 8.

This act ſhall not extend to the city of *London*, or to any city, or town corporate, for charters to them made, or concerning any cuſtoms uſed by them, or unto any corporations or fellowſhips of any trade, or to any company of merchants erected for the ordering of any trade. *ſ.* 9.

This act ſhall not extend to any patents of privilege concerning printing, or the making of ordnance, or ſhot for ordnance, nor to any grant of any office now in being, other than ſuch as have been decried by his majeſty's proclamations. *ſ.* 10.

This act ſhall not extend to any privilege of digging or making of allum. *ſ.* 11.

This act ſhall not extend to any cuſtom, franchiſe, or privilege, claimed by the governors and ſtewards and brethren of the fellowſhip of the hoaſtmen of the town of *Newcaſtle upon Tyne*, concerning the venting of ſea-coals, or to a grant made to the ſaid fellowſhip of hoaſtmen to the late queen *Elizabeth*, of any duty to be paid for ſuch coals; nor to any grants for licenſing of the keeping of taverns, or retailing of wines, or any compoſitions for ſuch licences, ſo as the benefit of ſuch compoſitions be reſerved for the uſe of his majeſty. *ſ.* 12.

This act ſhall not extend to a grant for the making of glaſs, made to Sir *Robert Manſel*, nor to a grant made to *James Maxewel*, Eſq. concerning the tranſportation of calves ſkins. *ſ.* 13.

This act ſhall not extend to a grant for the making of ſmalt made to *Abraham Baker*, nor to a grant for the melting of iron ewer, and of making the ſame into caſt-works, or bars, with ſea-coals or pit-coals, made to *Edward* lord *Dudley*. *ſ.* 14.

Mortgages.

By 4 & 5 *Will. & Mar. c.* 16. If any perſon ſhall, for any valuable conſideration, acknowledge judgment, ſtatute, or recognizance, and ſhall after mortgage his lands to a ſecond creditor, or in truſt for him, and ſhall not give notice of the ſaid judgment, *&c.* under his hand before the execution of the mortgage, unleſs ſuch mortgager, upon notice given by the mortgagee under his hand and ſeal, atteſted by two witneſſes, of ſuch former judgment, *&c.* ſhall within ſix months pay off and cauſe the ſame to be vacated by record, the mortgager ſhall have no remedy againſt the mortgagee in equity or elſewhere for redemption of the lands. *ſ.* 2.

If any perſon, who ſhall mortgage lands for ſecurity of money due, or for other valuable conſiderations, and ſhall again mortgage the ſame lands to any other perſon for valuable conſiderations (the former mortgage being in force) ſhall not diſcover to the ſecond mortgagee the former mortgage under his hand, the mortgager ſhall have no equity of redemption againſt the ſecond mortgagee. *ſ.* 3.

If there be more than one mortgage at the ſame time of the ſame lands, the late or other mortgagees ſhall have power to redeem any former mortgages. *ſ.* 4.

Nothing in this act ſhall bar any widow of any mortgager from her dower, who did not legally join with her huſband in ſuch mortgage, or otherwiſe lawfully bar herſelf from her dower. *ſ.* 5.

By 7 *Geo.* 2. *c.* 20. Where any action ſhall be brought on any bond for payment of money ſecured by mortgage, or performance of the covenants therein contained, or where any ejectment ſhall be brought by any mortgagee, and no ſuit ſhall be depending in equity for foreclоſing or redeeming ſuch mortgaged lands; if the perſon having right to redeem, and who ſhall appear and become defendant, ſhall, pending ſuch action, pay unto ſuch mortgagee, or in caſe of refuſal bring into court the principal and intereſt due on ſuch mortgage, and all ſuch coſts as have been expended in any ſuits of law or equity upon ſuch mortgage (ſuch principal, intereſt, and coſts, to be aſcertained by the court where ſuch action is depending, or by the proper officer by ſuch court to be appointed) the monies paid to ſuch mortgagee, or brought into ſuch court ſhall be in ſatisfaction of ſuch mortgage, and the court ſhall diſcharge ſuch mortgager or defendant from the ſame, and ſhall by rule of court compel ſuch mortgagee, at the coſts of ſuch mortgager, to re-convey ſuch mortgaged lands, and deliver up all writings in his cuſtody relating to the title. *ſ.* 1.

Where any bill ſhall be filed in equity by any perſon claiming intereſt in lands under any mortgage, to compel the defendant claiming right to redeem, to pay the plaintiff the principal and intereſt due on ſuch mortgage, or the principal and intereſt together with any money due on any incumbrance chargeable on the equity of redemption thereof, and in default of payment to foreclоſe; the court of equity upon application by the defendant having right to redeeem, and upon his admitting the title of the plaintiff, ſhall at any time before ſuch cauſe ſhall be brought to hearing, make ſuch decree therein as ſuch court might have made in caſe ſuch cauſe had been regularly brought to hearing. *ſ.* 2.

This act ſhall not extend to any caſe where the perſons againſt whom redemption ſhall be prayed, ſhall (by writing delivered, before the money ſhall be brought into court, to the attorney or ſolicitor for the other ſide) inſiſt, either that the party praying redemption has not a right to redeem, or that the premiſes are chargeable with other ſums than what appear on the face of the mortgage; nor to any caſe where the right of redemption ſhall be controverted between different defendants; nor ſhall be any prejudice to ſubſequent mortgagees or incumbrancers. *ſ.* 3.

By 14 *Geo.* 3. *c.* 79. All mortgages and ſecurities which, by any of his majeſty's ſubjects, already have been made and executed in *Great Britain* of or concerning any lands, tenements, hereditaments, ſlaves, cattle, or other things, lying in *Ireland*, or in any of the colonies, plantations, or dominions, or any eſtate or intereſt therein, to any of his majeſty's ſubjects, for ſecuring the repayment of money thereon really lent, with intereſt for the ſame; and all bonds, covenants, and ſecurities, for payment of the ſame, and all transfers or aſſignments which have been made in *Great Britain* of ſuch mortgages, ſecurities, or bonds, to any of his majeſty's ſubjects, ſhall be as valid, as if the ſame had been made in the kingdom, iſland, plantation, country, or place, where the lands, *&c.* ſeverally lie; and none ſhall be ſubject to any of the penalties in 12 *Ann.* by taking intereſt for the money advanced on ſuch mortgage, *&c.* at the rate of intereſt allowed by the law of the kingdom, colony, plantation, country, or place, wherein the mortgaged premiſes lie. *ſ.* 1.

All mortgages and ſecurities which ſhall be made and executed in *Great Britain*, concerning lands, *&c.* lying in *Ireland*, or in any of the ſaid colonies, *&c.* to any of his majeſty's ſubjects, for ſecuring the repayment of money thereon *bona fide* lent, with intereſt for the ſame; and all bonds, *&c.* for payment of the ſame, and all tranſfers or aſſignments which ſhall be made and executed in *Great Britain*, of ſuch mortgages, *&c.* to any of his majeſty's ſubjects, ſhall be as valid as if the ſame were executed in the kingdom, *&c.* where the lands, *&c.* ſeverally lie; and none of his majeſty's ſubjects in *Great Britain* ſhall be ſubject to any of the penalties in the ſaid act of 12 *Ann.* by receiving intereſt for money advanced on any ſuch mortgage, *&c.* ſo as the intereſt ſo received do not exceed ſix *per cent.* *ſ.* 2.

This act ſhall not make good any mortgage, *&c.* where the lender of any money has knowingly advanced, or ſhall knowingly advance more money than the lands, *&c.* were or ſhall be, at the time of advancing ſuch money, *bona fide* worth, to be ſold. *ſ.* 3.

Every perſon borrowing money under this act, upon ſuch lands, *&c.* as aforeſaid, exceeding the value which the ſame ſhall be, at the time of borrowing ſuch money, really worth, to be ſold over all incumbrances which ſhall then affect the ſame, ſhall forfeit treble the value of the ſum borrowed; one half to the informer, the other to the treaſurer of *Greenwich* hoſpital, for the uſe of the hoſpital. *ſ.* 4.

All ſuch mortgages, *&c.* under this act, ſhall be regiſtered within the kingdom, iſland, colony, plantation, country, or place, where the lands, *&c.* ſeverally lie, within the time limited by the laws of ſuch kingdom, *&c.* otherwiſe the ſame ſhall be ſubject to the proviſions and penalties contained in 12 *Ann.* in ſuch manner as the ſame would have been if this act had never been paſſed, unleſs the mortgagee, or other perſon for whoſe behoof ſuch mortgage ſhall have been made, ſhall have, *bona fide*, uſed his endeavour to cauſe the ſame to be regiſtered within the time before limited. *ſ.* 5.

Mortmain.

Magna Charta, 9 *Hen.* 3. *c.* 36. It ſhall not be lawful to give lands to any religious houſe, and to take the ſame land again to hold of the ſame houſe. If any man ſo give his lands to any religious houſe, and be convict, the gift ſhall be void, and the land ſhall return to the lord of the fee.

By *Stat. of Mortmain*, 7 *Edw.* 1. No perſon ſhall preſume to buy or ſell lands, or by any craft or engine to appropriate lands, under pain of forfeiture of the ſame, whereby ſuch lands may come into mortmain: if any perſon offend againſt this ſtatute, it ſhall be lawful to lords of the fee to enter into the ſame within a year from the time of the alienation, and to hold it in fee; and if the chief lord immediate will not enter within the year, it ſhall be lawful for the next chief lord to enter within half a year next; and ſo every lord mediate may enter, if the next immediate lord to him be negligent: and if all the lords of ſuch fees, which be of full age, within the four ſeas, and out of priſon, be negligent, the king, after the year accompliſhed, ſhall take ſuch lands, and enfeoff others therein by ſervices for the defence of the realm; ſaving to the lords their eſcheats and ſervices.

By *Stat. Weſtm.* 2. 13 *Edw.* 1. *c.* 32. Whereas eccleſiaſtical perſons do implead, and the party maketh default whereby he ought to loſe the land, it is ordained, that after the default made it ſhall be enquired by the country, whether the demandant had right, and if it be found that he had, he ſhall recover ſeiſin; and if he had no right, the land ſhall incur to the lord of the fee, if he demand it within a year from the time of the inqueſt taken; and if he do not demand it, it ſhall incur to the next lord above, if he demand it within half a year; and ſo every lord after the lord immediate ſhall have half a year, until it come to the king; and to challenge the jurors of the inqueſt the lords of the fees ſhall be admitted, and likewiſe for the king; and after judgment given, the land ſhall remain in the king's hands until it be deraigned by the demandant, or ſome other chief lord, and the ſheriff ſhall anſwer therefore at the exchequer.

Stat. Quia emptores terrarum, 18 *Edw.* 1. *ſtat.* 1. *c.* 3. By the purchaſes permitted by this ſtatute, (*ſee* "Tenures",) ſuch lands ſhall in no wiſe come into mortmain.

Stat. of amortizing lands, 34 *Edw.* 1. *ſtat.* 3. Touching the grant of the king to be obtained upon inqueſts returned for lands to be put in mortmain, nothing ſhall be done where there ſhall be any lords meſne, except the religious perſons can ſhew the king their aſſent under their patents; and nothing ſhall paſs where the donor retaineth nothing to himſelf: and where inquiſitions be made without warrant, *viz.* without the writ original returned with the inquiſition, and except the writ make mention of every thing according to the new ordinance. *See* "Franchiſes," 27 *Edw.* 1. *ſtat.* 2.

By 18 *Edw.* 3. *ſtat.* 3. *c.* 3. If prelates or clerks beneficed, which have purchaſed lands, and the ſame have put to mortmain, be impeached before, and they ſhew a charter of licence, and proceſs thereupon made by inqueſt of *ad quod dampnum*, *&c.* they ſhall be let in peace; and in caſe they cannot ſhew that they have entered by due proceſs, they ſhall be received to make reaſonable fine.

By 15 *Ric.* 2. *c.* 5. Whereas ſome ſpiritual perſons have entered in lands adjoining to their churches, and of the ſame by ſufferance of the tenants have made churchyards, and by bulls of the biſhop of *Rome*, have hallowed the ſame without licence of the king and of the lords; it is declared, that it is within the ſtatute 7 *Edw.* 1. and no purchaſe ſhall be made, ſo as ſpiritual perſons take the profits, upon pain of forfeiture; and the ſtatute ſhall be kept of all lands, advowſons, and other poſſeſſions, to be purchaſed to the uſe of fraternities; and mayors, bailiffs, and commons of cities and towns, that have a perpetual body, and others which have offices perpetual, ſhall not purchaſe, upon the pain contained in the ſtatute.

By 23 *Hen.* 8. *c.* 10. All uſes, *&c.* to the uſe of pariſh churches, churches, chapels, churchwardens, guilds, companies, or brotherhoods, made of devotion, or by aſſent of the people, without any corporation, and alſo to the intents to have any continual ſervice of a prieſt for threeſcore years, or other like uſes, ſhall be void. *ſ.* 2.

Provided that it ſhall be lawful to every perſon being ſeiſed of lands, *&c.* to ordain any of the uſes above ſpecified, ſo that none ſuch uſes be made to continue above 20 years after the making. *ſ.* 3.

If any perſons, in fraud of this ſtatute, bind their heirs, or any other perſons, that they ſhall ſuffer ſuch uſes to continue contrary to this act, upon penalties of loſs of any other lands or things, or attempt by any other colour to make

make ſuch uſes contrary to this act, to continue for any longer time than above, every ſuch penalty and thing ſhall be void; and this ſtatute ſhall be interpreted beneficially to the avoiding of ſuch uſes. *ſ.* 4.

Provided that in cities and towns corporate, where, by ancient cuſtoms they have authorities to deviſe into mortmain tenements within the ſame, this act ſhall not be prejudicial to ſuch cuſtom. *ſ.* 5.

By 7 & 8 *Will.* 3. *c.* 37. It ſhall be lawful for the king to grant to any perſon licence to alien in mortmain, and to purchaſe and hold in mortmain any lands and hereditaments. *ſ.* 1.

Lands ſo aliened, or acquired and licenſed, ſhall not be ſubject to forfeiture. *ſ.* 2.

By 9 *Geo.* 2. *c.* 36. No manors, lands, advowſons, or other hereditaments, nor any money or other perſonal eſtate, to be laid out in lands, *&c.* ſhall be given to any bodies politic or otherwiſe, or any ways charged in truſt, for charitable uſes, unleſs ſuch gift (other than ſtocks in the public funds) be made by deed indented, in preſence of two witneſſes, twelve calendar months before the death of ſuch donor, and be enrolled in chancery within ſix calendar months after execution; and unleſs ſuch ſtocks be transferred ſix calendar months before the death of ſuch donor; and unleſs the ſame be made to take effect in poſſeſſion immediately from the making, and be without power of revocation. *ſ.* 1.

Nothing herein relating to the ſealing and delivery of any deed, 12 calendar months before the death of the grantor, or to the transfer of ſtock, ſix calendar months before the death of the grantor, ſhall extend to any purchaſe for a full and valuable conſideration. *ſ.* 2.

All gifts of lands, *&c.* or of any charge affecting lands, or of any ſtock or perſonal eſtate to be laid out in lands, *&c.* for charitable uſes, which ſhall be made in any other manner, ſhall be void. *ſ.* 3.

This act ſhall not make void diſpoſitions of any lands to either of the univerſities, or the colleges or houſes within either of them, or to the colleges of *Eaton*, *Wincheſter*, or *Weſtminſter*, for the better ſupport of the ſcholars upon the foundation. *ſ.* 4.

No ſuch college or houſe which ſhall hold ſo many advowſons as are equal in number to one moiety of their fellows, or where there are no fellows, to one moiety of the ſtudents upon the foundation, ſhall be capable of purchaſing any other advowſons; the advowſons of benefices annexed to the headſhips of colleges or houſes not being computed. *ſ.* 5.

Nothing in this act ſhall extend to *Scotland*. *ſ.* 6. (*See* "Union.")

Mortuaries.

By 21 *Hen.* 8. *c.* 6. No ſpiritual perſon, nor their leſſees, ſhall take for any perſon dying, any mortuary or corſe-preſent, more than is hereafter mentioned; nor ſhall call any perſon before any judge ſpiritual for the recovery of ſuch mortuaries, more than is hereafter mentioned; upon pain to forfeit ſo much in value as they ſhall take above the ſum limited, and 40 *s.* to the party grieved. *ſ.* 2.

No mortuary ſhall be taken of any perſon which at his death hath in moveable goods under the value of 10 marks; alſo no mortuary ſhall be demanded, but in ſuch place where mortuaries have been uſed to be paid; nor ſhall any perſon pay more than one mortuary; nor no parſon ſhall, for any perſon dying, being at his death of the value in moveable goods of 10 marks, or more, above his debts, and under 30 *l.* take for a mortuary above 3 *s.* 4 *d.* and for a perſon of the value of 30 *l.* or above, and under 40 *l.* no more than 6 *s.* 8 *d.* and for any perſon of the value of 40 *l.* or above, no more than 10 *s.* *ſ.* 3.

For no woman, being covert baron, nor child, nor for any perſon not keeping houſe, ſhall any mortuary be paid, or for any way-faring man, but the mortuary of ſuch way-faring perſons ſhall be anſwerable in the places where ſuch perſons had their dwelling. *ſ.* 4.

It ſhall be lawful to all ſpiritual perſons to take any money, or other thing which ſhall be bequeathed unto them, or to the high altar of the church. *ſ.* 5.

No mortuaries ſhall be demanded in *Wales* or *Berwick*, but only in ſuch parts of *Wales*, *&c.* where mortuaries have been accuſtomed to be taken; and in thoſe places no mortuaries ſhall be demanded but after the manner above ſpecified. *ſ.* 6.

In places where mortuaries have been accuſtomed to be taken of leſs value than aforeſaid, no perſon ſhall be compelled to pay more for any mortuary than hath been accuſtomed. *ſ.* 8.

By 12 *Ann. ſtat.* 2. *c.* 6. All cuſtom of paying any mortuary or corſe-preſent, upon the death of any clergyman within the dioceſes of *Bangor*, *Landaff*, *St. David's*, and *St. Aſaph*, ſhall be aboliſhed; and no mortuary ſhall be paid to any biſhop of the ſaid dioceſes. *ſ.* 1.

As a recompence to the biſhop of St. Aſaph, *the rectory* ſine cura *in his collation that firſt became vacant after* 24 1714, *was annexed to the biſhopric. This* ſinecure *was* Northopp.

To the biſhop of Bangor, *the rectory* ſine cura *in his collation that firſt became vacant after paſſing the act. This was* Llanynis *in* Denbyghſhire.

To the biſhop of Landaff, *the treaſurerſhip with the prebend thereto annexed in the cathedral church of* Landaff.

To the biſhop of St. David's, *the prebend of* Langamarch, *in the collegiate church of* Brecon.

By 28 *Geo.* 2. *c.* 6. All cuſtom of paying any mortuary or corſe-preſent, upon the death of any clergyman within the archdeaconry of *Cheſter*, ſhall after the firſt vacancy of the rectory of *Waverton*, alias *Wareton*, in the ſaid archdeaconry, be aboliſhed: and no mortuary ſhall be paid to any biſhop of *Cheſter*, either as dioceſan, or archdeacon. *ſ.* 1.

As a recompence to the biſhop of Cheſter, *who is alſo archdeacon, the rectory of* Wareton *is annexed to the biſhopric.*

Naturalization.

By *25 Edw. 3. ſtat. 2.*

THE law of the crown of *England* is, that the children of the king, in whatſoever parts they be born, be able to bear inheritance after the death of their anceſtors. And all children inheritors, born without the ligeance of the king, whoſe fathers and mothers at the time of their birth be at the faith and ligeance of the king, ſhall have the ſame benefits, to bear inheritance within the ligeance, as other inheritors; ſo always that the mothers of ſuch children paſs the ſea by licence of their huſbands. And if it be alledged againſt any ſuch born beyond the ſea, that he is a baſtard, in caſe where the biſhop ought to have conuſance of baſtardy, it ſhall be commanded to the biſhop of the place where the demand is, to certify.

By *7 Jac. 1. c. 2.* No perſon of the age of 18 years or above ſhall be naturalized or reſtored in blood, unleſs he have received the Lord's ſupper within one month before any bill exhibited for that purpoſe, and alſo ſhall take the oath of ſupremacy and allegiance in the parliament houſe, before his bill be twice read; and the lord chancellor, if the bill begin in the upper houſe, and the ſpeaker of the commons houſe, if the bill begin there, ſhall have authority during the ſeſſion to miniſter ſuch oaths.

By *11 & 12 Will. 3. c. 6.* All perſons, being the king's natural-born ſubjects, may inherit as heirs, and make their titles by deſcent from any of their anceſtors, lineal or collateral, although the father and mother, or other anceſtor of ſuch perſons, through whom they derive their title, be born out of the king's allegiance.

By *7 Ann. c. 5.* The children of natural-born ſubjects, born out of the ligeance of her majeſty, ſhall be deemed natural-born ſubjects. *ſ. 3.*

By *1 Geo. 1. c. 4.* The clauſe in *12 Will. 3. c. 2.* (*See* "LIBERTIES" *in page* 8), whereby it is enacted, that no perſon born out of the kingdoms, though he be naturalized, except ſuch as are born of *Engliſh* parents, ſhould be capable to be of the privy council, *&c.* ſhall not extend to diſable any perſon who at or before his majeſty's acceſſion to the crown was naturalized. *ſ. 1.*

No perſon ſhall be naturalized, unleſs in the bill exhibited for that purpoſe there be a clauſe to declare, that ſuch perſon ſhall not be enabled to be of the privy council, or a member of either houſe of parliament, or enjoy any office of truſt, or have any grant from the crown; and no bill of naturalization ſhall be received without ſuch clauſe. *ſ. 2.*

By *4 Geo. 2. c. 21.* Children born out of the allegiance of *Great Britain*, whoſe fathers ſhall be natural-born ſubjects, ſhall by virtue of the act *7 Ann. c. 5.* and of this act, be natural-born ſubjects. *ſ. 1.*

Provided that nothing in *7 Ann. c. 5.* or in this act, ſhall make any children, born out of the ligeance of the crown, to be natural-born ſubjects, whoſe fathers at the time of the birth of ſuch children, were or ſhall be attainted of high treaſon, either in this kingdom or in *Ireland*, or were liable to the penalties of high treaſon or felony, in caſe of their returning into this kingdom or *Ireland*, without licence of his majeſty, or were or ſhall be in the ſervice of any foreign ſtate then in enmity with the crown of *Great Britain.*

If any child, whoſe father, at the time of the birth of ſuch child, was attainted of high treaſon, or liable to the penalties of high treaſon or felony, in caſe of returning without licence, or was in the ſervice of any foreign ſtate in enmity with the crown (excepting all children of ſuch perſons who went out of *Ireland* in purſuance of the articles of *Limerick*) hath come into *Great Britain* or *Ireland*, or any other of the dominions of *Great Britain*, and hath continued to reſide within the dominions aforeſaid, for two years, at any time between the 16th of *November* 1708, and the 25th of *March* 1731, and during ſuch reſidence hath profeſſed the proteſtant religion; or hath come into *Great Britain*, *&c.* and profeſſed the proteſtant religion, and died within *Great Britain*, *&c.* at any time between the ſaid 16th of *November* 1708, and the 25th *March* 1731, or hath continued in the actual poſſeſſion or receipt of the rents of any lands in *Great Britain*, *&c.* for one year, at any time between the ſaid 16th of *November* 1708, and the 25th of *March* 1731, or hath, *bona fide*, ſold or ſettled any lands in *Great Britain* or *Ireland*; and any perſon claiming title thereto under ſuch ſeal or ſettlement, hath been in the actual poſſeſſion or receipt of the rents thereof for ſix months between the ſaid 16th of *November* 1708, and the 25th of *March* 1731, every ſuch child ſhall be deemed a natural-born ſubject of the crown of *Great Britain. ſ. 3.*

By *13 Geo. 2. c. 7.* All perſons born out of the ligeance of his majeſty, who ſhall reſide ſeven years in any of his majeſty's colonies in *America*, and ſhall not have been abſent out of the ſaid colonies for more than two months at one time, during the ſaid ſeven years, and ſhall take and ſubſcribe the oaths and declaration appointed by *1 Geo. 1. c. 13.* "OATHS," or, being *Quakers*, make and ſubſcribe the declaration of fidelity, and affirm the effect of the abjuration oath appointed by *8 Geo. 1. c. 6.* NONCONFORMISTS, and make and ſubſcribe the profeſſion of his chriſtian belief, appointed by *1 W. & M. ſtat. 1. c. 18.* NONCONFORMISTS, before the chief judge, or other judge of the colony wherein ſuch perſons reſide, ſhall be deemed his majeſty's natural-born ſubjects; which oath or affirmation and ſubſcription, ſhall be taken and made before ſuch judge in open court, between the hours of 9 and 12 in the forenoon; and ſhall be entered in the ſame court, and alſo in the ſecretary's office of the colony wherein ſuch perſon reſides: and every chief judge, or other judges of every reſpective colony, ſhall make an entry thereof in a book, for the doing whereof *2 s.* and no more ſhall be paid, under the penalty of *10 l.* of lawful money

money of *Great Britain* for every neglect: in like manner every ſecretary of the colony ſhall make an entry thereof in a book kept in his office, upon notification to him by the judge, under the like penalty. *ſ.* 1.

No perſon, except quakers, or ſuch as profeſs the *Jewiſh* religion, ſhall be naturalized by this act, unleſs ſuch perſon have received the ſacrament of the Lord's ſupper in ſome proteſtant congregation in *Great Britain*, or ſome of the colonies in *America*, within three months next before his taking the oaths, *&c.*; and at the time of taking the oaths, *&c.* produce a certificate ſigned by the perſon adminiſtering the ſacrament, and atteſted by two witneſſes; whereof an entry ſhall be made in the ſecretary's office of the colony, as alſo in the court where the oaths are taken, without fee. *ſ.* 2.

Whenever any *Jew* ſhall preſent himſelf to take the oath of abjuration, in purſuance of this act, the words *upon the true faith of a chriſtian* ſhall be omitted. *ſ.* 3.

A teſtimonial under the ſeal of the colonies, of any perſons having reſided ſeven years within ſome of the ſaid colonies to be ſpecified in ſuch certificate, with the time of reſidence in each colony, (whereof the colony under the ſeal of which ſuch certificate is given to be one) and of his having taken the oaths, *&c.* and in caſe of a quaker, made the declaration of fidelity, and affirmed the effect of the abjuration oath, and in caſe of a *Jew*, taken the oath of abjuration, within the ſame colony, under the ſeal whereof ſuch certificate is given, ſhall be deemed proof thereof, and of his being a natural-born ſubject of *Great Britain*. *ſ.* 4.

Every ſecretary of the reſpective colonies ſhall at the end of every year, to be computed from the 1ſt of *June* 1740, tranſmit to the office of the commiſſioners for trade and plantations in *London* or *Weſtminſter*, a liſt of the names of all perſons who have entitled themſelves to the benefit of this act; under the penalty of 50 *l.* of lawful money of *Great Britain*, for every neglect: all which liſts ſo tranſmitted ſhall be entered by the ſaid commiſſioners in a book to be kept in their office for public inſpection. *ſ.* 5.

No perſon who ſhall become a natural-born ſubject by virtue of this act, ſhall be of the privy council, or a member of either houſe of parliament, or capable of taking any office of truſt in *Great Britain* or *Ireland*, civil or military, or any grant from the crown to himſelf, or any other in truſt for him, of any lands or hereditaments in *Great Britain* or *Ireland*. *ſ.* 6.

By 20 *Geo.* 2. *c.* 44. All foreign proteſtants, who conſcientiouſly ſcruple the taking of an oath, and who are born out of the ligeance of his majeſty, who have or ſhall reſide for ſeven years in any of his majeſty's colonies in *America*, and ſhall not have been abſent out of ſome of the ſaid colonies longer than two months at one time during the ſaid ſeven years, and ſhall make and ſubſcribe the declaration of fidelity, and affirm the effect of the abjuration oath preſcribed by 8 *Geo.* 1. *c.* 6. (NONCONFORMISTS,) and ſubſcribe the profeſſion of chriſtian belief preſcribed by 1 *W. & M. c.* 18. (NONCONFORMISTS) before the chief judge, or other judge of the colony wherein they reſide, ſhall be deemed natural born ſubjects of this kingdom, and the taking ſuch affirmation, and making ſuch declaration, ſhall be in ſuch manner and place, and at ſuch times, and ſuch entries made thereof, and for the ſame fees, and under the ſame penalties, as in 13 *Geo.* 2. *c.* 7.; and liſts of the perſons who ſhall take the benefit of this act, ſhall be tranſmitted to the commiſſioners of trade and plantations, in like manner, and under the ſame penalties, as liſts of the perſons taking the benefit of the ſaid act. *ſ.* 1.

No perſon ſhall be naturalized by virtue of this act, unleſs he have received the ſacrament of the Lord's ſupper, in ſome proteſtant congregation, within ſome of the colonies in *America*, within three months next before his making ſuch affirmation and declaration, and at the time of making ſuch affirmation, *&c.* produce a certificate ſigned by the perſon adminiſtering the ſacrament, and atteſted by two witneſſes; whereof an entry ſhall be made in the ſecretary's office of the colony wherein he reſides, as alſo in the court where the affirmation is taken, without fee. *ſ.* 2.

The proviſions contained in the 13 *Geo.* 2. *c.* 7. with regard to certificates of reſidence, and of having made the ſaid declaration and affirmation, and as to ſuch certificates being evidence in the courts of *Great Britain* and *Ireland*, and in the colonies, and all other benefits of the ſaid act, ſhall extend to foreign proteſtants who ſcruple the taking of an oath, and ſhall be qualified as aforeſaid. *ſ.* 3.

The ſaid foreign proteſtants ſhall enjoy the privileges of natural-born ſubjects, and all the benefits of this act, and the 13 *Geo.* 2. *c.* 7.—*ſ.* 4.

Provided, no perſon who ſhall become a natural-born ſubject by this act, ſhall be of the privy council, or a member of either houſe of parliament, or capable of taking or enjoying any office of truſt in *Great Britain* or *Ireland*, civil or military, or any grant from the crown to himſelf, or to any other in truſt for him, of any lands or hereditaments in *Great Britain* or *Ireland*. *ſ.* 5.

Nothing in this act, or 13 *Geo.* 2. *c.* 7. ſhall naturalize any perſon who by 4 *Geo.* 2. *c.* 21. is declared not entitled to the benefit of 7 *Ann. c.* 5. but all ſuch perſons ſhall remain in the ſame condition as they would have been in, if 13 *Geo.* 2. *c.* 7. or this act, had never been made. *ſ.* 6.

By 22 *Geo.* 2. *c.* 45. Every perſon born out of the ligeance of his majeſty, being a proteſtant, who ſhall ſerve three years on board any ſhip ſo fitted out as is directed by the 6 *Geo.* 2. *c.* 33.† or by this act, and employed in the whale fiſhery in the *Greenland* ſeas, or *Davis*'s ſtreights, and the adjacent ſeas, and who ſhall take the oaths, and ſubſcribe the declaration appointed by 1 *Geo.* 1. *c.* 13. in any of the courts of *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, in term time in *England*, or before the lords of the council and ſeſſion, or lords juſticiary, or barons of the *Exchequer* in *Scotland*, or at ſome general quarter-ſeſſions of the peace for the county where ſuch perſon inhabits, between nine and twelve in the forenoon; the taking which oaths and declaration, ſhall be entered on record in the ſame courts, for the doing whereof, only 1 *s.* ſhall be paid; every ſuch perſon ſhall be deemed a natural-born ſubject of this kingdom. *ſ.* 8.

No perſon ſhall be naturalized by virtue of this act, unleſs he have received the ſacrament of the Lord's ſupper in ſome proteſtant or reformed congregation in his majeſty's dominions, within three months next before his taking ſuch oaths, *&c.* and at the time of his taking ſuch oaths, *&c.* produce a certificate ſigned by the perſon adminiſtering the ſacrament, and atteſted by two witneſſes, whereof an entry ſhall be made in the court where ſuch oaths are taken, without fee, and alſo produce a certificate at the ſame time, under the hands of the owner and maſter of the ſhip in which he ſerved, of his integrity and good behaviour. *ſ.* 9.

No perſon who ſhall become a natural-born ſubject by virtue of this act, ſhall be of the privy council, or a member of either houſe of parliament, or capable of taking any office in *Great Britain* or *Ireland*. *ſ.* 10.

† An act expired.

Nothing

Nothing in this act ſhall extend to naturalize any perſons who by 4 *Geo.* 2. *c.* 21. are declared not entitled to the benefit of the 7 *Ann. c.* 5.—*ſ.* 11.

If any perſon ſo naturalized by this act, ſhall go out of *Great Britain* or *Ireland*, or the plantations in *America*, for more than 12 months at one time, he ſhall loſe the benefit of this act. *ſ.* 12.

By 25 *Geo.* 2. *c.* 39. The 11 & 12 *Will.* 3. *c.* 6. ſhall not extend to give any right to any perſon to inherit as heir or coheir to any perſon dying ſeiſed of any manors, lands, or hereditaments, in poſſeſſion, reverſion, or remainder, by enabling any ſuch perſon to derive his pedigree through any alien anceſtor, unleſs the perſon ſo claiming or deriving his title as heir was in being, and capable to take the ſame eſtate as heir by virtue of the ſaid ſtatute, at the death of the perſon who ſhall ſo laſt die ſeiſed, and to whom he ſhall ſo claim to be heir by the ſaid ſtatute. *ſ.* 1.

Provided, that in caſe the perſon who ſhall be in being, and capable to take at the death of the anceſtor ſo dying ſeiſed, and upon whom the deſcent ſhall be caſt by virtue of this, or of the ſaid act, ſhall be daughter of an alien; and the alien father or mother, through whom ſuch deſcent ſhall be derived, ſhall afterwards have a ſon born within any of his majeſty's dominions, the deſcent ſo caſt upon ſuch daughter ſhall be diveſted in favour of ſuch ſon; and ſuch ſon ſhall inherit and take the eſtate as is allowed by the common law of this realm, in caſes of the birth of a nearer heir; or in caſe ſuch father or mother ſhall have no ſon, but ſhall have one or more daughters afterwards born within any of his majeſty's dominions, the daughters ſo born afterwards ſhall inherit and take in coparcenary with the daughter, upon whom the deſcent ſhall be caſt at the death of the anceſtor laſt ſeiſed. *ſ.* 2.

By 2 *Geo.* 3. *c.* 25. All foreign proteſtants, as well officers as ſoldiers, who have ſerved, or ſhall hereafter ſerve, in the royal *American* regiment, or as engineers in *America*, for two years, and ſhall take and ſubſcribe the oaths, and make and ſubſcribe the declaration appointed by 1 *Geo.* 1. and ſhall at the time produce certificates of their having received the ſacrament within *Great Britain*, or within ſome of the colonies in *America*, within ſix months before, ſhall be deemed to be his majeſty's natural-born ſubjects of this kingdom; and no eſtate purchaſed by them in any of his majeſty's colonies in *America*, ſince 29 *Geo.* 2. *c.* 5. ſhall be liable to ſeizure into the hands of his majeſty, or their titles thereto be impeached by reaſon of their having been aliens at the time of purchaſe.

Nothing in this act ſhall extend to naturalize any perſon, who, by virtue of an act made in the fourth year of the reign of his late majeſty king *George* the firſt †, are declared not to be entitled to the benefit of 7 *Ann.*; but all ſuch perſons ſhall remain in the ſame ſtate as if this act had never been made.

No perſon who ſhall become a natural-born ſubject by this act, ſhall be enabled to be of the privy council, or a member of either houſe of parliament, or be capable of enjoying any office or place of truſt within *Great Britain* or *Ireland*, either civil or military; or of taking any grant from the crown of any lands, tenements, or hereditaments, within the kingdoms aforeſaid.

By 13 *Geo.* 3. *c.* 21. All perſons born out of the ligeance of the crown of *England*, or of *Great Britain*, whoſe fathers were, by 4 *Geo.* 2. entitled to all rights and privileges of natural-born ſubjects of *England*, or of *Great Britain*, ſhall be natural-born ſubjects of *Great Britain*, as if born in this kingdom. *ſ.* 1.

Nothing in this act ſhall make any perſons born out of the ligeance of the crown of *England*, or of *Great Britain*, to be natural-born ſubjects, contrary to 4 *Geo.* 2. or to repeal, abridge, or alter the ſame. *ſ.* 2.

Nothing in this act ſhall repeal, abridge, or alter, 5 *Geo.* 1. nor repeal, abridge, or alter, any law, ſtatute, cuſtom, or uſage, concerning aliens, duties, cuſtoms, and impoſitions, nor to cauſe any privilege, exemption, or abatement relating thereto, in favour of any perſon naturalized by this act, unleſs ſuch perſon ſhall come into this realm, and there reſide, and ſhall take and ſubſcribe the oaths, and make, repeat, and ſubſcribe the declaration appointed by 1 *Geo.* 3. and alſo receive the ſacrament according to the church of *England*, or in ſome proteſtant or reformed congregation within *Great Britain*, within three months before their taking the oaths in the ſaid act mentioned; and ſhall, at the time of taking the ſaid oaths, *&c.* produce a certificate ſigned by the perſon adminiſtering the ſacrament, atteſted by two witneſſes, whereof an entry ſhall be made of record in the court wherein ſuch oaths ſhall have been taken, without fee. *ſ.* 3.

No perſon ſhall be enabled hereby to defeat any eſtate, right, or intereſt, on the laſt day of this ſeſſion veſted in any other perſon, or to demand any eſtate or intereſt, which ſhall hereafter accrue, unleſs ſuch demand be made within five years next after the ſame ſhall accrue. *ſ.* 4.

By 13 *Geo.* 3. *c.* 25. Every perſon that ſhall become natural-born ſubjects by 13 *Geo.* 2. and 2 *Geo.* 3. ſhall be capable of taking and holding any office of truſt, either civil or military, and of taking any grant of lands, *&c.* from the crown, as well under the great ſeal as otherwiſe (except offices and grants within *Great Britain* and *Ireland*).

By 14 *Geo.* 3. *c.* 84. No perſon ſhall be naturalized, unleſs in the bill there be a clauſe to declare that ſuch perſon ſhall not thereby obtain, within any foreign country, any of the immunities or indulgences in trade which are enjoyed by natural-born *Britiſh* ſubjects, by treaty, or otherwiſe, unleſs ſuch perſon ſhall have reſided within *Great Britain*, or the dominions thereunto belonging, for ſeven years ſubſequent to the firſt day of the ſeſſion of parliament in which the bill of naturalization ſhall have paſſed, and ſhall not have been abſent out of the ſame longer than two months at one time, during the ſaid ſeven years; and no bill of naturalization ſhall be received, in either houſe of parliament, unleſs ſuch clauſe be firſt inſerted therein.

By 20 *Geo.* 3. *c.* 20. It is declared, that 13 *Geo.* 2. ſhall be deemed to have continued; and any foreign mariner or ſeaman, who, during the laſt war, or the preſent hoſtilities, ſince the 25th *March* 1777, ſhall have ſerved on board any of his majeſty's ſhips of war, or any merchant or other trading ſhip, or privateer (which at the time of ſuch ſervice belonged to any of his majeſty's ſubjects), for two years, ſhall be deemed a natural-born ſubject, and ſhall have all the privileges which by the ſaid acts are given to foreign ſeamen who ſerved on board any *Britiſh* ſhip for the like time during the then war.

† *So in orig. but the act referred to is the* 4*th* Geo. *the ſecond.*

News.

By *ſtat. Weſtm.* 1. 3 *Edw.* 1. *c.* 34. None ſhall publiſh or counterfeit any falſe news, whereby diſcord or ſlander may grow between the king and his people, or the

great men of this realm. And he that ſo doth ſhall be kept in priſon until he hath brought him forth into the court which did ſpeak the ſame.

By 2 *Ric.* 2. *ſt.* 1. *c.* 5. Of counterfeits of falſe news of prelates, dukes, earls, barons, and other nobles and great men of the realm, and alſo of the chancellor, treaſurer, clerk of the privy ſeal, ſteward of the king's houſe, juſtices of the one bench or of the other, and other great officers of the realm; it is defended, that none contrive or tell any falſe things of prelates, lords, and of other aforeſaid, whereof diſcord or ſlander might riſe within the realm; and he that doth the ſame ſhall be impriſoned till he hath brought him forth that did ſpeak the ſame.

By 12 *Ric.* 2. *c.* 11. When any ſuch mentioned in the ſtatute *Weſtm.* 1. *c.* 34. and 2 *Ric.* 2. *c.* 5. is taken and impriſoned, and cannot bring him forth that did ſpeak the ſame, he ſhall be puniſhed by the advice of the council.

Niſi prius.

By 27 *Edw.* 1. *ſt.* 1. *c.* 4. Inqueſts and recognizances determinable before juſtices of either bench, ſhall be taken in time of vacation before any of the juſtices before whom the plea is brought, being aſſociate with one knight of the ſame ſhire, unleſs it be an inqueſt that requireth great examination. And in taking ſuch inqueſts the juſtices ſhall do as to them ſhall ſeem expedient, notwithſtanding the ſtatute 13 *Edw.* 1. *c.* 30. *See* "JUSTICES OF ASSISE."

Stat. of York, 12 *Edw.* 2. *ſt.* 1. *c.* 3. Inqueſts and juries in pleas of land, that require not great examination, ſhall be taken in the country before a juſtice of the place where the plea is, accompanied with a ſubſtantial man of the country, knight, or other, ſo that a certain day be given in the bench, and a certain day and place in the country, in the preſence of the parties, if the demandant require it. And inqueſts and juries in pleas of land, that require great examination, ſhall be taken in the country before two juſtices of the bench.

Stat. of York, 12 *Edw.* 2. *c.* 4. The juſtices of *niſi prius* ſhall have power to record nonſuits and defaults in the country, but this ſtatute extendeth not to great aſſiſes. And one juſtice being aſſociate with a diſcreet man of the country, at the requeſt of the plaintiff, ſhall take inqueſts, and have power to record nonſuits, and take inqueſts upon defaults. And as to inqueſts upon writs of *quare impedit* [*See* Weſtm. 2. 13 Edw. 1. c. 30. *tit.* Juſtices of aſſiſe] the juſtices ſhall have power to record nonſuits and defaults, and to give judgment thereupon as in the bench, and there to report what they have done, to be inrolled. And if the juſtices aſſigned to take ſuch inqueſts do not come, the parties and thoſe of the inqueſts ſhall keep their day in the bench.

By 2 *Edw.* 3. *c.* 16. All ſuch inqueſts in plea of land ſhall be taken as well at the requeſt of the tenant as of the demandant.

By 14 *Edw.* 3. *c.* 16. Whoſoever demandeth the *niſi prius* in the king's bench, as well at the ſuit of the defendant as the plaintiff, the *niſi prius* ſhall be granted, before any juſtice of the place where the plea dependeth, if any of the ſame place may well go into thoſe parts; and if not, then before any juſtice of the common bench, at a certain day, and the tenor of the record ſhall be ſent to him under the ſeal of the chief juſtice; at which day he ſhall take the inqueſt, and return the verdict under his ſeal with the writ, the tenor, and the panel, which ſhall be received in the king's bench and inrolled, and judgment given. And in the ſame manner in the common bench, if none of the juſtices of the ſame place go, the *niſi prius* ſhall be granted before any juſtice of the king's bench. And if none of the juſtices of the one bench nor the other may come in the country, the *niſi prius* ſhall be granted before the chief baron of the exchequer, if he be a man of the law. And in caſe none of the juſtices, nor the chief baron come, the *niſi prius* ſhall be granted before the juſtices aſſigned to take aſſiſes in thoſe parts; ſo always that one of the ſaid juſtices aſſigned be juſtice of the one bench or the other, or the king's ſerjeant ſworn. And if the party demand the tenor of the record to have with him to deliver to the juſtices, another tenor ſhall be delivered to the other party, if he the ſame require. And the juſtices of *niſi prius* in pleas of aſſiſes of *darrein preſentment* and *quare impedit* ſhall have power to give judgments in the country, according to the ſtatute of *York*, 12 *Edw.* 2. *ſt.* 1. *c.* 4.

By 7 *Ric.* 2. *c.* 7. In all pleas where a *niſi prius* is grantable of office, after the great diſtreſs returned and three times ſerved againſt the jurors, and the parties demanded, if none of the parties will purſue, or if the parties refuſe, to have a writ of *niſi prius*, then at the ſuit of any of the jurors preſent a writ of *niſi prius* ſhall be granted, and that as well in the exchequer as elſewhere.

By 14 *Hen.* 6. *c.* 1. The juſtices of *niſi prius* ſhall have power in caſes of felony and treaſon to give judgment, as well where a man is acquit as where he is attainted, at the day and place where the inqueſts be taken, and to award execution.

By 18 *Eliz.* *c.* 12. The chief juſtice of *England*, upon iſſues joined in the king's bench or in chancery, the chief juſtice of the common pleas, upon iſſues joined in the common pleas, and the chief baron of the exchequer, upon iſſues joined in the exchequer, or in their abſence two other judges or barons, may in *Weſtminſter-hall*, or where the court of exchequer is kept, as juſtices of *niſi prius* for the county of *Middleſex*, within the term, or within four days after the end of term, try all iſſues joined in the ſaid courts, which ought to be tried by an inqueſt of the county of *Middleſex*; and it ſhall be lawful, upon warning given to the adverſe party as accuſtomed, to ſue forth writs and records of *niſi prius* in *Middleſex* as in any other county, as is uſed for trial in the city of *London* or any other county.

By 12 *Geo.* 1. *c.* 31. It ſhall be lawful for the chief juſtice of the king's bench, the chief juſtice of the common pleas, and the chief baron of the exchequer, and in their abſence, for any other judge or baron of the ſaid courts, as juſtices of *niſi prius* for the county of *Middleſex*, within the term, or within eight days after term, to try all ſuch iſſues as by the act of 18 *Eliz.* *c.* 12. they are enabled to try. *ſ.* 1.

All ſheriffs, parties, witneſſes, jurors, *&c.* ſhall be obliged to give their attendance, *&c.* *ſ.* 2.

By 24 *Geo.* 2. *c.* 18. It ſhall be lawful for the chief juſtice of the king's bench, the chief juſtice of the common pleas, and the chief baron of the exchequer, and in the abſence of any of them, for any other judge or baron of the ſaid courts, as juſtices of *niſi prius* for the county of *Middleſex*, at any time within 14 days after the end of any term, to try all ſuch iſſues as by the 18 *Eliz.* *c.* 12. & 12 *Geo.* 1. *c.* 31. they are enabled to try. *ſ.* 5.

Nonconformiſts.

By 13 & 14 *Car.* 2. *c.* 1. If any perſons who maintain that the taking of an oath (although before a magiſtrate) is

unlawful and contrary to the word of God, ſhall wilfully and obſtinately refuſe to take an oath, where by law he ſhall be bound to take the ſame, being duly tendered, or ſhall endeavour to perſuade any other perſon, to whom ſuch oath ſhall be duly tendered, to refuſe the taking the ſame, or ſhall, by printing, writing, or otherwiſe, go about to maintain that the taking of an oath in any caſe is altogether unlawful; and if the perſons called quakers ſhall depart from their habitations, and aſſemble to the number of five, of the age of 16 years, under pretence of joining in a religious worſhip not authoriſed by the laws of this realm; the party offending, being convict by verdict or confeſſion, or by the notorious evidence of the fact, ſhall forfeit to the king for the firſt offence ſuch ſum as ſhall be impoſed, not exceeding 5 *l.*; and if any perſon being once convicted ſhall again offend therein and be convicted, he ſhall for the ſecond offence forfeit to the king ſuch ſum as ſhall be impoſed, not exceeding 10 *l.*; the ſaid penalties to be levied by diſtreſs and ſale of goods by warrant of the parties before whom they ſhall be ſo convicted; and for want of diſtreſs or non-payment of the penalty within one week after conviction, the parties convicted ſhall for the firſt offence be committed to the common gaol or houſe of correction for three months; and for the ſecond offence, during ſix months, to be kept at hard labour; which monies to be levied ſhall be paid to ſuch perſons as ſhall be appointed by thoſe before whom they ſhall be convicted, to be employed for the increaſe of the ſtock of the houſe of correction. And if any perſon, after he hath been twice convict, ſhall offend the third time, and be thereof in form aforeſaid convict, he ſhall for his third offence abjure the realm, or it ſhall be lawful for his majeſty to cauſe him to be tranſported to his majeſty's plantations. *ſ.* 2.

Every juſtice of *oyer* and *terminer*, juſtices of aſſiſe and gaol delivery, and the juſtices of peace, ſhall have power in their ſeſſions to enquire, hear, and determine, all the ſaid offences, and to make proceſs as againſt any perſon indicted of treſpaſs. *ſ.* 3.

It ſhall be lawful for any juſtice of peace, mayor, or other chief officer of any corporation, to commit to the common gaol, or bind over to the quarter ſeſſions, any perſons offending in the premiſes. *ſ.* 4.

If any of the ſaid perſons ſhall, after conviction, take ſuch oath for which he ſtands committed, and give ſecurity to forbear to meet in any unlawful aſſembly, ſuch perſon ſhall be diſcharged from the penalties. *ſ.* 5.

Lords of parliament for every third offence againſt the tenor of this act ſhall be tried by their peers. *ſ.* 6.

By 17 *Car.* 2. *c.* 2. It ſhall not be lawful for any perſon as ſhall not frequent divine ſervice eſtabliſhed by law, and carrying himſelf reverently there, to teach ſchool, or take boarders that are taught by him or any other, upon pain to forfeit 40 *l.* one third to his majeſty, another to the poor of the pariſh, and the other to ſuch as will ſue for the ſame. *ſ.* 4.

By 22 *Car.* 2. *c.* 1. If any perſon of the age of 16 years or upwards, being a ſubject of this realm, ſhall be preſent at any meeting, under pretence of any exerciſe of religion in other manner than according to the liturgy and practice of the church of *England*, at which there ſhall be five perſons aſſembled beſides thoſe of the houſehold; any juſtice of peace, or the chief magiſtrate of the place, are required upon proof made of ſuch offence, either by confeſſion of the party, or oath of two witneſſes, or by notorious evidence, to make a record of ſuch offence under their hands and ſeals, which record ſhall be a conviction of every ſuch offender; and thereupon the juſtices, *&c.* ſhall impoſe a fine of 5 *s.* for ſuch offence, which record ſhall be certified at the next quarter ſeſſions. *ſ.* 1.

If ſuch offender ſhall again commit the like offence, and be convicted, ſuch offender ſhall incur the penalty of 10 *s.* which fines ſhall be levied by diſtreſs and ſale of goods; or in caſe of the poverty of ſuch offender, upon the goods of any other perſons then convicted of the like offence at the ſame conventicle, at the diſcretion of the juſtice, *&c.* ſo as the ſum to be levied on any one perſon amount not to above 10 *l.* the monies to be delivered to the juſtice, *&c.* to be diſtributed; one third to the uſe of the king, which the juſtice ſhall pay into the court of quarter ſeſſions, which court ſhall deliver the ſame to the ſheriff, and the other to the uſe of the poor of the pariſh, and the other to the informers, as the juſtice ſhall appoint. *ſ.* 2.

Every perſon who ſhall preach in any ſuch meeting, and ſhall be convicted, ſhall forfeit for the firſt offence 20 *l.* and if his name be not known, or he be thought unable to pay, the juſtices, *&c.* are to levy the ſame upon the goods of any perſon preſent at the ſame conventicle; and if ſuch offender ſhall again commit the like offence, he ſhall incur the penalty of 40 *l.* *ſ.* 3.

Every perſon who ſhall willingly ſuffer ſuch conventicle to be held in his houſe or backſide ſhall forfeit 20 *l.* as aforeſaid. *ſ.* 4.

No perſon ſhall be liable to pay above 10 *l.* for any one meeting, in regard of the poverty of other perſons. *ſ.* 5.

Where the penalty charged upon any offender exceeds 10 *s.* it ſhall be lawful for him within one week after the penalty paid or levied, to appeal in writing to the quarter ſeſſions, to whom the juſtices, *&c.* ſhall return the money, and certify the evidence; whereupon ſuch offender may plead, and have his trial by a jury; and the juſtices ſhall give treble coſts againſt ſuch offender for his unjuſt appeal, and no other court ſhall intermeddle. *ſ.* 6.

Upon delivery of ſuch appeal, the appellant ſhall enter before the perſon convicting into a recognizance, to proſecute the appeal with effect; which recognizance the perſon convicting, is required to certify to the quarter ſeſſions. *ſ.* 7.

Such appeal ſhall be left with the perſon convicting, at the time of the making thereof. *ſ.* 8.

The juſtices of peace, or the conſtables and tythingmen, by warrant, may, after refuſal to enter, break open any houſe where they ſhall be informed ſuch conventicle ſhall be held, and take into their cuſtody the perſons there aſſembled; and the lieutenants, or any commiſſion officer of the militia, or other his majeſty's forces, and alſo the ſheriffs and other magiſtrates, on certificate of any juſtice of peace, may diſſipate or prevent all ſuch meetings, and take into their cuſtody ſuch of the perſons aſſembled as they ſhall think fit. *ſ.* 9.

Provided that no dwelling houſe of any peer, where he or his wife ſhall be reſident, ſhall be ſearched but by warrant from his majeſty, under his ſign manual, or in the preſence of the lieutenant, or one deputy lieutenant, or two juſtices of peace, and one of the *quorum*. *ſ.* 10.

If any conſtable, tythingman, churchwarden, or overſeer of the poor, ſhall know, or be informed of, any ſuch meetings held within his precinct, and ſhall not give information to ſome juſtice of peace, and endeavour the conviction of the parties, he ſhall forfeit 5 *l.* as aforeſaid; and if any juſtice of peace ſhall wilfully omit the performance of his duty in execution of this act, he ſhall forfeit 100 *l.*, one moiety to the informer, to be recovered by action. *ſ.* 11.

Any

Any perſon ſued for putting in execution any of the powers in this act, otherwiſe than upon appeal, may plead the general iſſue; and if the plaintiff be nonſuit, &c. ſhall have treble coſts. ſ. 12.

This act ſhall be conſtrued beneficially for the ſuppreſſing of conventicles; and no record or warrant made by virtue of this act, or any proceedings thereupon, ſhall be reverſed by reaſon of any default in form; and in caſe any perſon offending, ſhall fly into any other county, the juſtice before whom he ſhall be convicted, ſhall certify the ſame to any juſtice of ſuch other county, which juſtice is required to levy the penalties. ſ. 13.

No perſon ſhall be puniſhed for any offence againſt this act, unleſs he be proſecuted within three months; and no perſon puniſhed by virtue of this act, ſhall be puniſhed for the ſame offence by any other law. ſ. 14.

Every alderman of *London* ſhall have the ſame power within *London*, which any juſtice of peace hath by this act in any county. ſ. 15.

If the perſon convicted be a feme covert cohabiting with her huſband, the penalties of 5 *s.* and 10 *s.* ſhall be levied upon the goods of the huſband. ſ. 16.

No peer ſhall be impriſoned by virtue of this act. ſ. 17.

This act ſhall not invalidate his majeſty's ſupremacy in eccleſiaſtical affairs. ſ. 18.

By 1 *Will. & Mar. ſtat.* 1. *c.* 18. Neither 23 *Eliz. c.* 1. *See* TREASON, RECUSANTS; nor 29 *Eliz. c.* 6. *See* RECUSANTS; nor 1 *Eliz. c.* 2. ſ. 14. SERVICE *and* SACRAMENTS; nor 3 *Jac.* 1. *c.* 4. RECUSANTS; nor 3 *Jac.* 1. *c.* 5. RECUSANTS; nor any other law made againſt papiſts or popiſh recuſants, except 25 *Car.* 2. *c.* 2. RECUSANTS; and except 30 *Car.* 2. *ſtat* 2. PAPISTS; ſhall extend to any perſons diſſenting from the church of *England*, that ſhall take oaths of allegiance and ſupremacy, and ſhall make and ſubſcribe the declaration mentioned in 30 *Car.* 2. *ſtat.* 2. which the juſtices of peace at the general ſeſſions where ſuch perſon ſhall live are required to adminiſter to ſuch as ſhall offer to take and ſubſcribe the ſame, and thereof to keep a regiſter; and none of the perſons aforeſaid ſhall pay to any officer belonging to the court above 6 *d.* nor that more than once, for their entry of his taking the oaths, and making and ſubſcribing the declaration; nor above the further ſum of 6 *d.* for any certificate of the ſame. ſ. 2.

Perſons that ſhall take the ſaid oaths, and make and ſubſcribe the declaration, ſhall not be liable to any penalties in 35 *Eliz. c.* 1. RECUSANTS; nor in 22 *Car.* 2. *c.* 1.; nor ſhall be proſecuted in any eccleſiaſtical court for their nonconforming to the church. ſ. 4.

If any aſſembly of perſons diſſenting from the church ſhall be had in any place for religious worſhip with the doors locked, barred, or bolted, during any time of ſuch meeting, all perſons at ſuch meeting ſhall be liable to the penalties of all the ſaid laws. ſ. 5.

Nothing herein contained ſhall exempt any perſons from paying tythes or other parochial duties, or any other duties to the church or miniſter. ſ. 6.

If any perſon diſſenting from the church of *England*, ſhall be appointed to bear the office of high conſtable, petty conſtable, church warden, overſeer of the poor, or any other parochial or ward office, and ſuch perſon ſhall ſcruple to take upon him the ſaid offices in regard of the oaths, or any other thing, ſuch perſon may execute ſuch office by a deputy that ſhall comply with the laws, provided the deputy be approved as ſuch officer ſhould have been. ſ. 7.

No perſon diſſenting from the church of *England*, in holy orders, or pretended holy orders, nor any preacher or teacher of any congregation of diſſenting proteſtants, that ſhall make and ſubſcribe the declaration, and take the ſaid oaths, at the quarter ſeſſions for the county, &c. where ſuch perſon lives, and ſhall alſo declare his approbation of and ſubſcribe the articles of religion mentioned in 13 *Eliz. c.* 12. SERVICE AND SACRAMENTS, except the 34th, 35th, and 36th, and theſe words of the 20th article, *viz.* [*The church hath power to decree rites or ceremonies, and controverſies of faith*; *and yet)* ſhall be liable to the penalties in 17 *Car.* 2. *c.* 2. nor the penalties in 22 *Car.* 2. *c.* 1. for preaching at any meeting for the exerciſe of religion; nor to the penalty of 100 *l.* mentioned in 13 & 14 *Car.* 2. *c.* 4. SERVICE AND SACRAMENTS, for officiating in any congregation for the exerciſe of religion allowed by this act. ſ. 8.

Provided that the making and ſubſcribing the ſaid declaration, and the taking of the oaths, and making the declaration of approbation and ſubſcription to the ſaid articles, be entered of record, for which 6 *d.* ſhall be paid to the clerk of the peace, provided that ſuch perſon ſhall not preach in any place but with the doors not locked, &c. ſ. 9.

Every perſon in pretended holy orders, or preacher, that ſhall ſubſcribe the articles, except before excepted, and alſo except part of the 27th article touching infant baptiſm, and ſhall take the oaths, and make and ſubſcribe the declaration, ſhall enjoy all the benefits which any other diſſenting miniſter might enjoy by this act. ſ. 10.

Every miniſter of a congregation, that ſhall take the oaths herein required, and make and ſubſcribe the declaration, and ſubſcribe ſuch of the articles as are required by this act, ſhall be exempted from ſerving on any jury, or from being choſen to the office of churchwarden, overſeer of the poor, or any other parochial or ward office, or other office in any hundred, city, town, &c. ſ. 11.

Every juſtice of peace may require any perſon that goes to any meeting for exerciſe of religion, to make and ſubſcribe the declaration, and to take the ſaid oaths, or declaration of fidelity herein-after mentioned, in caſe ſuch perſon ſcruples the taking of an oath; and upon refuſal, ſuch juſtice is required to commit ſuch perſon to priſon, and to certify his name to the next quarter ſeſſions; and if ſuch perſon ſhall, upon a ſecond tender at the quarter ſeſſions, refuſe to make and ſubſcribe the declaration, ſuch perſon refuſing ſhall be recorded, and he ſhall be taken for a popiſh recuſant convict, and incur all the penalties of the ſaid laws. ſ. 12.

Diſſenters who ſcruple the taking any oath ſhall make and ſubſcribe the declaration of fidelity, *which ſee afterwards in* 8 Geo. 1. c. 6. and ſhall ſubſcribe a profeſſion of their chriſtian belief in theſe words:

I A. B. *profeſs faith in God the Father, and in Jeſus Chriſt his eternal Son, the true God, and in the Holy Spirit, one God, bleſſed for evermore; and do acknowledge the holy ſcriptures of the Old and New Teſtament to be given by divine inſpiration.*

Which declaration and ſubſcription ſhall be made and entered upon record at the quarter ſeſſions; and every ſuch perſon that ſhall make and ſubſcribe the two declarations and profeſſion, being thereunto required, ſhall be exempted from the penalties of all the ſaid ſtatutes againſt popiſh recuſants, or proteſtant nonconformiſts, and alſo from the penalties of an act 5 *Eliz. c.* 1. ROME, for refuſing to take the oath mentioned in the act, and alſo from the penalties

of 13 & 14 *Car.* 2. *c.* 1. and enjoy all other the benefits which any other diſſenters ſhall enjoy by this act. *ſ.* 13.

In caſe any perſon ſhall refuſe to take the ſaid oaths when tendered, which every juſtice of peace is empowered to do, ſuch perſon ſhall not be admitted to take and ſubſcribe the two declarations, unleſs he can, within 31 days after ſuch tender of the declarations, produce two proteſtant witneſſes, to teſtify upon oath that they believe him to be a proteſtant diſſenter, or a certificate under the hands of four proteſtants who are conformable to the church of *England*, or have taken the oaths and ſubſcribed the declaration, and ſhall alſo produce a certificate under the hands and ſeals of ſix men of the congregation to which he belongs, owning him for one of them. *ſ.* 14.

Until ſuch certificate be produced, *&c.* the juſtice of peace ſhall take a recognizance with two ſureties in the ſum of 50 *l.* for his producing the ſame; and if he cannot give ſuch ſecurity, commit him to priſon until he has produced ſuch certificates, *&c.* *ſ.* 15.

All the laws for the frequenting of divine ſervice on the Lord's day, ſhall be executed againſt all perſons that offend againſt the ſaid laws, except they come to ſome congregation of religious worſhip allowed by this act. *ſ.* 16.

This act ſhall not give any advantage to any papiſt or popiſh recuſant, or any perſon that ſhall deny in his preaching or writing the doctrine of the bleſſed Trinity, as it is declared in the articles of religion. *ſ.* 17.

If any perſon ſhall willingly and of purpoſe, maliciouſly or contemptuouſly, come into any cathedral or pariſh church, chapel, or other congregation permitted by this act, and diſquiet or diſturb the ſame, or miſuſe any preacher, ſuch perſon, upon proof thereof before any juſtice of peace, by two witneſſes, ſhall find two ſureties in the ſum of 50 *l.* and in default of ſuch ſureties ſhall be committed to priſon till the next quarter ſeſſions; and upon conviction of the offence at the quarter ſeſſions, ſhall ſuffer the penalty of 20 *l.* to the uſe of the king. *ſ.* 18.

Provided that no congregation for religious worſhip ſhall be allowed by this act, until the place of ſuch meeting be certified to the biſhop of the dioceſe, or to the archdeacon, or to the quarter ſeſſions of the peace, and regiſtered in the biſhop's or archdeacon's court, or recorded at the quarter ſeſſions; and the regiſter or clerk of the peace is to give certificate thereof to ſuch as ſhall demand the ſame, for which there ſhall be taken 6 *d.* *ſ.* 19.

By 7 & 8 *Will.* 3. *c.* 34. *made perpetual by* 1 Geo. 1. c. 6. Every quaker who ſhall be required upon any lawful occaſion to take an oath, ſhall, inſtead of the uſual form, be permitted to make his ſolemn affirmation. *See* 8 Geo. 1. c. 6. ſ. 3.

If any quaker, making ſuch affirmation, ſhall be convicted wilfully, falſely, and corruptly, to have affirmed any matter, which if the ſame had been in the uſual form, would have amounted to wilful and corrupt perjury, ſuch quaker ſhall incur the penalties of wilful and corrupt perjury. *ſ.* 3.

Where any quaker ſhall refuſe to pay or compound for tythes, or to pay any church rates, it ſhall be lawful for the two next juſtices of peace (other than the patron of the church, or intereſted in the tythes) upon the complaint of any parſon, farmer, or proprietor of tythes, or churchwardens who ought to receive the ſame, by warrant to convene before them ſuch quaker, and to examine upon oath the juſtice of the complaint, and to aſcertain what is payable by ſuch quaker, and by order to appoint payment, ſo as the ſum ordered do not exceed 10 *l.* and upon refuſal to pay, it ſhall be lawful for one of the juſtices by warrant to levy the money by diſtreſs and ſale of goods of ſuch offender, his executors or adminiſtrators, neceſſary charges of diſtraining being allowed by the juſtice. And any perſon aggrieved may appeal to the next quarter ſeſſions: and if the juſtices find cauſe to continue the judgment given by the two juſtices, they ſhall give coſts againſt the appellant; and no proceedings by virtue of this act ſhall be removed by *certiorari* or other writ, unleſs the title of ſuch tythes be in queſtion. *ſ.* 4.

No warrant of diſtreſs ſhall be granted until after ſuch plea be determined. *ſ.* 5.

Provided that no quaker ſhall be by this act permitted to give evidence in any criminal cauſes, or ſerve on any juries, or bear any office of profit in the government. *ſ.* 6.

By 10 *Ann.* *c.* 2. The toleration granted to proteſtant diſſenters by 1 *Will.* & *Mar.* *ſtat.* 1. *c.* 18. is confirmed, and ſhall be inviolably obſerved. *ſ.* 7.

If any perſon diſſenting from the church of *England* (not pretending to holy orders, nor preacher of any congregation), who ſhould have been entitled to the benefit of the ſaid act if any ſuch perſon had duly qualified himſelf, ſhall be proſecuted upon any of the penal ſtatutes, and ſhall, during ſuch proſecution, take, make, and ſubſcribe, the oaths and declaration, or being of the quakers, ſhall make and ſubſcribe the declarations, and ſubſcribe the profeſſion of their chriſtian belief, according to the act, or before any two juſtices of peace (who are required to take and return the ſame to the next quarter ſeſſions to be recorded), ſuch perſon ſhall be entitled to the benefit of the ſaid act, and ſhall be diſcharged from the penalties. *ſ.* 8.

Any preacher qualified according to the ſaid act, ſhall be allowed to officiate in any congregation, although the ſame be not in the county wherein he was qualified; and ſuch preacher ſhall, if required, produce a certificate of his having ſo qualified himſelf, under the hand of the clerk of the peace; and ſhall alſo, before any juſtice of peace of ſuch county where he ſhall officiate, make and ſubſcribe ſuch declaration, and take ſuch oaths as are mentioned in the act, if required. *ſ.* 9.

By 1 *Geo.* 1. *c.* 6. The remedy provided by the act 7 *Will.* 3. *c.* 34. for the recovery of tythes and church rates, may be uſed againſt any quaker, for the recovering of any tythes or rates, or any cuſtomary or other rights, *&c.* belonging to any church or chapel, which ought to be paid for the maintenance of any miniſter, *&c.*; and any two juſtices of peace, other than the patron of ſuch church, or intereſted in the tythes, on complaint of any parſon, *&c.* are to ſummon, by reaſonable warning, ſuch quaker, and after his appearance, or in default thereof, the ſaid ſummons being proved upon oath, to proceed to hear and determine the complaint; and alſo to order ſuch coſts as they ſhall think reaſonable, not exceeding 10 *s.* which order, on appeal to the quarter ſeſſions, may be reverſed or affirmed, and ſhall not be removed into any other court, unleſs the title of ſuch tythes, *&c.* be in queſtion. *ſ.* 2.

So much of this act as relates to the affirmation to be made by quakers, ſhall be extended to *Scotland*. *ſ.* 4. *The affirmation is altered by* 8 Geo. 1. c. 6.

By 5 *Geo.* 1. *c.* 4. If any mayor, bailiff, or other magiſtrate, ſhall knowingly or wilfully be preſent at any meeting for religious worſhip, other than the church of *England*, as by law eſtabliſhed, in the gown or other peculiar habit of,

of, or attended with the enſigns belonging to ſuch his office, every ſuch mayor, &c. being thereof convicted, ſhall be diſabled to hold ſuch office, and be adjudged incapable to bear any public office. *ſ.* 2.

By 8 *Geo.* 1. *c.* 6. In all caſes where any quaker is required or permitted to make and ſubſcribe the declaration of fidelity by 1 *Will. & Mar. c.* 18. or make the ſolemn affirmation preſcribed by 7 & 8 *Will.* 3. *c.* 34. or to take the effect of the abjuration oath preſcribed in 1 *Geo.* 1. *c.* 6. ſuch quaker ſhall make and ſubſcribe a declaration of fidelity in the following words, *viz.*

I A. B. *do ſolemnly and ſincerely promiſe and declare, that I will be true and faithful to king* George; *and do ſolemnly, ſincerely, and truly profeſs, teſtify, and declare, that I do from my heart abhor, deteſt, and renounce, as impious and heretical, that wicked doctrine and poſition, that princes excommunicated or deprived by the pope, or any authority of the ſee of* Rome, *may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare, that no foreign prince, perſon, or prelate, ſtate, or potentate, hath, or ought to have, any power, juriſdiction, ſuperiority, preheminence or authority, eccleſiaſtical or ſpiritual, within this realm.*

And inſtead of the ſolemn affirmation preſcribed by 7 & 8 *Will.* 3. *c.* 34. ſuch quaker ſhall make the ſolemn affirmation following, *viz.*

I A. B. *do ſolemnly, ſincerely, and truly declare and affirm.*

And inſtead of the form preſcribed by 1 *Geo.* 1. *c.* 6. for the effect of the abjuration oath, ſuch quaker ſhall take the effect thereof in the following words, *viz.*

I A. B. *do ſolemnly, ſincerely, and truly, acknowledge, profeſs, teſtify, and declare, that king* George *is lawful and rightful king of this realm, and of all other his dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, that I do believe the perſon pretended to be the prince of* Wales, *during the life of the late king* James, *and ſince his deceaſe, pretending to be, and taking upon himſelf the ſtile and title of, king of* England, *by the name of* James *the third, or of* Scotland, *by the name of* James *the eighth, or the ſtile and title of king of* Great Britain, *hath not any right or title whatſoever to the crown of this realm, nor any other the dominions thereunto belonging; and I do renounce and refuſe any allegiance or obedience to him. And I do ſolemnly promiſe, that I will be true and faithful, and bear true allegiance to king* George, *and to him will be faithful againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon, crown, or dignity. And I will do my beſt endeavour to diſcloſe and make known to king* George, *and his ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be made againſt him, or any of them. And I will be true and faithful to the ſucceſſion of the crown againſt the ſaid* James, *and all other perſons whatſoever, as the ſame is and ſtands ſettled by an act entitled,* An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown, *to the late queen* Anne *and the heirs of her body being proteſtants; and as the ſame by one other act entitled,* An act for the limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is, and ſtands ſettled and entailed, after the deceaſe of the ſaid late queen, and for default of iſſue of the ſaid late queen, to the late princeſs* Sophia, *electreſs and ducheſs dowager of* Hanover, *and the heirs of her body, being proteſtants. And all theſe things I do plainly and ſincerely acknowledge, promiſe and declare, according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental reſervation, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgment, renunciation, and promiſe, heartily, willingly, and truly.*

If any perſon making ſuch affirmation, ſhall be convicted of wilful, falſe, and corrupt affirming any matter, which, if ſworn in the common form, would have amounted to wilful and corrupt perjury; ſuch offender ſhall ſuffer the penalties of wilful and corrupt perjury. *ſ.* 2.

All clauſes in the recited acts, not hereby altered, ſhall be of force as before. *ſ.* 3.

By 22 *Geo.* 2. *c.* 30. Every member of the proteſtant epiſcopal church, known by the name of *Unitas Fratrum*, or the *United Brethren*, who ſhall be required to take an oath, ſhall, inſtead of the uſual form, be permitted to make his ſolemn affirmation in theſe words following:

I A. B. *do declare in the preſence of Almighty God, the witneſs of the truth of what I ſay.*

Which affirmation ſhall be of the ſame force in all courts of juſtice, and other places where by law an oath is required in *Great Britain* or *Ireland*, and in his majeſty's dominions in *America*, as if ſuch perſon had taken an oath in the uſual form. *ſ.* 1.

Any perſon making ſuch affirmation, who ſhall be convicted, wilfully, falſely, and corruptly, to have affirmed any thing, which if depoſed on oath, would have amounted to wilful and corrupt perjury, ſhall incur the ſame penalties as perſons convicted of wilful and corrupt perjury. *ſ.* 2.

No perſon being of the ſaid church ſhall by this act be qualified to give evidence in any criminal cauſes, or to ſerve on juries. *ſ.* 3.

Every member of the ſaid church, who ſhall reſide in any of the colonies in *America*, and be ſummoned to bear arms, or do military ſervice, in the ſaid colonies, ſhall, on application to the governor or commander in chief of the ſaid colony, or to ſuch officer by whom he is ſummoned, be diſcharged from ſuch perſonal ſervice; provided he contribute ſuch ſum as ſhall be aſſeſſed on him in lieu of ſuch perſonal ſervice, ſo as ſuch ſum be in ſuch proportion as is uſually paid by other perſons reſiding in the ſame colony, who are by age, ſex, or other infirmity, unable to do perſonal ſervice, and are poſſeſſed of eſtates of the ſame nature as the perſons deſiring ſuch diſcharge. *ſ.* 4.

Every perſon who ſhall claim the benefit of this act, ſhall, when he makes ſuch claim, produce a certificate ſigned by ſome biſhop of the ſaid church, or by the paſtor of ſuch church or congregation neareſt to the place where ſuch claim is made; and ſhall be examined concerning the ſaid certificate, and the execution thereof; and ſuch perſon ſo affirming to the beſt of his knowledge and belief in manner before mentioned, or proving by the teſtimony of other legal witneſs that the ſaid certificate was duly executed by ſuch biſhop or paſtor, and affirming that he is a member of the ſaid church, ſhall be deemed a member of the ſaid church, and be entitled to the benefit of this act. *ſ.* 5.

Any perſon convicted of having wilfully, falſely, and corruptly affirmed that ſuch certificate was duly executed, or that he is a member of ſuch church, ſhall incur the ſame penalties as perſons convicted of wilful and corrupt perjury. *ſ.* 6.

The advocate of the ſaid church ſhall lay before *the commiſſioners for trade and plantations*, to remain in their office, a liſt of all the biſhops of the ſaid church appointed by them to grant certificates, with their hand writing, and uſual ſeal; and the ſaid advocate ſhall ſend to the commiſſioners for trade and plantations, the names, hand-writing,

and

and ſeals of any biſhops hereafter conſecrated and appointed as aforeſaid, and the names of paſtors authoriſed by the ſaid advocate or biſhops to give certificates in any of the colonies in *America*. *ſ.* 7.

By 22 *Geo.* 2. *c.* 46. In all caſes wherein by any act of parliament now in force, or hereafter to be made, an oath is required, the affirmation of a quaker in the form preſcribed by 8 *Geo.* 1. *c.* 6. ſhall be allowed inſtead of ſuch oath; although no expreſs proviſion be made for that purpoſe in ſuch act: and if any perſon making ſuch affirmation, ſhall be convicted of having wilfully, falſely, and corruptly affirmed any thing, which if depoſed upon oath would have amounted to wilful and corrupt perjury, he ſhall incur the like pains and penalties as by law are inflicted on perſons convicted of wilful and corrupt perjury. *ſ.* 36.

Provided, that no quaker ſhall by virtue of this act be qualified to give evidence in any criminal caſes, or to ſerve on juries, or to bear any office or place of profit in the government. *ſ.* 37.

By 19 *Geo.* 3. *c.* 44. Every perſon diſſenting from the church of *England*, in holy orders, or pretended holy orders, or pretending to holy orders, being a preacher or teacher of any congregation of diſſenting proteſtants, who, if he ſcruple to declare and ſubſcribe according to 13 *Eliz.* *c.* 12. (*ſee* SERVICE AND SACRAMENTS) ſhall take the oaths, and make and ſubſcribe the declaration againſt popery, required by 1 *Will.* & *Mar.* and ſhall alſo make and ſubſcribe a declaration in the words following; *viz.*

I A. B. *do ſolemnly declare, in the preſence of Almighty God, that I am a chriſtian and a proteſtant, and as ſuch, that I believe that the ſcriptures of the Old and New Teſtament, as commonly received among proteſtant churches, do contain the revealed will of God; and that I do receive the ſame as the rule of my doctrine and practice.*

ſhall be entitled to all the exemptions, benefits, privileges, and advantages, granted to proteſtant diſſenting miniſters by 1 *Will.* & *Mar.* and 10 *Ann.*; and the juſtices at the general ſeſſion of the peace are to tender and adminiſter the ſaid laſt mentioned declaration to ſuch miniſter, upon his offering himſelf to make and ſubſcribe the ſame, and thereof to keep a regiſter; and ſuch miniſter ſhall not give as a fee to any officer belonging to the court, above 6 *d.* for his entry of ſuch miniſter's making and ſubſcribing the ſaid laſt declaration, and taking the oaths, and making and ſubſcribing the declaration againſt popery, required by 1 *Will.* & *Mar.*; nor above 6 *d.* for any certificate thereof to be made out and ſigned by the officer of the ſaid court; and every perſon qualifying himſelf as aforeſaid, ſhall be exempted from ſerving in the militia; and ſhall alſo be exempted from any impriſonment, or other puniſhment, by 13 & 14 *Car.* 2. or 15 *Car.* 2. (*ſee* SERVICE AND SACRAMENTS) for preaching or officiating in any congregation of proteſtant diſſenters, for the exerciſe of religion permitted by law. *ſ.* 1.

No diſſenting miniſter, nor any other proteſtant diſſenting from the church of *England*, who ſhall take the aforeſaid oaths, and make and ſubſcribe the above-mentioned declaration againſt popery, and the declaration before mentioned, ſhall be proſecuted, for teaching and inſtructing youth as a tutor or ſchool-maſter. *ſ.* 2.

Nothing in this act ſhall extend to the enabling of any perſon diſſenting, to hold the maſterſhip of any college or ſchool of royal foundation, or of any other endowed college or ſchool for the education of youth, unleſs the ſame ſhall have been founded ſince 1 *Will.* & *Mar.* for the immediate uſe of proteſtant diſſenters. *ſ.* 3.

"The act 1 *Gul.* & *Mar.* and this act to be deemed "public acts. *ſ.* 4." *See* "RECUSANTS, SERVICE, "AND SACRAMENTS."

Nonplevin.

By 9 *Edw.* 3. *ſt.* 1. *c.* 2. The king hath put out *nonplevin* of land, and the pain that was wont to enſue, in caſe the land was not replevied in due time; alſo, none ſhall loſe land becauſe of *nonplevin*.

Nonſuit.

By 2 *Hen.* 4. *c.* 7. If the verdict paſs againſt the plaintiff, he ſhall not afterwards be nonſuited.

By 14 *Geo.* 2. *c.* 17. Where any iſſue is joined in any action at law in any court of record at *Weſtminſter*, the court of great ſeſſion for the principality of *Wales*, the court of great ſeſſion for the county palatine of *Cheſter*, the court of common pleas for the county palatine of *Lancaſter*, or the court of pleas for the county palatine of *Durham*, and the plaintiff ſhall neglect to bring ſuch iſſue on to be tried according to the courſe of the ſaid courts, it ſhall be lawful for the judges of the ſaid courts reſpectively, upon motion in open court (due notice having been given thereof) to give the like judgment for the defendant as in caſes of nonſuit; unleſs the judge ſhall upon reaſonable terms allow further time for the trial of ſuch iſſue; and if the plaintiff neglect to try ſuch iſſue within the time allowed, then the judge ſhall give ſuch judgment as aforeſaid. *ſ.* 1.

All judgments given by virtue of this act, ſhall be of the like effect as judgments upon nonſuit. *ſ.* 2.

The defendant ſhall upon ſuch judgment be awarded his coſts, in any action where he would upon nonſuit be entitled to the ſame. *ſ.* 3.

No indictment, information, or cauſe ſhall be tried at *niſi prius* before any judge of aſſize, or *niſi prius*, or at the ſittings in *London* or *Weſtminſter*, where the defendant reſides above 40 miles from the ſaid cities reſpectively, unleſs notice of trial in writing has been given 10 days before. *ſ.* 4.

In caſe any party ſhall have given ſuch notice of trial, and ſhall not afterwards duly countermand the ſame in writing ſix days before ſuch intended trial, every ſuch party ſhall be obliged to pay unto the party to whom ſuch notice was given, the like coſts as if ſuch notice had not been countermanded. *ſ.* 5.

Northern Borders.

By 2 *Hen.* 5. *ſt.* 1. *c.* 5. If any perſon of the franchiſes of *Tyndal* and *Examſhire* do any murders, treaſons, manſlaughters, or robberies, or conſent to them, out of the ſaid franchiſes, proceſs ſhall be made againſt him by the common law, until he be outlawed. And after outlawry pronounced and returned, the juſtices ſhall make certificate to ſuch miniſters of the franchiſes, as to them ſhall ſeem beſt. And ſuch felons ſhall be taken by ſuch miniſters, and their lands and goods within the franchiſe ſeized into the hands of the lords as forfeit; and the other lands and goods of ſuch felons, being out of the franchiſes, ſhall remain to the king and other lords. Saving to the king the forfeitures of ſuch murderers, &c. of the right of his crown.

By 9 *Hen.* 5. *c.* 7. Such proceſs ſhall be made againſt ſuch murderers, &c. and offenders, abiding within the franchiſe

franchiſe of *Rideſdale*, for their offences done out of the franchiſe, and ſuch forfeitures ſhall run in all points, as was ordained for the offenders of *Tyndale* and *Examſhire*, by the ſtatute 2 *Hen.* 5. *ſt.* 1. *c.* 5.

By 23 *Hen.* 6. *c.* 6. The ſheriff of *Northumberland*'s levying to the ſum of 40 *l.* called headpence, every third year, and every fourth year, ſhall be put out for ever, upon pain of 100 *l.*; the one half to the king, and the other half to the party which will ſue againſt the ſheriff.

By 11 *Hen.* 7. *c.* 9. The lordſhip of *North* and *South Tindale* ſhall be gildable, and part of the ſhire of *Northumberland*, and no franchiſe. And no perſon ſhall let to farm any lands in *North* and *South Tindale*, but the leſſee ſhall find ſurety, at leaſt two, having lands in *Northumberland*, not being within the ſaid lordſhip, to the yearly value of 40 *s.* by recognizance to the king in 20 *l.* before two juſtices of peace of *Northumberland*, one of the *quorum*, upon condition, that if the leſſee, within eight days warning, perſonally, or at his own houſe, or in his pariſh-church, given by any of the juſtices and the ſheriff, appear not before the juſtices of peace at any ſeſſion or gaol delivery, to anſwer all ſuch treaſons, felonies, murders, and treſpaſſes, by them done, then the ſaid 20 *l.* ſhall be forfeit; the one half to the king, and the other half to him that will ſue, giving thereof to the juſtices, before whom the recognizance is taken, after execution, 40 *s.* And all juſtices of peace ſhall have authority to enquire thereof, and to make preſentments thereupon, and to award proceſs and execution for the ſame ſum, in as ample form as the king's juſtices of his bench may do, for any recognizance taken afore them for the keeping of the peace. And any perſon taking upon him to let any lands within the ſaid lordſhip where no ſuch ſurety is found, ſhall for every acre and every dwelling-place forfeit 40 *s.*; the one half to the king, and the other to him that will ſue; and the juſtices of peace ſhall have like authority in this forfeiture, as in the recognizance afore expreſſed. And if any perſon occupy any lands within the ſaid lordſhip, not being his own inheritance, without ſurety found, except he be a lord ſpiritual or temporal, he ſhall have impriſonment a year, and till he have found ſurety to the king, to be of good abearing.

By 2 & 3 *Edw.* 6. *c.* 34. The ſheriff of *Northumberland*, before he receive his patent, ſhall put in ſureties into the exchequer, as all other ſheriffs do, upon pain of forfeiture to the king 100 *l.* *ſ.* 2.

Such ſheriff ſhall not be accountable but for his own time, neither ſhall be charged in account with any arrearages due to the king by his predeceſſors. *ſ.* 3.

By 14 *Eliz.* *c.* 13. The franchiſe of *Hexham* and *Hexhamſhire* ſhall be part of the county of *Northumberland*, and the ſheriff and other officers of the county may execute proceſs within *Hexham* and *Hexhamſhire*, in as ample manner as within any other part of the county: ſaving to the bailiff of the liberties, or other officers of *Hexham* and *Hexhamſhire*, all liberties of return of writs, &c.

By 43 *Eliz.* *c.* 13. Whoſoever ſhall without lawful warrant take any of her majeſty's ſubjects againſt their will, and carry them out of the counties of *Cumberland*, *Northumberland*, *Weſtmorland*, and *Durham*, or to any other place within the ſaid counties, or detain or impriſon them againſt their wills, to ranſom them, or to make a prey or ſpoil of their perſon or goods, upon deadly feud or otherwiſe; or whoſoever ſhall be privy or aſſiſting unto any ſuch taking, &c.; or whoſoever ſhall take or carry, to the uſe of himſelf, or wittingly to the uſe of any other, any money, corn, cattle, or other conſideration, called *Black-mail*, for the protecting of them or their lands or goods from ſuch thefts and robberies; or whoſoever ſhall give any ſuch *Black-mail*, or ſhall wilfully and of malice, burn, or cauſe to be burned, or aid or conſent to the burning, any barn or ſtack of corn within the ſaid counties, and ſhall be indicted and convicted, or ſhall ſtand mute, or ſhall challenge peremptorily above twenty, before the juſtices of aſſiſe, of *oyer* and *terminer*, or juſtices of peace at their ſeſſions, ſhall be adjudged felons without benefit of clergy. *ſ.* 2.

Every clerk of the peace within the ſaid counties, ſhall within two months after any outlawry, deliver under his hand the names of all ſuch as are outlawed within their counties, to all the ſheriffs of the ſaid counties; and the ſheriffs ſhall proclaim them to be outlawed in their county courts, and in the city of *Carliſle*, the towns of *Penrith* and *Cockermouth* in *Cumberland*, and in *Appulby* and *Kendal in Weſtmorland*, and *Newcaſtle upon Tyne*, and in *Morpeth*, *Alnwick* and *Hexham* in *Northumberland*, and *Dureſme*, *Darlington*, *Biſhop Awcland*, and *Bernard Caſtle* in the biſhopriek of *Dureſme*, and in *Berwick upon Tweed*; and the ſheriffs ſhall once in the month at the court proclaim the ſaid perſons outlawed, until they yield their bodies to priſon. And the mayors, bailiffs, aldermen, and other chief officers within the ſaid cities and towns, ſhall proclaim the like at every fair, and once every ſix weeks at their markets. *ſ.* 4.

If any perſon inhabiting within the ſaid counties, ſhall wittingly and willingly relieve, entertain, or confer with, any ſuch perſon outlawed for any ſuch murder, robberies, burglaries, or other felonies, having knowledge of the outlawries, and ſhall not do his beſt endeavour to take ſuch perſons, he ſhall ſuffer impriſonment ſix months, and be bound with two ſureties for his good behaviour for one year after. *ſ.* 5.

The juſtices of aſſiſe, juſtices of gaol-delivery, juſtices of *oyer* and *terminer*, or juſtices of peace, within the ſaid counties, at their ſeſſions, ſhall have power to enquire, hear and determine, the offences and defaults of the ſheriffs, mayors, bailiffs, aldermen, and other officers, and of the clerks of the peace, and proceed againſt them by information, and puniſh them by fine, impriſonment, or otherwiſe. *ſ.* 6.

By 7 *Jac.* 1. *c.* 1. If any perſon ſhall commit any offence within the realm of *Scotland*, which by the laws of *England* is adjudged petty treaſon, murder, manſlaughter, felonious burning of houſes and corn, burglary, robbing of houſes by day, robbery, theft, or rape, and ſhall eſcape into the realm of *England*, and ſhall be apprehended within the counties of *Northumberland*, *Cumberland*, *Weſtmorland*, or within the parts on the north of the *Tine* called *Bedlingtonſhire*, *Norhamſhire* and *Iſlandſhire*, the towns of *Newcaſtle* and *Berwick*; it ſhall be lawful for the juſtices of aſſiſe or one of them, or the juſtices of gaol-delivery or four of them, or the juſtices of peace in quarter-ſeſſions or four of them, to remand ſuch offender into the realm of *Scotland*. *ſ.* 3.

Continued indefinitely by 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. *and revived by* 13 & 14 Car. 2. c. 22. *for ſuppreſſion and puniſhment of the* Moſs-troopers *flying out of* England *into* Scotland, *or out of* Scotland *into* England. Qu. *how far it is in force ſince the union?*

By 13 & 14 *Car.* 2. *c.* 22. *made perpetual by* 31 Geo. 2. c. 42. ſ. 1. For five years it ſhall be lawful for the juſtices of peace of the counties of *Northumberland* and *Cumberland* at any general ſeſſions, to make an order of ſeſſions, for charging the inhabitants of the reſpective counties,

counties, for the ſecuring of the ſaid counties from violence of the *Moſs-troopers*. *ſ.* 2.

Provided, that the county of *Northumberland* be not charged above 500 *l.* in the year; nor the county of *Cumberland* above 200 *l.* in the year; and the juſtices of peace are empowered at their quarter-ſeſſions to appoint perſons to have the command of a number of men, not exceeding thirty men in *Northumberland* and twelve in *Cumberland*, whereby the malefactors aforeſaid may be apprehended; and the ſaid juſtices of peace are further empowered to iſſue their warrants for the levying any ſums ordered to be paid for the ſecuring of the ſaid counties, and to give power to the conſtables and other officers, to collect the money by diſtreſs and ſale of goods; and the ſaid juſtices, or any one of them, are authoriſed to examine any complaint againſt the collectors, or any other refractory perſons, that ſhall fail to give obedience to this act, and to bind over ſuch perſons to the next quarter-ſeſſions. *ſ.* 3.

The juſtices of peace are further empowered to appoint a treaſurer to receive the monies collected, and to pay over the ſame according to the orders from the ſeſſions; and the juſtices are empowered to agree with ſuch perſon yearly, and to take ſecurity of them. *ſ.* 4.

In caſe any perſon ſhall be employed in the border-ſervice, and ſhall wilfully and corruptly forbear to diſcover or apprehend any of the *Moſs-troopers*, and ſhall be convicted thereof; they ſhall be made incapable of the ſaid employment, and ſuffer fine and impriſonment, as the ſeſſions ſhall think fit. *ſ.* 5.

It ſhall be lawful for the juſtices of peace of either of the ſaid counties to leſſen the ſaid charge. *ſ.* 6.

By 18 *Car.* 2. *c.* 3. *revived by* 6 Geo. 2. c. 37. ſ. 9. *and made perpetual by* 31 Geo. 2. c. 42. ſ. 1. The benefit of clergy ſhall be taken away from great, known, and notorious thieves and ſpoil-takers in *Northumberland* or *Cumberland*, who ſhall be convicted for theft done within the ſaid counties; or it ſhall be lawful for the juſtices of aſſiſe, and *oyer* and *terminer*, or gaol-delivery, to tranſport them into any of his majeſty's dominions in *America*, not to return. *ſ.* 2.

By 29 & 30 *Car.* 2. *c.* 1. *revived by* 6 Geo. 2. c. 37. ſ. 9. *and made perpetual by* 31 Geo. 2. c. 42. ſ. 1. The juſtices of peace of the ſaid counties ſhall at their quarter-ſeſſions take ſecurity of the perſons employed for the preſervation of the counties from theft and rapine, to anſwer the damages ſuſtained by their neglect, and to pay the ſame within four months after proof thereof made by oath of one witneſs at the next quarter-ſeſſions, ſo as the goods ſtolen be entered in the books within forty-eight hours after the ſame ſhall be gone; and books ſhall be kept for that end in every market-town, and at ſuch other places as the ſeſſions ſhall appoint. *ſ.* 2.

The quarter-ſeſſions ſhall yearly, or every two years at fartheſt, appoint perſons for the ſaid counties reſpectively, to be employed in the ſaid ſervice. *ſ.* 3.

Provided, that every perſon employed for the preſervation of the ſaid counties, or as treaſurer for the ſaid ſervice, do receive the ſacrament of the Lord's ſupper in ſome public church upon ſome Lord's day, within three months after they enter upon ſuch employment, and deliver a certificate thereof to the next quarter-ſeſſions, and take the oaths of allegiance and ſupremacy, and make and ſubſcribe the declaration, under the penalties appointed. *ſ.* 4.

By 6 *Geo.* 2. *c.* 37. *ſ.* 10. The ſaid acts, for preventing theft and rapine upon the northern borders, ſhall be deemed public acts.

Nuſance.

By 12 *Ric.* 2. *c.* 3. Writs of nuſances called *vicountiels* ſhall be made at the election of the plaintiff in the nature of old times uſed, or elſe in the nature of aſſiſes determinable before the king's juſtices of the one bench or the other, or before the juſtices of aſſiſe, to be taken in the county.

By 12 *Ric.* 2. *c.* 13. Proclamation ſhall be made as well in *London* as in other cities and towns, that none caſt any annoyance, dung, intrails, nor any other ordure, into the ditches, rivers, waters, and other places: and if any do, he ſhall be called by writ before the chancellor, at his ſuit that will complain; and if he be found guilty, he ſhall be puniſhed after the diſcretion of the chancellor.

Oaths.

By 7 *Jac.* 1. *c.* 6.

EVERY perſon above the age of eighteen years, in this act intended, ſhall take the oath of allegiance ſet forth in ſtatute 3 *Jac.* 1. *c.* 4. *viz.* every archbiſhop and biſhop, before the lord chancellor.

Note, the oath is repealed, and another appointed, by 1 Will. & Mar. ſt. 1. c. 8. *ſ.* 2.

Every eccleſiaſtical judge and officer, before the archbiſhop or biſhop. *ſ.* 3.

Every perſon of or above the degree of a baron or baroneſs of *England*, and all of the privy council, reſiding in *London* or *Weſtminſter*, or within thirty miles thereof, before any four of the privy council, whereof the lord chancellor, lord treaſurer, lord privy ſeal, or principal ſecretary, to be one; and if ſuch perſons live in the country diſtant above thirty miles from *London*, then before the lord biſhop of the dioceſe, or ſuch other perſons as the lord chancellor ſhall by *dedimus* authoriſe. *ſ.* 4.

The ſworn ſervants of the king, the queen, or of the houſhold of the prince, and of the reſt of the king's children, before the lord ſteward, the lord chamberlains and vicechamberlains to the king and the queen, the treaſurer and comptroller of the houſhold, the maſter of the horſe, the dean of the chapel, and the knight marſhal, the officers of the green-cloth, or any three of them. *ſ.* 5.

Every temporal judge, juſtice of peace, ſheriff, eſcheator, feodary, and other officer of juſtice not mentioned, and every other perſon that ſhall receive any fee of the king, before the lord chancellor, lord treaſurer, lord admiral, lord warden of the five ports, or one of them, or before one of the chief juſtices, or before juſtices of aſſiſe of the county where the parties reſide, or ſuch perſons as the lord chancellor ſhall authoriſe. *ſ.* 6.

All mayors, bailiffs, or other chief officers of cities and towns corporate, before ſuch perſons as uſually adminiſter the oath to them at their entrance into their offices. *ſ.* 7.

The knights, citizens, burgeſſes and barons of the five ports of the commons houſe of parliament, before they be permitted to enter into the houſe, before the lord ſteward or his deputy; and the maſter of the ordnance, lieutenant of the *Tower* of *London*, and mint-maſter there, the four principal officers of the navy under the lord admiral, before the lord chancellor and the lord admiral, or any of them. *ſ.* 8.

The officers, ſervants and others, within the *Tower* of *London*, before the lieutenant of the *Tower*. *ſ.* 9.

All vice-admirals, captains, maſters, officers, miniſters, and ſoldiers, in the king's ſhips, before the principal officers of the navy, or any two of them. *ſ.* 10.

All perſons having charge of fortreſſes or garriſons, and all captains who ſhall have charge of ſoldiers within this realm, before the juſtices of aſſiſe of the county, or before two juſtices of peace. *ſ.* 11.

All doctors, advocates and proctors, of the civil law, and their clerks, before the biſhop of the dioceſe. *ſ.* 12.

All ſerjeants at law, ſervants to the judges, and all other in the ſerjeants inns, before the chief juſtices and chief baron, or one of them. *ſ.* 14.

All the inns of court, and the principals and treaſurers of every inn of chancery, before the readers and benches of the ſeveral houſes, or four of them, in their open halls. *ſ.* 15.

All other, as well ancients as other, not being principal or treaſurer, that ſhall be admitted into any inn of chancery, before the principal or treaſurer and ancients, or four of them, in their halls. *ſ.* 16.

All prothonotaries, philizers, officers, attornies and clerks, in any court of record before the judges of the courts. *ſ.* 17.

All clerks of the chancery, and their under-clerks, and all other officers of the chancery, and their clerks, before the maſter of the rolls, or before two maſters of chancery. *ſ.* 18.

All parſons and other perſons eccleſiaſtical taking orders, and every ſchoolmaſter and uſher, before the biſhop or other ordinary in court. *ſ.* 19.

The vice-chancellors of the univerſities, and heads of houſes, proctors and beadles, in the convocation before the ſenior maſters. *ſ.* 20.

Every perſon promoted to any degree in ſchool, before the vice-chancellor in the congregation-houſe. *ſ.* 21.

All fellows of houſes, and ſcholars of halls or colleges, being under the degree of a baron, before the head of the houſe, and in the open hall. *ſ.* 22.

All doctors of phyſic, and all other who practiſe phyſic, that ſhall be admitted into the college of phyſicians in *London*, before the preſident of the college. *ſ.* 23.

All aldermen, ſheriffs, or under officers, of the cities and towns corporate, and ſuch as ſhall be made freemen of the city or town corporate, before the mayor, bailiffs, or other chief officer, in the open hall. *ſ.* 24.

It ſhall be lawful for any of the privy council, and every biſhop in his dioceſe, to require any baron or baroneſs of the age of eighteen years or above to take the oath; and for any two juſtices of peace (whereof one of the *quorum*) to require any perſon of the age of eighteen years under the degree of a baron or baroneſs, to take the oath: and if any perſon of or above the ſaid age and degree ſhall be preſented or convicted for not coming to church, or not receiving the communion, before the ordinary, or other, having lawful power to take ſuch preſentment; three of the privy council, whereof the lord chancellor, lord treaſurer, lord privy ſeal, or principal ſecretary, to be one, ſhall require ſuch perſon to take the oath; and if any other perſon of the ſaid age, and under the ſaid degree, ſhall be preſented or convicted for not coming to church, or receiving the ſacrament, or if the miniſter, conſtable and churchwardens, or any two of them, ſhall complain to any juſtice of peace near adjoining to the place where any perſon complained of ſhall dwell, and the ſaid juſtice ſhall find cauſe of ſuſpicion, any juſtice ſhall require ſuch perſon to take the oath: and if any perſon of the age of eighteen years ſhall refuſe to take the oath duly tendered, the perſons authoriſed may commit the offender to the common gaol until the next aſſiſes or quarter-ſeſſions, where the oath ſhall be again required; and if the perſon ſhall refuſe to take the oath, every perſon ſo refuſing ſhall incur the penalty of *præmunire*, 16 *Ric.* 2. *c.* 5. except women covert, who ſhall be committed only to priſon till they take the oath. *ſ.* 26.

Every perſon refuſing to take the oath as above ſhall be diſabled to execute any public place of judicature, or bear any other office (being no office of inheritance or miniſterial function) within *England*, or to practiſe the law, or phyſic, or ſurgery, or the art of an apothecary, or any liberal ſcience for gain, until he ſhall receive the oath. *ſ.* 27.

By 1 *Will. & Mar. ſt.* 1. *c.* 8. The oath of ſupremacy required by *ſt.* 1. *Eliz. c.* 1. [*ſee* King, *&c.*] and the oath of allegiance required by *ſt.* 3. *Jac.* 1. *c.* 4. and 7 *Jac.* 1. *c.* 7. are repealed. *ſ.* 2.

The oaths and declarations appointed by this act ſhall be taken and ſubſcribed by ſuch perſons as were required to take the ſaid abrogated oaths of ſupremacy and allegiance. *ſ.* 3.

Every ſuch perſon who ſhall neglect to take the ſame, ſhall incur the ſame penalties as by any ſtatute was appointed. *ſ.* 5.

If any ſuch other perſon ſhall refuſe to take the oaths tendered, the perſon tendering ſhall commit the perſon refuſing to the common gaol or houſe of correction for three months, unleſs ſuch offender ſhall pay to the perſon tendering ſuch ſum, not exceeding 40 *s.* as he ſhall require ſuch offender to pay; which money ſhall be paid to the churchwardens or overſeers for the relief of the poor of the pariſh where ſuch offender did laſt inhabit: and if at the end of three months the perſon ſo refuſing ſhall again refuſe to take the oaths when lawfully tendered, the perſons tendering ſhall commit the perſon refuſing to the common gaol or houſe of correction for ſix months; unleſs ſuch offender pay down to the perſons tendering ſuch ſum, not exceeding 10 *l.* nor under 5 *l.* as they ſhall require, for his ſecond refuſal, to be diſpoſed in manner aforeſaid; and unleſs ſuch offender become bound with two ſureties, with condition to be of the good behaviour, and to appear at the next aſſiſes or gaol-delivery; at which the oath ſhall be again tendered by the juſtices of aſſiſes, *&c.* and if the offender then refuſe to take the oaths, he ſhall be incapable of any office, civil or military, and ſhall be bound to the good behaviour, until he take the oaths; and in caſe ſuch perſon ſhall refuſe alſo to make the declaration in 30 *Car.* 2. *ſt.* 2. *Papiſts*, ſuch perſon ſhall ſuffer all penalties as a popiſh recuſant convict. *ſ.* 9.

Every commiſſion officer, and non-commiſſion or warrant officer, employed in their majeſties ſervice by ſea or land, ſhall before the delivery of ſuch commiſſion or warrant take the oaths, and make the declaration, before the commiſſioners of the admiralty, or their deputies, or ſuch perſon as ſhall iſſue ſuch commiſſion or warrant, or ſuch others as ſhall be authoriſed to adminiſter the ſame; and

every ſuch officer that ſhall refuſe to take the oaths, &c. ſhall be incapable of ſuch office. *ſ.* 10.

Note, other oaths are appointed by ſubſequent acts inſtead of thoſe appointed by this act.

By 1 *Will. & Mar. ſt.* 1. *c.* 25. If any commiſſion for a military employment ſhall be granted to any perſon at a diſtance from *London* exceeding twenty miles, ſuch perſon may take the oaths, &c. at the next muſter after the receipt of the commiſſion, before the commiſſary of the muſters or his deputy, who are required to ſend up a certificate thereof to the perſon who iſſued ſuch commiſſion. *ſ.* 2.

Nothing in this act ſhall extend to the militia. *ſ.* 4.

By 7 & 8 *Will.* 3. *c.* 24. If any perſon ſhall act as ſerjeant at law, counſellor, barriſter, advocate, attorney, ſolicitor, proctor, clerk, or notary, by practiſing as ſuch in any court, not having taken in the chancery or king's bench, or quarter-ſeſſions where he lives, the oaths, and made the declarations, ſuch perſons ſhall incur all penalties in the ſtatute of *præmunire*, 16 *Ric.* 2. *c.* 5.

By 7 & 8 *Will.* 3. *c.* 27. Every perſon who ſhall refuſe to take the oaths when tendered by perſons lawfully authoriſed, or ſhall neglect to appear when ſummoned in order to have the oaths tendered, ſhall, until he take the oaths, be liable to the penalties inflicted upon popiſh recuſants convict; and the perſons tendering the oaths ſhall upon every ſuch refuſal or default of appearance record the names and place of abode of the perſons refuſing or not appearing, with the time of ſuch tender or default, and certify the record to the juſtices of aſſiſe, *oyer* and *terminer*, or gaol-delivery, at their next ſeſſion, who ſhall certify the ſame into the exchequer. *ſ.* 1.

Quakers who ſhall make and ſubſcribe the declaration of fidelity in 1 *Will. & Mar. ſt.* 1. *c.* 18. [*ſee* Nonconformiſts] and ſhall produce ſuch witneſſes and certificates as are by the ſaid act required, and ſhall own king *William* to be rightful and lawful king of theſe realms, are exempted from the penalties provided by this act for ſuch as refuſe to take the oaths. *ſ.* 12.

The penalties to be incurred by any perſons as popiſh recuſants, convict by this act for not taking the oaths, may be pardoned by the king under the privy ſeal. *ſ.* 15.

No perſon who ſhall refuſe to take the oaths, or being quakers, ſubſcribe the declaration of fidelity (which oaths and ſubſcription, the ſheriff or chief officer taking the poll at any election of members to ſerve in parliament, at the requeſt of any one of the candidates, are required to adminiſter), ſhall be admitted to give any vote for the election of any knight, citizen, burgeſs, or baron, to ſerve in parliament. *ſ.* 19.

By 13 *Will.* 3. *c.* 6. Every perſon that ſhall bear any office, civil or military, or ſhall receive any pay by reaſon of any grant from his majeſty, or ſhall have command or place of truſt under his majeſty, or by authority derived from him, within *England*, *Wales*, or *Berwick*, or in his majeſty's navy, or in *Jerſey* or *Guernſey*, or ſhall be of the houſhold, or in the ſervice of his majeſty, and all eccleſiaſtical perſons, members of colleges and halls in either univerſity, that ſhall be of the foundation (being of the age of eighteen years), and all perſons teaching pupils, and all ſchool-maſters and uſhers, and all preachers of ſeparate congregations, and every perſon that ſhall act as a ſerjeant at law, counſellor, barriſter, advocate, attorney, ſolicitor, proctor, clerk, or notary, by practiſing as ſuch in any court, ſhall within three months after they ſhall enter upon ſuch office, or take upon them ſuch practice, in the court of chancery, king's bench, common pleas, or exchequer, or at the quarter-ſeſſions, in open court, between the hours of nine and twelve in the forenoon, take the oath herein mentioned, *viz. the oath of abjuration, altered by ſubſequent ſtatutes*; and ſhall ſubſcribe his name or mark, and during the time of taking the ſaid oath all pleas ſhall ceaſe. *ſ.* 1, 2, 3.

Every perſon aforeſaid that ſhall neglect to take the oath, ſhall be *ipſo facto* incapable to enjoy the office, &c. *ſ.* 5.

All who ſhall neglect to take the oath, and yet ſhall by himſelf, or his deputy or truſtee, execute any of the ſaid offices, &c. and being thereof convicted upon information or indictment in any of the king's courts at *Weſtminſter*, or at the aſſiſes, ſuch perſons ſhall be diſabled to proſecute any ſuit, or to be guardian of any child, or executor or adminiſtrator of any perſon, or capable of any legacy or deed of gift, or to be in any office within *England*, *Wales*, or *Berwick*, and ſhall forfeit 500 *l.* to be recovered by him that ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*. *ſ.* 6.

Upon due tender of any perſon to take the oath, the courts are required to adminiſter the ſame; of the taking and ſubſcribing whereof, the like regiſter ſhall be kept as by the act 25 *Car.* 2. *c.* 2. was directed. *ſ.* 7. *See* RECUSANTS.

Provided, that any perſon who by any neglect or refuſal, according to this act, ſhall loſe any office, may be capable of a new grant of the ſame, ſuch perſon taking the oath, ſo as ſuch office be not enjoyed by ſome other perſon at the time of the regranting. *ſ.* 8.

No peer of this realm ſhall vote or make his proxy in the houſe of peers, or ſit there during any debate, nor any member of the houſe of commons ſhall vote in the houſe, or ſit there during any debate, after their ſpeaker be choſen, until ſuch peer or member ſhall take the oath, and ſubſcribe the ſame, *viz.* the oath ſhall be made and ſubſcribed between nine in the morning and four in the afternoon, by every ſuch peer, at the table in the middle of the houſe, before he take his place, and whilſt a full houſe is there, with their ſpeaker in his place; and by every member of the houſe of commons, at the table in the middle of the houſe, and whilſt a full houſe is there ſitting, with their ſpeaker in his chair. *ſ.* 10.

If any peer, or member of the houſe of commons ſhall vote, or make his proxy, not having taken the oath and ſubſcribed the ſame, ſuch peer or member ſhall be adjudged a popiſh recuſant convict, and ſhall be diſabled to hold any place of profit or truſt, civil or military, and to ſit or vote in either houſe of parliament, or make a proxy in the houſe of peers, or to ſue any action in law, or to proſecute any ſuit in equity, or to be guardian of any child, or executor or adminiſtrator of any perſon, or capable of any legacy or deed of gift, and ſhall forfeit 500 *l.* to be recovered by him that ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*. *ſ.* 11.

This act ſhall not take away any office of inheritance, ſo as ſuch perſon having an office of inheritance appoint his deputy, according to a proviſo in 25 *Car.* 2. *c.* 2. and ſo as ſuch deputy take the oath in this act, and ſo as ſuch deputy be approved of by the king under his privy ſignet. *ſ.* 12.

It ſhall be lawful for any perſons authoriſed to adminiſter the oaths appointed in an act 1 *Will. & Mar. ſt.* 1. *c.* 8. to tender the oath herein appointed to any perſon; and if any perſon to whom the oath ſhall be tendered, ſhall neglect to take the ſame, the perſon tendering the oath ſhall certify the refuſal to the next quarter-ſeſſions; and the refuſal ſhall be recorded, and certified by the clerk of the peace into the chancery or king's bench. *ſ.* 13.

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This act ſhall not extend to the office of high conſtable, petty conſtable, tithingman, headborough, overſeers of the poor, churchwardens, ſurveyors of the highways, or any like inferior civil office, or to any office of foreſter or keeper of any park, chace, warren, or game, or bailiff of any manor or lands, nor to any like private offices, nor to any perſon having only like offices. *ſ.* 14.

By 1 *Ann. ſt.* 1. *c.* 22. All perſons who in the chancery, king's bench, or quarter ſeſſions, may take the oaths mentioned in 1 *Will. & Mar. ſt.* 1. *c.* 8. and make the declaration mentioned in 25 *Car.* 2. *c.* 2. *ſee* RECUSANTS, may take the ſaid oaths and make the declaration, and deliver the certificates of receiving the ſacrament, *&c.* in the common pleas, or exchequer. *ſ.* 5.

All perſons, who are to take the oaths within three months after they ſhall be admitted into or enter upon any preferments, benefices, or places, or come into any capacity, or take upon them any ſuch practice in the former act mentioned, may in the next term, or at the next quarter ſeſſions after they ſhall be admitted, *&c.* (though it be after the expiration of three months), take the oaths in any of the four courts of *Weſtminſter* or quarter ſeſſions. *ſ.* 7.

By 6 *Ann. c.* 14. It ſhall be lawful for any two juſtices of peace, whereof one of the *quorum*, or any other perſons by her majeſty appointed by order in privy council, or by commiſſion under the great ſeal, to ſummon all ſuch perſons as they ſhall ſuſpect to be diſaffected, and tender the oath of abjuration, and at the next quarter ſeſſions certify the names and places of abode of all perſons refuſing to take the oath, to be certified by the clerk of the peace into the queen's bench, and by the clerk of the peace in *Scotland* into the court of ſeſſion; and if the perſon certified ſhall not within the next term or ſeſſion appear in the chancery, queen's bench, or ſeſſion, where ſuch certificate ſhall be returned, and take the oath, and enter his ſo doing upon the certificate returned, he ſhall be adjudged a popiſh recuſant convict, and undergo ſuch penalties as a popiſh recuſant convict ought to do by the laws in *England*. *ſ.* 7.

By 6 *Ann. c.* 23. If any quaker ſhall refuſe to take the oath, being tendered to him, in purſuance of 6 *Ann. c.* 14. but ſhall inſtead thereof declare the effect of the ſaid oath upon his ſolemn affirmation, as directed by 7 *Will.* 3. *c.* 34. ſuch quaker ſhall not be liable to any penalties mentioned in 6 *Ann. c.* 14. *ſ.* 14.

By 8 *Ann. c.* 15. Perſons in any office, civil or military, in *Scotland*, ſhall take and ſubſcribe the oath of abjuration in 6 *Ann. c.* 14. and the oath of allegiance, and ſubſcribe the aſſurance, within three months after his admittance into ſuch office, either in her majeſty's courts of ſeſſion, juſticiary, or exchequer, in *Scotland*, or at the quarter ſeſſions there, or in any other aſſembly where the oaths have uſually been adminiſtered in *Scotland*, or in her majeſty's courts of chancery, queen's bench, common pleas, or exchequer, at *Weſtminſter*. *ſ.* 1, 2.

The courts of chancery, queen's bench, common pleas, and exchequer, at *Weſtminſter*, ſhall adminiſter to ſuch perſons as ſhall tender themſelves, the foreſaid oaths; and ſhall give to every perſon taking the ſame a certificate, for which there ſhall be paid 2*s.* *ſ.* 3.

Every perſon who ſhall be employed in any office civil or military, in *Scotland*, and who takes the oaths in the chancery, queen's bench, common pleas, or exchequer, at *Weſtminſter*, ſhall be obliged to tranſmit within three months, to the courts of ſeſſion, juſticiary, or exchequer, in *Scotland*, or to any the principal clerks of ſeſſion, the principal clerk of juſticiary, or the queen's remembrancer in the exchequer, the certificate they ſhall receive; where the ſaid certificates ſhall be kept, and to which all perſons ſhall have acceſs without fee. *ſ.* 4.

Every ſuch perſon who ſhall neglect to take the oaths, and ſubſcribe the aſſurance, and ſhall after ſuch neglect execute any office, in reſpect to which the oaths and aſſurance ought to be taken, ſhall incur the penalties in 6 *Ann. c.* 14. *ſ.* 5.

Every ſuch perſon who having taken the oaths and aſſurance in the chancery, queen's bench, common pleas, or exchequer, at *Weſtminſter*, ſhall, within the three months, neglect to tranſmit the certificate, ſhall forfeit his office, and alſo 100*l.* to be recovered by ſuch perſon as ſhall ſue for the ſame by ſummar proceſs in the court of ſeſſion. *ſ.* 6.

It ſhall be lawful for any perſon employed in any office in *Scotland*, to take the oath *de fideli*, or oaths of office, before one of the judges of *England*. *ſ.* 7.

By 1 *Geo.* 1. *c.* 13. All perſons that ſhall bear any office civil or military, or receive any ſalary, *&c.* by reaſon of any patent, *&c.* from his majeſty, or who ſhall have any command or place of truſt under his majeſty, or by his authority, in *Great Britain* or in the navy, or in *Jerſey*, or *Guernſey*, or ſhall be of the houſehold or ſervice of his majeſty; and all eccleſiaſtical perſons, heads and other members of colleges and halls in any univerſity, that are of the foundation, or enjoy any exhibition (being 18 years old), and all perſons teaching or reading to pupils, and all ſchoolmaſters and uſhers, and preachers of ſeparate congregations, all conſtables, and every ſerjeant and counſellor at law, barriſter, advocate, attorney, ſolicitor, writer in *Scotland*, proctor, clerk, or notary, practiſing in any court, ſhall take the following oaths, *viz.*

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his majeſty king* George. So help me God.

I A. B. *do ſwear, that I do from my heart abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition, that princes excommunicated or deprived by the pope, or any authority of the ſee of* Rome, *may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare, that no foreign prince, perſon, prelate, ſtate, or potentate, hath, or ought to have, any juriſdiction, power, ſuperiority, pre-eminence, or authority, eccleſiaſtical or ſpiritual, within this realm.* So help me God.

The oath of abjuration was altered by 6 Geo. 3. c. 53.

Unto which oaths every perſon taking the ſame ſhall ſubſcribe his name; and if he cannot write, make his mark; and while the oaths are taking, all pleas ſhall ceaſe. *ſ.* 1.

Every perſon who ſhall be admitted into any office, civil or military, *&c.* in *England*, &c. [*as above in the laſt ſection*], or who ſhall be admitted into any the beforementioned preferments, *&c.* ſhall within three months after they ſhall be admitted, *&c.* take the ſame oaths in one of the ſaid courts at *Weſtminſter*, or at the quarter ſeſſion of the county, *&c.* where he reſides. *ſ.* 2.

All perſons, who by virtue of any acts made ſince the union, were bound to take the oath of allegiance, ſubſcribe the aſſurance, and take and ſign the abjuration, on account of any office, or other occaſion, in *Scotland*, ſhall take and ſubſcribe the oath of abjuration, and the oath of allegiance, and ſubſcribe the aſſurance in the words following, *viz.*

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his majeſty king* George. So help me God.

The aſſurance is altered by 6 Geo. 3. c. 53.

Every perſon, who ſhall refuſe to take the oath of abjuration, or being a quaker, ſhall refuſe to declare the effect thereof, as directed by 7 *Will.* 3. *c.* 34. (which oath and declaration the member laſt elected for any county or ſtewartry in *Scotland*, or in his abſence, the ſheriff or ſtewart's clerk, till a perſon be choſen to proceed in the meetings of free elections in *Scotland*, according to the directions in the 21ſt act of the third parliament of *Car.* 2. held in *Scotland*, is authoriſed to adminiſter, at the requeſt of any candidate, *&c.*) ſhall not be capable of giving any vote for the election of a preſident of the meeting, making up the rolls, or of any member to ſerve in the houſe of commons for any place in *Scotland*, or commiſſioner to chooſe a burgeſs for any place there; and it is declared, that by no words in the ſaid oaths, it was meant to oblige any of his majeſty's ſubjects to any acts inconſiſtent with the eſtabliſhment of the church of *Scotland*. *ſ.* 4.

All heads and members of colleges, halls, or claſſes, in the univerſities of *St. Andrew*, *Glaſgow*, *Aberdeen*, and *Edinburgh*, and all probationers or licentiates of divinity, before they enter on their trials or obtain licenſes to preach, and all ſchoolmaſters in *Scotland*, ſhall take the oaths, and ſubſcribe the aſſurance appointed to be taken in *Scotland*, and obtain ſuch certificates, as by this, or the acts herein referred to is directed. *ſ.* 5.

All perſons aforeſaid, that ſhall neglect to take the oaths, ſhall be adjudged incapable to enjoy ſuch offices, *&c.* *ſ.* 7.

Every perſon, who ſhall neglect to take the oaths, and after ſuch neglect ſhall execute, by himſelf or deputy, any the ſaid offices, *&c.* being convicted upon information or indictment, ſhall be diſabled to ſue, *&c.* or to be guardian or executor, or capable of any legacy or deed of gift, or to be in any office, or to vote at any election for members of parliament, and ſhall forfeit 500 *l.* to him that will ſue for the ſame in any of the courts at *Weſtminſter*, and by way of ſummar complaint, before the court of ſeſſions, or proſecution before the court of juſticiary in *Scotland*. *ſ.* 8.

The proper officer ſhall have of every perſon taking the oaths, 2 *s.* and a regiſter ſhall be kept of all perſons who have taken the oaths, to be inſpected without fee. *ſ.* 9.

It ſhall be lawful for two juſtices of peace, or any other perſons appointed by his majeſty, by order in council, or by commiſſion under the great ſeal, to tender the oaths to any perſon whom they ſhall ſuſpect to be diſaffected; and if any perſon refuſe to take them, ſuch juſtices, *&c.* ſhall certify the refuſal to the next quarter ſeſſions, to be recorded there, and ſhall from thence be certified by the clerk of the peace into the chancery, king's bench, court of ſeſſion, or of juſticiary in *Scotland*, there to be recorded; and every perſon neglecting to take the ſaid oaths, ſhall be adjudged a popiſh recuſant convict. *ſ.* 10.

Any two juſtices of peace, or other perſons, *&c.* may, by writing, ſummon any perſon to take the oaths; which ſummons ſhall be ſerved on ſuch perſon, or left at his place of abode with one of the family; and if ſuch perſon ſhall not appear, then on oath of ſerving the ſummons, ſuch juſtices, *&c.* are to certify the ſame to the next quarter ſeſſions, to be entered on the rolls; and if ſuch perſon ſhall not appear there and take the oaths, his name ſhall be publicly read at the firſt meeting of the ſeſſions, and he ſhall be eſteemed a popiſh recuſant convict, and the ſame ſhall be certified by the clerk of the peace into the chancery, *&c.* *ſ.* 11.

If any member, or head of any college or hall in *Oxford* or *Cambridge*, that are of the foundation, or enjoy any exhibition, being of the age of 18 years, ſhall refuſe the ſaid oaths, or to produce a certificate of his having taken them, and cauſe it to be entered in the regiſter of ſuch college or hall, within one month after his having taken them; and if the perſons to whom the right of election ſhall be, do not elect ſome other perſon in his place within 12 months after ſuch refuſal, the king, under the great ſeal or ſign manual, may nominate ſome perſon qualified according to the ſtatutes of the college to ſucceed; and ſuch perſon ſhall enjoy ſuch place as if he had been choſen by the electors of ſuch college or hall. *ſ.* 12.

If the head of any college or hall, *&c.* refuſe to admit ſuch perſon nominated as aforeſaid, ten days after ſuch admiſſion demanded, the viſitor is to admit him in one month after it ſhall be demanded; and if ſuch viſitor refuſe, the king's bench may iſſue out a *mandamus* to ſuch viſitor, to admit ſuch perſon. *ſ.* 13.

Any perſon who by any neglect ſhall forfeit his office, may be capable of a new grant of the ſame, or any other office, on taking the oaths, ſo as ſuch office be not granted to another. *ſ.* 14.

No peer ſhall vote or make his proxy, or ſit in the houſe of peers during any debate; nor any member of the houſe of commons ſhall vote or ſit there during any debate, after the ſpeaker is choſen, till he has taken the abjuration oath aforeſaid. *ſ.* 16.

If any member of either houſe ſhall vote, or make his proxy, not having taken the oaths, *&c.* he ſhall be diſabled to ſue in any court of law, or to proſecute any ſuit in equity, or to be guardian, executor, or adminiſtrator, or be capable of any legacy or deed of gift, or to be in any office in *Great Briatin*, or vote at any election for members of parliament, and ſhall forfeit 500 *l.* to him who will ſue for the ſame in any court at *Weſtminſter*, or by way of ſummar complaint before the court of ſeſſions or juſticiary in *Scotland*. *ſ.* 17.

Nothing in this act ſhall take away any office of inheritance, ſo as the perſon having ſuch office ſubſtitute a deputy, and ſuch deputy qualify himſelf according to 25 *Car.* 2. *c.* 2. RECUSANTS, and take the oaths, and be approved of by the king under his privy ſignet. *ſ.* 18.

No office of inheritance in *Scotland*, ſhall be forfeitable, otherwiſe than according to the laws in force there. *ſ.* 19.

This act ſhall not extend to the office of tithingman, headborough, overſeers of the poor, churchwardens, ſurveyors of the highways, or any like inferior civil office, or to any foreſter, or keeper of any park, *&c.* or bailiff of any manor, *&c.* nor to any like private offices. *ſ.* 20.

All perſons, who by law are obliged to receive the ſacrament, and ſubſcribe the declaration againſt tranſubſtantiation, ſhall continue obliged to receive, *&c.* together with the oaths appointed by this act, in ſuch manner, and under ſuch penalties, in caſe of ſuch neglect, as is required by any former law. *ſ.* 22. *See* 16 Geo. 2. c. 30. ſ. 3.

Provided that any perſons who by this act ſhall become popiſh recuſants convict, and ſhall thereafter take the oaths, *&c.* ſhall be diſcharged from ſuch conviction. *ſ.* 26.

The oath of abjuration and the aſſurance in this act ſhall

ſhall in all caſes be taken in lieu of the abjuration and aſſurance formerly appointed. *ſ.* 27.

No ſeaman or ſoldier, under the degree of a commiſſion or warrant officer, ſhall pay any fee on taking the oaths. *ſ.* 31.

Nothing in this act ſhall extend to the office of lord great chamberlain of *England*, ſo as he ſubſtitute a deputy, who ſhall take the oaths. *ſ.* 32.

The oath of abjuration by this act appointed ſhall be the oath to be taken in *Ireland*. *ſ.* 33.

By 13 *Geo.* 1. *c.* 29. Nothing in the act 25 *Car.* 2. *c.* 2. nor in 1 *Geo.* 1. *c.* 13. ſhall extend to any perſon who ſhall be in his majeſty's fleet, or in his ſervice beyond the ſeas, at ſuch time as any office, ſalary, or wages, ſhall be granted to him, or who by virtue of the ſaid acts ought to receive the ſacrament, or take the oaths, ſo as ſuch perſon do, within three calendar months after his return into *Great Britain*, receive the ſacrament, take the ſaid oaths, and make the declaration. *ſ.* 1.

The ſpace of three months limited for receiving the ſacrament, *&c.* ſhall be taken to be three calendar months. *ſ.* 4.

If any officer on board the fleet, or in the ſervice beyond the ſeas, or if any of his majeſty's ſubjects, who ought to receive the ſacrament, *&c.* ſhall make default in ſo doing, every perſon ſo making default, ſhall incur all ſuch penalties as by the acts are provided. *ſ.* 6.

By 2 *Geo.* 2. *c.* 31. So much of the act 1 *Geo.* 1. *c.* 13. as requires perſons to take the oaths within three months, *&c.* ſhall be repealed. *ſ.* 3.

All perſons that ſhall be admitted into any office civil or military, or ſhall receive any pay by reaſon of any grant from his majeſty, or ſhall have command or place of truſt under his majeſty, or by authority derived from him, in *England*, or in his majeſty's navy, or in *Jerſey* or *Guernſey*, or that ſhall be admitted into any office in the houſehold of his majeſty, or of the prince of *Wales*, or any other of his majeſty's iſſue; and all eccleſiaſtical perſons, heads, and other members of colleges and halls in the univerſities, that are of the foundation, or enjoy any exhibition, being of the age of 18 years; and all perſons teaching or reading to pupils, and all ſchoolmaſters and uſhers, and all preachers of ſeparate congregations, high conſtables, and every perſon who ſhall act as a ſerjeant at law, counſellor, barriſter, advocate, attorney, ſolicitor, proctor, clerk, or notary, by practiſing as ſuch in any court in *England*; who ſhall after the 21ſt of *January* 1728, be admitted into any of the above-mentioned preferments, *&c.* or ſhall come into any ſuch capacity, *&c.* ſhall take the oaths appointed by 1 *Geo.* 1. *c.* 13. as by the ſaid ſtatute is directed, in the chancery, king's bench, common pleas, or exchequer, at any time before the end of the next term after he ſhall be admitted, *&c.* or before the end of the next quarter ſeſſions where ſuch perſons ſhall reſide. *ſ.* 4.

This act ſhall not extend to any perſon beyond the ſeas, ſo as ſuch perſon within four months after his return to *England* take the oaths, *&c.* and receive the ſacrament, and make the declaration againſt tranſubſtantiation, in caſes where they ought. *ſ.* 5.

Every perſon who ſhall neglect to take the oaths according to this act, ſhall incur all ſuch penalties as by the act 1 *Geo.* 1. *c.* 13. are provided. *ſ.* 6.

All the proviſions in the act 1 *Geo.* 1. *c.* 13. relating to the taking the oaths ſhall be in force, ſaving as to the alteration made in reſpect of the times limited for taking the oaths. *ſ.* 7.

So much of the act 30 *Car.* 2. *c.* 2. PAPISTS, as requires the king's and queen's ſworn ſervants to repeat and ſubſcribe a declaration againſt tranſubſtantiation ſhall be repealed. *ſ.* 9.

By 9 *Geo.* 2. *c.* 26. Perſons that ſhall be admitted into office, civil or military, *&c.* ſhall take the oaths appointed by the ſtatute 1 *Geo.* 1. *c.* 13. within ſix months after they ſhall be admitted into ſuch preferment, *&c.*; and alſo perſons who by 25 *Car.* 2. *c.* 2. RECUSANTS, are required to make the declaration againſt tranſubſtantiation, ſhall make the ſaid declaration at the ſame time. *ſ.* 3.

Nothing in this act ſhall extend to any perſon beyond the ſeas, ſo as ſuch perſon do within ſix calendar months after his return to *England*, take the oaths, and receive the ſacrament, and make the declaration againſt tranſubſtantiation, in caſes wherein the ſacrament ought to have been received, and the declaration made. *ſ.* 4.

Perſons that ſhall neglect to take the oaths, or to make the declaration, ſhall incur the penalties in 1 *Geo.* 1. *c.* 13. or 25 *Car.* 2. *c.* 2. *ſ.* 5.

All powers in the ſaid act, touching the taking the oaths, and making the declaration, ſhall be in force, except only as to the alteration in reſpect of the time. *ſ.* 6.

By 6 *Geo.* 3. *c.* 53. The oath of abjuration is to be adminiſtered in ſuch manner and form as herein after preſcribed; (that is to ſay),

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare, in my conſcience, before God and the world, that our ſovereign lord king* George *is lawful and rightful king of this realm, and all other his majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, That I do believe, in my conſcience, that not any of the deſcendants of the perſon who pretended to be prince of* Wales, *during the life of the late king* James *the IId. and, ſince his deceaſe, pretended to be, and took upon himſelf the ſtile and title of king of* England, *by the name of* James *the third, or of* Scotland, *by the name of* James *the eighth, or the ſtile and title of king of* Great Britain, *hath any right or title whatſoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuſe, and abjure, any allegiance or obedience to any of them. And I do ſwear, that I will bear faith and true allegiance to his majeſty king* George, *and him will defend to the utmoſt of my power, againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon, crown, or dignity. And I will do my utmoſt endeavour to diſcloſe and make known to his majeſty, and his ſucceſſors, all treaſons and traiterous conſpiracies, which I ſhall know to be againſt him or any of them. And I do faithfully promiſe, to the utmoſt of my power, to ſupport, maintain and defend, the ſucceſſion of the crown, againſt the deſcendants of the ſaid* James, *and againſt all other perſons whatſoever, which ſucceſſion, by an act entitled,* An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject, *is, and ſtands limited to the princeſs* Sophia, *electreſs and ducheſs dowager of* Hanover, *and the heirs of her body being proteſtants. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs words by me ſpoken, and according to the plain common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promiſe, heartily, willingly, and truly, upon the true faith of a Chriſtian.*

And

And the aſſurance, in ſuch manner as after preſcribed; that is to ſay,

I A. B. *do, in the ſincerity of my heart, aſſert, acknowledge, and declare, that his majeſty king* George *is the only lawful and undoubted ſovereign of this realm, as well* de jure, *that is, of right king, as* de facto, *that is, in the poſſeſſion and exerciſe of the government. And therefore I do promiſe and ſwear, that I will with heart and hand, life and goods, maintain and defend his right, title, and government, againſt the deſcendants of the perſon who pretended to be prince of* Wales *during the life of the late king* James, *and ſince his deceaſe, pretended to be, and took upon himſelf the ſtile and title of king of* England, *by the name of* James *the third, or of* Scotland, *by the name of* James *the eighth, or the ſtile and title of king of* Great Britain, *and their adherents, and all other enemies who, either by open or ſecret attempts, ſhall diſturb or diſquiet his majeſty in the poſſeſſion and exerciſe thereof.*

And all perſons who are enjoined to adminiſter, take, or ſubſcribe the oath of abjuration, and the aſſurance, in the above-mentioned acts contained, ſhall reſpectively adminiſter, take, and ſubſcribe the ſame according to the form in ſuch courts, within ſuch time, in ſuch manner, and with obſervance of the ſame requiſites, and with benefit of the ſame ſavings, proviſoes, and indemnities, as by the acts are directed; and in caſe of neglect or refuſal, they ſhall be liable to the ſame penalties and diſabilities as by the laws aforeſaid are enacted. *ſ.* 1.

The oath of abjuration by this act ſhall be the oath to be taken in *Ireland*, and the reſt of his majeſty's dominions; and the indemnities given by 1 *Geo.* 1. ſhall continue as to *Ireland*, as if this act had never been made. *ſ.* 2.

By 29 *Geo.* 3. *c.* 40. Every perſon who ſhall on or before *Dec.* 25, 1789, take and ſubſcribe the oaths, declarations, and aſſurance, in ſuch caſes wherein by law the ſaid oaths, declarations, and aſſurance, ought to have been taken by 1 *Geo.* 1. *c.* 13. or by any other act; and receive the ſacrament of the Lord's ſupper, and make the declaration againſt tranſubſtantiation, in ſuch caſes wherein the ſacrament ought to have been received, and the declaration made; or take and ſubſcribe the oath directed by 18 *Geo.* 2. *c.* 20. *concerning the qualifications of juſtices of peace*, in ſuch caſes wherein the ſaid oath ought to have been taken, ſhall be indemnified from all penalties incurred by any former neglect of taking the ſaid oaths, *&c.* *ſ.* 1.

This act ſhall not indemnify any perſon againſt whom final judgment ſhall have been given in any action of debt, *&c.* in any court of record for any penalty incurred by having neglected to qualify himſelf. *ſ.* 2.

Nor exempt any juſtice from the penalties to which he is ſubject for acting without being poſſeſſed of the qualification required by law. *ſ.* 3.

This act ſhall not reſtore any perſon to any office or thing already avoided by judgment of any court of record, already filled up by any other perſon. *ſ.* 4.

Odio et atia.

Magna Charta, 9 *Hen.* 3. *c.* 26. Nothing ſhall be given for a writ of inquiſition, nor taken of him that prayeth inquiſition, of life or of member, but it ſhall be granted freely.

By *Stat. Weſtm.* 1. 3 *Edw.* 1. *c.* 11. Inqueſts taken by the ſheriff, and by writ of *odio et atia*, concerning men indicted of murder, ſhall be taken by lawful men choſen by oath (of whom two at leaſt ſhall be knights), which by no affinity with the priſoners, nor otherwiſe, are to be ſuſpected.

Officers.

By 12 *Ric.* 2. *c.* 2. The chancellor, treaſurer, keeper of the privy ſeal, ſteward of the king's houſe, the king's chamberlain, clerk of the rolls, the juſtices of the one bench and the other, barons of the exchequer, and all other that ſhall be called to name juſtices of peace, ſheriffs, eſcheators, cuſtomers, comptrollers, or any other officer of the king, ſhall be ſworn, that they ſhall not name juſtices of peace, *&c.* nor other officer, for gift nor brocage, favour nor affection, nor that any which purſueth to be in any office, ſhall be put in the ſame office, or any other, but that they make all ſuch offices of the beſt and lawfulleſt men to their knowledge.

By 2 *Hen.* 6. *c.* 10. Officers made by the king's letters patent within the courts, which have power by their offices to make clerks and miniſters within the courts, ſhall be ſworn to make ſuch clerks and miniſters for whom they will anſwer.

By 5 *&* 6 *Edw.* 6. *c.* 16. If any perſon bargain or ſell any office or deputation, or any part of them, to receive money or other profit, or take any promiſe or aſſurance to have any money or profit for any office or deputation, or any part of them, or to the intent that any perſon ſhould have any office or deputation, or any part of them, which office ſhall in any wiſe touch or concern the adminiſtration or execution of juſtice, or the receipt, controlment, or payment, of any of the king's treaſure, revenue, auditorſhips, or ſurveying of lands, or the king's cuſtoms, or any adminiſtration or neceſſary attendance in the cuſtom houſes, or the keeping of any of the king's fortreſſes, or which ſhall concern any clerkſhip in any court of record wherein juſtice is to be miniſtered; every ſuch perſon that ſhall bargain or ſell any of the ſaid offices or deputations, or that ſhall take any money or profit, *&c.* ſhall not only loſe all his right and eſtate in the office, or the gift or nomination of the office, but alſo ſuch perſon that ſhall give any money, or make any promiſe or aſſurance for the offices, *&c.* ſhall be adjudged a diſabled perſon to have the ſaid office, *&c.* *ſ.* 2.

All ſuch bargains, agreements, and aſſurances, ſhall be void. *ſ.* 3.

This act ſhall not extend to any office whereof any perſon is ſeiſed of any eſtate of inheritance, nor to any office of parkerſhip, or of the keeping of any park, houſe, manor, garden, chace, or foreſt. *ſ.* 4.

If any perſon offend contrary to this act, yet all acts done by ſuch perſon by authority of the office or deputation, before ſuch perſon be removed from the office, ſhall be good. *ſ.* 5.

This act ſhall not extend to the chief juſtices of the king's bench or common place, or to any juſtices of aſſize, but that they may do concerning offices to be granted by them, as they might have done before. *ſ.* 7.

For the regulations reſpecting the paymaſter general of the forces, ſee 23 Geo. 3. c. 50. *under the general title* "Soldiers;" *and reſpecting the treaſurer of the navy*, 25 Geo. 3. c. 31. *under the general title* "Ships."

Ouſter le main.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 19. Where the eſcheator or ſheriff ſhall ſeize the lands into the king's hands, and afterwards it be removed out of his hands, by reaſon that he hath no cauſe to ſeize, the iſſues ſhall be reſtored to him to whom the land ought to remain, and which hath ſuſtained the damage.

Outlawry.

By 5 *Edw.* 3. *c.* 12. Where he againſt whom damages be recovered ſhall be outlawed at the king's ſuit, no charter of pardon ſhall be granted of this outlawry, except the chancellor be certified, that the plaintiff is ſatisfied of his damages. And in caſe a man be outlawed before appearance, no ſuch charter ſhall be granted, except the chancellor be certified, that ſuch perſon hath yielded himſelf to priſon before the juſtices; and if the writ of exigent iſſued from juſtices of *oyer* and *terminer*, and they be riſen, he ſhall yield him in the king's bench; and the ſaid juſtices before whom they ſhall yield them, ſhall cauſe the plaintiff to be warned at a certain day, at which day if the warning be fully witneſſed, and the plaintiff appear, they ſhall plead upon the firſt original as though no outlawry had been; and if the plaintiff come not, he that is outlawed ſhall be delivered by his charter. And all ſuch charters ſhall be of the grace of the king, as before.

By 5 *Edw.* 3. *c.* 13. If any will defeat any outlawry pronounced upon him by witneſſing impriſonment, he ſhall yield himſelf to priſon, and the juſtices of the king's bench ſhall cauſe the party, at whoſe ſuit the outlawry was pronounced, to be warned to be before them at a certain day; at which day, if the party will verify, that the witneſſing is untrue, his averment ſhall be received. And in like manner the king's ſerjeant or attorney, or other that will ſue for the king, ſhall be received to the ſame averment, where ſuch outlawry is pronounced at the king's ſuit.

By 18 *Edw.* 3. *ſt.* 1. Of receivers of the king's money, which the ſame detain; of lay miniſters which receive the king's money, and the ſame retain; alſo of conſpirators, confederators, and maintainers of falſe quarrels; alſo of them that bring routs into the preſence of juſtices, or other the king's miniſters, or elſewhere in counties, in affray of the people; and of them which bring in falſe money in deceit of the people; againſt all theſe in caſe they may not be found, nor brought in to anſwer by attachment or diſtreſs, the exigent ſhall be given.

By 18 *Edw.* 3. *ſt.* 2. *c.* 5. No exigent ſhall go where a man is indicted of treſpaſs, if it be not againſt the peace, or of things contained in the laſt parliament.

By 25 *Edw.* 3. *ſt.* 5. *c.* 17. Like proceſs ſhall be made in writ of debt, detinue of chattels, and taking of cattle, by writ of *capias* and proceſs of *exigend*, as is uſed in the writ of account.

By 1 *Hen.* 5. *c.* 5. In every original writ of actions perſonals, appeals, and indictments, in which the exigent ſhall be awarded to the names of the defendants, additions ſhall be made of their eſtate, and of the towns and counties of the which they were converſant; and if omitted, utlagaries pronounced ſhall be void; and before pronounced the writs and indictments ſhall be abated by the exception of the party. But though the ſaid writs be not according to the records and deeds, by the ſurpluſage of the additions aforeſaid, for that cauſe they be not abated; and the clerks of the chancery, under whoſe names ſuch writs ſhall go forth, ſhall not leave out the additions upon pain to be puniſhed, and to make a fine to the king by the diſcretion of the chancellor.

By 6 *Hen.* 8. *c.* 4. If any writ of exigent ſhall be awarded at the ſuit of the king, or other perſon, in any action perſonal, againſt any perſon called of any ſhire, or city being a ſhire of itſelf, or late of any ſhire, *&c.* other than ſuch ſhire whereinto ſuch exigent ſhall be awarded; and in every writ of exigent, in action perſonal, whereof the proceſs ſhall be directed into *London* or *Middleſex*, the defendant being called late of *London*, or late of *Middleſex*, and at the time of the exigent awarded not dwelling in *London* nor *Middleſex*; the juſtices, where the exigent ſhall not be directed into *London* nor *Middleſex*, ſhall award a writ of proclamation to the ſheriff of the county, where it doth appear by the uſing of ſuch action, that the defendant is, or lately was dwelling, if the king's writ there be current, and elſe to the next adjoining; and in every action, whereof the exigent ſhall be directed into *London* or *Middleſex*, and the defendants called late of *London* or *Middleſex*, and at the time of the exigent awarded not having their dwelling in *London* or *Middleſex*, the writ of proclamation ſhall be awarded unto the ſheriff of the ſhire, where the defendant ſhall have his dwelling, or in caſe where the king's writ runneth not, unto the next ſhire; the which writ of proclamation ſhall contain the effect of the action, and that the ſheriff make three proclamations within his county, *viz.* two in the full ſhire court, and the third at the general ſeſſions, that the defendant yield himſelf to the ſheriff, ſo that the ſheriff may have the body before the juſtices. *ſ.* 1.

Every ſuch writ of proclamation ſhall have the ſame day of return as the writ of exigent, and ſhall be delivered of record to the ſheriff, and the ſheriff ſhall execute the ſame and make due return, upon pain to forfeit ſuch amerciament as by the diſcretion of the juſtices ſhall be ſet. *ſ.* 2.

The officer, in whoſe office the exigent is taken, ſhall make out the ſaid writs of proclamation. *ſ.* 3.

The officer ſhall take no more for making ſuch writ of proclamation and entering the ſame of record, but 6*d.* *ſ.* 4.

If any outlawry be had in any action perſonal in any foreign county, and no writ of proclamation as aforeſaid awarded and returned; ſuch outlawry ſhall be void, and all outlawries contrary to this act ſhall be avoided by averment, without writ of error. *ſ.* 5.

By 31 *Eliz.* *c.* 3. In every action perſonal, wherein any writ of exigent ſhall be awarded, one writ of proclamation ſhall be made out, having day of *teſte* and return as the writ of exigent ſhall have, directed and delivered of record to the ſheriff of the county where the defendant ſhall be dwelling, which writ of proclamation ſhall contain the effect of the action. And the ſheriff ſhall make three proclamations, *viz.* one in the open county court, one other at the quarter ſeſſions, and one other one month at leaſt before the *quint. exact.* at or near the moſt uſual door of the church or chapel of that town or pariſh where the defendant ſhall be dwelling; and if the defendant ſhall be dwelling out of any pariſh, then in ſuch place of the pariſh, in the ſame county next adjoining, to the place of the defendant's dwelling, and upon a *Sunday* immediately after divine ſervice. And all outlawries had, and no writs of proclamations awarded and returned, according to this ſtatute ſhall be void. And the officer in whoſe office ſuch writs of exigent and proclamation ſhall be made, may take ſuch fees as by the ſtatute 6 *Hen.* 8. *c.* 4.

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is limited; and the ſheriff for the making the proclamation at the church door, ſhall have 12*d.* *ſ.* 1. *See* *ſ.* 2. *under title* "Proceſs."

Before allowance of any writ of error, or reverſing of any outlawry be had, by want of any proclamation according to this ſtatute; the defendant in the original action ſhall put in bail, not only to appear and anſwer the plaintiff in the former ſuit in a new action, but alſo to ſatisfy the condemnation, if the plaintiff ſhall begin his ſuit before the end of two terms after the allowing the writ of error, or avoiding of the outlawry. *ſ.* 3.

By 4 & 5 *Will. & Mar. c.* 18. No perſon outlawed in the king's bench for any cauſe (treaſon and felony excepted), ſhall be compelled to appear in perſon, but may appear by attorney and reverſe the ſame without bail, except where ſpecial bail ſhall be ordered by the court. *ſ.* 4.

If any perſon outlawed in the ſaid court, other than for treaſon and felony, ſhall be taken upon any *capias utlagatum*, it ſhall be lawful for the ſheriff, where ſpecial bail is not required by the court, to take an attorney's engagement under his hand, to appear for the defendant, and reverſe the outlawries; and thereupon to diſcharge the defendant: and where bail is required, the ſheriff may take ſecurity of the defendant by bond with one ſurety, in double the ſum for which bail is required, for his appearance by attorney, and to do ſuch things as ſhall be required by the court. *ſ.* 5.

If any perſon taken upon a *capias utlagatum* ſhall be committed to gaol for default of ſecurity, whenſoever the priſoner ſhall find ſecurity for his appearance by attorney at ſome return in the term then next following, to reverſe the outlawries, *&c.* it ſhall be lawful for the ſheriff to diſcharge the priſoner. *ſ.* 6.

By 4 & 5 *Will. & Mar.* c. 22. *made perpetual by* 7 Will. 3. c. 36. Upon the iſſuing of any exigent for any criminal matter before judgment or conviction, there ſhall alſo iſſue a writ of proclamation, bearing the ſame *teſte* and return, to the ſheriff of the county, *&c.* where the perſon in the record is mentioned to be, according to *ſt.* 31 *Eliz. c.* 3. which writ ſhall be delivered to the ſheriff three months before the return. *ſ.* 4.

Oyer and terminer.

By *Stat. Weſtm.* 2. 13 *Edw.* 1. *c.* 29. The writ of treſpaſs to hear and determine ſhall not be granted before any juſtices, except the juſtices of either bench and juſtices in eyre, and only for a great treſpaſs, where haſty remedy is required: neither ſhall be granted a writ to hear and determine appeals before juſtices aſſigned, but in ſpecial caſe, and when the king ſhall command; but ſuch appellees and indictees may have a writ of *odio et atia*, as in *magna charta*. *Confirmed* 2 Edw. 3. c. 2.

By 33 *Hen.* 8. *c.* 23. If any perſons, being examined by the king's council, or three of them, be vehemently ſuſpected of treaſon, miſpriſion of treaſon or murder; by the king's command, his majeſty's commiſſion of *oyer* and *terminer* under his great ſeal, ſhall be made to ſuch perſons, and into ſuch ſhires, as ſhall be appointed by the king. *ſ.* 1.

If any peer ſhall be indicted of the offences aforeſaid, he ſhall have his trial by his peers. *ſ.* 3.

Palaces.

By 28 *Hen.* 8. *c.* 12.

THE great manſion-houſe purchaſed by the king, late parcel of the poſſeſſions of the archbiſhop of *York*, and the park, and the ſoil of the ancient palace at *Weſtminſter*, ſhall be the king's whole palace at *Weſtminſter*; and ſhall extend in all the ſtreet leading from *Charing-croſs* to the *Sanctuary-gate* at *Weſtminſter*, and in all the tenements on both ſides of the ſtreet from the ſaid croſs to *Weſtminſter-hall*, ſituate between the *Thames* on the eaſt, and the park wall on the weſt. *ſ.* 1.

The ſaid palace ſhall have within the precinct before expreſſed all prerogatives to the king's palace belonging. Saving to all perſons all right, *&c.* *ſ.* 2.

This act ſhall not be prejudicial to the keeper of the palace of *Weſtminſter*, his heirs or aſſigns. *ſ.* 3.

By 33 *Hen* 8. *c.* 12. All treaſons, miſpriſions of treaſons, murders, manſlaughters, bloodſheds, and other malicious ſtrikings, by reaſon whereof blood is ſhed, againſt the king's peace, which ſhall be done within any the palaces or houſes of the king, or any other houſe at ſuch time as his majeſty ſhall be then abiding in perſon, ſhall be enquired of, tried, heard and determined, within any the king's palaces or other houſes, where his majeſty ſhall repair unto, or be abiding, in manner following; *viz.* before the lord great maſter or lord ſteward of the king's moſt honourable houſhold, and in his abſence, before the treaſurer and controller of the houſhold, and ſteward of the marſhalſey, or two of them, whereof the ſteward of the marſhalſey to be one, without any commiſſion other than this act; which ſteward of the marſhalſey ſhall be appointed by writing, under the ſeal of the lord great maſter or lord ſteward. And where the king ſhall be removed from the palace where ſuch offences were done, yet ſuch offences ſhall be enquired of, tried, heard and determined, before the officers before named, by the inquiſition and verdict of his highneſs's houſhold ſervants in his check-roll, and at ſuch palace or houſes where his majeſty ſhall be abiding. *ſ.* 1.

All returns of proceſs, and all executions and judgments concerning the premiſes, ſhall be done by the officers. *ſ.* 2.

All inquiſitions upon the view of perſons ſlain within any the king's palaces or houſes aforeſaid, ſhall be taken by the coroner of the houſhold, without any aſſiſting of another coroner of any ſhire, by the oath of twelve of the yeomen officers, returned by the two clerks controllers, the clerks of the check, and the clerks marſhals, or one of them,

them, to whom the coroner of the houſhold ſhall direct his precept, which coroner ſhall be aſſigned by the lord ſteward; and the coroner of the houſhold ſhall certify all ſuch inquiſitions upon the view of dead bodies ſlain within the ſaid palaces or houſes before the lord ſteward, and in his abſence, before the treaſurer, controller, and ſteward of the marſhalſey, or two of them, whereof the ſteward to be one. *ſ.* 3.

The ſaid two clerks controllers, clerks of the check, and clerks marſhals, or one of them, upon a precept made by the lord great maſter, *&c.* ſhall have power to ſummon and return twenty-four yeomen officers of the houſhold in the check-roll, to enquire of ſuch treaſons, miſpriſion of treaſons, murders, man-ſlaughters, and other malicious ſtrikings, by reaſon whereof blood is ſhed againſt the king's peace, before the lord great maſter, *&c.* *ſ.* 4.

And if any be indicted before them as aforeſaid, or by inquiſition before the coroner, and certified before the lord great maſter, *&c.* the ſaid lord great maſter, *&c.* ſhall arraign ſuch perſons indicted; and after iſſue joined the ſame day and place, or any other day and place, at the pleaſure of the lord great maſter, *&c.* ſhall make another precept to the clerks controllers, clerks of the check, and clerks marſhals, or one of them, to ſummon and return one other jury of 24 perſons, of the ſervants and gentlemen officers of the king's chamber, and of the houſhold, which take wages by the check-roll; and the lord grand maſter, *&c.* ſhall cauſe 12 of the jury to be ſworn, without any challenge to be allowed, malice only excepted; and if any ſuch perſon be found guilty of treaſon, miſpriſion of treaſon, murders or manſlaughters, he ſhall have judgment of life and member, and forfeit lands and goods, as if found guilty of the ſaid offences by the order of the common law without benefit of clergy. *ſ.* 6.

If any perſon ſo arraigned be found guilty for malicious ſtriking, by reaſon whereof blood is ſhed againſt the king's peace within the ſaid palace or other houſe, ſuch perſon ſhall have judgment by the ſaid lord great maſter, *&c.* to have his right hand ſtricken off before the lord great maſter, *&c.* the execution to be done by ſuch as the lord great maſter, *&c.* ſhall appoint, and alſo ſhall have judgment to have perpetual impriſonment, and ſhall pay fine and ranſom at the king's pleaſure. *ſ.* 7.

The ſerjeant ſurgeon, or his deputy, ſhall be ready at the execution to ſear the ſtump, when the hand is ſtricken off. *ſ.* 8.

The ſerjeant of the pantry to give bread to the party. *ſ.* 9.

The ſerjeant of the cellar with a pot of red wine, to give the party drink. *ſ.* 10.

The ſerjeant of the ewry with cloths for the ſurgeon to occupy. *ſ.* 11.

The yeoman of the chandry ſhall have ſeared cloths for the ſurgeon. *ſ.* 12.

The maſter cook ſhall bring a dreſſing knife, and deliver it to the ſerjeant of the larder, who ſhall hold it upright till execution be done. *ſ.* 13.

The ſerjeant of the poultry ſhall be ready with a cock for the ſurgeon to wrap about the ſtump. *ſ.* 14.

The yeoman of the ſcullery to make a fire of coals, and make ready ſearing-irons. *ſ.* 15.

The ſerjeant ſerror ſhall bring the ſearing-irons. *ſ.* 16.

The groom of the falcery ſhall be ready with vinegar and cold water. *ſ.* 17.

The ſerjeant of the wood-yard ſhall bring a block, with a betil, a ſtaple, and cords to bind the hand. *ſ.* 18.

If any perſon ſo indicted of treaſon, miſpriſion of treaſon, murder, manſlaughter, or malicious ſtriking by reaſon whereof blood is ſhed, and thereof be arraigned and obſtinately refuſe to anſwer, he ſhall be convict, and have judgment as if he were found guilty by verdict; and the clerks controllers, clerks of the check, and clerks marſhal, ſhall appoint a crier. *ſ.* 19.

Provided, that the trial of peers for any offences beforementioned, ſhall be as in time paſt. *ſ.* 20.

The juriſdiction of the marſhalſey court and circuit of the verge ſhall be uſed by the officers of the ſame as heretofore, for murders, felonies, offences, and all treſpaſſes, contracts, and other ſuits. *ſ.* 21.

The limits of the houſes within which the offences aforeſaid, ſhall be puniſhed as aforeſaid, ſhall be within any edifices, courts, places, gardens, orchards, or houſes, within the porter's ward, or within any gardens, privy walks, orchards, tilt-yards, wood-yards, tennis-plays, cock-fights, bowling-alleys, near adjoining to the houſes, and being part of the ſame, or within two hundred foot of the ſtandard of any outward gate of the houſes commonly uſed. *ſ.* 24.

This act concerning malicious ſtrikings ſhall not extend to any perſon that ſhall ſtrike his ſervants within the palace with his hands, or with any ſmall ſtick, for correction for any offences; nor to any of the king's officers that in executing of their office ſhall ſtrike any perſon with their hands, or with any ſmall ſtick, or with a tip-ſtaff; nor to any other that in doing ſervice at any triumph, or any other time of ſervice, by the king's command, or of any of his council, or other his head officers, ſhall for the executing of their ſervice, ſtrike any perſon with their hands or any ſmall ſtaff or tip-ſtaff; except the perſon ſtricken die of the ſame within one year. *ſ.* 26.

Papiſts.

By 3 *Car.* 1. *c.* 3. In caſe any perſon under the obedience of the king ſhall go or ſend any child, or other perſon, beyond the ſeas, to the intent to be trained up in any abbey, popiſh univerſity or ſchool, or houſe of jeſuits, or in any private popiſh family, and ſhall be there by any popiſh perſon inſtructed in the popiſh religion, to profeſs the ſame, or ſhall ſend any money or other thing under the name of alms, towards the relief of any abbey or religious houſe; every perſon ſo ſending, and every perſon ſent, being convicted upon any information or indictment, ſhall be diſabled to ſue any action in law or ſuit in equity, or to be committee of any ward, or executor or adminiſtrator to any perſon, or capable of any legacy or deed of gift, or to bear any office, and ſhall forfeit all his goods and chattels, and all his lands during life. *ſ.* 1.

No perſon ſent as aforeſaid, that ſhall within ſix months after his return conform to the church of *England*, and receive the ſacrament, ſhall incur the penalties. *ſ.* 2.

Offences againſt this ſtatute may be enquired, heard and determined, before the juſtices of the king's bench, or juſtices of aſſiſe, or gaol-delivery, or of *oyer* and *terminer*, of ſuch counties where the offenders did laſt dwell, or whence they departed out of this kingdom, or where they were taken. *ſ.* 3.

If any perſon ſo ſent ſhall after his return conform to the church of *England*, and receive the ſacrament, he ſhall have his lands reſtored. *ſ.* 4.

By 30 *Car.* 2. *ſt.* 2. No peer ſhall vote or make his proxy in the houſe of peers, or ſit there during any debate; nor any member of the houſe of commons ſhall vote in the houſe, or ſit there during any debate, after

their ſpeaker is choſen; until ſuch peer or member ſhall firſt take the oaths of allegiance and ſupremacy, and ſubſcribe and repeat this declaration following:

I A. B. *do ſolemnly and ſincerely, in the preſence of God, profeſs, teſtify and declare, that I do believe, that in the ſacrament of the Lord's ſupper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt at or after the conſecration thereof by any perſon whatſoever, and that the invocation or adoration of the Virgin* Mary, *or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of* Rome, *are ſuperſtitious and idolatrous. And I do ſolemnly, in the preſence of God, profeſs, teſtify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by* Engliſh *proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever, and without any diſpenſation already granted me for this purpoſe by the pope, or any other authority or perſon whatſoever, or without any hope of any ſuch diſpenſation from any perſon or authority whatſoever, or without thinking that I am, or can be, acquitted before God or man, or abſolved of this declaration, or any part thereof, although the pope, or any other perſon or perſons, or power whatſoever, ſhould diſpenſe with or annul the ſame, or declare that it was null and void from the beginning.*

Which oaths and declaration ſhall be made betwixt nine in the morning and four in the afternoon, by every ſuch peer, at the table in the middle of the houſe, and whilſt a full houſe of peers is there with the ſpeaker in his place; and by every member of the houſe of commons, at the table in the middle of the houſe, and whilſt a full houſe of commons is there ſitting with their ſpeaker in his chair; and the ſame ſhall be done in either houſe in like order, as each houſe is called over. *ſ.* 2.

Every peer of this realm and of the kingdom of *Scotland*, or of *Ireland*, being of the age of 21 years, not having taken the ſaid oaths and made the declaration; and every member of the houſe of commons, not having taken the oaths and made the declaration; and every perſon convicted of popiſh recuſancy, who ſhall come adviſedly into, or remain in the preſence of the king or queen, or ſhall come into the houſe where they reſide, ſhall incur the penalties in this act; unleſs ſuch peer, member, or perſon convicted, do in the next term take the oaths and make the declaration in chancery between nine and twelve in the forenoon. *ſ.* 3.

If any peer of this realm, or member of the houſe of commons, ſhall offend in any the caſes aforeſaid, ſuch peer and member ſhall be adjudged a popiſh recuſant convict, and ſhall be diſabled to hold any office or place of profit or truſt, civil or military, in *England* or *Ireland*, *Wales* or *Berwick*, or in any of his majeſty's iſlands or plantations, and ſhall be diſabled to ſit or vote in parliament, or make a proxy in the houſe of peers, or to ſue in law or equity, or to be guardian of any child, or executor or adminiſtrator of any perſon, or capable of any legacy or deed of gift; and ſhall forfeit for every wilful offence 500 *l.* to be recovered by him that ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*. *ſ.* 4.

It ſhall be lawful for the houſe of peers and houſe of commons to order the members to take the oaths, and make the declaration; and if any peer ſhall, contrary to ſuch order, preſume to ſit without taking the oaths, *&c.* ſuch peer ſhall be diſabled to ſit in the houſe, and give any voice by proxy or otherwiſe, during that parliament. And if any member of the houſe of commons ſhall, contrary to ſuch order, preſume to ſit without taking the oaths, *&c.* ſuch member ſhall be diſabled to ſit in the houſe of commons, or give any voice during that parliament. *ſ.* 5.

Where any member of the houſe of commons ſhall by this act be diſabled to ſit or vote, a new writ ſhall iſſue by warrant from the ſpeaker for the election of a new member to ſerve in the place of ſuch member ſo diſabled. *ſ.* 6.

During the time of taking the ſaid oaths, *&c.* all other matters in the ſaid houſes of parliament ſhall ceaſe; and the oaths, declaration and ſubſcription, with a ſchedule of the names of the perſons who ſhall by this act take the ſame, ſhall be filed in parchment rolls by the clerk of the houſe of lords, and the clerk of the houſe of commons; and none of the peers or members ſhall pay to any ſuch clerk above 12 *d.* for the entry of his taking the oaths; which rolls the clerks are without fee to ſhew to any perſon deſiring the ſame. *ſ.* 9.

This act ſhall not prejudice any perſon for coming into the preſence of the king or queen, who have a licence ſo to do by warrant of ſix privy councillors, by order of council, upon urgent occaſion therein to be expreſſed; ſo as ſuch licence exceed not ten days, and be firſt filed in the petty-bag for any body to view without fee; and no perſon to be licenſed for above thirty days in one year. *ſ.* 10.

If any offender, contrary to this act, ſhall take the oaths, *&c.* in chancery, ſuch perſon ſhall be diſcharged of all penalties of this act; ſo as ſuch diſcharge extend not to reſtore ſuch perſon to any office, nor to any other office, till after one year, nor to diſcharge the forfeiture of 500 *l.* *ſ.* 11.

By 1 *Will. & Mar. ſt.* 1. *c.* 9. It is required, that the lord mayor of *London*, and every juſtice of peace of *London* and *Weſtminſter* and *Southwark*, and of *Middleſex*, *Surrey*, *Kent* and *Suſſex* [*Eſſex*, by 1 *Will. & Mar. c.* 17.], cauſe to be arreſted and brought before him every perſon (not being a merchant foreigner within the ſaid cities or ten miles of the ſame) reputed to be papiſts, and tender him the declaration in 30 *Car.* 2. *ſt.* 2.; and in caſe ſuch perſon refuſe to make the declaration, and ſhall after ſuch refuſal continue within the ſaid cities, or ten miles diſtance from the ſame, he ſhall ſuffer as a popiſh recuſant convict. *ſ.* 2.

Every juſtice of peace ſhall certify every ſubſcription before him taken, and the names of every perſon refuſing, into the king's bench next term, or at the next quarter-ſeſſions; and if the perſon ſo refuſing and certified, ſhall not within the next term or ſeſſions appear in the king's bench or ſeſſions, where ſuch certificate ſhall be returned, and make the declaration, and indorſe his ſo doing upon the certificate, he ſhall be adjudged a popiſh recuſant convict. *ſ.* 3.

Nothing in this act ſhall relate to any foreigner that ſhall be menial ſervant to any ambaſſador or public agent. *ſ.* 5.

By 1 *Will. & Mar. c.* 15. It ſhall be lawful for any two juſtices of peace, to tender to any perſon known or ſuſpected to be a papiſt, the declaration in 30 *Car.* 2. *ſt.* 2. and if ſuch perſon ſhall not make the ſaid declaration, or ſhall forbear to appear before the juſtices, upon notice to him given or left at his place of abode, by any perſon authoriſed by warrant of the two juſtices, ſuch perſon ſhall be ſubject to the penalties in this act. *ſ.* 2.

The juſtices ſhall certify the name and place of abode of every perſon who ſhall refuſe to make the declaration, or to appear before them, as alſo of every perſon who ſhall make the declaration, at the next quarter-ſeſſions to be recorded. *ſ.* 3.

No papiſt or reputed papiſt refuſing or making default as aforeſaid, ſhall have any arms, gunpowder, or ammunition,

tion, other than ſuch neceſſary weapons as ſhall be allowed him by order of the quarter-ſeſſions for the defence of his houſe or perſon. And any two juſtices by warrant may authoriſe any perſons in the day time, with the conſtable, tithingman or headborough, to ſearch for arms or ammunition which ſhall be in the cuſtody of any ſuch papiſt or reputed papiſt, and ſeize the ſame for the uſe of their majeſties, which juſtices ſhall at the next quarter-ſeſſions deliver the arms and ammunition in open court. *ſ.* 4.

Every papiſt or reputed papiſt, who ſhall not within ten days after ſuch refuſal or default as aforeſaid deliver to ſome of the juſtices of peace all arms or ammunition which he ſhall have, or ſhall hinder any perſon authoriſed by two juſtices, to ſearch for and ſeize the ſame, ſuch perſon ſhall be committed to gaol, by warrant of two juſtices, for three months; and ſhall alſo forfeit the arms, and treble the value of them to their majeſties, to be appraiſed by the juſtices at the next quarter-ſeſſions. *ſ.* 5.

Every perſon who ſhall be privy to the concealing the arms or ammunition of any perſon ſo refuſing or making default, or ſhall hinder any perſon authoriſed in ſearching for and ſeizing the ſame, ſhall be committed to gaol by two juſtices for three months, and forfeit treble the value of the arms to their majeſties. *ſ.* 6.

If any perſon ſhall diſcover any concealed arms, *&c.* belonging to any refuſing or making default as aforeſaid, ſo as the ſame may be ſeized, the juſtices upon delivery of the ſame at the quarter-ſeſſions, ſhall by order of ſeſſions allow him a ſum of money amounting to the value of the arms, *&c.* to be aſſeſſed by the ſeſſions, and levied by diſtreſs and ſale of the goods of the perſon offending. *ſ.* 7.

If any perſon, who ſhall have refuſed or made default as aforeſaid, ſhall deſire to ſubmit and preſent himſelf before the juſtices at the quarter ſeſſions, and ſhall in open court make the declaration, and take the oaths in 1 *Will. & Mar. ſt.* 1. *c.* 1. viz. *of allegiance and ſupremacy*, he ſhall be diſcharged of all diſabilities and forfeitures. *ſ.* 8.

No papiſt, or reputed papiſt, refuſing or making default as aforeſaid, ſhall have any horſe above the value of 5 *l.* and any two juſtices of peace by warrant may authoriſe any perſon, with the aſſiſtance of the conſtable, tithingman, or headborough, to ſearch for and ſeize for the uſe of their majeſties all ſuch horſes, which are declared to be forfeited. *ſ.* 9.

If any perſon ſhall be aſſiſting in the concealing any ſuch horſe belonging to any papiſt, or reputed ſo, refuſing or making default as aforeſaid, ſuch perſon ſhall be committed to priſon as aforeſaid by three months, and ſhall forfeit to their majeſties treble the value of ſuch horſes, to be ſettled as aforeſaid. *ſ.* 10.

By 1 *Will. & Mar. c.* 17. The powers by 1 *Will. & Mar. ſt.* 1. *c.* 9. given to the juſtices of peace of *Suſſex* are declared to extend to the juſtices of peace of the county of *Eſſex*. *ſ.* 2.

By 1 *Will. & Mar. c.* 26. Every perſon who ſhall refuſe to make the declaration mentioned in 1 *Will. & Mar. ſt.* 1. *c.* 15. or ſhall refuſe to appear for the making thereof, and ſhall thereupon have his name certified and recorded at the quarter-ſeſſions, ſhall be diſabled to make preſentation, donation, or grant of avoidance, of any eccleſiaſtical living, as fully as if he were a popiſh recuſant convict [*ſee* Recuſants]; and the chancellor and ſcholars of the univerſity of *Oxford* and of *Cambridge* ſhall have the preſentation in the reſpective limits in the act 3 *Jac.* 1. *c.* 5. *ſ.* 2.

Where any perſons are ſeiſed or poſſeſſed of any advowſon of any eccleſiaſtical living, free ſchool or hoſpital, in truſt for any papiſt or popiſh recuſant, ſuch perſons ſhall be diſabled to preſent, or to grant any avoidance; and the reſpective univerſities ſhall have the preſentations; and in caſe any truſtee or mortgagee, or grantee of any avoidance, preſent any perſon to ſuch eccleſiaſtical living, *&c.* without giving notice of the avoidance in writing to the vice-chancellor of the univerſity, to whom the preſentation ſhall belong, within three months after the avoidance, he ſhall forfeit 500 *l.* to the reſpective univerſities, to be recovered in any of their majeſties courts of record. *ſ.* 3 & 4.

The univerſities ſhall not preſent to any eccleſiaſtical living any perſon as ſhall then have any other benefice with cure; and if any ſuch preſentation ſhall be, the ſame ſhall be void. *ſ.* 5.

If any perſon ſo preſented to any benefice with cure ſhall be abſent above ſixty days in one year, the benefice ſhall become void. *ſ.* 6.

If any ſuch perſon ſhall preſent himſelf before the juſtices at the quarter-ſeſſions where his name was recorded, and make the declaration, and take the oaths *of ſupremacy and allegiance*, he ſhall be diſcharged of the diſability. *ſ.* 7.

By 11 & 12 *Will.* 3. *c.* 4. The 100 *l.* mentioned in 3 *Jac.* 1. *c.* 5. [*ſee* Recuſants] ſhall be to the ſole uſe of him who ſhall diſcover and convict any perſon ſo offending. *ſ.* 6.

If any parent, in order to the compelling his proteſtant child to change his religion, ſhall refuſe to allow ſuch child a fitting maintenance, upon complaint, it ſhall be lawful for the lord chancellor to make ſuch order therein as ſhall be agreeable to this act. *ſ.* 7.

By 12 *Ann. ſt.* 2. *c.* 14. Every papiſt, or perſon making profeſſion of the popiſh religion, and every child, not being a proteſtant, under the age of 21 years, of every ſuch papiſt, *&c.* and every mortgagee or truſtee for any papiſt, *&c.* or ſuch child, ſhall be diſabled to preſent to any eccleſiaſtical living, ſchool, hoſpital or donative, or to grant any avoidance; and every ſuch preſentation and grant, and every admiſſion, inſtitution and induction thereupon, ſhall be void; and the univerſity of *Oxford* and of *Cambridge* ſhall reſpectively have the preſentation in the reſpective limits in the act 3 *Jac.* 1. *c.* 5. *ſ.* 1.

When any preſentation ſhall be brought to any ordinary from any perſon who ſhall be reputed to be, or whom ſuch ordinary ſhall have cauſe to ſuſpect to be, a papiſt, or truſtee of any perſon making profeſſion of the popiſh religion, it ſhall be lawful for ſuch ordinary to tender to ſuch perſon, if preſent, the declaration againſt tranſubſtantiation in 25 *Car.* 2. *c.* 2. "Recuſants;" and in caſe ſuch perſon be abſent, the ordinary ſhall, by notice in writing to be left at the place of habitation of ſuch perſon, appoint when and where ſuch perſon ſhall appear before ſuch ordinary, or perſons authoriſed under his ſeal of office; and upon appearance, the ordinary ſhall tender the declaration to the perſon making ſuch preſentation; and in caſe ſuch perſon refuſe to make ſuch declaration, or to appear, ſuch preſentation ſhall be void; and ſuch ordinary ſhall within ten days ſend a certificate under his ſeal of office of ſuch neglect or refuſal to the vice-chancellor of that univerſity to whom ſuch preſentation would belong; and it ſhall be lawful for ſuch univerſity to preſent. *ſ.* 2.

When the preſentation ſhall be brought to any ordinary, he is required, before he give inſtitution, to examine the perſon preſented, upon oath, whether to the beſt of his knowledge and belief, the perſon who made ſuch preſentation be the true patron, or be not truſtee for papiſts, or the children of ſuch, or any other perſon; and if ſuch perſon

preſented ſhall not anſwer directly, ſuch preſentation ſhall be void. *ſ.* 3.

It ſhall be lawful for the reſpective univerſities to whom the preſentation ſhould belong, and their clerks, to exhibit their bill in equity againſt ſuch perſons preſenting, and ſuch as they have reaſon to believe to be the *ceſtuy que truſt*, or any other who they have cauſe to ſuſpect may be able to make any diſcovery of ſecret truſts, to which bill the defendants ſhall anſwer; and in caſe they neglect to anſwer, the bill ſhall be taken *pro confeſſo*; provided that every perſon having fully anſwered, and not knowing of any ſuch truſt for a papiſt, or other perſon diſabled, ſhall be entitled to his coſts to be taxed. *ſ.* 4.

It ſhall be lawful for the court where any *quare impedit* ſhall be depending, at the inſtance of either of the univerſities by motion, to make any rule requiring ſatisfaction upon the oath of ſuch patron and his clerk who ſhall conteſt the right of the univerſity, by examination in court, or by commiſſion, or by affidavit, as the court ſhall find proper; and in caſe it ſhall appear that the patron is but a truſtee for other perſons, then the patron and his clerk ſhall diſcover who ſuch perſons are, and where they live; and upon their refuſal to make ſuch diſcovery, they ſhall be puniſhed as perſons guilty of a contempt; and in caſe ſuch patron or his clerk ſhall diſcover the perſon for whom the patron is a truſtee, the court, upon motion, ſhall make a rule, that the perſon for whom the patron is a truſtee ſhall in court, or before commiſſioners, make the declaration againſt tranſubſtantiation, and likewiſe give ſuch further ſatisfaction upon oath touching the truſt, as the court ſhall think fit; and ſuch perſon required to make the declaration, and neglecting ſo to do, ſhall be eſteemed a popiſh recuſant convict in reſpect of ſuch preſentation. *ſ.* 5.

The anſwer of ſuch patrons, and the perſon for whom they are entruſted, and their clerk, and their examinations and affidavits taken by order of court, or by any ordinary, or the commiſſioners, as aforeſaid (which examinations ſhall be reduced into writing, and ſigned by the party examined), ſhall be evidence againſt ſuch patron and his clerk. *ſ.* 6.

Provided that no ſuch bill, nor any diſcovery to be made by any anſwer thereto, or to any examination as aforeſaid, ſhall be made uſe of to ſubject any perſon making ſuch diſcovery, or not anſwering ſuch bill, to any penalty other than the loſs of the preſentation. *ſ.* 7.

In caſe of any ſuch bill of diſcovery exhibited by either of the univerſities, or their preſentee, no lapſe ſhall incur, nor plenarty be a bar, till after three months from the time that the anſwer ſhall be put in, or the bill be taken *pro confeſſo*, or the proſecution deſerted, provided ſuch bill be exhibited before any lapſe incurred. *ſ.* 8.

The univerſities are entitled to ſue any writ of *quare impedit*, by the name of chancellor and ſcholars of the univerſity of *Oxford* and of *Cambridge* reſpectively, or by their proper names of incorporation, at their election. *ſ.* 9.

In caſe of any truſt for a papiſt diſcovered by anſwer to ſuch bill, or ſuch examination as aforeſaid, it ſhall be lawful for the court to inforce the producing of the deeds relating to the truſts. *ſ.* 10.

Nothing herein before ſhall extend to *Scotland*. *ſ.* 11. *See* "SCOTLAND."

By 1 *Geo.* 1. *c.* 55. All perſons having any eſtate in lands in *England*, *Wales* or *Berwick*, who ſhall be a popiſh recuſant, or papiſt, or educated in the popiſh religion, or whoſe parent ſhall be a papiſt, ſhall within ſix months after they attain the age of 21 years, take the oaths appointed by 1 *Geo.* 1. *c.* 13. and repeat the declaration in 30 *Car.* 2. *ſt.* 2. in the chancery, common pleas, king's bench, or exchequer, or at the quarter-ſeſſions, where ſuch lands, *&c.* lie, between nine and twelve in the forenoon; or ſhall within ſix months after they ſhall come into the poſſeſſion of the profits of any lands, *&c.* regiſter their names and lands, and who are the poſſeſſors thereof, and what intereſt they have in the ſame, and the yearly rent reſerved, if the ſame are let, and if upon leaſe, by whom ſuch leaſe was made, and what fine was paid for ſuch leaſe, in a parchment roll, to be kept by the clerk of the peace; and every perſon whoſe name and eſtate ought to be regiſtered, is to take care that his name be ſubſcribed to ſuch regiſtry in the preſence of two juſtices of peace in open ſeſſions, or by his lawful attorney authoriſed under hand and ſeal; two of the witneſſes to which letter of attorney ſhall make proof of ſuch execution on oath at the quarter-ſeſſions, and two of the juſtices ſhall ſubſcribe their names to ſuch entry, and in default thereof each of the juſtices preſent ſhall forfeit 20*l.* to the king. And the clerks of the peace are to keep rolls, and regiſter the names of all who ſhall come to be regiſtered, or who ſhall ſend any writing to ſuch clerk deſiring him to regiſter their names; and ſhall alſo regiſter the eſtate of ſuch perſons, provided they pay the fees appointed, and apply to enter ſuch regiſtry ten days before the ſeſſions where the entries are to be ſubſcribed; which books, *&c.* they ſhall carry to the quarter-ſeſſions, that all thoſe whoſe names ſhall be regiſtered, or their attornies, may come to the quarter-ſeſſions, and ſubſcribe the names of the perſons regiſtered; and ſuch clerk, *&c.* ſhall alſo keep alphabetical tables of their names, and of the places where the lands lie, and ſhall keep all ſuch warrants of attorney on a file, and enter ſuch warrants on record, and ſhall have for ſuch regiſtering and entry 3 *d.* for every 200 words, and 4 *d.* for every ſearch; and ſuch clerk is to give copies of ſuch regiſters ſubſcribed to every perſon deſiring the ſame, and tendering the fees; and ſhall ſuffer ſuch perſons to examine the ſame with the rolls, and ſhall take 3 *d.* for every 200 words in ſuch copy; and if any clerk of the peace ſhall neglect to do any thing hereby appointed, and be convicted, he ſhall forfeit his office. And if any perſon required to take the oaths, *&c.* or regiſter his name and eſtate, ſhall neither take the ſaid oaths, *&c.* nor regiſter, he ſhall forfeit the inheritance of all ſuch lands, *&c.* not regiſtered, or fraudulently regiſtered, of which he, or any in truſt for him, was ſeiſed at the time of ſuch default, and the full value of the inheritance of all ſuch lands whereof he was not ſeiſed in fee-ſimple; two-thirds to the king, and the other to ſuch perſon, being a proteſtant, as will ſue for the ſame in any the courts at *Weſtminſter*, or in chancery. And the perſon ſuing in chancery ſhall be entitled to ſuch diſcoveries as if he were a purchaſer of the eſtate ſued for, to which bill the defendant ſhall anſwer; and the perſon ſuing for ſuch real eſtate may bring an ejectment upon his own demiſe; and if it ſhall appear on trial that the eſtate ſued for is the eſtate of the perſon neglecting to regiſter, and the defendant ſhall not make it appear that he took the oaths, and repeated the declaration, or that he regiſtered his name and the eſtate ſued for, a verdict ſhall be for the leſſor of the plaintiff, and the leſſor of the plaintiff ſhall have coſts; and by ſuch judgment two third parts of the lands recovered ſhall be veſted in the king, and the other third in the leſſor of the plaintiff. *ſ.* 1.

In caſe ſuch perſon making default, or committing fraud in regiſtering, ſhall before ſuit brought, for a valuable conſideration convey or incumber any ſuch lands, *&c.* the perſons ſo purchaſing, *&c.* not knowing the offender to be within this act, ſhall not be prejudiced; but the offender ſhall forfeit the value of the lands, *&c.* *ſ.* 3.

This

This act ſhall not compel any perſon to regiſter, &c. till he or his truſtees have been ſeiſed, and have notice thereof, or poſſeſſed, or in receipt of the rents, for ſix months. *ſ.* 4.

Nor ſhall it compel any perſon to regiſter lands, &c. whereof he ſhall be only farmer at a rack-rent, or which he ſhall hold by leaſe whereon two thirds of the yearly value are reſerved. *ſ.* 5.

Nor ſhall it prejudice any proteſtant or other creditor who hath any charge on any real eſtate, but the perſon making default ſhall forfeit the value of ſuch charge; one third to the perſon who will ſue, the other two thirds to the crown. *ſ.* 6.

By 3 *Geo.* 1. *c.* 18. No ſuit for any forfeiture contained in the foregoing act for refuſing to regiſter, or for any fraud in ſuch regiſtry, ſhall be commenced after two years after the offence committed. *ſ.* 2.

Where any lands or entire farms lie in more counties than one, the regiſtering in the county where the manſion-houſe doth lie, taking notice that the ſame extend to ſuch other county, ſhall be a ſufficient regiſter. *ſ.* 3.

No ſale for a full conſideration by reputed owners, or perſons in poſſeſſion of the rents and profits to be made only for the benefit of proteſtants, ſhall be avoided for any of the diſabilities in 11 & 12 *Will.* 3. *c.* 4. or in 1 *Jac.* 1. *c.* 4. [*ſee* Recuſants], or other acts made againſt papiſts, unleſs the perſon entitled to take advantage of ſuch diſability ſhall have recovered, &c. or given notice of his claim to ſuch purchaſer, or before the contract for ſuch ſale ſhall have claimed by reaſon of ſuch diſability, and have entered his claim at the ſeſſions of the peace, and with due diligence purſued his remedy. *ſ.* 4.

The clauſe in 11 & 12 *Will.* 3. *c.* 4. by which papiſts are diſabled from purchaſing, ſhall not be hereby altered. *ſ.* 5.

No manors, lands, tenements, hereditaments, or intereſt therein, or rent or profit thereof, ſhall paſs from any papiſt by any deed or will, except ſuch deed within ſix months after date, and ſuch will within ſix months after the teſtator's death, be inrolled in one of the courts of record at *Weſtminſter*, or in the county where ſuch manors, &c. lie, by the *cuſtos rotulorum* and two juſtices and the clerks of the peace, or two of them, whereof the clerk of the peace to be one. *ſ.* 6. *And by* 21 Geo. 3. c. 51. *the deputy clerk of the peace ſhall have the like power as the clerk of the peace.*

By 11 *Geo.* 2. *c.* 17. Every perſon, being reputed owner, or in poſſeſſion of, any lands or hereditaments, who having been a papiſt, or educated in the popiſh religion, hath conformed, or ſhall conform to and profeſs the proteſtant religion, and take the oaths of allegiance, ſupremacy and abjuration, and ſubſcribe the declaration in 30 *Car.* 2. *ſt.* 2. (which ſhall be recorded in one of his majeſty's courts at *Weſtminſter*, or quarter-ſeſſions); and all perſons being proteſtants claiming under ſuch perſons conforming, and not for the benefit of any papiſt, ſhall hold and enjoy ſuch lands, &c. freed from the diſabilities incurred by ſuch owners, or by any other perſons through whom the title ſhall be derived, unleſs the perſon entitled to take advantage of ſuch diſability ſhall recover ſuch lands, &c. by judgment or decree in ſome ſuit to be commenced ſix calendar months at leaſt before the making of ſuch record, and to be proſecuted with diligence. *ſ.* 1.

This act ſhall not prejudice the right of any perſon entitled to take advantage of ſuch diſability, who now is in poſſeſſion, or ſhall have, precedent to the making of ſuch record, been in poſſeſſion, of ſuch lands, &c. two calendar months. *ſ.* 2.

If any ſuch perſon conforming ſhall return to the popiſh religion, ſuch perſon ſhall for ever afterwards be diſabled from having any benefit of this act, and ſhall be liable to the ſame diſabilities as if he had not taken the oaths, &c. *ſ.* 3.

Nothing in this act ſhall prejudice the right of any perſon entitled to any remainder or reverſion, in caſe ſuch perſon ſhall purſue his right by ſuit to be commenced within twelve calendar months after the eſtate on which ſuch remainder or reverſion depends ſhall be determined, or within twelve calendar months after the 29th of *September* 1738, if ſuch precedent eſtate be already determined by the death of any perſons whoſe deaths have been concealed from the perſon entitled, by reaſon of their having been buried beyond the ſeas or in a private manner, and ſhall proſecute ſuch ſuit with diligence. *ſ.* 4.

Every grant of any advowſon of any eccleſiaſtical living, ſchool, hoſpital or donative, and every grant of any avoidance thereof, by any papiſt or perſon making profeſſion of the popiſh religion, or any mortgagee or perſon entruſted for any papiſt, &c. ſhall be void, unleſs ſuch grant ſhall be made *bona fide*, and for a full conſideration, to a proteſtant purchaſer, and only for the benefit of proteſtants; and ſuch grantee ſhall be deemed a truſtee for a papiſt, and they and their preſentees ſhall be compelled to make ſuch diſcovery relating to ſuch grants and preſentations, as by the act 12 *Ann. ſt.* 2. *c.* 14. are directed; and every deviſe to be made by any papiſt of any ſuch advowſon, &c. with intent to ſecure the benefit thereof to the heirs or family of ſuch papiſt, ſhall be void; and ſuch deviſees, and perſons claiming under ſuch deviſees, and their preſentees, ſhall be compelled to diſcover whether ſuch deviſes were not made with the ſaid intent. *ſ.* 5.

By 18 *Geo.* 3. *c.* 60. So much of 11 & 12 *Will.* 3. *c.* 4. as relates to the apprehending or proſecuting popiſh biſhops, prieſts, or jeſuits, or that ſubjects them, or papiſts keeping ſchool, or educating or boarding youth in the realm, to perpetual impriſonment, or that diſables papiſts to inherit, or take by deviſe or limitation, any eſtate, and gives the ſame to the next of kin, being a proteſtant, and ſo much of the ſame act as diſables papiſts to purchaſe, and makes void all eſtates therein, *was repealed.*

Every perſon having or claiming any lands, &c. under titles not hitherto litigated, ſhall enjoy the ſame as if the ſaid act had not been made. *ſ.* 2.

Nothing herein ſhall affect any action now depending, which ſhall be proſecuted with effect, and without delay. *ſ.* 3.

Nothing herein ſhall extend to any perſon but ſuch who ſhall, within ſix calendar months, after the paſſing of this act, or of accruing of his title, being of the age of 21 years, or who, being under the age of 21 years, ſhall, within ſix months after he ſhall attain the age of 21 years, or being of unſound mind, or in priſon, or beyond the ſeas, then within ſix months after ſuch diſability removed, take and ſubſcribe an oath in the following words:

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his majeſty king* George *the third, and him will defend to the utmoſt of my power, againſt all conſpiracies and attempts whatever, which ſhall be made againſt his perſon, crown, or dignity. And I will do my utmoſt endeavour to diſcloſe and make known to his majeſty, his heirs and ſucceſſors, all treaſons and traiterous conſpiracies, which may be formed againſt him or them: and I do faithfully promiſe to maintain, ſupport, and defend, to the utmoſt of my power, the ſucceſſion of the crown in his majeſty's family, againſt any perſon or perſons whatſoever; hereby*

hereby utterly renouncing and abjuring any obedience or allegiance unto the perſon taking upon himſelf the ſtyle and title of prince of Wales, *in the lifetime of his father, and who ſince his death, is ſaid to have aſſumed the ſtyle and title of, king of* Great Britain, *by the name of* Charles *the third, and to any other perſon claiming or pretending a right to the crown of theſe realms: and I do ſwear, that I do reject and deteſt, as an unchriſtian and impious poſition, that it is lawful to murder or deſtroy any perſon or perſons whatſoever, for or under pretence of their being heretics; and alſo that unchriſtian and impious principle, that no faith is to be kept with heretics. I further declare, that it is no article of my faith, and I do renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority of the ſee of* Rome, *or by any authority whatſoever, may be depoſed or murdered by their ſubjects or any perſon whatſoever: and I do declare, that I do not believe that the pope of* Rome, *or any other foreign prince, prelate, ſtate, or potentate, hath, or ought to have, any temporal or civil juriſdiction, power, ſuperiority, or pre-eminence, directly or indirectly, within this realm. And I do ſolemnly, in the preſence of God, profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words of this oath, without any evaſion, equivocation, or mental reſervation, whatever and without any diſpenſation already granted by the pope, or any authority of the ſee of* Rome, *or any perſon whatever; and without thinking that I am or can be acquitted before God or man, or abſolved of this declaration, or any part thereof, although the pope, or any other perſons or authority whatſoever, ſhall diſpenſe with or annul the ſame, or declare that it was null or void.*

Which oath the court of chancery, or any court of record at *Weſtminſter*, the courts of great ſeſſions within *Wales*, and county palatine of *Cheſter*, the courts of chancery or common pleas within the counties palatine of *Lancaſter* and *Durham*, or any court of general or quarter ſeſſions in *England* or *Wales*, may adminiſter, and they are to adminiſter the ſame accordingly: of the taking and ſubſcribing of which oaths a regiſter ſhall be kept in manner preſcribed by the laws requiring oaths from perſons taking offices and employments. *ſ.* 4.

Nothing in this act ſhall extend to any popiſh biſhop, prieſt, jeſuit, or ſchoolmaſter, who ſhall not have taken and ſubſcribed the above oath in the above words, before he ſhall have been apprehended, or any proſecution commenced againſt him. *ſ.* 5.

By 29 *Geo.* 3. *c.* 36. Every deed and will made ſince the 29th of *September* 1717, to paſs any hereditaments from any perſon profeſſing the popiſh religion, though not enrolled, ſhall be good, provided the ſame be enrolled on or before the 1ſt of *December* 1789, in ſuch manner as by the 3 *Geo.* 1. *c.* 18. is directed. *ſ.* 1.

Nothing herein ſhall make good any ſuch deed, will, or leaſe, of the want of enrollment whereof advantage ſhall have been taken, on or before 1ſt *January* 1789. *ſ.* 2.

No purchaſe made for full conſideration of any hereditaments, by any proteſtant for the benefit of proteſtants, ſhall be impeached by reaſon that any deed or will through which the title thereto is derived, hath not been enrolled, ſo as no advantage was taken of [*the want of**] enrollment thereof before ſuch purchaſe was made, and ſo as no decree or judgment hath been obtained for want of the enrollment of ſuch deeds or wills. *ſ.* 3.

* Not in the act.

Nothing herein ſhall make good any grant, leaſe, or mortgage of the advowſon, or right of preſentation to any benefice, prebend, or eccleſiaſtical living, ſchool, hoſpital, or donative, or any avoidance thereof, made by any papiſt in truſt for any papiſt, whether ſuch truſt hath been declared in writing or not. *ſ* 4.

Pardon.

By 2 *Edw.* 3. *c.* 2. Charters of pardon for manſlaughters, robberies, felonies, and other treſpaſſes againſt the peace, ſhall not be granted, but only where the king may do it by his oath, *viz.* where a man ſlayeth another in his own defence, or by misfortune.

Confirmed 4 Edw. 3. c. 13. *and* 10 Edw. 3. c. 3.

By 14 *Edw.* 3. *c.* 15. No pardon of the death of a man, nor of other felony, ſhall be granted, but where the king may do it ſaving the oath of his crown; and if any charter be granted againſt the ſaid ſtatute, the ſame ſhall be holden for none.

By 27 *Edw.* 3. *ſtat.* 1. *c.* 2. In every charter of pardon of felony granted at any man's ſuggeſtion, the ſuggeſtion, and the name of him that maketh it, ſhall be compriſed in the charter; and if the ſuggeſtion be found untrue, the charter ſhall be diſallowed; and the juſtices before whom ſuch charters ſhall be alledged ſhall enquire of the ſuggeſtion.

By 13 *Rich.* 2. *ſtat.* 2. *c.* 1. No pardon ſhall be allowed for murder, or for the death of a man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, unleſs the ſame murder, *&c.* be ſpecified in the charter; and if a charter of the death of a man, be alledged before any juſtices, in which it is not ſpecified, that he of whoſe death any ſuch is arraigned, was murdered or ſlain by await, aſſault, or malice prepenſed, the juſtices ſhall enquire by inqueſt, if he were murdered or ſlain by await, aſſault, or malice prepenſed, and if they find that he was, the charter ſhall be diſallowed.

Confirmed by 16 Ric. 2. c. 6.

By 5 *Hen.* 4. *c.* 2. Becauſe divers thieves being indicted of felonies become provers, to the intent that by brocage they might have their pardons; if any perſon purſue for ſuch thief, attainted by his own confeſſion, to have a pardon, the name of him that purſueth ſhall be put in the charter; and if he to whom ſuch charter is granted, becometh a thief again, the perſon which did purſue, ſhall incur the pain of 100 *l.* to the king's uſe.

By 5 *&* 6 *Will. & Mar. c.* 13. If any charter of pardon be pleaded by any perſon for any felony, the juſtices before whom ſuch pardon ſhall be pleaded, may, at their diſcretion, remand or commit ſuch perſon to priſon, until he enter into a recognizance with two ſureties, for his good behaviour for any time not exceeding ſeven years. *ſ.* 4.

If ſuch pardon be pleaded by a feme covert, or infant, ſuch feme covert, or infant, may find two ſureties, who ſhall enter into a recognizance for him or her being of the good behaviour. *ſ.* 5.

Parliament.

By 4 *Edw.* 3. *c.* 14. A parliament ſhall be holden every year once, or more often if need be.

By

By 36 *Edw.* 3. *c.* 10. A parliament ſhall be holden every year as ordained by ſtatute.

By 5 *Ric.* 2. *ſt.* 2. *c.* 4. All perſons and commonalties, which ſhall have ſummons of parliament, ſhall come to the parliaments as hath been accuſtomed of old times. And every perſon which ſhall have the ſummons (be he archbiſhop, *&c.* duke, earl, baron, baneret, knight of the ſhire, citizen, burgeſs, *&c.*) and do abſent himſelf, (except he can reaſonably excuſe himſelf to the king) ſhall be amerced and otherwiſe puniſhed, as of old times hath been uſed. And if any ſheriff be negligent in making his return of writs of the parliament, or leave out any cities or boroughs which of old times were wont to come to parliament, he ſhall be puniſhed as accuſtomed.

By 12 *Ric.* 2. *c.* 12. The levying of the expences of the knights for the commons of the counties ſhall be made as hath been uſed; and if any lord have purchaſed lands that were wont to be contributory, the ſame ſhall be contributory as before.

By 5 *Hen.* 4. *c.* 6. In caſe of a menial ſervant of a knight of parliament, being horribly beaten and maimed in time of parliament, proclamation ſhall be made that the offender render himſelf in the king's bench within a quarter of a year, and if he do it not, he ſhall be attainted of the fact, and ſhall pay to the party his double damages, to be taxed at the diſcretion of the judges, or by inqueſt, if need be, and ſhall make fine and ranſom at the king's will.

By 7 *Hen.* 4. *c.* 15. The elections of knights of ſhires ſhall be made as followeth, *viz.* at the next county after delivery of the writ, proclamation ſhall be made of the day and place of the parliament, and that all that be preſent ſhall attend to the election of their knights; and then in full county they ſhall proceed to the election freely. And after they be choſen, the names of the perſons ſhall be written in an indenture under the ſeals of them that did chooſe them, and tacked to the writ, which indenture ſhall be the return. And in the writs of parliament this clauſe ſhall be put: *and your election in your full county made, you ſhall without delay, diſtinctly and openly certify, under your ſeal, and the ſeals of them who were concerned in that election, to us in our chancery, at the day and place in the writ contained.*

By 11 *Hen.* 4. *c.* 1. The juſtices aſſigned to take aſſizes, ſhall have power to enquire of returns made contrary to 7 *Hen.* 4. *c.* 15. and if it be found by inqueſt and due examination, that any ſheriff hath made return contrary to the ſtatute, the ſheriff ſhall incur the pain of 100 *l.* to be paid to the king, and the knights ſo unduly returned ſhall loſe their wages of old time accuſtomed.

By 6 *Hen.* 6. *c.* 4. The knights and ſheriffs ſhall have their anſwer and traverſe againſt inqueſts and offices taken before the juſtices of aſſizes, by 11 *Hen.* 4. *c.* 1. and the ſaid knights and ſheriffs ſhall not be indamaged by any ſuch inqueſt till they be duly convict.

By 8 *Hen.* 6. *c.* 7. The knights of the ſhires ſhall be choſen by people dwelling in the ſame counties, whereof every one ſhall have free land or tenements to the value of 40 *s.* by the year. And ſuch as have the greateſt number of them that may expend 40 *s.* by the year, ſhall be returned by the ſheriffs by indentures ſealed betwixt the ſheriffs and the chooſers. And every ſheriff ſhall have power to examine upon the evangeliſts every chooſer, how much he may expend by the year. And if any ſheriff return knights, contrary to the ſaid ordinance, the juſtices of aſſizes ſhall have power to enquire; and if by inqueſt the ſame be found before the juſtices, and the ſheriff be duly attainted, the ſheriff ſhall incur the pain of 100 *l.* and alſo have impriſonment by a year; and the knights returned contrary to the ſaid ordinance, ſhall loſe their wages. Provided that he that may not expend 40 *s.* by year, ſhall in no wiſe be chooſer of the knights of parliament; and in every writ to chooſe knights for the parliament, mention ſhall be made of the ſaid ordinances.

By 11 *Hen.* 6. *c.* 11. If any aſſault or affray be made to any lord, knight of ſhire, citizen, or burgeſs, come to the parliament or other council of the king, by his command, and there being and attending the parliament or other council; proclamation ſhall be three ſeveral days in the moſt open place of the town where the aſſault or affray ſhall be, that the party offending render himſelf before the king in his bench, within a quarter of a year after the proclamation, if it be in term time, or elſe at the next day in term following the ſaid quarter; and if he do it not, he ſhall be attainted of the fact, and pay to the party grieved his double damages, to be taxed by the diſcretion of the juſtices, or by inqueſts, and make fine and ranſom at the will of the king. And if he come, and be found guilty by inqueſt, examination, or otherwiſe, he ſhall pay to the party grieved his double damages found by the inqueſt, or taxed by the diſcretion of the juſtices, and make fine and ranſom at the king's will.

By 23 *Hen.* 6. *c.* 10. The ſheriff in the next county court after the deliverance of the writs for levying the knights wages, ſhall make proclamation, that the coroners and every chief conſtable of the peace, and the bailiffs of every hundred, and all other which will be at the aſſeſſing of the wages, ſhall be at the next county; and the ſheriff, under-ſheriff, coroners, or bailiffs, ſhall be there at the ſame time, upon pain of forfeiture to the king of 40 *s.* at which time the ſheriff, in the preſence of them that ſhall come, and of the ſuitors of the counties, in full county, ſhall aſſeſs every county to pay a certain ſum for the wages of the knights, ſo that the whole ſum of all the hundreds, do not exceed the ſum which ſhall be due to the knights: and after that in the ſame county ſhall aſſeſs every village to a certain ſum, ſo that the whole ſum of all the towns within any hundred do not exceed the ſum aſſeſſed upon the hundred. And the ſheriffs, nor none other officer, ſhall levy more of any village, than that whereunto they were aſſeſſed; and if they do aſſeſs any hundred or village otherwiſe than aforeſaid, they ſhall forfeit to the king 20 *l.* and to any man which will ſue 10 *l.* *ſ.* 1.

The ſheriffs ſhall levy the money aſſeſſed upon the villages, as haſtily as they well may, and the ſame ſhall deliver to the knights, upon the ſaid pains: and he that will ſue, ſhall have a *ſcire facias*; and if the defendant, duly warned, make default, or appear or be convict, the plaintiffs ſhall recover 10 *l.* to their own uſe, over the ſaid 20 *l.* with treble coſts. *ſ.* 2.

The juſtices of the king's bench and of the common pleas, juſtices of aſſizes and gaol delivery, and juſtices of peace, ſhall have power to enquire, hear, and determine, of all the ſaid defaults, as well by enquiry at the king's ſuit, as by action at the ſuit of the parties. And ſuch expences of knights ſhall not be levied of any other places, but where they have been levied before. *ſ.* 3.

In every writ to levy the wages of the knights this act ſhall be comprehended. *ſ.* 4.

By 23 *Hen.* 6. *c.* 14. Every ſheriff, after the delivery of the writ, ſhall make a precept under his ſeal, to every mayor and bailiff of the cities and boroughs, reciting the writ, commanding them by the precept, if it be a city, to chooſe by citizens of the ſame city citizens, and in the ſame manner

manner if it be a borough, by the burgeſſes of the ſame burgeſſes, to come to the parliament; and the mayor and bailiffs ſhall return the precept to the ſheriffs, by indentures between the ſheriff and them, of the ſaid elections, and of the names of the citizens and burgeſſes choſen, and thereupon every ſheriff ſhall make return of ſuch writ, and of every return by the mayors and bailiffs to him made. And every ſheriff that doth contrary to any ſtatute for the election of knights, citizens, and burgeſſes, ſhall incur the pain contained in the ſtatute 8 *Hen.* 6. *c.* 7. and moreover ſhall forfeit to every perſon choſen knight, citizen, or burgeſs, in his county, and not duly returned, or to any other which in default of ſuch knight, citizen, and burgeſs, will ſue, 100*l.* with coſts; and any mayor and bailiffs, *&c.* who ſhall return other than thoſe which be choſen by the citizens and burgeſſes, ſhall forfeit to the king 40*l.*, and moreover ſhall forfeit to every perſon choſen citizen or burgeſs, and not returned, or to any other which in default of ſuch citizen or burgeſs will ſue, 40*l.* with coſts. *ſ.* 1.

Every ſheriff that maketh not due election of knights, in convenient time, *viz.* every ſheriff in his full county between the hours of eight and eleven before noon; and every ſheriff that maketh not true return of ſuch elections, ſhall forfeit to the king 100*l.* and alſo ſhall incur the pain of 100*l.* to him that will ſue againſt him, his executors or adminiſtrators, with coſts. *ſ.* 2.

Provided that every knight, citizen, and burgeſs choſen and not returned, ſhall begin his action of debt within three months after the parliament commenced, to proceed in the ſame effectually, and if he do not, another that will ſue ſhall have the action. And if any knight, citizen, or burgeſs, returned by the ſheriff, after ſuch return be put out, and another put in his place, ſuch perſon ſo put in his place, if he take upon him to be knight, citizen, or burgeſs, at any parliament, ſhall forfeit to the king 100*l.* and 100*l.* to the knight, citizen, or burgeſs, returned by the ſheriff, and put out: and the knight, citizen, or burgeſs, ſo put out ſhall have an action of debt of the ſame 100*l.* againſt ſuch perſon ſo put in his place, his executors or adminiſtrators; provided that he begin his ſuit within three months after the parliament commenced; and if he do not, then he that will ſue ſhall have an action of debt of the ſame 100*l.* againſt him which is put in place of him that is put out after return, his executors or adminiſtrators; and ſuch proceſs ſhall be in the actions aforeſaid, as in a writ of treſpaſs againſt the peace at common law. *ſ.* 3.

By 6 *Hen.* 8. *c.* 16. None of the knights, citizens, burgeſſes, and barons, in any parliament, ſhall depart from parliament, nor abſent himſelf from the ſame, till the parliament be ended or prorogued, except they have licence of the ſpeaker and commons, and the ſame licence to be entered of record in the book of the clerk of the parliament for the commons houſe, upon pain to loſe their wages; and the counties, cities, and boroughs, whereof any ſuch perſon ſhall be elected, ſhall be diſcharged of the wages againſt the ſaid perſons and their executors.

By 33 *Hen.* 8. *c.* 21. The king's royal aſſent by his letters patent under his great ſeal, and aſſigned with his hand, and notified in his abſence to the lords ſpiritual and temporal, and to the commons, aſſembled together in the high houſe, is of as good force as though the king had been perſonally preſent, and had aſſented openly to the ſame. *ſ.* 3.

By 34 & 35 *Hen.* 8. *c.* 13. The county palatine of *Cheſter* ſhall have two knights, and likewiſe two citizens to be burgeſſes for the city of *Cheſter*, to be choſen by proceſs, to be awarded by the chancellor of *England*, unto the chamberlain of *Cheſter*, his lieutenant or deputy; and like proceſs to be made by the chamberlain, *&c.* to the ſheriff of *Cheſter*; the election to be made under like form as is uſed within the county palatine of *Lancaſter*, or any other county and city; which ſhall be knights and burgeſſes in parliament. *ſ.* 1.

By 35 *Hen.* 8. *c.* 11. The ſheriffs of every of the 12 ſhires in *Wales*, and in the county of *Monmouth*, ſhall have power to levy the knights fees and wages, and the ſame ſhall pay to ſuch knights or their aſſigns, within two months after ſuch knights ſhall deliver the writ *de ſolutione feodi militis parliamenti*, and every ſheriff making default, to forfeit 20*l.* one moiety to the king, and the other to his uſe that will ſue for the ſame; and if any ſheriff in the ſaid 12 ſhires and county of *Monmouth*, make default, by a longer term than two months, ſuch ſheriff to forfeit for every month 20*l.* *ſ.* 1.

Every mayor and bailiff, and other head officers of cities and towns in the ſaid 12 ſhires, and county of *Monmouth*, within like ſpace of two months after the receipt of the writ *de ſolutione feodi burgenſium parliamenti*, ſhall levy and pay the wages to their burgeſſes, under like pain as before mentioned. *ſ.* 2.

The burgeſſes of the ſaid cities and towns, which be contributory to the burgeſſes wages of the ſhire towns, ſhall be admoniſhed by proclamation, or otherwiſe, by the mayors, bailiffs, or other head officers, to come and give their elections for the ſaid burgeſſes, at ſuch time and place reaſonable, as ſhall be aſſigned by the mayors, *&c.* of the ſhire town, in which elections the burgeſſes ſhall have like voice to elect the burgeſſes of the ſhire towns, as the burgeſſes of the ſhire towns have. *ſ.* 3.

Provided that two juſtices of the peace in every ſhire in *Wales*, and in the county of *Monmouth*, ſhall have power to tax every city and town within the ſhire in *Wales*, and in the county of *Monmouth*, for the rates that the ſaid cities and boroughs ſhall pay towards the burgeſſes within the ſhire towns in *Wales* and the county of *Monmouth*; which rates ſhall be again rated on the inhabitants of every the ſaid cities and boroughs, by four or ſix diſcreet and ſubſtantial burgeſſes thereunto named by the mayor, bailiffs, or other head officers; and thereupon the mayor, *&c.* to collect the ſame, and make payment as aforeſaid, to the burgeſſes of the parliament. *ſ.* 4.

By 1 *Jac.* 1. *c.* 13. If any perſon being arreſted in execution, and by privilege of either houſe of parliament ſet at liberty, the party at whoſe ſuit ſuch execution was purſued, his executors or adminiſtrators, after the privilege of that ſeſſion of parliament, in which ſuch privilege ſhall be granted, ſhall ceaſe, may ſue forth a new writ of execution, as if no ſuch former execution had been ſerved. And no ſheriff or officer, from whoſe cuſtody ſuch perſon arreſted ſhall be delivered by privilege, ſhall be charged for delivering out of execution any ſuch perſon by privilege of parliament ſet at liberty. *ſ.* 2.

This act ſhall not diminiſh any puniſhment, to be by cenſure in parliament inflicted on any perſon, which ſhall make or procure ſuch arreſt. *ſ.* 3.

By 16 *Car.* 2. *c.* 1. The ſitting and holding of parliaments ſhall not be intermitted above three years. *ſ.* 3.

By 25 *Car.* 2. *c.* 9. The county palatine of *Durham* may have two knights for the county, and the city of *Durham* two citizens to be burgeſſes for the ſame city, to ſerve in parliament, to be elected by writ awarded to the lord biſhop of *Durham*, or his chancellor of the county, and precept thereupon by the lord biſhop, or his temporal chancellor, to the ſheriff; the elections of the knights to be made by the greater number of freeholders, as in other

counties, and the election of the burgeſſes for the city of *Durham*, to be made by the major part of the mayor, aldermen, and freemen; which knights and burgeſſes ſhall be returned by the ſheriff, into the chancery, upon the like pains as the ſheriffs of any other county.

By 2 *Will. & Mar. ſt.* 1. *c.* 1. All the acts made in the parliament aſſembled the 13th of *Feb.* 1688, are laws of this kingdom. *ſ.* 2.

By 2 *Will. & Mar. ſt.* 1. *c.* 7. Whereas the lord wardens of the *cinque ports* have claimed as of right a power of nominating to each of the *cinque ports*, the two ancient towns and their members, one perſon whom they ought to elect as a baron or member of parliament, contrary to the ancient uſage and freedom of elections. *ſ.* 1.

It is declared that all ſuch nominations are contrary to law and void. *ſ.* 2.

By 5 & 6 *Will. & Mar. c.* 7. No member of the houſe of commons ſhall be concerned, or any other in truſt for him, in the collecting or managing any of the duties granted by this act, *viz. duties on ſalt and an additional exciſe*, or that ſhall be granted by any other act of parliament; except the commiſſioners of the treaſury, and the officers and commiſſioners for managing the cuſtoms and exciſe, not exceeding the preſent number. *ſ.* 57.

By 5 & 6 *Will. & Mar. c.* 20. No collector, ſupervifor, gauger, or other perſon employed in the collecting or managing the duties of exciſe, ſhall, by word, meſſage, or writing, or in any other manner, endeavour to perſuade any elector to give, or diſſuade any elector from giving his vote, for the choice of any knight, citizen, burgeſs, or baron, to ſerve in parliament, and every perſon offending therein ſhall forfeit 100*l.* one moiety to the informer, the other moiety to the poor of the pariſh, to be recovered by any perſon that ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*; and every perſon convict on any ſuch ſuit, ſhall become diſabled of bearing any office relating to the duty of exciſe, or any other place under their majeſties. *ſ.* 48.

By 6 *Will. & Mar. c.* 2. A parliament ſhall be holden once in three years at leaſt. *ſ.* 1.

Within three years after the determination of every parliament, writs ſhall be iſſued by directions of their majeſties for calling another new parliament. *ſ.* 2.

By 7 *Will.* 3. *c.* 4. No perſon to be elected to ſerve in parliament for any place after the *teſte* of the writ of ſummons, or after the ordering of the writs of election upon the calling of any parliament, or after ſuch place becomes vacant in time of parliament, ſhall before his election give or allow to any perſon having voice in ſuch election, any money, meat, drink, entertainment, or proviſion, or make any preſent or entertainment, or any promiſe or engagement, to give or allow any money, *&c.* to any ſuch perſon in particular, or to ſuch place in general, in order to be elected. *ſ.* 1.

Every perſon ſo giving or allowing, promiſing, or engaging, ſhall be diſabled upon ſuch election to ſerve in parliament for ſuch place. *ſ.* 2.

By 7 & 8 *Will.* 3. *c.* 7. All falſe returns wilfully made of any member to ſerve in parliament are againſt law; and in caſe any perſon ſhall return any member to ſerve in parliament, for any place contrary to the laſt determination in the houſe of commons, of the right of election in ſuch place, ſuch return ſhall be a falſe return. *ſ.* 1.

Every perſon that ſhall be duly elected to ſerve for any place, on falſe return may ſue the officers and perſons making or procuring the ſame, or any of them, and ſhall recover double damages with coſts. *ſ.* 2.

If any officer ſhall wilfully, falſely, and maliciouſly, return more perſons than are required to be choſen by the writ or precept, the like remedy may be had againſt him and the parties that willingly procure the ſame, by the party grieved. *ſ.* 3.

All contracts and ſecurites given to procure any return of any member ſhall be adjudged void; and whoever makes ſuch contract or ſecurity, or any gift or reward, to procure ſuch falſe or double return, ſhall forfeit 300*l.* one third part to his majeſty, another third part to the poor of the county or place concerned, and one third part to the informer with coſts, to be recovered in any of his majeſty's courts at *Weſtminſter*. *ſ.* 4.

The clerk of the crown ſhall enter in a book every ſingle and double return which ſhall come to his hands, and every alteration as ſhall be made by him or his deputy in every ſuch return, to which book all perſons ſhall have free acceſs to ſearch and take copies, paying a reaſonable fee; and the parties proſecuting ſuch ſuit may give in evidence ſuch book, or a copy thereof, relating to ſuch falſe or double return, and ſhall have the like advantage of ſuch proof as they might have had by producing the record itſelf. And in caſe the clerk of the crown ſhall not within ſix days after any return ſhall come to his hands, make ſuch entry, or ſhall make any alteration in any return, unleſs by order of the houſe of commons, or give any certificate of any perſon not returned, or ſhall wilfully neglect to perform his duty in the premiſes, he ſhall forfeit to the party grieved 500*l.* and loſe his office, and be for ever incapable of holding the ſame. *ſ.* 5.

Every information or action grounded upon this ſtatute ſhall be brought within two years after the cauſe of action ſhall ariſe. *ſ.* 6.

Made perpetual, 12 Ann. ſtat. 1. c. 15.

By 7 & 8 *Will.* 3. *c.* 15. Any parliament ſhall not determine by the death of his majeſty, but ſhall continue ſix months, *&c.*

See this act more at large afterwards 6 Ann. c. 7. ſ. 4. *where it is re-enacted. It was alſo enacted by* 4 Ann. c. 8. ſ. 4.

By 7 & 8 *Will.* 3. *c.* 25. When any new parliament ſhall be ſummoned, there ſhall be 40 days between the *teſte* and return of the writs; and the lord chancellor ſhall iſſue out the writs for election of members with as much expedition as may be. And as well upon the calling a new parliament, as in caſe of vacancy during parliament, the writs ſhall be delivered to the officer to whom the execution thereof doth belong, and no other perſon; and ſuch officer upon receipt of the writ ſhall, upon the back thereof, indorſe the day he received the ſame, and forthwith make out the precept to each borough or place; and within three days after the receipt of the writ ſhall deliver ſuch precepts to the proper officer of every ſuch borough, *&c.* and to no other perſon; and ſuch officer upon the back of the precept ſhall indorſe the day of the receipt thereof in the preſence of the party from whom he received ſuch precept, and ſhall forthwith cauſe public notice to be given of the time and place of election, and ſhall proceed to election thereupon within eight days after his receipt of the precept, and give four days notice at leaſt of the day appointed for the election. *ſ.* 1.

Neither the ſheriff nor his under-ſheriff, nor the mayor, bailiff, conſtable, portreeve, or other officer, of any borough, *&c.* to whom the execution of any writ or precept

for electing members doth belong, ſhall pay or take any fee for the making out, receipt, delivery, return, or execution, of any ſuch writ or precept. *ſ.* 2.

Upon every election of any knight of the ſhire, the ſheriff ſhall hold his county court for the election at the moſt public and uſual place of election, and where the ſame has moſt uſually been for 40 years, and ſhall there proceed to election at the next county court; unleſs the ſame fall out to be held within ſix days after the receipt of the writ, or upon the ſame day, and then ſhall adjourn the court to ſome convenient day, giving ten days notice of the time and place of election. And in caſe the election be not determined upon the view, but a poll ſhall be required, the ſheriff or under-ſheriff, with ſuch others as ſhall be deputed by him, ſhall forthwith proceed to take the poll in ſome open place or places; and the ſheriff or under-ſheriff, or ſuch as he ſhall depute, ſhall appoint ſuch number of clerks as ſhall ſeem meet for taking thereof; which clerks ſhall all take the poll in the preſence of the ſheriff, or his under-ſheriff, or ſuch as he ſhall depute; and before they begin to take the poll, every clerk ſhall, by the ſheriff or under-ſheriff, be ſworn truly and indifferently to take the ſame, and to ſet down the names of each freeholder, and the place of his freehold, and for whom he ſhall poll, and to poll no freeholder who is not ſworn, if required by the candidates: and the ſheriff, *&c.* ſhall appoint for each candidate ſuch one perſon as ſhall be nominated by each candidate to be inſpectors of every clerk. *ſ.* 3.

The ſheriff, *&c.* or ſuch as he ſhall depute, ſhall proceed to the polling all the freeholders preſent, and ſhall not adjourn the county court to any other place without the conſent of the candidates, nor ſhall by any unneceſſary adjournment protract the election, but ſhall duly proceed from day to day. *ſ.* 5.

Every ſheriff, under-ſheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept ſhall belong for electing members, ſhall forthwith deliver to ſuch as ſhall deſire the ſame a copy of the poll, paying a reaſonable charge for writing the ſame; and every ſheriff, *&c.* and other officer to whom the execution of any writ or precept for electing of members doth belong, for every wilful offence, contrary to this act, ſhall forfeit to every party grieved 500 *l.* to be recovered by him or his adminiſtrators with coſts. *ſ.* 6.

No perſon ſhall have any vote in electing members, for any truſt-eſtate or mortgage, unleſs ſuch truſtee or mortgagee be in actual poſſeſſion or receipt of the rents; but the mortgager, or *ceſtui que truſt*, in poſſeſſion, may vote for the eſtate. And all conveyances of any hereditaments, in order to multiply voices, or to ſplit the intereſt in any houſes or lands among ſeveral perſons, to enable them to vote at elections of members, are declared to be void, and no more than one voice ſhall be admitted for one houſe or tenement. *ſ.* 7.

No perſon under the age of 21 years ſhall be admitted to give his voice for election of any member. And no perſon ſhall be capable of being elected a member who is not of the age of 21 years; and if any ſuch minor ſhall ſit or vote in parliament, he ſhall incur ſuch penalties as if he had preſumed to ſit and vote without being choſen or returned. *ſ.* 8.

All county courts for the county of *York*, or any other county courts which uſed to be held on a *Monday*, ſhall be begun upon a *Wedneſday*. *ſ.* 9.

The ſheriff of the county of *Southampton*, at the requeſt of one of the candidates for that county, ſhall adjourn the poll from *Wincheſter*, after every freeholder there is polled, to *Newport* in the *Iſle of Wight*. *ſ.* 10.

By 10 & 11 *Will.* 3. *c.* 7. The ſheriff or other officer having the execution and return of any writ for the choice of a member, ſhall, on or before the day that any parliament ſhall be called, and with all convenient expedition, not exceeding 14 days after election, make return of the ſame to the clerk of the crown in chancery, to be filed; and the ſheriff, *&c.* ſhall pay to the clerk of the crown the ancient fees of 4 *s.* for every knight of a ſhire, and 2 *s.* for every citizen, burgeſs, or baron of the cinque ports, and have allowance thereof in his account. *ſ.* 1.

The proper officer of the cinque ports ſhall be allowed ſix days from the receipt of ſuch writ for the delivery of the precept, according to 7 & 8 *Will.* 3. *c.* 25. *ſ.* 2.

Every ſheriff, *&c.* who ſhall not make the returns according to this act ſhall forfeit 500 *l.* one moiety to his majeſty, and the other moiety to him that ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*. *ſ.* 3.

By 11 & 12 *Will.* 3. *c.* 2. No member of the houſe of commons ſhall be capable of being a commiſſioner, or farmer of the duty of exciſe upon beer, *&c.* or a commiſſioner for appeals concerning the ſaid duty, or controlling or auditing the account of the ſaid duty, or of holding in his own name, or in truſt for his uſe, any office or employment touching the farming, collecting, or managing the ſaid duty. *ſ.* 150.

If any member of the houſe of commons ſhall enjoy or execute any office or employment touching the farming, managing, or collecting, the ſaid duty, or determining appeals, or controlling or auditing the accounts of the ſame; ſuch perſon is declared incapable of ſitting, voting, or acting, as a member of the houſe of commons, in ſuch parliament. *ſ.* 151.

By 12 & 13 *Will.* 3. *c.* 3. Any perſon may proſecute any ſuit in any of his majeſty's courts at *Weſtminſter*, or chancery, or exchequer, or the duchy court, or in the court of admiralty, and in all cauſes matrimonial and teſtamentary in the court of arches, the prerogative courts of *Canterbury* and *York*, and the delegates, and all courts of appeal, againſt any lord of parliament, or any of the knights, citizens, and burgeſſes, of the houſe of commons, or their ſervants, or any other perſon entitled to privilege of parliament, at any time immediately after the diſſolution or prorogation of parliament, until a new parliament ſhall meet, or the ſame be re-aſſembled, and immediately after any adjournment of both houſes for above 14 days, until both houſes ſhall meet; and the ſaid courts may, after ſuch diſſolution, prorogation, or adjournment, proceed to give judgment, and to make final decrees and ſentences, and award execution thereupon, any privilege of parliament notwithſtanding. *ſ.* 1.

Provided, that this act ſhall not ſubject the perſon of any of the knights, citizens and burgeſſes, or any other perſon entitled to privilege of parliament, to be arreſted during the time of privilege; nevertheleſs, if any perſon having cauſe of action or complaint againſt any peer, ſuch perſon, after any diſſolution, prorogation or adjournment as aforeſaid, or before any ſeſſions of parliament, may have ſuch proceſs out of his majeſty's courts of king's bench, common pleas, and exchequer, againſt ſuch peer, as he might have had out of time of privilege; and if any perſon have cauſe of action againſt any of the knights, citizens, or burgeſſes, or any other perſon entitled to privilege of parliament, after any diſſolution, prorogation,

or

or ſuch adjournment, &c. ſuch perſon may proſecute ſuch knight, citizen or burgeſs, or other perſon entitled to privilege, in his majeſty's courts of king's bench, common pleas, or exchequer, by ſummons and diſtreſs infinite, or by original bill and ſummons, attachment and diſtreſs infinite, which the ſaid reſpective courts are empowered to iſſue until they enter a common appearance, or file common bail; and any perſon, having cauſe of ſuit or complaint, may in the times aforeſaid, exhibit any bill or complaint againſt any peer, or againſt any of the ſaid knights, citizens or burgeſſes, or other perſon entitled to privilege, in the chancery, exchequer, or duchy court, and proceed thereupon by letter or *ſubpœna* as uſual, and upon leaving a copy of the bill with the defendant, or at his laſt place of abode, may proceed thereon; and for want of an appearance or anſwer, or for non-performance of any order or decree, may ſequeſter the eſtate of the party, as is uſed where the defendant is a peer; but ſhall not arreſt the body of any of the ſaid knights, citizens and burgeſſes, or other privileged perſon, during the continuance of privilege of parliament. *ſ.* 2.

Where any plaintiff ſhall by reaſon of privilege of parliament be ſtayed from proſecuting any ſuit commenced, ſuch plaintiff ſhall not be barred by any ſtatute of limitation, or nonſuited, diſmiſſed, or his ſuit diſcontinued for want of proſecution, but ſhall upon the riſing of the parliament be at liberty to proceed. *ſ.* 3.

No ſuit or proceeding in law or equity againſt the king's original and immediate debtor for the recovery of any debt originally and immediately due unto his majeſty, or againſt any perſon liable to render account unto his majeſty for any part of his revenues, or other original or immediate duty, or the execution of any ſuch proceſs, ſhall be impeached or delayed by privilege of parliament; yet ſo that the perſon of ſuch debtor or accountant, being a peer, ſhall not be liable to be arreſted, or being a member of the houſe of commons, ſhall not, during the continuance of privilege, be arreſted by any ſuch proceedings. *ſ.* 4.

This act ſhall not give any juriſdiction to any court to hold plea in any real or mixt action, in other manner than ſuch court might have done before. *ſ.* 5.

By 12 & 13 *Will.* 3. *c.* 10. No member of the houſe of commons ſhall be capable of being a commiſſioner or farmer of the cuſtoms, or of holding or enjoying in his own name, or in truſt for him, any place or employment touching the farming, collecting, or managing the cuſtoms. *ſ.* 89.

If any member enjoy or execute ſuch place or employment, ſuch perſon is declared incapable of ſitting or voting in ſuch parliament. *ſ.* 90.

No commiſſioner, collector, or other perſon, concerned in collecting or managing the cuſtoms, ſhall by word, meſſage, writing, or in other manner, endeavour to perſuade any elector to give, or diſſuade him from giving, his vote for the choice of any knight of the ſhire, citizen or burgeſs; and every perſon offending therein ſhall forfeit 100 *l.*; one moiety to the informer, the other to the poor of the pariſh, to be recovered in any of his majeſty's courts at *Weſtminſter*; and every perſon convict on ſuch ſuit ſhall become diſabled of ever bearing any office relating to the cuſtoms, or any other place of truſt under his majeſty. *ſ.* 91.

By 2 & 3 *Ann.* *c.* 18. Any ſuit may be commenced and proſecuted in any of her majeſty's courts at *Weſtminſter* againſt any officer or perſon employed in the revenue, or any other place of public truſt, for any miſdemeanor or breach of truſt relating to ſuch office of truſt, or any penalty impoſed by law to inforce the due execution thereof; and no ſuch ſuit or execution thereupon, although ſuch officer be a peer, or of the houſe of commons, or otherwiſe entitled to privilege of parliament, ſhall be ſtayed by privilege. *ſ.* 1.

Nothing in this act ſhall ſubject the perſon of ſuch officer, being a peer, to be arreſted; nor ſubject the perſon of ſuch officer, being of the houſe of commons, to be arreſted during the time of privilege; and againſt ſuch perſon, being of the houſe of commons, ſhall be iſſued ſummons and diſtreſs infinite, or original bill, ſummons, attachment, and diſtreſs infinite, which the reſpective courts are empowered to iſſue, until the party appear. *ſ.* 2.

By 6 *Ann.* *c.* 7. Any parliament ſhall not be diſſolved by the death of her majeſty, her heirs or ſucceſſors, but ſhall continue, if ſitting, for ſix months, unleſs ſooner prorogued or diſſolved by ſuch perſon to whom the crown ſhall come according to the acts for ſettling the ſucceſſion; and if prorogued, it ſhall meet and ſit on the day unto which it ſhall be prorogued, and continue for the reſidue of the ſaid ſix months, unleſs ſooner prorogued or diſſolved. *ſ.* 4.

If there be a parliament in being at the time of the death of her majeſty, her heirs or ſucceſſors, but the ſame happens to be ſeparated by adjournment or prorogation, ſuch parliament ſhall immediately after ſuch demiſe meet and ſit for ſix months, unleſs ſooner prorogued or diſſolved. *ſ.* 5.

In caſe there is no parliament in being at the time of ſuch demiſe that has met and ſat, then the laſt preceding parliament ſhall immediately convene and ſit at *Weſtminſter*, as if the ſaid parliament had never been diſſolved, but ſubject to be prorogued and diſſolved. *ſ.* 6.

Nothing in this act ſhall abridge the power of the queen, her heirs or ſucceſſors, to prorogue or diſſolve parliaments, nor repeal the act 6 *Will. & Mar.* *c.* 2. *ſ.* 7.

The lords juſtices *appointed by the act and by the perſon next in ſucceſſion to queen* Ann, *to continue the government from her death till her ſucceſſor's arrival*, before they act, ſhall take the oaths mentioned in 1 *W. & M.* *ſt.* 1. *c.* 8. and the oath expreſſed in this act, *viz. the abjuration*; which oaths ſhall be taken before the privy council appointed to continue by this act [*See* King]: and all the members of both houſes of parliament, and every member of the privy council, and all officers, civil or military, who ſhall be by this act continued, ſhall take the ſaid oaths, and do all other acts requiſite to qualify themſelves to continue in their offices, in ſuch time and manner, and under ſuch penalties, as they ought to do, had they been newly put into ſuch offices. *ſ.* 18.

This clauſe has been held to relate to after-times beyond the acceſſion of Geo. 1. *for it is repealed by* 1 Geo. 2. ſt. 1. c. 5. ſ. 7. *as to its requiring the taking oaths of office; and by* 1 Geo. 2. ſt. 1. c. 23. ſ. 7. *as to its requiring the taking the oaths or doing other acts requiſite to qualify perſons for offices. But it is not repealed with reſpect to the members of parliament.*

No perſon who ſhall have in his own name, or in truſt for him, any new office or place of profit under the crown, which ſince the 25th of *October* 1705, have been created, or hereafter ſhall have been created; nor any perſon who ſhall be a commiſſioner or ſub-commiſſioner of prizes, ſecretary or receiver of the prizes; nor any controller of the accounts of the army, nor any commiſſioner of tranſports, nor any commiſſioner of the ſick and wounded, nor any agent for any regiment, nor any commiſſioner for wine-licences, nor any governor or deputy-governor of

the plantations, nor any commiſſioner of the navy employed in the out-ports, nor any perſon having any penſion from the crown during pleaſure, ſhall be capable of being elected, or of ſitting or voting as a member of the houſe of commons. *ſ.* 25.

If any perſon being choſen a member of the houſe of commons, ſhall accept of any office of profit from the crown, his election ſhall be void, and a new writ ſhall iſſue for a new election; provided, that ſuch perſon ſhall be capable of being again elected. *ſ.* 26.

No greater number of commiſſioners ſhall be made for the execution of any office than have been employed in the execution of ſuch office before the firſt day of this parliament. *ſ.* 27.

Nothing herein ſhall extend to any member of the houſe of commons, being an officer in her majeſty's navy or army, who ſhall receive any new commiſſion in the army or navy. *ſ.* 28.

If any perſon hereby diſabled to ſit or vote in parliament ſhall be returned for any county, *&c.* ſuch election and return are declared to be void; and if any perſon diſabled by this act ſhall ſit or vote as a member, ſuch perſon ſhall forfeit 500 *l.* to be recovered by ſuch as ſhall ſue for the ſame in *England*. *ſ.* 29.

All the foregoing clauſes in this act were enacted before the union by 4 & 5 Ann. c. 8.

By 6 *Ann. c.* 23. Every perſon who ſhall refuſe to take the oath of abjuration, or being a quaker, to declare the effect thereof (which oath the ſheriff, preſident of the meeting, or chief officer taking poll, at any election of members, at the requeſt of any candidate or other perſon preſent, are required to adminiſter), ſhall not be capable of giving any vote for the election of ſuch member. *ſ.* 13.

By 9 *Ann. c.* 5. No perſon ſhall be capable to ſit or vote as a member of the houſe of commons for any county, city, borough, or cinque port, within *England*, *Wales* and *Berwick*, who ſhall not have an eſtate, freehold or copyhold, for his own life, or ſome greater eſtate in law or equity for his own benefit, in lands or hereditaments, over and above what will clear all incumbrances that may affect the ſame, within *England*, *Wales* and *Berwick*, of the reſpective annual value hereafter limited, *viz.* the annual value of 600 *l.* for every knight of a ſhire, and of 300 *l.* for every citizen, burgeſs or baron, of the cinque ports; and if any perſon who ſhall be elected or returned, as a knight, citizen, burgeſs, *&c.* ſhall not at the time of ſuch election and return be ſeiſed of, or entitled to, ſuch eſtate, ſuch election and return ſhall be void. *ſ.* 1.

Nothing in this act ſhall make the eldeſt ſon, or heir apparent of any peer, or of any perſon qualified to ſerve as knight of a ſhire, uncapable of being elected. *ſ.* 2.

Nothing in this act ſhall extend to either of the univerſities. *ſ.* 3.

No perſon ſhall be qualified within the meaning of this act, by virtue of any mortgage, whereof the equity of redemption is in any other, unleſs the mortgagee ſhall have been in poſſeſſion ſeven years before his election. *ſ.* 4.

Every perſon (except as aforeſaid) who ſhall appear as a candidate, or be propoſed to be elected, ſhall upon reaſonable requeſt (at the time of ſuch election, or before the day prefixed in the writ of ſummons) by any other candidate, or by any two perſons having right to vote at ſuch election, take an oath to the effect following:

I A. B. *do ſwear, that I truly and* bona fide *have ſuch an eſtate in law or equity, to and for my own uſe and benefit, of or in lands, tenements or hereditaments (over and above what will ſatisfy and clear all incumbrances that may affect the ſame), of the annual value of* 600 l. *above reprizes, as doth qualify me to be elected and returned to ſerve as a member for the county of* ——— —— *according to the tenor and true meaning of the act of parliament in that behalf; and that my ſaid lands, tenements or hereditaments, are lying or being within the pariſh, townſhip or precinct, of* ——— *or, in the ſeveral pariſhes, townſhips or precincts, of* ——— ——— *in the county of* ——— ——— *or, in the ſeveral counties of* ——— ——— (as the caſe may be). And in caſe ſuch candidate is to ſerve for any city, borough or cinque port, then the oath ſhall relate only to the value of 300 *l. per annum*. *ſ.* 5.

The oaths aforeſaid may be adminiſtered by the ſheriff or under-ſheriff of any county, or by the mayor, bailiff, or other officer, for any city, borough or port, to whom it ſhall appertain to take the poll, or make the return, or by any two juſtices of peace within *England*, *Wales* and *Berwick*; and the ſaid ſheriff, *&c.* who ſhall adminiſter the oaths, are required to certify the taking thereof into chancery or queen's bench within three months, under penalty of 100 *l.*: one moiety to the queen, and the other moiety to ſuch as will ſue for the ſame, to be recovered with coſts in any of her majeſty's courts at *Weſtminſter*; and if any of the candidates ſhall wilfully refuſe to take the oath, the election and return of ſuch perſon ſhall be void. *ſ.* 6.

No fee ſhall be taken for adminiſtering ſuch oath, or making or filing the certificate, except 1 *s.* for adminiſtering the oath, and 2 *s.* for making the certificate, and 2 *s.* for filing the ſame, under penalty of 20 *l.* to be recovered as aforeſaid. *ſ.* 7.

By 10 *Ann. c.* 19. No commiſſioner, officer, or other perſon concerned in the collecting or managing any of the duties granted by this act, *viz.* duties on ſope and paper, printed ſilk, *&c.* certain ſtamp duties and additional hackney-coaches, ſhall by word, meſſage or writing, or in other manner, endeavour to perſuade any elector to give, or diſſuade any elector from giving, his vote for choice of any knight of the ſhire, commiſſioner, citizen, burgeſs, or baron, for any county, *&c.* and every perſon offending therein, ſhall forfeit 100 *l.*; one moiety to the informer, the other moiety to the poor of the pariſh, to be recovered by any perſon that ſhall ſue for the ſame in her majeſty's courts at *Weſtminſter*, or in the exchequer in *Scotland*; and every perſon convict on ſuch ſuit ſhall become diſabled of ever bearing any office or place of truſt under her majeſty. *ſ.* 182.

By 10 *Ann. c.* 23. All eſtates made to any perſon in any fraudulent manner, on purpoſe to qualify him to give his vote at elections of knights of the ſhire (ſubject to agreements to defeat ſuch eſtate, or to reconveying the ſame), ſhall be againſt thoſe who executed the ſame free and abſolute, and all ſecurities or agreements for the redeeming or defeating ſuch eſtates, or the reconveying thereof, ſhall be void; and every perſon who ſhall make ſuch conveyance, or being privy to ſuch purpoſes, ſhall prepare the ſame, and every perſon, who by colour thereof ſhall give any vote at any election of knights of a ſhire, ſhall forfeit 40 *l.* to any perſon who ſhall ſue for the ſame, to be recovered with coſts in any of her majeſty's courts at *Weſtminſter*. *ſ.* 1.

No perſon ſhall vote for any knight of a ſhire within *England*, in right of lands which have not been charged to the public taxes, church-rates and pariſh-duties, in ſuch proportion as other lands of 40 *s. per annum* within the ſame pariſh or townſhip; and for which ſuch perſon ſhall not have received the rents or profits, or be entitled to have

received

received the ſame, to the value of 40 *s.* to his own uſe for one year before ſuch election; unleſs ſuch lands came to ſuch perſon by deſcent, marriage, marriage-ſettlement, deviſe, or preſentation to ſome benefice, or by promotion to ſome office. And if any perſon ſhall vote in ſuch election, contrary to the meaning hereof, he ſhall forfeit 40 *l.*; one moiety to the poor of the pariſh or pariſhes where the lands lie, and the other moiety to the perſon who ſhall ſue for the ſame in any of her majeſty's courts at *Weſtminſter*. *ſ.* 2.

Repealed as to diſabling from voting for lands not taxed, by 18 Geo. 2. c. 18. ſ. 2. *and* 19 Geo. 2. *c.* 28. ſ. 2. *infra.*

In taking the poll, the ſheriff, or his under-ſheriff and clerks, ſhall enter, not only the place of the elector's freehold, but alſo the place of his abode, and ſhall alſo enter *jurat* againſt the name of every ſuch voter who ſhall take the oath *(which oath is altered by* 18 Geo. 2. c. 18.). And the ſheriff, or returning officer, ſhall, within twenty days after ſuch election, deliver over upon oath (which oath the two next juſtices of peace, one of the *quorum*, are to adminiſter) unto the clerk of the peace, all the poll books of ſuch elections, without any alteration; and in ſuch counties where there are more than one clerk of the peace, the original poll-books to one of ſuch clerks of the peace, and atteſted copies thereof to the reſt, to be kept among the records of the peace. *ſ.* 5.

The ſheriff of the county of *York* ſhall appoint ſeven tables for taking the poll upon any election of knights of the ſhire, at the coſts of the candidates. *ſ.* 6.

The ſheriff of the county palatine of *Cheſter* againſt every election of knights of the ſhire, ſhall cauſe ſeven tables, and no more, to be made at the coſts of the candidates, within the ſhire-hall of the county, for taking the poll, *viz.* two at the upper end, two at each ſide, and one at the lower end of the hall. *ſ.* 7.

If any quaker ſhall upon ſuch election, if required by the candidates, declare the effect of the oath *required of electors* upon his ſolemn affirmation, ſuch quaker ſhall be admitted to vote, and the ſheriff ſhall enter *affirmat* againſt the name of ſuch *quaker*; and in caſe ſuch quaker ſhall be convicted wilfully, falſly and corruptly to have affirmed any thing, which, if the ſame had been in the uſual form, would have amounted to wilful and corrupt perjury, ſuch quaker ſhall incur the penalties of wilful and corrupt perjury. *ſ.* 8.

By 1 *Geo.* 1. *c.* 38. All parliaments ſhall have continuance for ſeven years and no longer, to be computed from the day on which, by the writ of ſummons, any parliament ſhall be appointed to meet; unleſs ſuch parliament ſhall be ſooner diſſolved by his majeſty.

By 1 *Geo.* 1. *c.* 56. No perſon having any penſion from the crown for any term of years, either in his own name, or in truſt for him, ſhall be capable of being elected a member of any houſe of commons. *ſ.* 1.

If any perſon, who ſhall have ſuch penſion, ſhall preſume to ſit or vote, he ſhall forfeit 20 *l.* for every day in which he ſhall ſit or vote there, to him who ſhall ſue for the ſame in any of the courts at *Weſtminſter*, with coſts. *ſ.* 2.

By 2 *Geo.* 2. *c.* 24. Upon every election for any member to ſerve for the commons in parliament, every freeholder, citizen, freeman, burgeſs, or perſon having right to vote, ſhall, before he is admitted to poll, take the following oath (or being a quaker, make the ſolemn affirmation), in caſe the ſame be demanded by either of the candidates, or any two electors, *viz.*

I A. B. *do ſwear* (or being of the quakers, *I* A. B. *do ſolemnly affirm*) *I have not received or had, by myſelf, or any perſon whatſoever in truſt for me, for my uſe and benefit, directly or indirectly, any ſum or ſums of money, office, place or employment, gift or reward, or any promiſe or ſecurity for any money, office, employment or gift, in order to give my vote at this election; and that I hav not been polled at this election.*

Which oath, *&c.* the officer taking the poll is to adminiſter *gratis*, on pain to forfeit 50 *l.* to the perſon that ſhall ſue for the ſame in any court at *Weſtminſter*; and if the offence be committed in *Scotland*, to be recovered by ſummary action or complaint before the court of ſeſſion, or by proſecution before the court of juſticiary there. And no perſon ſhall be admitted to poll until he has taken the oath, if demanded, before the returning officer, or others legally deputed by him. *ſ.* 1.

If any ſheriff, or other returning officer, ſhall admit any perſon to be polled without taking ſuch oath, *&c.* if demanded, ſuch returning officer ſhall forfeit 100 *l.* with coſts; and if any perſon ſhall vote without having firſt taken the oath, *&c.* if demanded, he ſhall incur the ſame penalty. *ſ.* 2.

Every ſheriff, or other returning officer, ſhall, immediately after reading the writ or precept for the election, take and ſubſcribe the following oath, *viz.*

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly received any ſum or ſums of money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promiſe or gratuity whatſoever, either by myſelf, or any other perſon to my uſe, or benefit or advantage, for making any return at the preſent election of members to ſerve in parliament; and that I will return ſuch perſon* (or *perſons*) *as ſhall to the beſt of my judgment appear to me to have the majority of legal votes.*

Repealed as to Scotland *by* 16 Geo. 2. c. 11. ſ. 38.

Which oath any juſtice of peace of the county, city, corporation or borough, where the election ſhall be made, or in his abſence any three of the electors, are required to adminiſter; and the oath ſhall be entered among the records of the ſeſſions. *ſ.* 3.

Votes ſhall be deemed legal, which have been ſo declared by the laſt determination in the houſe of commons; which determination concerning any county, city, borough, cinque port or place, ſhall be final to all purpoſes. *ſ.* 4. *repealed by* 28 Geo. 3. c. 52. *which ſee infra.*

If any returning officer, elector, or perſon taking the oath, *&c.* ſhall be guilty of wilful perjury, or of falſe affirming, and be thereof convicted, he ſhall ſuffer the pains of wilful and corrupt perjury. *ſ.* 5.

No perſon convicted of wilful and corrupt perjury, or ſubornation of perjury, ſhall be capable of voting in any election of a member to ſerve in parliament. *ſ.* 6.

If any perſon, who ſhall claim a right to vote in any ſuch election, ſhall receive any money or other reward, or agree for any money, gift, office, employment, or other reward, to give his vote, or to forbear to give his vote, in any ſuch election; or if any perſon ſhall, by any gift or reward, or by any promiſe or ſecurity for any gift or reward, corrupt or procure any perſon to give his vote, or to forbear to give his vote; the offender ſhall forfeit 500 *l.* to be recovered with coſts; and any perſon offending in the ſaid caſes, after judgment obtained againſt him in any action of debt, *&c.* or ſummary action or proſecution, or being otherwiſe lawfully convicted, ſhall be for ever diſabled to vote in any election of members to ſerve in parliament; and ſhall be for ever diſabled to hold or enjoy any office or franchiſe, as a member of any city, borough or cinque port. *ſ.* 7.

If

If any perſon offending againſt this act ſhall, within 12 months after ſuch election, diſcovet any other perſon offending againſt this act, ſo that the perſon diſcovered be convicted, the perſon diſcovering, and not having before been convicted, ſhall be indemnified from all penalties and diſabilities which he ſhall then have incurred by any offence againſt this act. *ſ.* 8.

Every ſheriff, or other officer, to whom the execution of any writ or precept for electing any member ſhall belong, ſhall, at the time of ſuch election, immediately after the writ or precept, cauſe to be read before the electors this act, and the ſame ſhall alſo be read once every year at the quarter-ſeſſions next after *Eaſter* for any county or city; and at the election of the chief magiſtrate in any borough, town corporate or cinque ports, and at the annual election of magiſtrates and town councellors for every borough in *Scotland*. *ſ.* 9.

Every ſheriff, under-ſheriff, and other officer, to whom the execution of any writ or precept for the electing of members doth belong, ſhall, for every wilful offence contrary to this act, forfeit 50 *l.* to be recovered with coſts. *ſ.* 10.

No perſon ſhall be liable to any incapacity or penalty by this act, unleſs proſecution is commenced within two years after ſuch incapacity, *&c.* ſhall be incurred, and carried on without delay. *ſ.* 11.

This act is extended by 16 Geo. 2. c. 11. ſ. 33. *to electors of commiſſioners for chuſing burgeſſes in* Scotland.

By 6 *Geo.* 2. *c.* 23. Any county court holden on, or adjourned to, a day not prohibited by this act *(the days prohibited were Monday, Friday* or *Saturday)*, or 7 & 8 *Will.* 3. *c.* 25. may be adjourned over from day to day, though the ſame may happen on a *Monday, Friday* or *Saturday*. *ſ.* 2.

This clauſe is ſuperſeded by 18 Geo. 2. c. 18. ſ. 11.

By 8 *Geo.* 2. *c.* 30. As often as any election of peers to repreſent the peers of *Scotland* in parliament, or of any member to ſerve in parliament, ſhall be appointed to be made, the ſecretary at war, or ſuch perſon who ſhall officiate in the place of ſecretary at war, ſhall, before the day appointed for ſuch election, ſend orders in writing for the removal of every regiment, troop or company, or other number of ſoldiers, quartered in any city, borough, town or place, where ſuch election ſhall be to be made, one day at leaſt before the day appointed for ſuch election, to the diſtance of two miles from ſuch city, *&c.* and not to make any approach until one day after the poll ſhall be ended. *ſ.* 1.

In caſe the ſecretary at war, or ſuch perſon who ſhall officiate in the place of ſecretary at war, ſhall neglect to ſend ſuch orders, and ſhall be thereof convicted upon any indictment to be preferred at the next aſſizes, or ſeſſions of *oyer* and *terminer*, for the county where ſuch offence ſhall be committed, or on an information to be exhibited in the court of king's bench within ſix months after ſuch offence, ſuch ſecretary at war, *&c.* ſhall be diſcharged from their offices, and ſhall be diſabled to hold any office or employment in his majeſty's ſervice. *ſ.* 2.

Nothing in this act ſhall extend to the city of *Weſtminſter* or the borough of *Southwark*, in reſpect of the guards of his majeſty; nor to any place where his majeſty, or any of his royal family, ſhall reſide at the time of ſuch election, in reſpect of ſuch troops only as ſhall be attendant as guards to his majeſty, or to ſuch other of the royal family as aforeſaid; nor to any caſtle or fortified place, where any garriſon is uſually kept, in reſpect of ſuch garriſon. *ſ.* 3.

Nothing in this act ſhall extend to any officer or ſoldier, who ſhall have a right to vote at ſuch election. *ſ.* 4.

The ſecretary at war, *&c.* ſhall not be liable to any forfeiture for not ſending ſuch order upon any election on a vacancy, unleſs notice of the making out any new writ ſhall be given to him by the clerk of the crown; which notice he is required to give with all convenient ſpeed. *ſ.* 5.

By 9 *Geo.* 2. *c.* 38. No perſon ſhall be liable to any penalty by the act 2 *Geo.* 2. *c.* 24. *For preventing bribery*, &c. unleſs ſuch perſon ſhall be legally arreſted, or ſerved with proceſs, within two years after any offence againſt the ſaid act committed; ſo as the ſervice of ſuch proceſs be not prevented by ſuch perſon abſconding.

By 11 *Geo.* 2. *c.* 24. Any perſon may commence and proſecute in *Great Britain* or *Ireland*, any ſuit in any court of record or of equity, or of admiralty, and in all cauſes matrimonial and teſtamentary in any court having cognizance, againſt any peer of *Great Britain*, or againſt any of the knights, citizens and burgeſſes of the houſe of commons of *Great Britain*, or againſt their menial or other ſervants, or any other perſon entitled to the privilege of the parliament of *Great Britain*, immediately after the diſſolution or prorogation of any parliament, until a new parliament ſhall meet, or the ſame be re-aſſembled, and immediately after any adjournment of both houſes for above 14 days, until both houſes ſhall re-aſſemble. *ſ.* 1.

This act ſhall not ſubject the perſon of any of the houſe of commons, or any other perſon entitled to privilege of parliament, to be arreſted during the time of privilege; nevertheleſs, it ſhall be lawful for any of the courts of great ſeſſions in *Wales*, courts of ſeſſion in the counties palatine of *Cheſter*, *Lancaſter* and *Durham*, courts of king's bench, common pleas and exchequer, in *Ireland*, after any diſſolution, prorogation, or ſuch adjournment, or before any ſeſſion of parliament, or meeting of both houſes, to uſe ſuch proceeding, and to iſſue the like proceſs againſt any ſuch peer, or againſt any of the knights, citizens and burgeſſes, or other perſons entitled to the privilege of the parliament of *Great Britain*, as the courts of king's bench, common pleas and exchequer, in *England*, are by 12 & 13 *Will.* 3. *c.* 3. empowered to uſe; and it ſhall be lawful for the chancery of *Ireland*, and the court of equity in the exchequer there, to uſe ſuch proceeding, and to iſſue the like proceſs, againſt the perſons aforeſaid, as the chancery of *Great Britain* and the exchequer in *England* are by the ſaid act empowered to uſe; and it ſhall be lawful for any of the other courts before deſcribed, the proceſs whereof is not particularly directed by the ſaid act, or by this act, after any diſſolution, prorogation, or ſuch adjournment, as aforeſaid, or before any ſeſſion of parliament, or meeting of both houſes, to iſſue like proceſs againſt any ſuch peer, or any of the ſaid knights, citizens or burgeſſes, or other perſon entitled to the privilege of parliament, as ſuch courts may now lawfully iſſue againſt perſons not liable to be arreſted. *ſ.* 2.

Where any plaintiff ſhall by privilege of parliament be ſtayed from proſecuting any ſuit commenced, ſuch plaintiff ſhall not be barred by any ſtatute of limitation, or nonſuited, diſmiſſed, nor his ſuit diſcontinued for want of proſecution, but ſhall upon the riſing of the parliament be at liberty to proceed to judgment and execution. *ſ.* 3.

No proceeding in law or equity againſt the king's original and immediate debtor for the recovery of any debt originally and immediately due unto his majeſty, or againſt any perſon liable to render account unto his majeſty for any part of his revenues, or other original and immediate duty, ſhall be ſtayed in any court in *Great Britain* or *Ireland*

land by privilege of the parliament of *Great Britain*; yet ſo that the perſon of ſuch debtor or accountant, being a peer of *Great Britain*, ſhall not be liable to be arreſted upon ſuch ſuit, or being a member of the houſe of commons of *Great Britain*, ſhall not, during the continuance of the privilege of parliament, be arreſted upon any ſuch proceedings. *ſ.* 4.

This act ſhall not give juriſdiction to any court to hold plea in any real or mixt action, in other manner than ſuch court might have done before. *ſ.* 5.

By 13 *Geo.* 2. *c.* 20. The proviſions contained in 10 *Ann. c.* 23. ſhall be extended to tenements in reſpect of which any perſon ſhall vote for the election of any member to ſerve in parliament, for any city or town being a county of itſelf in *England*, wherein perſons have a right to vote in reſpect of hereditaments of the yearly value of 40*s.* And if any perſon ſhall vote for the election of any ſuch member, as a freeholder, not having ſuch an eſtate for one year before the ſame election, he ſhall be ſubject to the like penalties as are by 10 *Ann. c.* 23. impoſed on perſons voting for knights of ſhires, not having the qualifications thereby required. *See* 19 Geo. 2. c. 28. ſ. 2. *infra.*

By 15 *Geo.* 2. *c.* 22. No perſon who ſhall be commiſſioner of the revenue in *Ireland*, or commiſſioner of the navy or victualling offices, nor any deputies or clerks in any of the ſaid offices, or in any of the offices following, *viz.* the office of lord high treaſurer, or the commiſſioners of the treaſury, or of the auditor of the receipt of his majeſty's exchequer, or of the tellers of the exchequer, or of the chancellor of the exchequer, or of the lord high admiral, or the commiſſioners of the admiralty, or of the paymaſters of the army, or of the navy, or of his majeſty's principal ſecretaries of ſtate, or of the commiſſioners of the ſalt, or of the ſtamps, or of appeals, or of wine licences, or of hackney coaches, or of hawkers and pedlars; nor any perſons having any office, civil or military, within the iſland of *Minorca*, or in *Gibraltar*, other than officers having commiſſions in any regiment there only, ſhall be capable of being elected, or of ſitting or voting as a member of the houſe of commons. *ſ.* 1.

If any perſon hereby diſabled ſhall be returned as a member to ſerve in parliament, ſuch election and return are hereby declared void. And if any perſon diſabled by this act to be elected, ſhall preſume to ſit or vote as a member of the houſe of commons, he ſhall forfeit 20 *l.* for every day in which he ſhall ſit or vote in the ſaid houſe, to ſuch perſon who ſhall ſue for the ſame in any court at *Weſtminſter*; and the money ſo forfeited ſhall be recovered with coſts by action of debt, *&c.* in which no eſſoign, *&c.* ſhall be allowed; and ſhall from thenceforth be incapable of taking or holding any office of honour or profit under his majeſty. *ſ.* 2.

Nothing in this act ſhall exclude the treaſurer or comptroller of the navy, the ſecretaries of the treaſury, the ſecretary to the chancellor of the exchequer, or ſecretaries of the admiralty, the under ſecretary to any of his majeſty's principal ſecretaries of ſtate, or the deputy paymaſter of the army; or to exclude any perſon having any office or employment for life, or for ſo long as he ſhall behave himſelf well in his office. *ſ.* 3.

By 18 *Geo.* 2. *c.* 18. Upon every election in *England* or *Wales* of any knight of the ſhire to ſerve in parliament, every freeholder, inſtead of the oath preſcribed by 10 *Ann. c.* 23. before he is admitted to poll, ſhall (if required by any of the candidates, or any perſon having a right to vote) firſt take the oath (or being a *quaker*, the affirmation) following, *viz.*

You ſhall ſwear (or being a quaker, *ſolemnly affirm*) *that you are a freeholder in the county of* ——— *and have a freehold eſtate, conſiſting of* ——— ——— (ſpecifying the nature thereof, and if it conſiſts in meſſuages, lands or tythes, in whoſe occupation the ſame are; and if in rent, the names of the owners or poſſeſſors of the tenements out of which ſuch rent is iſſuing, or of ſome of them), *lying or being at* ——— *in the county of* ——— *of the clear yearly value of forty ſhillings, over and above all rents and charges payable out of, or in reſpect of the ſame; and that you have been in the actual poſſeſſion or receipt of the rents and profits thereof, for your own uſe, above twelve calendar months, or that the ſame came to you, within the time aforeſaid, by deſcent, marriage, marriage ſettlement, deviſe, or promotion to a benefice in a church, or by promotion to an office; and that ſuch freehold eſtate has not been granted or made to you fraudulently, or purpoſe to qualify you to give your vote; and that the place of your abode is at* ——— *in* ——— *and that you are twenty-one years of age, as you believe; and that you have not been polled before at this election.*

Which oath (or affirmation) the ſheriff, under ſheriff, or ſuch ſworn clerk as ſhall be by him appointed for taking the poll, is to adminiſter. And in caſe any perſon taking the ſaid oath or affirmation ſhall thereby commit wilful perjury, and be convicted; and if any perſon do corruptly procure or ſuborn any perſon to take the ſaid oath or affirmation in order to be polled, whereby he ſhall commit ſuch wilful perjury, and ſhall be convicted; they for every ſuch offence ſhall incur ſuch penalties as in 5 *Eliz. c.* 9. & 2 *Geo.* 2. *c.* 25. "PERJURY." *ſ.* 1.

So much of the 10 *Ann. c.* 23. *ſ.* 1. & 12 *Ann. ſt.* 1. *c.* 5. as diſables any perſon to vote for knights of ſhires, in right of any lands or tenements which have not been aſſeſſed as therein mentioned, ſhall be repealed. *ſ.* 2.

No perſon ſhall vote for the electing of a knight of the ſhire to ſerve in parliament in *England* or *Wales*, in right of any meſſuages, lands, or tenements, which have not been aſſeſſed towards ſome aid granted to his majeſty by a land-tax twelve calendar months next before ſuch election. *ſ.* 3.

Provided, that this act ſhall not reſtrain any perſon from voting in right of any rents, or any chambers in the inns of court or inns of chancery, or any meſſuages or ſeats belonging to any offices, by reaſon that the ſame have not been uſually aſſeſſed to the land-tax; and that the acting commiſſioners of the land-tax or three of them, at their meetings for the reſpective diviſions, ſhall ſign and ſeal one other duplicate of the copies of the reſpective aſſeſſments after all appeals determined, and the ſame deliver to the clerks of the peace for their reſpective counties, to be kept amongſt the records of the ſeſſions, to which all perſons may reſort and inſpect the ſame, paying 6*d.*; and the ſaid clerks of the peace or their deputies ſhall give copies of the ſaid duplicates to any perſon requiring the ſame, paying after the rate of 6*d.* for every 300 words. *ſ.* 4.

No perſon ſhall vote in any ſuch election, without having a freehold eſtate in the county for which he votes of the yearly value of 40*s.* over and above all rents and charges payable out of the ſame, or without having been in the actual poſſeſſion or in receipt of the rents and profits thereof, for his own uſe, above 12 calendar months, unleſs the ſame came to him within the time aforeſaid by deſcent, marriage, marriage ſettlement, deviſe, or promotion

tion to any benefice in a church, or by promotion to an office; or ſhall vote in right of any freehold eſtate, which was made to him fraudulently, on purpoſe to qualify him to give his vote; or ſhall vote more than once at the ſame election; and if any perſon vote in any ſuch election contrary to the meaning hereof, he ſhall forfeit to any candidate for whom ſuch vote ſhall not have been given, and who ſhall ſue for the ſame, 40*l.* to be recovered by him, his executors or adminiſtrators, with coſts, by action of debt in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed; and in every ſuch action the proof ſhall lie on ſuch perſon againſt whom the ſame was brought, unleſs the fact on which ſuch action is grounded be the having polled more than once at the ſame election. *ſ.* 5.

No public or parliamentary tax, county, church, or pariſh rate, or any other tax to be aſſeſſed upon any county or diviſion, ſhall be deemed any charge, payable out of any freehold eſtate, within the meaning of this act, or of the oath or affirmation before directed. *ſ.* 6.

At every election in *England* and *Wales*, the ſheriff, or in his abſence the under-ſheriff or ſuch as he ſhall depute, ſhall appoint or erect, at the expence of the candidates, ſuch number of booths or places for taking the poll, as any of the candidates ſhall three days at leaſt before the commencement of the poll deſire; ſo as the ſame do not exceed the number of rapes, lathes, wapentakes, wards, or hundreds within the ſaid county, and not exceeding in the whole the number of 15: and ſhall affix on the moſt public part of each, the name of the rape, *&c.* for which ſuch booth is deſigned; and the ſheriff, *&c.* ſhall appoint a clerk or clerks at each booth to take the poll (who ſhall, at the expence of the candidates, be paid, not exceeding one guinea *per* day each clerk); and the ſheriff or under-ſheriff ſhall alſo make out a liſt for each booth of all the towns, villages, pariſhes, and hamlets, lying wholly or in part in the rape, *&c.* for which ſuch booth is deſigned; and ſhall upon requeſt deliver a copy thereof to any of the candidates, or their agents, taking for each copy 2*s.* and no more. *ſ.* 7.

No ſheriff, under-ſheriff, or clerk, appointed to take the poll at any of the ſaid booths, ſhall admit any perſon to vote for any freehold eſtate ſworn to be at ſome pariſh or place not mentioned in the liſt ſo made out for ſuch booth, unleſs ſuch eſtate lie in ſome place not mentioned in any of the liſts. *ſ.* 8.

The ſheriff, or in his abſence the under-ſheriff, or ſuch as he ſhall depute, ſhall at every ſuch election allow a cheque book for every poll book for each candidate, to be kept by their reſpective inſpectors at every place where the poll ſhall be taken. *ſ.* 9.

When the county court falls out to be held within ſix days after the receipt of the writ, or upon the ſame day, no ſheriff ſhall adjourn ſuch court for longer than 16 days. *ſ.* 10. *See* 7 & 8 Will. 3. c. 25. *ſ.* 3. *ante.*

The 6 *Geo.* 2. *c.* 23. which prohibits the adjourning a county court to a *Monday*, *Friday*, or *Saturday*, is repealed. *ſ.* 11.

In caſe any ſheriff or under-ſheriff, who ſhall preſide at any election of any ſuch knight of the ſhire in *England* and *Wales*, ſhall wilfully offend againſt this act, he ſhall be proſecuted by information or indictment in the court of king's bench, or in the courts of great ſeſſions in *Wales*, or at the ſeſſions for the county palatine of *Cheſter*, *Lancaſter*, and *Durham*, or at the aſſizes for the place where ſuch offence ſhall be committed, in which no *noli proſequi* or *ceſſet proceſſus* ſhall be granted. *ſ.* 12.

It ſhall be ſufficient for the plaintiff in any action of debt given by this act, to ſet forth in the declaration, that the defendant is indebted to him in the ſum of ——— and to alledge the particular offence for which ſuch action is brought, and that the defendant hath acted contrary to this act; without mentioning the writ of ſummons to parliament, or the return thereof: and it ſhall be ſufficient in any indictment or information for any offence contrary to this act, to alledge the particular offence, and that the defendant is guilty thereof, without mentioning the writ of ſummons to parliament or the return thereof: and upon trial of any iſſue in any ſuch action, indictment, or information, the plaintiff, proſecutor, or informer, ſhall not be obliged to prove the writ of ſummons to parliament, or any warrant to the ſheriff grounded upon ſuch writ of ſummons. *ſ.* 13.

Every action, indictment, or information, given by this act, ſhall be commenced within nine calendar months after the fact upon which the ſame is grounded. *ſ.* 14.

All the ſtatutes of jeofails ſhall extend to all proceedings, in any action, indictment, or information, given by this act. *ſ.* 15.

In caſe the plaintiff or informer, in any action, indictment, or information, given by this act, diſcontinue or be nonſuited, or judgment be given againſt him, the defendant ſhall recover treble coſts. *ſ.* 16.

By 19 *Geo.* 2. *c.* 28. Every perſon demanding to vote for the election of any member to ſerve in parliament, for any city or town being a county of itſelf, in *England*, in reſpect of any freehold eſtate of 40*s.* a year, ſhall, before he is admitted to poll (if required by any of the candidates, or other perſon having a right to vote) take the oath (or being a quaker, the affirmation) following, *viz.*

You ſhall ſwear (or being a *quaker*, you ſhall ſolemnly affirm) *that you have a freehold eſtate, conſiſting of* (ſpecifying the nature of ſuch freehold eſtate; and if it conſiſts in meſſuages, lands, or tithes, then ſpecifying in whoſe occupation the ſame are; and if rent, then the names of the owners or poſſeſſors of the tenements out of which it iſſues, or of ſome of them) *lying or being in the city and county or town and county* (as the caſe may be) *of* ——— *of the clear yearly value of* 40*s. over and above all rents and charges payable out of, or in reſpect of the ſame; and that you have been in the actual poſſeſſion or receipt of the rents and profits thereof, for your own uſe, above* 12 *calendar months, or that the ſame came to you within the time aforeſaid, by deſcent, marriage, marriage ſettlement, deviſe, or promotion to a benefice in a church, or by promotion to an office; and that ſuch freehold eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your vote; and that the place of your abode is at* ——— *in* ——— *and that you are* 21 *years of age, as you believe, and that you have not been polled before at this election.*

Which oath the ſheriff or under-ſheriff, or ſuch ſworn clerk as ſhall be by him appointed for taking the poll, is to adminiſter; and in caſe any perſon taking the ſaid oath or affirmation, ſhall thereby commit wilful perjury, and be convicted, and if any perſon corruptly procure or ſuborn any perſon to take the ſaid oath, in order to be polled, whereby he ſhall commit wilful perjury, and ſhall be convicted, they for every ſuch offence ſhall incur ſuch penalties as are inflicted by 5 *Eliz. c.* 9. *&* 2 *Geo.* 2. *c.* 25. "PERJURY." *ſ.* 1.

So much of the 13 *Geo.* 2. *c.* 20. as extends thoſe proviſions of 10 *Ann. c.* 23. *&* 12 *Ann. ſtat.* 1. *c.* 5. which diſable perſons from voting for electing a knight of

the ſhire, in reſpect of tenements which had not been aſſeſſed to the public taxes, church rates, or pariſh duties, to ſuch cities and towns as are counties of themſelves in *England*, is repealed. *ſ.* 2.

No perſon ſhall vote for the electing a member to ſerve in parliament for ſuch a city or town, being a county of itſelf, in *England*, in reſpect of any freehold meſſuages, lands, or tenements, of the yearly value of 40*s.* which have not been aſſeſſed towards ſome aid granted to his majeſty by a land tax in *Great Britain*, 12 calendar months next before ſuch election. Provided that nothing herein ſhall reſtrain any perſon from voting in any ſuch election for cities and towns counties of themſelves, in reſpect of any rents, or any meſſuages or ſeats belonging to any offices, by reaſon that the ſame have not been uſually aſſeſſed to the land tax: and the acting commiſſioners of the land tax, or any three of them, at their meetings, ſhall ſign and ſeal one other duplicate of the copies of the aſſeſſment delivered to them by the aſſeſſors, after all appeals determined; and the ſame ſhall deliver to the perſons officiating as clerks of the peace within the diſtricts of the ſaid cities and towns being counties of themſelves, to be by them kept among the records of the ſeſſions, to which all perſons may reſort and inſpect the ſame, paying 6*d.* and the ſaid perſons officiating as clerks of the peace, or their deputies, ſhall give copies of the ſaid duplicates or any part thereof to any perſon who ſhall require the ſame, paying after the rate of 6*d.* for every 300 words. *ſ.* 3.

No perſon ſhall vote in ſuch election of a member to ſerve in parliament for any city or town being a county of itſelf, and in which perſons have a right to vote in reſpect of lands or hereditaments, of the yearly value of 40*s.* unleſs ſuch perſon ſhall have a freehold eſtate in the city and county, or town and county, for which he votes, of the clear yearly value of 40*s.* over and above all rents and charges payable out of the ſame; and ſhall have been in the poſſeſſion or receipt of the rents and profits thereof, for his own uſe, above 12 calendar months, except the ſame came to him within the time aforeſaid by deſcent, marriage, marriage ſettlement, deviſe, or promotion to any benefice in the church, or by promotion to an office; and no perſon ſhall vote in reſpect of any freehold eſtate which was made to him fraudulently, on purpoſe to qualify him to give his vote, or ſhall vote more than once at the ſame election: and if any perſon vote in any ſuch election contrary to the intent hereof, he ſhall forfeit to any candidate for whom ſuch vote ſhall not have been given, and who ſhall firſt ſue for the ſame, 40*l.* to be recovered by him, or his executors or adminiſtrators, with coſts, by action of debt in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed: and in every ſuch action the proof ſhall lie on ſuch perſon againſt whom the ſame was brought, unleſs the fact on which ſuch action is grounded, be the having polled more than once at the ſame election. *ſ.* 4.

No public or parliamentary tax, church or pariſh rate, or any other tax, rate, or aſſeſſment, to be levied within ſuch cities or towns being counties of themſelves, ſhall be deemed any charge payable out of any freehold eſtate within the meaning of this act, or of the oath or affirmation herein before mentioned. *ſ.* 5.

The ſheriff or ſheriffs of any county or town being a county of itſelf, in *England*, or in his abſence the under-ſheriff or under-ſheriffs, or ſuch perſon as he ſhall depute, ſhall at every election of any member to ſerve in parliament, allow a checque book for every poll book for each candidate, to be kept by their reſpective inſpectors at the place where the poll ſhall be taken. *ſ.* 6.

The ſheriff or ſheriffs of every city or town being a county of itſelf, and having a right to elect a member of parliament, by virtue of the writ iſſuing out of chancery, without any precept thereupon, in *England*, ſhall forthwith, upon the receipt of the writ, cauſe public notice to be given of the time and place of election; and proceed to election within eight days next after that of his receipt of the writ, and give three days notice thereof at leaſt, excluſive of the day of the receipt of the writ and of the day of election. *ſ.* 7.

In caſe any ſheriff or under-ſheriff, preſiding at any election of a member to ſerve in parliament for any ſuch city or town being a county of itſelf, in *England*, ſhall wilfully offend againſt the meaning of this act, he ſhall be liable to be proſecuted by information or indictment in the king's bench in *Weſtminſter*, or at the aſſizes for the city or town where ſuch offence ſhall be committed, in which no *noli proſequi*, or *ceſſat proceſſus* ſhall be granted. *ſ.* 8.

It ſhall be ſufficient for the plaintiff in any action of debt given by this act, to ſet forth in the declaration, that the defendant is indebted to him in the ſum of ———, and to alledge the particular offence for which the action is brought, and that the defendant hath acted contrary to this act; without mentioning the writ of ſummons to parliament, or the return thereof: and it ſhall be ſufficient in any indictment or information for any offence contrary to this act, to alledge the particular offence, and that the defendant is guilty thereof, without mentioning the writ of ſummons to parliament or the return thereof: and upon trial of any iſſue in any ſuch action, indictment, or information, the plaintiff, proſecutor, or informer, ſhall not be obliged to prove the writ of ſummons to parliament, or the return thereof, or any warrant to the ſheriff grounded upon ſuch writ of ſummons. *ſ.* 9.

Every action, indictment, or information, given by this act, ſhall be commenced within nine calendar months after the fact upon which the ſame is grounded. *ſ.* 10.

All the ſtatutes of jeofails ſhall extend to all the proceedings in any action, indictment, or information given by this act. *ſ.* 11.

In caſe the plaintiff or informer, in any action, indictment, or information given by this act, ſhall diſcontinue or be nonſuited, or judgment be given againſt him, the defendant ſhall recover treble coſts. *ſ.* 12.

This act, or any thing therein contained (except ſuch clauſes as are made for allowing cheque books, or for notice of the time and place of election, and proceeding to election thereupon) ſhall not extend to any city or town being a county of itſelf, or to any perſon, where the right of voting for any member of ſuch city or town is in reſpect of burgage tenure; or where the right of voting in reſpect of a freehold does not require the ſame to be of the yearly value of 40*s.* *ſ.* 13.

By 31 *Geo.* 2. *c.* 14. No perſon who holds his eſtate by copy of court roll ſhall be entitled thereby to vote at the election of any knight of a ſhire in *England* and *Wales*: and if any perſon vote in any ſuch election contrary to the intent hereof, every ſuch vote ſhall be void; and every perſon ſo voting ſhall forfeit to any candidate for whom ſuch vote ſhall not have been given, and who ſhall firſt ſue for the ſame, 50*l.* to be recovered by him, his executors, and adminiſtrators, with coſts, by action of debt in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed;

allowed; and in every ſuch action the proof ſhall lie on the perſon againſt whom ſuch action ſhall be brought. *ſ.* 1.

It ſhall be ſufficient for the plaintiff, in any ſuch action of debt, to ſet forth in the declaration that the defendant is indebted to him in the ſum of 50 *l.* and to alledge the offence for which the action is brought, and that the defendant had acted contrary to this act, without mentioning the writ of ſummons to parliament or the return thereof: and upon trial the plaintiff ſhall not be obliged to prove the writ of ſummons to parliament, or the return thereof, or any warrant to the ſheriff grounded upon any ſuch writ of ſummons. *ſ.* 2.

Provided that every ſuch action be commenced within 9 calendar months next after the fact upon which the ſame is grounded. *ſ.* 3.

All the ſtatutes of jeofails ſhall extend to all proceedings in any ſuch action. *ſ.* 4.

In caſe the plaintiff in ſuch an action diſcontinue or be nonſuited, or judgment be given againſt him, the defendant ſhall recover treble coſts. *ſ.* 5.

By 33 *Geo.* 2. *c.* 20. Every perſon (except as herein after excepted) who ſhall be elected a member of the houſe of commons, ſhall, before he preſumes to vote in the houſe of commons, or ſit there during any debate, after their ſpeaker is choſen, deliver in to the clerk of the ſaid houſe, at the table in the middle of the houſe, and whilſt the houſe of commons is there duly ſitting, with their ſpeaker in the chair, an account, ſigned by ſuch member, containing the names of the pariſhes, townſhips, or precincts, and of the counties in which the lands or hereditaments lie, whereby he makes out his qualification, declaring the ſame to be of the annual value of 600 *l.* above reprizes, if a knight of the ſhire; and of the annual value of 300 *l.* above reprizes, if a citizen, burgeſs, or baron of the cinque ports; and ſhall at the ſame time take and ſubſcribe the following oath. *viz.*

I A. B. *do ſwear, that I truly and* bona fide *have ſuch an eſtate in law or equity, and of ſuch value, to and for my own uſe and benefit, of or in lands, tenements, or hereditaments, over and above what will ſatisfy and clear all incumbrances that may affect the ſame, as doth qualify me to be elected and returned to ſerve as a member for the place I am returned for, according to the tenor and true meaning of the acts of parliament in that behalf; and that ſuch lands, tenements, or hereditaments, do lie as deſcribed in the paper or account ſigned by me, and now delivered to the clerk of the houſe of commons.*

So help me God.

And the houſe of commons is hereby impowered and required to adminiſter the ſaid oath and ſubſcription according to this act to every perſon duly demanding the ſame, immediately after ſuch perſon ſhall have taken the oaths of allegiance, ſupremacy, and abjuration, at the ſaid table. And the ſaid oath and ſubſcription ſhall be entered in a parchment roll, to be provided by the clerk of the houſe of commons; and the accounts ſo ſigned and delivered to the ſaid clerk ſhall be filed and kept by him. *ſ.* 1.

If any perſon elected to ſerve in any future parliament as a knight of the ſhire, or as a citizen, burgeſs, or baron of the cinque ports, preſume to ſit or vote as a member of the houſe of commons, before he has delivered in ſuch account, and taken and ſubſcribed ſuch oath, or ſhall not be qualified according to 9 *Ann. c.* 5. and this act; his election ſhall be void, and a new writ ſhall be iſſued to elect another member. *ſ.* 2.

Nothing in this act ſhall extend to the eldeſt ſon or heir apparent of any peer, or of any perſon qualified to ſerve as a knight of the ſhire, or to the members for either of the univerſities in *England*, or to the members for *Scotland*. *ſ.* 3.

By 3 *Geo.* 3. *c.* 15. No perſon claiming as a freeman to vote at any election of members to ſerve in parliament for any city, town, port, or borough, in *England*, *Wales*, and *Berwick upon Tweed*, where ſuch voter's right is as a freeman only, ſhall be admitted to vote, unleſs ſuch perſon ſhall have been admitted to the freedom 12 months before the firſt day of election: and if any perſon ſhall preſume to give his vote contrary to this act, he ſhall forfeit 100 *l.* to him who ſhall inform; and the vote given ſhall be void. *ſ.* 1.

Nothing herein ſhall extend to any perſon entitled to freedom by birth, marriage, or ſervitude, according to the cuſtom of ſuch city, *&c.* *ſ.* 2.

If any mayor, or other officer of any corporation, or other perſon whatſoever, ſhall wilfully antedate, or cauſe to be antedated, any admiſſion, ſuch mayor, *&c.* ſhall forfeit 500 *l.* to him who ſhall inform. *ſ.* 3.

The mayor, or any other officer of any corporation, having the cuſtody of the records, ſhall, upon the demand of any candidate, or his agent, or two freemen, on the payment of one ſhilling, permit ſuch candidate, agent, or freeman, between nine in the morning and three in the afternoon, at any time before, and within one month after ſuch election, to inſpect the books and papers wherein the admiſſion of freemen ſhall be entered; and to have copies of the admiſſion of ſo many as ſuch candidate, *&c.* ſhall think fit, upon paying to ſuch officer, a reaſonable charge for writing the ſame; and ſuch books and papers ſhall, if demanded by ſuch candidate, be produced by ſuch officer, at every election, and be referred to, in caſe any diſpute ſhall ariſe touching the right of any perſon to give his vote: and if ſuch officer ſhall refuſe, *&c.* the inſpection of ſuch books, *&c.* or to have copies thereof, or ſhall refuſe or neglect to produce ſuch books, *&c.* at any election, if demanded and paid for, ſuch officer ſhall forfeit 100 *l.* to him who ſhall inform. *ſ.* 4.

All forfeitures impoſed by this act, ſhall be recovered with coſts, by action of debt, *&c.* at *Weſtminſter*. *ſ.* 5.

No perſon ſhall be liable to any forfeiture unleſs proſecution be commenced within one year. *ſ.* 6.

The returning officer ſhall read, or cauſe to be read openly, this act, at the time of election of members to ſerve for cities, *&c.* where the right of election is in the whole, or in part, in freemen, immediately after the reading of 2 *Geo.* 2. for preventing bribery. *ſ.* 6.

Nothing in this act ſhall extend to *London* or *Norwich*. *ſ.* 7.

By 3 *Geo.* 3. *c.* 24. No perſon ſhall vote for electing any knight of a ſhire, citizen, or burgeſs of any city or town in *England*, in reſpect of any annuity or rent charge, iſſuing out of freehold lands or tenements, and granted before the 1ſt *June* 1763, unleſs a certificate upon oath ſhall have been entered 12 months before the firſt day of ſuch election, with the clerk of the peace for the county, or with the clerk of the peace, town clerk, or other public officer, having the cuſtody of the records, as follows, *viz.*

I A. B. *of* ——— *am really and* bona fide *ſeiſed of an annuity or rent charge for my own uſe and benefit, of the clear yearly value of* 40*s. above all rents and charges payable out of the ſame, wholly iſſuing out of freehold lands, tenements, or hereditaments, belonging to* C. D. *of* ———

ſituate,

ſituate, lying, and being in the pariſh, townſhip, or place, or in the pariſhes, townſhips, or places of E. *in the county of* ——— *without any truſt, agreement, matter, or thing to the contrary notwithſtanding; and I, or the perſon or perſons under whom I claim, was or were ſeiſed of the ſaid annuity or rent charge, before the 1ſt day of June* 1763.

No perſon ſhall vote for the electing any knight of the ſhire, or for a citizen or burgeſs of any city or town in *England*, in reſpect of any annuity or rent charge, iſſuing out of freehold lands, tenements, or hereditaments, which ſhall come to ſuch perſon by deſcent, marriage, deviſe, or preſentation to a benefice in a church, or promotion to an office within 12 months before ſuch election, unleſs a certificate upon oath, or affirmation, ſhall have been entered with the clerk of the peace or other officer as aforeſaid, before the 1ſt day of ſuch election, *viz.*

I A. B. *of* ——— *am really and* bona fide *ſeiſed of an annuity or rent charge, to my own uſe and benefit, of the clear yearly value of* 40*s. a year above all rents and charges payable out of the ſame, wholly iſſuing out of freehold lands, tenements, or hereditaments, belonging to* C. D. *of* ——— *ſituate, lying, and being in the pariſh, townſhip, or place, or in the pariſhes, townſhips or places of* ——— *in the county of* ——— *without any truſt, agreement, matter, or thing, to the contrary notwithſtanding; and I became ſeiſed of the ſaid annuity, or rent charge, on the* ——— *day of* ——— *laſt paſt, by deſcent or otherwiſe* (as the caſe may happen). *ſ.* 2.

No perſon ſhall vote for any annuity or rent charge to be granted after the 1ſt of *June* 1763, unleſs a memorial of the grant ſhall have been regiſtered with the clerk of the peace of the county, *&c.* or with the clerk of the peace, town clerk, or other public officer, having the cuſtody of the records, within ſuch city or town, 12 months before the firſt day of ſuch election; which memorial ſhall be wrote on parchment, and directed to ſuch clerk of the peace or other officer, under the hand and ſeal of the grantor, atteſted by two witneſſes, one whereof to be one of the witneſſes to the execution of ſuch grant; which witneſs ſhall on oath before ſuch clerk, *&c.* prove the ſealing and delivering of ſuch grant, and the ſigning and ſealingof ſuch memorial; and which memorial ſhall contain the date, and the names, additions, and abodes of the parties and witneſſes, and all the lands and tenements out of which the annuity or rent charge iſſues, and the place where ſuch lands lie; and every ſuch grant regiſtered, ſhall, at entering the memorial, be produced to ſuch clerk of the peace or other officer, who ſhall thereon indorſe a certificate. *ſ.* 3.

No perſon ſhall vote at any election of any ſuch city or town, by reaſon of an aſſignment of any annuity or rent charge made before 1ſt *June* 1763, unleſs a certificate of ſuch aſſignment upon oath ſhall have been entered with ſuch clerk of the peace or other officer, 12 months before the election; and no perſon ſhall vote by reaſon of an aſſignment made after 1ſt *June* 1763, unleſs a memorial of ſuch aſſignment, and alſo of the grant, ſhall have been atteſted and regiſtered 12 months before the election, in the ſame manner as an original grant. *ſ.* 4.

The clerk of the peace, or other officer, ſhall keep a book for entering ſuch certificate and memorial, and ſhall be allowed for the entry of every certificate 1*s.* and of every memorial 2*s.* and for every ſearch 1*s.* and any perſon may inſpect the certificates, memorials, and entries; and ſuch clerk of the peace or officer is to give a copy to any perſon who ſhall deſire the ſame, paying for ſuch copy, if it contains not more than 200 words, 6*d.*; and ſo in proportion for any greater number of words; and ſuch clerk of the peace, or other officer, may adminiſter an oath in all caſes where required, and true copies of the certificate and memorials atteſted by clerks of the peace, or other officer, ſhall be legal evidence. *ſ.* 5.

A memorial of ſuch grant or aſſignment as ſhall be executed in any place not within 40 miles of the office of the clerk of the peace or other officer, ſhall be regiſtered by ſuch clerk of the peace, *&c.* in caſe an affidavit ſworn, or affirmation, before one of the judges at *Weſtminſter*, or a maſter in chancery, ordinary or extraordinary, be brought with the memorial, wherein one of the witneſſes to the grant or aſſignment ſhall ſwear that he ſaw the ſame executed. *ſ.* 6.

The clerk of the peace, or other officer as aforeſaid, ſhall, upon notice, attend at any election with the book of entries of every ſuch certificate and memorial, at the requeſt of any candidate, he making ſatisfaction for ſuch attendance. *ſ.* 7.

Clerk of the peace or other officer guilty of any wilful neglect, miſdemeanor, or fraudulent practice, contrary to this act, ſhall forfeit 100*l.* to the perſon who ſhall ſue for the ſame, in any court of record at *Weſtminſter*. *ſ.* 8.

No perſon ſhall be liable to any forfeiture unleſs proſecution be commenced within 12 months after incurred. *ſ.* 9.

By 10 *Geo.* 3. *c.* 16. *made perpetual by* 14 Geo. 3. c. 15. Whenever a petition, complaining of an undue election, or return of a member or members to ſerve in parliament, ſhall be preſented to the houſe of commons, a day and hour ſhall by the ſaid houſe be appointed for taking the ſame into conſideration, and notice thereof in writing ſhall be forthwith given by the ſpeaker, to the petitioners and the ſitting members, or their agents, accompanied with an order to attend the houſe, at the time appointed, by themſelves, their counſel, or agents. *ſ.* 2.

The houſe may alter the day and hour ſo appointed, and appoint ſome ſubſequent day and hour, giving to the parties the like notice of ſuch alteration, and order to attend as aforeſaid. *ſ.* 3.

At the time appointed for taking ſuch petition into conſideration, and previous to the reading the order of the day for that purpoſe, the ſerjeant at arms ſhall be directed to go with the mace to the places adjacent, and require the immediate attendance of the members, and after his return the houſe ſhall be counted, and if there be leſs than 100 members preſent, the order ſhall be immediately adjourned to a particular hour on the following day (*Sunday* and *Chriſtmas* day always excepted); and the houſe ſhall then adjourn to the ſaid day, and the proceedings of all committees, ſubſequent to ſuch notice from the ſaid ſerjeant, ſhall be void: and on the ſaid following day the houſe ſhall proceed in the ſame manner, and ſo from day to day till there be an attendance of 100 members at the reading the order of the day. *ſ.* 4.

If after ſummoning the members, and counting the houſe, 100 members ſhall be preſent, the petitioners by themſelves, their counſel, or agents, and the counſel or agents of the ſitting members, ſhall be ordered to attend at the bar; and then the door of the houſe ſhall be locked, and no member ſhall be ſuffered to enter into or depart from the houſe, until the petitioners, their counſel or agents, and the counſel or agents for the ſitting members, ſhall be directed to withdraw as after mentioned; and when the door ſhall be locked as aforeſaid, the order of the day ſhall be read, and the names of all the members of the houſe, writ-

ten or printed on diſtinct pieces of parchment or paper, being all of equal ſize, and rolled up in the ſame manner, ſhall be put in equal numbers into ſix boxes or glaſſes, to be placed on the table, and ſhall there be ſhaken together; and then the clerk or clerk aſſiſtant ſhall publicly draw out of the ſaid ſix boxes or glaſſes alternately, the ſaid pieces of parchment or paper, and deliver the ſame to the ſpeaker, to be by him read to the houſe; and ſo ſhall continue to do, until 49 names of the members then preſent be drawn. *ſ.* 5.

If the name of any member who ſhall have given his vote at any election, or who ſhall be a petitioner complaining, or againſt whoſe return a petition ſhall be then depending, or whoſe return ſhall not have been brought in 14 days, ſhall be drawn; his name ſhall be ſet aſide, with thoſe who are abſent. *ſ.* 6.

If the name of any member of 60 years or upwards be drawn, he ſhall be excuſed from ſerving on the ſelect committee, if he require it, and verify the cauſe of ſuch requiſition upon oath. *ſ.* 7.

If the name of any member who has ſerved in ſuch ſelect committee during the ſame ſeſſion be drawn, he ſhall, if he requires it, be excuſed from ſerving again, unleſs the houſe ſhall before have reſolved, that the number who have not ſerved on ſuch ſelect committee in the ſame ſeſſion, is inſufficient. *ſ.* 8.

No member, who after having been appointed ſhall, on account of inability or accident, have been excuſed from attending throughout, ſhall be deemed to have ſerved. *ſ.* 9.

If any other member ſhall offer and verify upon oath, any other excuſe, the ſubſtance of the allegations ſo verified ſhall be taken down by the clerk, that the ſame may be afterwards entered on the journals, and the opinion of the houſe ſhall be taken thereon; and if the houſe ſhall reſolve that the ſaid member is unable to ſerve, or cannot without great detriment, he alſo ſhall be excuſed. *ſ.* 10.

Inſtead of the members ſet aſide and excuſed, the names of other members ſhall be drawn, until the whole number of 49 not liable to be ſet aſide or excuſed ſhall be complete; and the petitioners or their agents ſhall then name one, and the ſitting members or their agents another, from among the members then preſent, whoſe names ſhall not have been drawn, to be added to thoſe who ſhall have been ſo choſen by lot. *ſ.* 11.

Either of the members ſo nominated may be ſet aſide, for the ſame cauſes as thoſe choſen by lot; or ſhall, if he requires it, be excuſed from ſerving on the ſaid ſelect committee; and the party who nominated the member ſo ſet aſide or excuſed, ſhall nominate another until his nominee is admitted. *ſ.* 12.

As ſoon as the 49 members ſhall have been choſen and the two members nominated, the door ſhall be opened, and the houſe may proceed upon other buſineſs; and liſts of the 49 members ſhall then be given to the petitioners, their counſel or agents, and the counſel or agents for the ſitting members, who ſhall immediately withdraw, together with the clerk appointed to attend the ſelect committee; and the ſaid petitioners and ſitting members, their counſel or agents, beginning on the part of the petitioners, ſhall alternately ſtrike off one of the ſaid 49 members until the number ſhall be reduced to 13; and the ſaid clerk, within one hour at fartheſt from the time of the parties withdrawing from the houſe, ſhall deliver in to the houſe the names of the 13 members then remaining; and the ſaid 13 members, together with the two members nominated, ſhall be ſworn at the table, well and truly to try the matter of the petition referred to them, and a true judgment to give according to the evidence; and ſhall be a ſelect committee to try and determine the merits of the return or election appointed by the houſe to be that day taken into conſideration; and the houſe ſhall order the ſaid ſelect committee to meet at a certain time to be fixed by the houſe, within 24 hours of the appointment of the ſaid ſelect committee, unleſs a *Sunday* or *Chriſtmas* day ſhall intervene; and the place of their meeting and ſitting ſhall be ſome convenient room adjacent to the houſe of commons or court of requeſts. *ſ.* 13.

On the parties withdrawing, the houſe ſhall continue ſitting; and the ſaid 51 members, ſo choſen and nominated, ſhall not depart the houſe, till the time for the meeting of the ſaid ſelect committee ſhall be fixed. *ſ.* 14.

If upon the drawing out the name of any member, the petitioners or ſitting members, or their agents, ſhall declare, that ſuch member is intended to be one of the two nominees, and if ſuch member ſhall conſent to ſuch nomination, the name of ſuch member ſo drawn, ſhall be ſet aſide, and unleſs objected to as aforeſaid, he ſhall ſerve as ſuch nominee, and the name of another ſhall be drawn to ſupply his place, to complete the 49; and if the petitioners or ſitting members, or their agents, ſhall not nominate a member then preſent, who ſhall be admitted according to the directions of this act, then the want of ſuch nomination ſhall be ſupplied, by drawing out inſtead thereof, the name of one or two members as the caſe ſhall require, who ſhall be drawn in like manner, and ſubject to the like objections and excuſes, as the other 49 members drawn by lot, and ſhall be added to the liſts of the ſaid 49 members, and ſhall be liable to be ſtruck off in the ſame manner; leaving always 15 members and no more, as a ſelect committee. *ſ.* 15.

The names of all the members ſo written and rolled up as before directed, ſhall, previous to the day appointed for taking any ſuch petition into conſideration, be prepared by the ſaid clerk or clerk aſſiſtant, and by him put into a box or parcel in the preſence of the ſpeaker, together with an atteſtation, ſigned by the ſaid clerk or clerk aſſiſtant, purporting that the names of all the members were by him put therein the ——— day of ——— in the year ——— which ſaid box or parcel the ſpeaker ſhall ſeal with his own ſeal; and to the outſide thereof ſhall annex an atteſtation ſigned by himſelf, purporting, that the ſaid box or parcel was on the ——— day of ——— in the year ———; made up in his preſence, in the manner directed by this act; and that as ſoon as the parties ſhall be withdrawn as aforeſaid, and before the houſe ſhall enter on any other buſineſs, any member may require, that the names of all the members which remain undrawn, ſhall be drawn and read aloud by the clerk. *ſ.* 16.

The ſelect committee ſhall, on their meeting, elect a chairman from among the members choſen; and if, in the election, there be an equal number of voices, the member whoſe name was firſt drawn ſhall have a caſting voice; ſo in caſe there ſhall be occaſion for electing a new chairman, on death or neceſſary abſence. *ſ.* 17.

The ſelect committee ſhall have power to ſend for perſons, papers, and records, and ſhall examine all the witneſſes who come before them upon oath; and ſhall try the merits of the return, or election, or both; and ſhall determine by a majority of voices whether the petitioners or the ſitting members, or either of them, be duly returned or elected, or whether the election be void; which determination ſhall be final: and the houſe, on being informed thereof by the chairman of the ſaid ſelect committee, ſhall order

order the ſame to be entered in their journals, and give the neceſſary directions for confirming or altering the return, or for the iſſuing a new writ, or for carrying the ſaid determination into execution. *ſ.* 18.

The ſaid ſelect committee ſhall ſit every day (*Sunday* and *Chriſtmas* day only excepted), and ſhall never adjourn for longer than twenty-four hours, unleſs a *Sunday* or *Chriſtmas* day intervene, without leave firſt obtained from the houſe, upon motion, and ſpecial cauſe aſſigned for a longer adjournment; and in caſe the houſe ſhall be ſitting at the time to which the ſaid ſelect committee is adjourned, then the buſineſs of the houſe ſhall be ſtayed, and a motion ſhall be made for a further adjournment, for any time to be fixed by the houſe, not exceeding twenty-four hours. *ſ.* 19.

Where the time preſcribed by this act for the meeting, ſitting, or adjournment of the ſelect committee, ſhall, by the intervention of a *Sunday* or *Chriſtmas* day, exceed twenty-four hours, ſuch meeting, ſitting, or adjournment, ſhall be within twenty-four hours from the time of appointing or fixing the ſame, excluſive of ſuch *Sunday* or *Chriſtmas* day. *ſ.* 20.

No member of the ſelect committee ſhall abſent himſelf, without leave obtained from, or an excuſe allowed by the houſe at the next ſitting, on ſpecial cauſe ſhewn and verified upon oath; and the ſaid committee ſhall never ſit, until all the members to whom ſuch leave has not been granted, nor excuſe allowed, are met; and in caſe they ſhall not all meet within one hour after the time to which the committee ſhall have been adjourned, a farther adjournment ſhall be made in manner before directed, and reported, with the cauſe thereof, to the houſe. *ſ.* 21.

The chairman of the ſelect committee ſhall, at the next meeting of the houſe, always report the name of every member who ſhall have been abſent without leave or excuſe; and ſuch member ſhall be directed to attend the houſe at the next ſitting, and ſhall then be ordered into the cuſtody of the ſerjeant at arms for ſuch neglect, and otherwiſe puniſhed or cenſured at the diſcretion of the houſe; unleſs it ſhall appear to the houſe, by facts ſpecially ſtated and verified upon oath, that ſuch member was, by a ſudden accident, or by neceſſity, prevented from attending the ſaid ſelect committee. *ſ.* 22.

If more than two members of the ſelect committee ſhall on any account be abſent therefrom, the ſaid committee ſhall adjourn in manner before directed; and ſo, from time to time, until thirteen members are aſſembled. *ſ.* 23.

In caſe the number of members able to attend ſhall, by death or otherwiſe, be reduced to leſs than thirteen, and ſhall ſo continue for three ſitting days, the ſaid ſelect committee ſhall be diſſolved, and another choſen to try and determine the petition; and all proceedings of the former committee ſhall be void. *ſ.* 24.

If the ſelect committee ſhall come to any reſolution, other than the determination above-mentioned, they ſhall, if they think proper, report the ſame to the houſe for their opinion, at the time that the chairman ſhall inform the houſe of ſuch determination; and the houſe may confirm or diſagree with ſuch reſolution, and make ſuch orders as to them ſhall ſeem proper. *ſ.* 25.

If any perſon ſummoned by the ſelect committee, ſhall diſobey ſuch ſummons; or if any witneſs ſhall prevaricate, or otherwiſe miſbehave in giving, or refuſing to give evidence; the chairman of the committee, by their direction, may, during the courſe of their proceedings, report the ſame to the houſe, for the interpoſition of their authority or cenſure, as the caſe ſhall require. *ſ.* 26.

Whenever the ſelect committee ſhall think it neceſſary to deliberate amongſt themſelves, upon any queſtion which ſhall ariſe in the courſe of trial, or upon the determination thereof, or upon any reſolution concerning the matter of the petition referred to them as aforeſaid; as ſoon as the ſaid committee ſhall have heard the evidence and counſel on both ſides relative thereunto, the room wherein they ſhall ſit ſhall be cleared, if they ſhall think proper, while the members conſider thereof; and all ſuch queſtions, as well as ſuch determination, and all other reſolutions, ſhall be by a majority of voices; and if the voices ſhall be equal, the chairman ſhall have a caſting voice. *ſ.* 27.

Provided, no ſuch determination ſhall be made, nor any queſtion be propoſed, unleſs thirteen members ſhall be preſent; and no member ſhall have a vote who has not attended during every ſitting. *ſ.* 28.

The oaths by this act directed to be taken in the houſe, ſhall be adminiſtered by the clerk; and the oaths before the ſelect committee, ſhall be adminiſtered by the clerk attending the ſaid committee; and all perſons guilty of wilful and corrupt perjury in evidence before the houſe, or the ſaid ſelect committee, in conſequence of the oath taken, ſhall, on conviction, incur the like pains and penalties to which any other perſon, convicted of wilful and corrupt perjury, is liable by the laws. *ſ.* 29.

By 10 *Geo.* 3. *c.* 50. Any perſon may, at any time, commence and proſecute any action or ſuit in any court of record, or court of equity, or of admiralty, and in all cauſes matrimonial and teſtamentary, in any court having cognizance of cauſes matrimonial and teſtamentary, againſt any peer or lord of parliament of *Great Britain*, or any of the knights, citizens, and burgeſſes, and the commiſſioners for ſhires and burghs of the houſe of commons of *Great Britain*, or againſt their menial or other ſervants, or any other perſon entitled to the privilege of parliament of *Great Britain*; and no ſuch action, ſuit, or other proceſs or proceeding thereupon, ſhall be impeached, ſtayed, or delayed, under colour of any privilege of parliament.

This ſhall *not* ſubject the perſon of any of the knights, citizens, and burgeſſes, or the commiſſioners of ſhires and burghs of the houſe of commons of *Great Britain*, to be arreſted or impriſoned upon any ſuch ſuit or proceedings. *ſ.* 2.

The court out of which the writ (*diſtringas*) proceeds, may order the iſſues levied to be ſold, and the money ariſing thereby to be applied to pay coſts to the plaintiff, and the ſurplus to be retained until the defendant ſhall have appeared, or other purpoſe of the writ be anſwered. *ſ.* 3.

When the purpoſe of the writ is anſwered, the ſaid iſſues ſhall be returned: or, if ſold, what ſhall remain, ſhall be repaid to the party diſtrained upon. *ſ.* 4.

Obedience may be enforced to any rule of king's bench, common pleas, or exchequer, againſt any perſon entitled to privilege of parliament, by diſtreſs infinite. *ſ.* 5.

12 & 13 *Will.* 3. and alſo this act, ſhall extend to *Scotland*. *ſ.* 6.

By 11 *Geo.* 3. *c.* 42. If ſeveral parties, on diſtinct intereſts or grounds of complaint, ſhall preſent ſeparate petitions, complaining of an undue election, or return, the ſame notice and orders ſhall be given to all ſuch parties, or their agents, as are directed to be given to the ſitting members, or the petitioners therein mentioned, or their reſpective agents.

No petition, complaining of an undue election, or return, ſhall be taken into conſideration within fourteen days after the commencement of the ſeſſion in which it is preſented, nor within fourteen days after the return to which

which it relates, ſhall be brought into the crown office. *ſ.* 2.

If at the time of drawing by lot the names of the members in manner preſcribed by the act, the number of forty-nine, not ſet aſide nor excuſed, cannot be completed, the houſe ſhall proceed in the manner directed by the ſaid act, in caſe there be leſs than one hundred members preſent at the time therein preſcribed for counting the houſe; and ſo from day to day, as often as the caſe ſhall happen. *ſ.* 3.

On the day appointed for taking any petition, complaining of an undue election, or return, into conſideration, the houſe ſhall not proceed to any other buſineſs, except the ſwearing of members, previous to the reading of the order of the day. *ſ.* 4.

If the ſelect committee ſhall have occaſion to apply or report to the houſe, in relation to adjournment of the ſaid ſelect committee, the abſence of the members thereof, or the non-attendance or miſbehaviour of witneſſes ſummoned to appear, or appearing before them, and the houſe ſhall be then adjourned for more than three days, the ſaid ſelect committee may alſo adjourn to the day appointed for the meeting of the houſe. *ſ.* 5.

If on a complaint by petition of an undue election or return, there ſhall be more than two parties before the houſe, on diſtinct intereſt, or upon different grounds, whoſe right to be elected or returned may be affected by the determination of the committee, each of the ſaid parties ſhall ſucceſſively ſtrike off a member from the forty-nine to be choſen by lot, until the number be reduced to thirteen; and the liſts of the forty-nine members choſen by lot ſhall, for this purpoſe, be given to all the parties, and the order in which the ſaid parties ſhall ſo ſtrike off the ſaid members ſhall be determined by lot after they are withdrawn from the bar, and in ſuch caſe neither of the ſaid parties (there being more than two) ſhall be permitted to name a member to be added to the members ſo drawn by lot; but as ſoon as the thirteen members ſhall be returned by the parties to the houſe, ſuch thirteen members ſhall immediately withdraw, and ſhall by themſelves chuſe two members then preſent in the houſe, whoſe names ſhall not have been drawn, to be added to the ſaid thirteen members; and ſhall, within one hour from withdrawing, report the names of ſuch two members to the houſe; which two members ſhall be liable to be ſet aſide on the like objections for which nominees may: and in caſe ſuch two members, or either of them, ſhall be ſet aſide, the thirteen members ſhall chuſe one or two other members, until two are choſen againſt whom none of the objections ſhall be allowed; and the names of ſuch two members ſhall be then added to the thirteen; and all the ſaid fifteen members ſhall be ſworn at the table, and they ſhall be the ſelect committee appointed for the purpoſes in this and the former act. *ſ.* 6.

Where the ſaid nominees are by this act directed to be named by the thirteen members, no member preſent at the time of the ballot ſhall depart from the houſe until the meeting of the ſaid ſelect committee ſhall be fixed. *ſ.* 7.

By 11 *Geo.* 3. *c.* 55. *John Burnett*, *Charles Hannington*, *Thomas Haſelgrove*, *Ralph Moor*, *Thomas Parſons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinſon*, *William Cheeſman*, *George Browne*, *John Parſons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joſeph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogsfleſh*, *John Purſe*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilſtone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Farmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Aſhman*, *William Cooter*, *Thomas Froſt*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar*, otherwiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſhridge*, *Henry Robinſon*, and *Henry Hannington*, ſhall be from henceforth incapacitated and diſabled from giving any vote at any election for the chuſing members to ſerve in parliament. *ſ.* 1.

Every freeholder, above the age of 21, who ſhall have within the *Rape of Bramber*, in the county of *Suſſex*, a freehold of the clear yearly value of 40 *s.* may vote at every election of burgeſſes to ſerve in parliament for the borough of *New Shoreham*. *ſ.* 2.

The right of election of members for the ſaid borough ſhall be in ſuch freeholders as aforeſaid, and in the perſons who, by the cuſtom of the ſaid borough, have a right to vote at ſuch election, thoſe who are diſabled by this act only excepted; and the conſtable, or other proper officer, to whom the return of ſuch writ or precept does belong, is required to return the perſons who ſhall have the major number of votes. *ſ.* 3.

Every ſuch freeholder, before admitted to poll, ſhall, if required by the candidates, or any of them, or any other perſon having a right to vote, firſt take the oath (or being a *quaker*, the affirmation) following:

You ſhall ſwear, or, being a quaker, ſolemnly affirm, that you are a freeholder in the Rape *of* Bramber, *in the county of* Suſſex, *and have a freehold eſtate, conſiſting of* ——— (ſpecifying the nature thereof, and if it conſiſts in meſſuages, lands, or tithes, in whoſe occupation the ſame are; and if in rent, the names of the owners or poſſeſſors of the tenements out of which ſuch rent is iſſuing, or of ſome of them), *lying or being at* ——— ——— *within the* Rape *of* Bramber, *in the county of* Suſſex, *of the clear yearly value of forty ſhillings, over and above all rents and charges payable out of, or in reſpect of the ſame; and that you have been in the actual poſſeſſion or receipt of the rents and profits thereof for your own uſe above twelve calendar months (or that the ſame came to you within the time aforeſaid by deſcent, marriage, marriage ſettlement, deviſe, or promotion to a benefice in a church, or by promotion to an office); and that ſuch freehold eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your vote; and that the place of your abode is at* ——— ——— *in* ——— *and that you are twenty-one years of age, as you believe; and that you have not been polled before at this election.*

Which oath or affirmation, the conſtable or other proper officer is to adminiſter: and in caſe any freeholder or other perſon taking the ſame, ſhall commit wilful perjury; or if any perſon ſhall ſuborn any freeholder or other perſon to take the ſaid oath or affirmation, in order to be polled, whereby he ſhall commit ſuch wilful perjury, he ſhall incur ſuch penalties as are inflicted on perſons guilty of perjury, or ſubornation of perjury, by 5 *Eliz.* and 2 *Geo.* 2. *ſ.* 4.

Such conſtable, or other officer, to whom any writ or precept ſhall be directed for making any election for the ſaid borough, ſhall indorſe upon the back thereof the day of his receipt thereof, in the preſence of the party from whom he received ſuch precept; and ſhall forthwith cauſe public

public notice to be given within *New Shoreham*, and at the towns of *Bramber* and *Steyning*, in the ſaid county of *Suſſex*, by fixing up a notice thereof in writing on the market-houſes, or on the doors of the churches of the ſaid towns, of the day of election; and ſhall proceed to election thereupon, within twelve, and not leſs than eight days, next after receipt of the precept. *ſ.* 5.

This act ſhall be publicly read at every election for *New Shoreham*, immediately after the acts directed by any act of parliament to be read thereat, and before the perſons preſent ſhall proceed to election. *ſ.* 6.

By 20 *Geo.* 3. *c.* 17. No perſon ſhall vote for electing of any knight of the ſhire to ſerve in parliament within *England* or *Wales*, in reſpect of any meſſuages, *&c.* which have not for ſix months next before ſuch election been charged towards a land tax (in caſe ſuch aid be then granted), in the name of the perſon who ſhall claim to vote at ſuch election, or in the name of his tenant actually occupying the ſame as tenant of the owner thereof. *ſ.* 1.

This act, with reſpect to ſuch rating and aſſeſſing, ſhall not extend to annuities or feefarm rents (duly regiſtered) iſſuing out of any meſſuages, *&c.* rated as aforeſaid; nor ſhall the ſame extend to any perſon who became entitled to ſuch meſſuages, *&c.* by deſcent, marriage, marriage ſettlement, deviſe, or promotion to any benefice in a church, or by promotion to an office, within twelve months next before ſuch election; but ſuch perſon ſhall be entitled to vote at ſuch election, if the meſſuages, *&c.* have been within two years before rated to the land tax, in the name of the perſon through whom ſuch perſon voting ſhall derive his title, *&c.* or in the name of ſome predeceſſor, within two years before ſuch election, of ſuch perſon claiming to vote in reſpect of any promotion to any benefice in a church, or promotion to an office, or in the name of the tenant of ſuch perſon, ſuch tenant actually occupying ſuch meſſuages, *&c.* *ſ.* 2.

The commiſſioners of the land tax for *England* or *Wales*, at their meetings for appointing aſſeſſors, ſhall cauſe to be delivered to each of the aſſeſſors, a printed form of an aſſeſſment, as ſet forth in the ſchedule annexed; and the ſaid aſſeſſors are to make their aſſeſſments according to the ſaid form; and ſhall make three duplicates of ſuch aſſeſſments; and ſhall (fourteen days before ſuch aſſeſſment ſhall be delivered to the commiſſioners) cauſe one of the duplicates, or a fair copy thereof, to be ſtuck up upon one of the doors of the church or chapel of the place for which ſuch aſſeſſment ſhall be made; but in caſe ſuch aſſeſſment ſhall be made for an extra-parochial or other place, where there is no church or chapel, then ſuch aſſeſſment ſhall be ſtuck up upon one of the doors of the church or chapel next adjoining; and if any perſon (occupying any meſſuages) ſhall occupy meſſuages, *&c.* belonging to different owners, the ſame ſhall be diſtinctly rated in ſuch aſſeſſments, that the proportion of the land tax to be paid by each owner may be aſcertained; and the ſaid duplicates ſhall be delivered to the land tax commiſſioners, at their meeting for the receipt of aſſeſſments; and if the name of any owner entitled to vote, ſhall not appear in ſuch aſſeſſment, it ſhall be lawful for ſuch perſon to appeal to the commiſſioners, to whom ſuch aſſeſſments ſhall be returned; and every perſon intending to appeal ſhall give notice thereof in writing to one of the aſſeſſors of the pariſh wherein he is rated; and the commiſſioners, on cauſe ſhewn, ſhall amend the duplicates, by inſerting therein the names of the actual occupier, and of the owner of ſuch meſſuages, *&c.* or the perſon entitled to, or in the actual receipt of the rents, or by eraſing the name of any perſon improperly inſerted therein; and the commiſſioners are to cauſe one of the ſaid duplicates ſo amended (after ſigned and ſealed by the ſaid commiſſioners, or three of them) to be returned to the aſſeſſors; and ſuch aſſeſſors are to deliver ſuch duplicate, ſo amended, within ten days after the receipt thereof, to one of the chief conſtables of the hundred within which the pariſh for which ſuch aſſeſſment was made ſhall lie, taking the receipt of ſuch chief conſtable for the ſame, and which receipt ſuch chief conſtable is to give; and ſuch chief conſtable is to deliver ſuch duplicate upon oath (which oath the magiſtrates are to adminiſter), without any alteration, at the next general quarter-ſeſſions, in open court, the firſt day of ſuch ſeſſions, to the clerk of the peace, to be by him filed amongſt the records. *ſ.* 3.

If any aſſeſſor ſhall neglect to deliver ſuch duplicate ſo amended, to ſuch chief conſtable, or if ſuch chief conſtable neglect to deliver the ſame to ſuch clerk of the peace, at the ſeſſions as aforeſaid, or ſhall wilfully alter or deface any ſuch duplicate; ſuch aſſeſſor and chief conſtable ſhall forfeit 5 *l.* *ſ.* 4.

At the *Michaelmas* ſeſſions in every year, the clerk of the peace, or his deputy, in every county, *&c.* as aforeſaid, ſhall, before the concluſion of ſuch ſeſſions, examine whether the duplicates of all the aſſeſſments within ſuch county, ſhall have been delivered for that year; and if it ſhall appear that any ſuch duplicates have not been delivered to ſuch clerk of the peace, or his deputy, by the chief conſtables, then ſuch clerk of the peace, *&c.* ſhall report the ſame to the court, and the court ſhall immediately impoſe the ſaid fine of 5 *l.* upon ſuch chief conſtables; and the ſaid clerk of the peace, *&c.* ſhall give to ſuch chief conſtables immediate notice of ſuch fine; and if the ſame is not immediately paid, the juſtices in quarter-ſeſſions ſhall, by order of court, iſſue a warrant of diſtreſs for the recovery thereof, directed to the conſtable of the pariſh where ſuch chief conſtable ſhall live; and ſuch warrant ſhall be delivered by the clerk of the peace, *&c.* to ſuch conſtables, or one of them, who are to levy ſuch fine by diſtreſs and ſale of the goods of ſuch chief conſtables, rendering the overplus to the owners, after deducting the charges of ſuch diſtreſs. *ſ.* 5.

If ſuch chief conſtable ſhall voluntarily make oath at ſuch ſeſſions, that ſuch duplicate was not delivered to them by ſuch aſſeſſor, then the ſaid fine ſhall be ſet upon ſuch aſſeſſor; and the juſtices in quarter-ſeſſions ſhall, by order of court, iſſue a warrant of diſtreſs for the recovery thereof, directed to the conſtable of ſuch pariſh, or to ſuch other perſon as ſuch juſtices ſhall think proper; and alſo ſhall, by order of court, require the chief conſtables, or one of them, to give notice to ſuch aſſeſſor, that ſuch fines have been ſet; and ſuch chief conſtables are to ſerve ſuch notices upon ſuch aſſeſſors within fourteen days after ſuch ſeſſions; and if ſuch aſſeſſors ſhall not deliver ſuch duplicate, or the chief conſtable's receipt for the ſame, to the clerk of the peace, or his deputy, within ten days after being ſerved with ſuch notice, then the ſaid clerk of the peace, *&c.* ſhall deliver ſuch warrant of diſtreſs againſt the aſſeſſor, to the perſon to whom the ſame ſhall be directed, who is to levy the ſaid fine ſet upon ſuch aſſeſſor, by diſtreſs and ſale of the goods of ſuch aſſeſſor, rendering the overplus to the owner, after deducting the charges of diſtreſs. *ſ.* 6.

If ſuch aſſeſſors ſhall, within the ten days after ſuch notice, produce to the clerk of the peace, or his deputy, the receipt of ſuch chief conſtables for ſuch duplicate, then ſuch clerk of the peace, *&c.* ſhall deliver the warrants againſt ſuch chief conſtables, or ſuch of them who ſhall have ſigned ſuch receipt, to the proper conſtable to whom the

the ſame ſhall be directed, that the ſame may be executed as aforeſaid, and the warrant for levying the fine upon ſuch aſſeſſor ſhall not be executed. *ſ.* 7.

The fines impoſed upon ſuch chief conſtables and aſſeſſors ſhall, after recovered, be, by the perſon who ſhall levy the ſame, paid to the treaſurer of the county, to be applied as part of the county ſtock, under the direction of the ſeſſions. *ſ.* 8.

Whenever any aſſeſſment ſhall not have been made by the aſſeſſor and returned to the chief conſtable, and by the chief conſtable to the clerk of the peace, by the neglect of any perſon concerned therein, it ſhall be lawful for the juſtices at quarter-ſeſſions, or two juſtices out of ſeſſions, to order ſuch aſſeſſment forthwith to be made in manner aforeſaid; and ſuch aſſeſſments ſo made, ſhall have the ſame effect as if made at the time before directed. *ſ.* 9.

Any perſon diſſatisfied, or aggrieved by any determination of the commiſſioners, may appeal to the general quarter-ſeſſions next after the cauſe of complaint ſhall have ariſen, giving ten days notice of ſuch appeal to one of the commiſſioners ſigning the duplicate of the aſſeſſment, and alſo to one of the aſſeſſors of the pariſh where the eſtate ſhall lie; and ſuch ſeſſions are, by examination upon oath, to hear and determine the matter of ſuch appeal, and to amend ſuch aſſeſſments where they think neceſſary; and alſo to award coſts; and by order or warrant to levy the coſts awarded, by diſtreſs and ſale of the goods of the perſon againſt whom the ſame ſhall be awarded, rendering the overplus to the owner, after deducting the charges of diſtreſs. *ſ.* 10.

If the commiſſioners upon appeal, and alſo the ſeſſions upon appeal, ſhall find it requiſite to inſert in ſuch aſſeſſments, or the duplicates thereof, the names of any perſon which ſhall appear to have been omitted, ſuch perſon ſhall be deemed to be rated in ſuch aſſeſſment, as effectually as if the name had been originally inſerted in ſuch aſſeſſment by the aſſeſſors. *ſ.* 11.

Where any woman, the widow of any perſon tenant in fee or in tail, ſhall be entitled to dower, out of the freehold eſtate of which her huſband died ſeiſed, and ſhall intermarry with a ſecond huſband, ſuch ſecond huſband ſhall be entitled to vote in reſpect of ſuch dower, if ſuch dower ſhall be of the clear yearly value of 40 *s.* although the ſame has not been ſet out by metes or bounds, if ſuch huſband ſhall be in the actual receipt of the profits of ſuch dower, and the eſtate from whence the ſame iſſues is rated to the land tax in the name of the actual owner. *ſ.* 12.

It ſhall be lawful for all perſons to inſpect the duplicates in the hands of ſuch clerk of the peace, or his deputy, paying for every ſearch 1 *s.*; and the clerk of the peace, *&c.* is, upon demand, to deliver a true copy of all ſuch duplicates, or of ſuch part, of which a copy ſhall be demanded, to any perſon who ſhall demand the ſame (ſuch copy to be ſigned by ſuch clerk of the peace, or deputy, purporting the ſame to be a true copy), and for which copy ſuch clerk of the peace ſhall be paid at the rate of ſixpence for every three hundred words or figures; which ſaid duplicates, and alſo a true copy of them, ſigned as aforeſaid, and alſo the duplicate of any aſſeſſment in the poſſeſſion of the commiſſioners of land tax, or the receiver-general, or a copy of the ſaid duplicates, ſigned by ſuch commiſſioners, and purporting the ſame to be a true copy, ſhall be admitted as legal evidence, in all caſes whatſoever; and ſuch copy ſhall be delivered in a reaſonable time after demanded. *ſ.* 13.

Such clerk of the peace, in whoſe office ſuch duplicates ſhall be filed, or his deputy, ſhall, upon reaſonable notice, attend at every election of a knight of the ſhire, with the original duplicates, at the requeſt of any candidate; the perſon requeſting the ſame making ſuch clerk of the peace, or his deputy, a ſatisfaction for ſuch attendance, at the rate of two guineas *per* day, together with an allowance of 1 *s.* 6 *d.* a mile for the charges he may be at in his journey from the place of his abode to and from the place of election. *ſ.* 14.

After iſſuing any writ or precept for the election of a knight of the ſhire within *England* or *Wales*, the clerk of the peace, or his deputy, ſhall attend *gratis*, from day to day, from nine in the forenoon to three in the afternoon in each day, at the place where the records of the county are kept, from the time of the delivery of ſuch notice to the day immediately preceding the day of election, for the purpoſe of receiving applications for the inſpection of ſuch duplicates, and for making copies of them. *ſ.* 15.

If any clerk of the peace, or his deputy, ſhall neglect or refuſe to permit ſuch duplicates to be inſpected, or ſhall neglect or refuſe to deliver any copy of the ſame, or ſhall neglect to attend at the place where the records are kept, or at any county election, with ſuch duplicates, in purſuance of this act; ſuch clerk of the peace, or his deputy, ſhall forfeit 500 *l.* to the party aggrieved, provided ſuch action is brought within two months; and if no action is brought within the ſaid time, then to any perſon who ſhall ſue for the ſame as after-mentioned; and ſhall alſo forfeit his office, the ſame to be abſolutely void on ſuch clerk of the peace, or his deputy, being convicted of ſuch offence; and ſuch clerk of the peace, or his deputy, ſhall be rendered incapable of being again appointed a clerk of the peace, or deputy, or of acting as ſuch in any county, riding, or diviſion whatſoever. *ſ.* 16.

Final judgment upon any verdict obtained againſt ſuch clerk, or deputy, for the recovery of ſuch forfeiture, ſhall be deemed a ſufficient conviction of ſuch offence, without any other proſecution whatſoever; and immediately after ſuch judgment, the ſaid office ſhall be abſolutely void. *ſ.* 17.

The forfeitures impoſed againſt ſuch clerk of the peace, or deputy, ſhall be recovered with coſts, by action of debt, *&c.* in any court of record at *Weſtminſter*. *ſ.* 18.

No perſon ſhall be liable to any forfeiture, by this act, unleſs proſecution be commenced within twelve months. *ſ.* 19.

FORM of ASSESSMENT.

County of N — *to wit:* *For the pariſh of* — *in the ſaid county.* } An aſſeſſment made in purſuance of an act of parliament paſſed in the —— —— year of his majeſty's reign, for granting an aid to his majeſty by a land tax, to be raiſed in *Great Britain*, for the ſervice of the year one thouſand ſeven hundred and ——

Names of proprietors.	Names of occupiers.	Sums aſſeſſed.
A. B. — —	*Himſelf.* — —	— — —
A. B. — —	*C. D.* — —	— — —
E. F. — —	*C. D.* — —	— — —
C. D. — —	*G. H.* — —	— — —
I. K. and *L. M.* — —	*N. O.* — —	— — —
P. Q. — —	*R. S.* and *T. U.* — —	— — —

Signed this — day of —— 17 by us ——

A. B.
C. D. } Aſſeſſors.

By

By 21 *Geo.* 3. *c.* 54. The right of election for the city of *Coventry* is declared to be in the freemen, having ſerved 7 years apprenticeſhip, not receiving alms, being ſworn and inrolled.

By 22 *Geo.* 3. *c.* 41. No commiſſioner, collector, ſupervisor, gauger, or other officer or perſon whatſoever, concerned or employed in the exciſe, or any part thereof; nor any commiſſioner, collector, comptroller, ſearcher, or other officer or perſon whatſoever, concerned or employed in the cuſtoms, or any part thereof; nor any commiſſioner, officer, or other perſon concerned or employed in managing any of the duties on ſtamped vellum, *&c.* nor any perſon appointed by the commiſſioners for diſtributing of ſtamps; nor any commiſſioner, officer, or other perſon employed in managing any of the duties on ſalt; nor any ſurveyor, collector, comptroller, inſpector, officer, or other perſon employed in collecting, *&c.* the duties on windows or houſes; nor any poſtmaſter, poſtmaſters general, or their deputies, or any perſon employed under them in the revenue of the poſt office, or any part thereof; nor any captain, maſter, or mate of any ſhip, packet, or other veſſel, employed by the poſtmaſter general in conveying the mail to and from foreign ports, ſhall be capable of giving his vote for the election of any knight of the ſhire, commiſſioner, citizen, burgeſs, or baron, to ſerve in parliament for any county, ſtewartry, city, borough, or cinque port, or for chooſing any delegate in whom the right of electing members to ſerve in parliament for *Scotland* is veſted: and if any perſon, hereby made incapable of voting, ſhall nevertheleſs preſume to give his vote, during the time he ſhall hold, or within twelve months after he ſhall ceaſe to hold or execute any of the offices aforeſaid, contrary to this act, ſuch votes ſhall be void; and every perſon ſo offending ſhall forfeit 100 *l.*; one moiety to the informer, and the other to be immediately paid into the hands of the treaſurer of the county, *&c.* in *England*; and into the hands of the clerk of the juſtices of the peace of the counties or ſtewartries in *Scotland*, to be diſpoſed of to ſuch purpoſes as the next general quarter-ſeſſion ſhall think fit; to be recovered by any perſon that ſhall ſue for the ſame, by action of debt, *&c.* in any court of record at *Weſtminſter*, or by ſummary complaint before the court of ſeſſion in *Scotland*; and the perſon convicted on ſuch ſuit ſhall thereby become incapable of ever bearing any office or place of truſt under his majeſty. *ſ.* 1.

Nothing in this act ſhall extend to any commiſſioner of the land tax, or for acting under the appointment of ſuch commiſſioners, for the purpoſe of aſſeſſing, collecting, *&c.* the land tax. *ſ.* 2.

Nothing in this act ſhall extend to any office held by letters patent for any eſtate of inheritance or freehold. *ſ.* 3.

No perſon ſhall be liable to any forfeiture, unleſs proſecution be commenced within twelve months. *ſ.* 5.

By 22 *Geo.* 3. *c.* 45. Any perſon who ſhall, directly or indirectly, himſelf, or by any perſon in truſt for him, or for his uſe, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commiſſion, made or entered into with the commiſſioners of the treaſury, or of the navy or victualling office, or with the maſter general or board of ordnance, or with any of ſuch commiſſioners, or with any other perſon on account of the public ſervice; or ſhall knowingly furniſh, in purſuance of ſuch agreement, *&c.* any money to be remitted abroad, or any wares to be uſed in the ſervice of the public, ſhall be incapable of being elected, or of ſitting or voting as a member of the houſe of commons, during the time he ſhall enjoy ſuch contract, *&c.* or any ſhare thereof, or any benefit ariſing from the ſame. *ſ.* 1.

If any perſon, being a member, ſhall, directly or indirectly, himſelf, or by any other perſon in truſt for him, enter into any ſuch contract, *&c.* as aforeſaid; and if any member having already entered into any ſuch contract, *&c.* ſhall, after the commencement of the next ſeſſion of parliament, continue to hold, execute, or enjoy the ſame, or any part thereof, the ſeat of every ſuch perſon ſhall be void. *ſ.* 2.

Nothing herein ſhall extend to any contract, agreement, or commiſſion, made, entered into, or accepted, by any incorporated trading company in its corporate capacity, nor to any company now eſtabliſhed and conſiſting of more than ten perſons, where ſuch contract, *&c.* ſhall be made for the general benefit of ſuch company. *ſ.* 3.

If any perſon hereby diſabled to ſit or vote in parliament, ſhall nevertheleſs be returned as a member for any county, *&c.* ſuch election and return are void: and if any perſon, diſabled and declared incapable to be elected, ſhall preſume to ſit or vote as a member, ſuch perſon ſhall forfeit 500 *l.* for every day in which he ſhall ſit or vote, to any perſon who ſhall ſue in any court at *Weſtminſter*; and the money forfeited ſhall be recovered by the perſon ſuing, with coſts, by action of debt, *&c.*; or by ſummary complaint before the court of ſeſſion in *Scotland*; and every perſon againſt whom ſuch penalty ſhall be recovered, ſhall be from thenceforth incapable of holding any contract, *&c.* for the public ſervice, or any ſhare thereof, or any benefit from the ſame. *ſ.* 9.

In every contract, *&c.* there ſhall be inſerted an expreſs condition, that no member of the houſe of commons be admitted to any ſhare of ſuch contract, or to any benefit therefrom: and in caſe any perſon who ſhall enter into ſuch contract, ſhall admit any member to any ſhare thereof, or to receive any benefit thereby, ſuch perſon ſhall forfeit 500 *l.*; to be recovered, with coſts, in any court of record at *Weſtminſter*, by any perſon who ſhall ſue for the ſame, by action of debt, *&c.*; or by ſummary complaint before the court of ſeſſion in *Scotland*. *ſ.* 10.

No perſon ſhall be liable to any forfeiture by this act, unleſs proſecution be commenced within twelve months. *ſ.* 11.

By 24 *Geo.* 3. *c.* 26. It ſhall be lawful for the ſpeaker of the houſe of commons, during any receſs, whether by prorogation or adjournment, to iſſue his warrant to the clerk of the crown, to make out a new writ for electing a member of the houſe of commons in the room of any member who ſhall die, or become a peer, either during the receſs, or previous thereto, as ſoon as he ſhall receive notice, by a certificate, under the hands of two members, of the death of ſuch member, in the firſt caſe; and in the ſecond caſe, that a writ of ſummons hath been iſſued, under the great ſeal, to ſummon ſuch peer to parliament; which certificate may be in the form in the ſchedule annexed. *ſ.* 2.

The ſpeaker ſhall forthwith, after receiving ſuch certificate, cauſe notice thereof to be inſerted in the *London Gazette*, and ſhall not iſſue his warrant until fourteen days after the inſertion of ſuch notice in the *Gazette*. *ſ.* 3.

Nothing herein ſhall enable the ſpeaker to iſſue his warrant for the purpoſes aforeſaid, unleſs the return of the writ (by virtue of which ſuch member deceaſed, or become a peer, was elected) ſhall have been brought into the office of the clerk of the crown, fifteen days before the end of the laſt ſitting of the houſe, immediately preceding the time when ſuch application ſhall be made to the ſpeaker to iſſue ſuch warrant; nor unleſs ſuch application ſhall be made ſo long before the then next meeting of the houſe for

the diſpatch of buſineſs, as that the writ for election may be iſſued before the day of ſuch next meeting, nor in caſe ſuch application ſhall be made with reſpect to any ſeat in that houſe, which ſhall have been vacated by any member, againſt whoſe election and return a petition was depending, at the time of the laſt prorogation or adjournment. *ſ.* 4.

It ſhall be lawful for the ſpeaker, and he is hereby required, within a convenient time, after he ſhall be in that office, at the beginning of any parliament, by any inſtrument in writing under his hand and ſeal, to appoint not more than ſeven, nor leſs than three, members of the houſe, thereby authoriſing them, or one of them, to execute all the powers given to the ſpeaker, for iſſuing ſuch warrants by virtue of this act, ſubject nevertheleſs to ſuch regulations as are herein contained, which appointment ſhall, notwithſtanding the death of the ſpeaker making the ſame, or the vacating his ſeat, continue in full force until the diſſolution of the parliament. *ſ.* 5.

Whenever the ſaid perſons ſhall, by death, or by their ſeats being vacated, be reduced to leſs than three, it ſhall be lawful for the ſpeaker to make a new appointment as before directed. *ſ.* 6.

Such appointment ſhall be entered in the journals of the houſe, and be alſo publiſhed once in the *London Gazette*; and the inſtrument of ſuch appointment ſhall be preſerved by the clerk of the houſe, and a duplicate thereof ſhall be filed in the office of the clerk of the crown in chancery. *ſ.* 7.

Nothing in this act ſhall give power to any perſon ſo appointed, except in the caſe of there being no ſpeaker, or of his being out of the realm, nor for any longer time than ſuch perſon ſhall continue a member of the houſe. *ſ.* 8.

The publiſher of the *Gazette*, when ſuch notice of the iſſuing of any warrant ſhall be brought him, ſigned by any perſon ſo appointed, ſhall give a receipt for the ſame, ſpecifying the day and hour when the ſame was received; and in caſe more than one ſuch notice ſhall be brought to him, relative to the ſame election, ſuch publiſher ſhall inſert in the *Gazette*, only the notice firſt received. *ſ.* 9.

SCHEDULE.

WE whoſe names are underwritten, being two members of the houſe of commons, do hereby certify, that M. P. *late a member of the ſaid houſe, ſerving as one of the knights of the ſhire for the county of* —— [or as the caſe may be] *died upon the* ——— *day of* ——— [or *is become a peer of* Great Britain, *and that a writ of ſummons hath been iſſued, under the great ſeal of* Great Britain, *to ſummon him to parliament*], [as the caſe may be]; *and we give you this notice, to the intent that you may iſſue your warrant to the clerk of the crown, to make out a new writ for the election of a knight to ſerve in parliament for the ſaid county of* ——— [or as the caſe may be] *in the room of the ſaid* M. P. *Given under our hands this* ——— *day of* ———

To the Speaker of
the Houſe of Commons.

Note, *That in caſe there ſhall be no ſpeaker of the houſe of commons, or of his abſence out of the realm, ſuch certificate may be addreſſed to any one of the perſons appointed according to the directions of this act.*

By 25 *Geo.* 3. *c.* 84. Every poll, demanded at any election within *England*, *Wales*, or for *Berwick upon Tweed*, ſhall commence on the day upon which the ſame ſhall be demanded, or upon the next day at fartheſt (unleſs it be a *Sunday*, and then on the day after); and ſhall be proceeded in from day to day (*Sundays* excepted) until finiſhed, ſo as no poll continue more than 15 days; and if ſuch poll continue until the 15th day, then the ſame ſhall be finally cloſed at or before three in the afternoon of the ſame day; and the returning officer ſhall immediately, or on the day next after the final cloſe of the poll, declare the names of the perſons who have the majority of votes, and ſhall forthwith make a return of ſuch perſons, unleſs the returning officer, upon a ſcrutiny being demanded by any candidate, or two electors, ſhall deem it neceſſary to grant the ſame: in which caſe it ſhall be lawful for him ſo to do, and to proceed thereupon, but ſo as that in all caſes of a general election, every returning officer ſhall cauſe a return of members to be filed in the crown office on or before the day on which ſuch writ is returnable; and every other returning officer acting under a precept ſhall make a return at leaſt ſix days before the return of the writ; and ſo that upon a writ iſſued during a ſeſſion or prorogation, and a ſcrutiny being granted, then that a return ſhall be made within 30 days after the cloſe of the poll, or ſooner, if convenient. *ſ.* 1.

Whenever a ſcrutiny ſhall be granted, and there ſhall be more parties than one objecting to votes on ſuch ſcrutiny, the returning officer ſhall decide alternately on the votes given for the different candidates. *ſ.* 2.

Every returning officer, unleſs prevented by accident, ſhall, during the poll, on every day cauſe the ſaid poll to be kept open for ſeven hours at the leaſt, between eight in the morning and eight at night. *ſ.* 3.

After the receipt of the writ for making an election for knights of the ſhire, and indorſing on the back thereof the day of receiving the ſame, the ſheriff is, within two days after receipt thereof, to cauſe proclamation to be made at the place where the election ought to be holden, of a ſpecial county court to be there holden for ſuch election only, on any day, *Sunday* excepted, not later from the day of making ſuch proclamation, than the 16th, nor ſooner than the 10th; and he ſhall proceed in ſuch election, at ſuch court, as if the election was to be held at a county court, or at an adjourned county court; provided the uſual county court for all other purpoſes, or any adjournment thereof, ſhall be held and proceeded in by the ſheriff as if the writ for the election of knights of the ſhire had not been received. *ſ.* 4.

Upon every election within *England*, *Wales*, or *Berwick upon Tweed*, in all caſes where no oath or affirmation of qualification, other than againſt bribery, or of allegiance, ſupremacy, and abjuration, can now be required, every perſon claiming to vote, ſhall (if required by any candidate, or perſon having a right to vote) before admitted to poll, take the oath (or affirmation) following, *viz.*

I do ſwear (or being a quaker *do affirm) that my name is* A. B. *and that I am* ——— *(ſpecifying the addition, profeſſion, or trade of ſuch perſon), and that the place of my abode is at* ——— *in the county of* ——— *(and if it is a town conſiſting of more ſtreets than one, ſpecifying what ſtreet); and that I have not before polled at this election; and that I verily believe myſelf to be of the full age of* 21 *years.*

Which the returning officer, and his deputies and poll clerks are to adminiſter. *ſ.* 3.

Upon every election for any county, city, borough, or place, within *England*, *Wales*, or *Berwick upon Tweed*, the return-

returning officers, if they ſee cauſe, are, during the continuance of any ſcrutiny, to adminiſter an oath to any perſon *conſenting to take the ſame*, touching the right of any perſon having voted at ſuch election, or touching any other matter material towards carrying on ſuch ſcrutiny. *ſ.* 6.

At every election within *England*, *Wales*, or *Berwick upon Tweed*, every perſon whom the returning officer ſhall retain to act as a clerk in taking the poll, ſhall, before beginning to take ſuch poll, be ſworn by ſuch returning officer, truly and indifferently to take the poll, and to ſet down the name of each voter, and his addition, and place of abode, and for whom he ſhall poll; and to poll no perſon who is not ſworn or put to his affirmation, where by ſtatute required, which oath, of ſuch poll clerk, the returning officer is to adminiſter. *ſ.* 7.

If any perſon taking an oath or affirmation before any returning officer, ſhall commit wilful perjury, or if any perſon ſhall ſuborn any other perſon to take any ſuch oath or affirmation, whereby he ſhall commit perjury, he ſhall incur ſuch pains as are inflicted in 5 *Eliz. c.* 9. and 2 *Geo. 2. c.* 25. *ſ.* 8.

Nothing in this act ſhall affect, alter, or regulate the election for any place where particular regulations, touching the duration of polls and ſcrutinies, are enacted by ſtatute. *ſ.* 9.

If upon any writ iſſued for election of members, no return ſhall be made to the ſame on or before the day on which ſuch writ is made returnable; or if a writ ſhall have been iſſued during any ſeſſion or prorogation, and no return ſhall be made to the ſame within 52 days after the day on which ſuch writ bears date; or if the return made in either of ſuch caſes ſhall not be a return of members, according to the requiſition thereof, but contain ſpecial matters only concerning ſuch election, it ſhall be lawful for any perſon, having had a right to vote at ſuch election, or claiming to have had a right to be returned, as duly elected thereat, who ſhall think himſelf aggrieved, to petition the houſe of commons concerning the ſame; and upon ſuch petition being preſented, a day and hour ſhall be appointed for taking the ſame into conſideration, and notice thereof in writing ſhall be forthwith given by the ſpeaker to the petitioners, and to the returning officer, accompanied with an order to them to attend the houſe at the time appointed, according to 10 *Geo.* 3. *c.* 16. and 11 *Geo.* 3. *c.* 42. for regulating the trial of controvered elections; which committee ſhall try whether the perſons named in ſuch petition ought to have been returned, or whether a new writ ought to iſſue; which determination ſhall be final; and the houſe being informed thereof by the chairman of the ſelect committee, ſhall order the ſame to be entered on their journals, and give directions for ordering a return to be made, or for altering the return if made, or for iſſuing a new writ, or for carrying the ſaid determination into execution. *ſ.* 10.

The rules, *&c.* preſcribed by the ſaid acts, ſhall be in full force with reſpect to ſelect committees appointed by virtue of this act. *ſ.* 11.

If the returning officer cannot be found, to be ſerved with the notice or order before mentioned, or being ſerved, ſhall not appear by himſelf, counſel, or agents, at the day appointed for taking ſuch petition into conſideration, the houſe may authoriſe any perſon to appear in the ſtead of him, and in caſe there ſhall be more petitions than one preſented, complaining of ſuch return, or omiſſion of a return, on diſtinct intereſts, or different grounds, the houſe ſhall determine from the nature of the caſe, whether the returning officer, or perſon appearing in the ſtead of him, ſhall, together with ſuch petitioners, be entitled to ſtrike off from the liſt of members drawn by lot, as directed by 11 *Geo.* 3. in the caſe where there ſhall be more than two parties before the houſe, or whether ſuch liſt ſhall be reduced by the parties ſeverally preſenting the ſaid petitions only. *ſ.* 12.

If any ſheriff, or other returning officer who ſhall preſide at any election, ſhall wilfully act contrary to this act, ſuch perſon ſhall be liable to be proſecuted by information or indictment in the king's bench, or at any court of *oyer* and *terminer*, great ſeſſions, or gaol delivery, in which no *nolle proſequi* or *ceſſet proceſſus* ſhall be granted. *ſ.* 13.

If any ſheriff or returning officer ſhall wilfully delay, neglect, or refuſe duly to return any perſon who ought to be returned, ſuch perſon may, in caſe it ſhall be determined by a ſelect committee, appointed as before directed, that ſuch perſon was entitled to have been returned, ſue the ſheriff, or officer, and ſhall recover double the damages he ſhall ſuſtain, together with coſts. *ſ.* 14.

Every indictment, information, or action, for any offence againſt this act ſhall be found, *&c.* within one year after the fact, or ſix months after the concluſion of any proceedings in the houſe of commons. *ſ.* 15.

Notwithſtanding this act, it ſhall be lawful for the ſheriff of the county of *Southampton*, and he is required, after any poll for the ſaid county ſhall have cloſed at *Winchester*, and which ſhall always be cloſed within 15 days at moſt, as above required, to adjourn the poll to *Newport* in the *Iſle of Wight*, in caſe the ſame ſhall be required by one of the candidates, ſo that ſuch adjourned poll ſhall commence within four days from the cloſe of the poll at *Winchester*, and ſhall not continue longer than three days. *ſ.* 16.

By 26 *Geo.* 3. *c.* 100. No perſon ſhall vote for any city or borough of *England* or *Wales*, as an inhabitant paying ſcot and lot, or as an inhabitant houſeholder, houſekeeper, and potwaller, legally ſettled, or as an inhabitant houſeholder, houſekeeper, and potwaller, or as an inhabitant houſeholder reſiant, or as an inhabitant of ſuch city or borough, unleſs he ſhall have been actually an inhabitant paying ſcot and lot, *&c.* within ſuch city or borough ſix months previous to the day of election; and if any perſon ſhall vote contrary to this act, his vote ſhall be void, and he ſhall forfeit to any perſon who ſhall ſue, 20*l.*, to be recovered by action of debt, at *Weſtminſter*; and in ſuch action the proof of inhabitancy ſhall lie upon the perſon againſt whom the ſame ſhall be brought; provided alſo nothing in this act extend to any perſon acquiring the poſſeſſion of any houſe by deſcent, marriage, or marriage ſettlement, or promotion to any office or benefice. *ſ.* 1.

This act ſhall relate only to thoſe perſons who claim to exerciſe the franchiſe of voting as inhabitants paying ſcot and lot, or as inhabitants houſeholders, houſekeepers, and potwallers, legally ſettled, or as inhabitants houſeholders, houſekeepers, and potwallers, or as inhabitants houſeholders reſiants, or as inhabitants within ſuch cities or boroughs, and ſhall not extend to any other perſons who claim to vote by any other title. *ſ.* 2.

By 28 *Geo.* 3. *c.* 52. No petition complaining of an undue election or return, or of the omiſſion of a return, or of the inſufficiency of a return, ſhall be proceeded upon unleſs the ſame ſhall be ſubſcribed by ſome perſon claiming therein to have a right to vote at the election, or to have a right to be returned, or alledging himſelf to have been a candidate at ſuch election; provided that where a writ has been iſſued for the election of a member for any diſtrict of burghs in *Scotland*, ſuch petition may be proceeded upon,

if ſubſcribed by any perſon claiming therein to have had a right to vote at the election of any delegate or commiſſioner for chuſing a burgeſs for ſuch diſtrict. *ſ.* 1.

If at any time before the day appointed for taking ſuch petition into conſideration, the ſpeaker ſhall be informed, by a certificate in writing, ſubſcribed by two members, of the death of the ſitting member, whoſe election or return is complained of in ſuch petition, or of the death of any member returned upon a double return, whoſe election or return is complained of in ſuch petition, or that a writ of ſummons has been iſſued, under the great ſeal, to ſummon ſuch member as a peer; or if the houſe of commons ſhall have reſolved, that the ſeat of ſuch member is by law become vacant; or if the ſaid houſe ſhall be informed, by a declaration in writing, ſubſcribed by ſuch member, and delivered in at the table of the houſe, that it is not the intention of ſuch member to defend his election or return; in every ſuch caſe notice thereof ſhall immediately be ſent by the ſpeaker to the ſheriff, or returning officer, and ſuch officer ſhall cauſe a copy of the ſame to be affixed on the doors of the county or town hall, or of the pariſh church neareſt to the place where ſuch election has been uſually held, and ſuch notice ſhall alſo be inſerted by order of the ſpeaker, in the next *London Gazette*; and the order for taking ſuch petition into conſideration ſhall, if neceſſary, be adjourned, ſo that 30 days may intervene between the day on which ſuch notice ſhall be inſerted in the *Gazette*, and the day on which ſuch petition ſhall be taken into conſideration. *ſ.* 2.

It ſhall be lawful at any time within 30 days after the day on which ſuch notice ſhall have been inſerted in the *Gazette*, for any perſon claiming to have had a right to vote, to petition the houſe, praying to be admitted a party in the room of ſuch member, and ſuch perſon ſhall thereupon be admitted a party, and conſidered as ſuch. *ſ.* 3.

Whenever the member whoſe election or return is complained of in ſuch petition, ſhall have given notice of his intention not to defend the ſame, he ſhall not be admitted to appear as a party againſt ſuch petition, in any ſubſequent proceedings thereupon, and he ſhall alſo be reſtrained from ſitting in the houſe, or voting in any queſtion, until ſuch petition ſhall have been decided upon as preſcribed by 10 *Geo.* 3. *c.* 16. 11 *Geo.* 3. *c.* 42. and 25 *Geo.* 3. *c.* 84. *ſ.* 4.

No proceeding ſhall be had on any petition unleſs the perſons ſubſcribing the ſame, or one of them, ſhall, within 14 days after the ſame ſhall have been preſented to the houſe, or within ſuch further time as ſhall be limited by the houſe, perſonally enter into a recognizance to the king, according to the form annexed, in 200*l.* with two ſureties in 100*l.* each, to appear before the houſe at ſuch times as ſhall be fixed for taking ſuch petition into conſideration, and alſo to appear before any ſelect committee appointed for the trial of the ſame, and to renew the ſame in every ſubſequent ſeſſion until a ſelect committee ſhall have been appointed by the houſe for trial of the ſame, or until the ſame ſhall have been withdrawn by the permiſſion of the houſe; and if, at the expiration of the 14 days, ſuch recognizance ſhall not have been entered into, or ſhall not have been received by the ſpeaker, the ſpeaker ſhall report the ſame to the houſe, and the order for taking ſuch petition into conſideration ſhall thereupon be diſcharged, unleſs, upon matter ſpecially ſtated, and verified to the ſatisfaction of the houſe, the houſe ſhall ſee cauſe to enlarge the time for entering into ſuch recognizance; and whenever ſuch time ſhall be enlarged, the order for taking ſuch petition into conſideration ſhall be poſtponed, ſo that no petition ſhall be taken into conſideration, till after ſuch recognizance ſhall have been entered into and received by the ſpeaker: provided that the time for entering into ſuch recognizance ſhall not be enlarged more than once, nor for any days exceeding 30. *ſ.* 5.

The ſaid recognizances ſhall be entered into before the ſpeaker, who is to take the ſame; and the ſufficiency of the ſureties ſhall be allowed by the ſpeaker, on the report of two perſons appointed by him to examine the ſame, of which two perſons the clerk or clerk aſſiſtant of the houſe ſhall always be one; and one of the following officers, not being a member of the houſe, ſhall be the other; *viz.* maſters of chancery, clerks in the court of king's bench, prothonotaries in the common pleas, and clerks in the court of exchequer: and the ſaid perſons are to examine the ſame, and report their judgment thereupon; and are alſo to receive ſuch fees as ſhall be fixed by any reſolution of the houſe of commons. *ſ.* 6.

Where the parties who are to enter into ſuch recognizance, or their ſureties, ſhall reſide at a greater diſtance from *London* than 40 miles, ſuch parties or ſureties may enter into ſuch recognizance before any juſtice of the peace, and ſuch recognizance being certified under the hand of ſuch juſtice, and being tranſmitted to the ſpeaker, ſhall have the ſame effect as if entered into before the ſpeaker: provided that it ſhall be lawful for the perſons to whom it is referred by the ſpeaker to examine the ſufficiency of ſuch ſureties, to receive as evidence, in their examination, any affidavits relating thereto, which ſhall be ſworn before any maſter in chancery, or before any juſtice of the peace; and ſuch maſter of chancery, or juſtice, is to adminiſter ſuch oath, and certify ſuch affidavit under his hand. *ſ.* 7.

The houſe ſhall not permit ſuch petition to be withdrawn, except ſo far as the ſame may relate to the election or return of any member who ſhall, ſince the ſame ſhall have been preſented, have vacated his ſeat by death, or otherwiſe. *ſ.* 8.

If the petitioners, who ſhall have entered into ſuch recognizance, ſhall not appear before the houſe, by themſelves, their counſel, or agents, within one hour after the time fixed for calling in the parties, for the purpoſe of proceeding to the appointment of a ſelect committee, or if the ſelect committee appointed for the trial of ſuch petition, ſhall inform the houſe that ſuch perſons did not appear before the committee, to proſecute their petition; or if ſuch perſons ſhall neglect to renew their petition within four ſitting days after the commencement of every ſeſſion, ſubſequent to that in which ſuch petition was firſt preſented, and until a ſelect committee ſhall have been appointed, or until the ſame ſhall have been withdrawn by the permiſſion of the houſe; in ſuch caſe ſuch perſons ſhall be held to have made default in their recognizance; and the ſpeaker ſhall certify ſuch recognizance into the court of exchequer, and ſhall alſo certify that ſuch perſons have made default therein, and ſuch certificate ſhall be concluſive evidence of ſuch default, and the recognizance ſo certified ſhall have the ſame effect as if eſtreated from a court of law: provided that ſuch recognizance and certificate ſhall be delivered by the clerk or clerk aſſiſtant of the houſe, into the hands of the lord chief baron, or of one of the barons, or of ſuch officer of the court of exchequer as ſhall be appointed to receive the ſame. *ſ.* 9.

Sunday and *Chriſtmas Day* being excepted from the regulations of the acts, *Good Friday* ſhall alſo be excepted therefrom. *ſ.* 10.

If, on the day immediately preceding any of the three follow-

following days, *viz.* *Chriſtmas Day*, *Whitſunday*, or *Good Friday*, after reading the order of the day for taking ſuch petition into conſideration, it ſhall be found that there are not 100 members preſent, or that the number of 49 members not ſet aſide or excuſed, cannot be completed, it ſhall be lawful for the houſe, if they think fit, to direct that the ſaid order ſhall be adjourned, and the houſe ſhall then immediately be adjourned to the hour and day to which ſuch order ſhall be adjourned. *ſ.* 11.

It ſhall be lawful for the houſe, previous to the reading the order of the day for taking ſuch petition into conſideration, to receive any report from any ſelect committee appointed in purſuance of the acts, and to enter the ſame upon their journals, and to give the neceſſary orders thereupon; and previous to reading the ſaid order, the clerk of the crown may be admitted to alter any return, in purſuance of an order made on the preceding day, or on that day; and alſo it ſhall be lawful for the houſe, previous to reading the ſaid order, to poſtpone the ſame, for the purpoſe of attending his majeſty, or his majeſty's commiſſioners, in the houſe of lords, in conſequence of any meſſage ſignified to the houſe in the uſual manner. *ſ.* 12.

If, within one hour after the time fixed in purſuance of the acts for calling in the parties, their counſel, or agents, for the appointment of a ſelect committee, the petitioners ſhall not appear by themſelves, their counſel, or agents, the order for taking ſuch petition into conſideration ſhall be diſcharged, and ſuch petition ſhall not be any further proceeded upon. *ſ.* 13.

If, within one hour after the time appointed, the ſitting member or other parties oppoſing the petition, ſhall not appear by themſelves, their counſel, or agents, or if, at the time appointed, there ſhall be no party before the houſe oppoſing the petition, the houſe ſhall proceed to appoint a ſelect committee, to try the merits of ſuch petition in the following manner, *viz.* the names of 49 members ſhall be drawn as preſcribed in the acts, but in reducing the liſt to 13, the place of a party oppoſing the petition ſhall be ſupplied by the clerk appointed to attend the committee, who ſhall, as often as it ſhall come to his turn, as ſupplying the place of the party oppoſing the petition, to ſtrike out a name, ſtrike out that name which then ſhall be firſt in the liſt; and where the party oppoſing would be empowered, by the acts, to nominate one member to be added to the 13, the ſaid 13 ſhall, from among the perſons preſent in the houſe at the time of drawing the names of the members, chuſe one perſon to ſupply the place of the member to have been nominated, in the ſame manner as is directed by the 11 *Geo.* 3. where there are more than two parties on diſtinct intereſts. *ſ.* 14.

The ſame method of reducing the liſt drawn to 13, and of nominating a member to be added to the 13 remaining on the liſt, ſhall be followed, whenever any party ſhall waive his right of ſtriking off names, or nominating a member to be added to the 13. *ſ.* 15.

If any perſon ſummoned to attend the ſelect committee, by warrant of the ſpeaker, or order of the committee, ſhall diſobey ſuch ſummons, or ſhall give falſe evidence, or ſhall prevaricate, or otherwiſe miſbehave in giving, or in refuſing to give evidence before the committee, the ſaid committee ſhall have power, by warrant, ſigned by the chairman, and directed to the ſerjeant at arms, or his deputy, to commit ſuch perſon (not being a peer or lord of parliament) to the cuſtody of the ſerjeant, without bail, for not exceeding 24 hours if the houſe ſhall then be ſitting, or if not, then for not exceeding 24 hours after the hour to which the houſe ſhall be adjourned. *ſ.* 16.

Whenever any committee ſhall have ſat for buſineſs 14 days, not including thoſe days on which they ſhall have adjourned on account of the abſence of any member, nor including *Sunday*, *Chriſtmas Day*, or *Good Friday*, it ſhall be lawful for them to proceed to buſineſs, if a number of members not leſs than twelve be preſent; and in ſuch caſe the committee ſhall not be diſſolved by the abſence of the members, unleſs the number able to attend ſhall, by death or otherwiſe, be reduced to leſs than 12, and ſhall ſo continue for three ſitting days; and whenever any committee ſhall in like manner have ſat for buſineſs 25 days, it ſhall be lawful for them to proceed to buſineſs, if a number of members not leſs than 11 be preſent; and in ſuch caſe the committee ſhall not be diſſolved by reaſon of abſence of the members, unleſs the number ſhall, by death or otherwiſe, be reduced to leſs than 11, and ſhall ſo continue for three ſitting days. *ſ.* 17.

Such committee at the time they report to the houſe their final determination on the petition, ſhall alſo report to the houſe whether ſuch petition did or did not appear to them to be frivolous or vexatious; and they ſhall in like manner report, with reſpect to every party who ſhall have appeared before them in oppoſition to ſuch petition, whether the oppoſition did or did not appear to be frivolous and vexatious; and if no party ſhall have appeared before them in oppoſition to ſuch petition, they ſhall then report to the houſe whether ſuch election or return, or ſuch alledged omiſſion of a return, or ſuch alledged inſufficieney of a return, did or did not appear to be vexatious or corrupt. *ſ.* 18.

Whenever ſuch committee ſhall report to the houſe, with reſpect to any ſuch petition, that the ſame appeared to be frivolous or vexatious, the parties who ſhall have appeared before the committee in oppoſition to ſuch petition, ſhall be entitled to recover, from the perſons who ſhall have ſigned ſuch petition, the coſts and expences which ſuch parties ſhall have incurred in oppoſing the ſame; ſuch coſts to be aſcertained as after directed. *ſ.* 19.

Whenever ſuch committee ſhall report to the houſe, with reſpect to the oppoſition made to ſuch petition, that ſuch oppoſition appeared frivolous or vexatious, the perſons who ſhall have ſigned ſuch petition ſhall be entitled to recover from ſuch parties, with reſpect to whom ſuch report ſhall be made, the coſts and expences which ſuch petitioners ſhall have incurred, to be aſcertained as after directed. *ſ.* 20.

Whenever, in any caſe where no party ſhall have appeared before ſuch committee in oppoſition to ſuch petition, ſuch committee ſhall report to the houſe, with reſpect to the election or return, or to the alledged omiſſion of a return, or to the alledged inſufficiency of a return, complained of in ſuch petition, that the ſame appeared vexatious or corrupt, the perſon who ſhall have ſigned ſuch petition ſhall be entitled to recover from the ſitting member, (if any) whoſe election or return ſhall be complained of, ſuch member not having given notice of his intention not to defend the ſame, or from any other perſon whom the houſe ſhall have admitted to be a party to oppoſe ſuch petition, the coſts which ſuch petitioners ſhall have incurred in proſecuting their petition, to be aſcertained as after directed. *ſ.* 21.

In the caſes before mentioned, the coſts of proſecuting or oppoſing ſuch petition ſhall be aſcertained, *viz.* on application made to the ſpeaker, by ſuch petitioner, for aſcertaining ſuch coſts, he ſhall direct the ſame to be taxed by two perſons, of whom the clerk or clerk aſſiſtant of the houſe ſhall always be one, and one of the following officers, not being a member of the houſe, ſhall be the other; *viz.*

maſters

maſters of chancery, clerks in the court of king's bench, prothonotaries in the common pleas, and clerks in the court of exchequer; and the perſons ſo authoriſed to tax ſuch coſts ſhall examine the ſame, and report the amount thereof to the ſpeaker, who ſhall on application made to him, deliver to the party a certificate, ſigned by himſelf, expreſſing the amount of the coſts allowed in ſuch report; and the perſons appointed to tax ſuch coſts, and report the amount thereof, are to receive, for ſuch taxation and report, ſuch fees as ſhall be fixed by any reſolution of the houſe. *ſ.* 22.

It ſhall be lawful for the party entitled to ſuch coſts, to demand the whole amount certified, from any one of the perſons who are liable to the payment thereof; and in caſe of non-payment thereof, to recover the ſame by action of debt, in any court of record at *Weſtminſter*; in which action it ſhall be ſufficient for the plaintiff to declare that the defendant is indebted to him (in the ſum to which the coſts aſcertained ſhall amount) by virtue of this act; and the certificate of the ſpeaker, under his ſignature, of the amount of ſuch coſts, together with an examined copy of the entries in the journals of the houſe, of the reſolution of the ſelect committee, ſhall be ſufficient evidence in ſupport of ſuch action: provided that in ſuch action, no wager of law, or more than one imparlance, ſhall be allowed; and the party in whoſe favour judgment ſhall be given, ſhall recover coſts. *ſ.* 33.

Where the amount of ſuch coſts ſhall have been recovered from any perſon, it ſhall be lawful for ſuch perſon to recover from ſuch other perſons liable to pay the ſaid coſts a proportionable ſhare thereof. *ſ.* 24.

Whenever ſuch ſelect committee ſhall be of opinion, that the merits of ſuch petition do wholly or in part depend on any queſtion which ſhall be before them, reſpecting the right of election, or reſpecting the right of appointing the returning officer, the ſaid committee ſhall require the counſel or agents for the parties, or if there be none ſuch before them, then the parties themſelves, to deliver to the clerk of the committee, ſtatements in writing of the right of election, or of appointing returning officers, for which they contend; and the committee ſhall come to diſtinct reſolutions on ſuch ſtatements, and ſhall, at the time they report to the houſe their final determination on the merits of ſuch petition, alſo report to the houſe ſuch ſtatement, together with their judgment in reſpect thereto: and ſuch report ſhall thereupon be entered in the journals of the houſe, and notice thereof ſhall be ſent by the ſpeaker to the ſheriff, or returning officer; and a true copy of ſuch notice ſhall, by ſuch ſheriff or returning officer, be affixed to the doors of the county hall or town hall, or of the pariſh church neareſt to the place where ſuch election has uſually been held; and ſuch notice ſhall alſo be inſerted, by order of the ſpeaker, in the next *London Gazette*. *ſ.* 25.

It ſhall be lawful for any perſon, within 12 months after the day on which ſuch report ſhall be made to the houſe, or within 14 days after the commencement of the next ſeſſion, to petition the houſe to be admitted as a party to oppoſe that right of election, or of appointing the returning officer, which ſhall have been deemed valid in the judgment of ſuch committee. *ſ.* 26.

If no ſuch petition ſhall be preſented within the time above limited, the judgment of ſuch committee on ſuch queſtion, ſhall be concluſive in all ſubſequent elections for that place to which the ſame ſhall relate. *ſ.* 27.

Whenever ſuch petition ſhall be preſented, a day and hour ſhall be appointed by the houſe for taking the ſame into conſideration, ſo that 40 days ſhall always intervene between the day of preſenting ſuch petition, and the day for taking the ſame into conſideration; and notice of ſuch day and hour ſhall be inſerted, by order of the ſpeaker, in the next *London Gazette*, and ſhall alſo be ſent by him to the ſheriff or returning officer, and a true copy of ſuch notice ſhall, by the ſaid ſheriff or returning officer, be affixed to the doors of the county or town hall, or of the pariſh church neareſt. *ſ.* 28.

It ſhall be lawful for any perſon, before the day appointed for taking ſuch petition into conſideration, to petition the houſe to be admitted as a party to defend ſuch right of election, or of appointing the returning officer, and ſuch perſon ſhall thereupon be admitted and conſidered as ſuch. *ſ.* 29.

At the hour appointed by the houſe for taking ſuch petition into conſideration, the houſe ſhall proceed to appoint a ſelect committee to try the merits thereof, according to the directions of the acts; and ſuch ſelect committee ſhall be ſworn to try and determine the merits of ſuch petition, ſo far as the ſame relate to any queſtion reſpecting the right of election, or reſpecting the right of appointing the returning officer; and the determination of ſuch committee on ſuch queſtion ſhall be entered on the journals of the houſe, and ſhall be concluſive in all ſubſequent elections for that place to which the ſame ſhall relate. *ſ.* 30.

So much of 2 *Geo.* 2. *c.* 24. is repealed, as relates to any determination to be made in the houſe of commons ſubſequent to this act. *ſ.* 31.

The regulations preſcribed by the recited acts, or this act, to ſelect committees, for the trial of controverted elections or returns, ſhall be in full force with reſpect to ſelect committees appointed by this act for the trial of ſuch queſtion of right: provided that the rules before enacted, by which perſons are required to enter into recognizances, and by which perſons are liable to the payment of coſts, in the caſes before ſpecified, ſhall not apply to the caſe of any petition relating ſolely to any queſtion reſpecting the right of election, or of appointing returning officers. *ſ.* 32.

Whenever parliament ſhall be prorogued, while any ſelect committee ſhall be ſitting for the trial of ſuch petition as aforeſaid, and before they ſhall have reported to the houſe their final determination thereon, ſuch committee ſhall not be diſſolved by ſuch prorogation; but ſhall be thereby adjourned to 12 o'clock on the day immediately following that on which parliament ſhall meet again for the diſpatch of buſineſs, (*Sunday*, *Good Friday*, and *Chriſtmas Day* excepted), and all former proceedings of the committee ſhall remain of the ſame effect as if parliament had not been prorogued; and ſuch committee ſhall meet on the day and hour to which it ſhall be ſo adjourned, and ſhall thenceforward continue to ſit from day to day, until they have reported to the houſe their determination on the merits of ſuch petition. *ſ.* 33.

FORM of the RECOGNIZANCE referred to in this ACT.

BE it remembered, that on the ——— *day of* ——— *in the year of our Lord* ——— *before me* A. B. [*ſpeaker of the houſe of commons*], *or* [*one of his majeſty's juſtices of the peace for the county of* ———] *came* C. D. E. F. *and* J. G. *and ſeverally acknowledged themſelves to owe to our ſovereign lord the king, the following ſums; that is to ſay, the ſaid* C. D. *the ſum of* 200*l. and the ſaid* E. F. *and the ſaid* J. G. *the ſum of* 100*l. each, to be levied on their reſpective goods and chattels, lands and tenements, to the uſe of our ſaid ſovereign lord the king, his heirs and ſucceſſors,*

ceſſors, in caſe the ſaid C. D. *ſhall fail in performing the condition hereunto annexed.*

The condition of this recognizance is, that if the ſaid C. D. *ſhall duly appear before the houſe of commons, at ſuch time or times as ſhall be fixed by the ſaid houſe for taking into conſideration the petition ſigned by the ſaid* C. D. *complaining of an undue election or return for the* ——— *of* ——— [Here ſpecify the county, city, borough, or diſtrict of burghs] or, *complaining that no return has been made for the ſaid* [———] *of* [———] *within the time limited by act of parliament*, or, *that the return made for the ſaid* [———] *of* [———] *is not a return of a member or members according to the requiſition of the writ, and ſhall appear before any ſelect committee which ſhall be appointed by the houſe of commons for the trial of the ſame, and ſhall renew his ſaid petition in every ſubſequent ſeſſion of this preſent parliament, until a ſelect committee ſhall have been appointed by the ſaid houſe for the trial of the ſame, or until the ſame ſhall have been withdrawn by the permiſſion of the ſaid houſe; then this recognizance to be void, otherwiſe to be of full force and effect.*

Partition and parceners.

By *ſtat. Glouc.* 6 *Edw.* 1. *c.* 6. If a man die having many heirs, of whom one is a ſon or daughter, brother or ſiſter, nephew or niece, and the other of a further degree, all the heirs ſhall recover by a writ of *Mortdaunceſtor*.

By 31 *Hen.* 8. *c.* 1. All jointenants and tenants in common of any eſtates of inheritance ſhall be compelled to make partition by writ *de participatione facienda*, to be deviſed in the chancery, in like manner as coparceners. *ſ.* 2.

Every of the ſaid jointenants, or tenants in common, and their heirs, after partition made, ſhall have aid of the other to dereign the warranty paramount, and to recover for the rate, as is uſed between coparceners. *ſ.* 3.

By 32 *Hen.* 8. *c.* 32. Jointenant and tenants in common for term of life or years, where one of them ſhall have an eſtate for life or years with the other that have eſtates of inheritance or freehold in any hereditaments, ſhall be compellable by writ of partition out of chancery upon their caſe to make partition. *ſ.* 1.

No ſuch partition to be made by force of this act ſhall be prejudicial to any other than parties to the partition. *ſ.* 2.

By 8 & 9 *Will.* 3. *c.* 31. *Made perpetual by* 3 & 4 Ann. c. 18. After proceſs of *pone* or attachment returned upon a writ of partition, affidavit being made of due notice given of the writ to the tenant to the action, and a copy thereof left with the occupier or tenant, or if they cannot be found, to the wife, ſon or daughter (being of the age of 21 years) of the tenant, or to the tenant in poſſeſſion (unleſs the tenant in poſſeſſion be demandant in the action) at leaſt forty days before return of the *pone* or attachment; if the tenants to ſuch writ, or any of them, or the true tenant to the lands, ſhall not within fifteen days after return of ſuch *pone* or attachment cauſe an appearance to be entered, the demandant having entered his declaration; the court may proceed to examine the demandant's title and quantity of his purpart, and ſhall for ſo much give judgment by default, and award a writ to make partition, whereby ſuch purpart may be ſet out ſeverally; which being executed after eight days notice given to the occupier or tenants, and returned, and final judgment entered, the ſame ſhall conclude all perſons, although all perſons concerned are not named in the proceedings, nor the title of the tenants truly ſet forth. *ſ.* 1.

Provided, that if ſuch tenant or perſon concerned, ſhall, within one year after the firſt judgment entered, or in caſe of infancy, coverture, *non ſanæ memoriæ*, or abſence out of the kingdom, within one year after their return, or the determination of ſuch inability, apply to the court by motion, and ſhew a good and probable matter in bar of ſuch partition, or that the demandant hath not title to ſo much as he hath ſo recovered, the court may ſuſpend or ſet aſide ſuch judgment, and admit the tenant to appear and plead: and if the court upon hearing thereof ſhall adjudge for the firſt demandant, the firſt judgment ſhall ſtand confirmed againſt all perſons, except ſuch other perſons as ſhall be abſent or diſabled; and the perſon ſo appealing ſhall be awarded to pay coſts: or if within ſuch time aforeſaid the tenants or perſons concerned, admitting the demandant's title and purparts, ſhall ſhew to the court any inequality in the partition, the court may award a new partition to be made in preſence of all parties, if they will appear; which ſecond partition returned and filed ſhall be good againſt all perſons, except as before. *ſ.* 2.

No plea in abatement ſhall be received in any ſuit for partition, nor ſhall the ſame be abated by the death of any tenant. *ſ.* 3.

When the high ſheriff by reaſon of diſtance, infirmity, or hindrance, cannot conveniently be preſent at the execution of any judgment in partition, the under-ſheriff, in preſence of two juſtices of peace, may proceed to execution by inquiſition; and the high ſheriff thereupon ſhall make the ſame return as if he were perſonally preſent: and the tenants of the lands ſhall be tenants for ſuch part ſet out ſeverally to the reſpective owners, under the ſame rents and reſervations; and the owners of the ſeveral purparts ſhall make good unto their reſpective tenants the ſaid parts ſeverally, as they were bound to do before partition made. *ſ.* 4.

The ſheriffs, their under-ſheriffs and deputies, and in caſe of diſability in the high ſheriff, all juſtices of peace, ſhall give due attendance to the executing ſuch writ of partition (unleſs reaſonable cauſe be ſhewn to the court upon oath), or otherwiſe be liable to pay unto the demandant ſuch coſts and damages as ſhall be awarded by the court, not exceeding 5*l.* for which the demandant may bring his action in any of his majeſty's courts at *Weſtminſter*. And in caſe the demandant doth not agree to pay unto the ſheriffs or under-ſheriffs, juſtices and jurors, ſuch fees as they ſhall demand, the court ſhall award what each perſon ſhall receive, having reſpect to the diſtance of the place from their habitations, for which they may ſeverally bring their actions. *ſ.* 5.

Patents.

By *ſtat. prærog. reg.* 17 *Edw.* 2. *c.* 15. When the king granteth a manor or land with the appurtenances, except he make expreſs mention of advowſons of churches, the king reſerveth to himſelf ſuch advowſons; albeit, that among other perſons it hath not been ſo.

By 1 *Hen.* 4. *c.* 6. All which demand of the king lands, offices or other profits, ſhall mention in their petitions the value of the thing demanded, and alſo what they had of the king's gift, or of his progenitors before; and in caſe

caſe they make not ſuch mention, and that duly proved, the king's patents ſhall be of no force.

Qu. *If of force after the death of* Hen. 4.? *See* ſt. 2 Hen. 4. c. 2. *which is expired.*

By 18 *Hen.* 6. *c.* 1. Every warrant ſent by the king or his heirs to the chancellor, the day of the delivery of the ſame to the chancellor ſhall be entered of record in the chancery; and the chancellor ſhall cauſe patents to be made, bearing date the day of the ſaid delivery, and not before; and if any patents be made to the contrary they ſhall be void.

By 6 *Hen.* 8. *c.* 15. If any perſon make ſuit to the king for any lands, offices or other things, by his grace granted to any perſon during his pleaſure, the firſt patentee being in life, he ſhall expreſs in his petition or patent, the tenor of the former patent, and that the king then hath determined his pleaſure againſt the firſt patentee, or elſe the ſecond letters patent to be void.

By 27 *Hen.* 8. *c.* 11. Every grant made in writing by the king, ſigned with his ſign manual, to be paſſed under his great ſeal of *England* or *Ireland*, or of the duchy of *Lancaſter*, or of any of his counties palatine or principality of *Wales*, or by proceſs out of the exchequer, and all grants and writings which any officers ſhall make in the king's name, ſhall be, before the ſame be paſſed under any the king's ſeals, or proceſs made of the ſame, brought to the principal ſecretary, or one of the clerks of the ſignet to be paſſed. *ſ.* 1.

The clerk of the ſignet, to whom the ſaid writings ſhall be delivered, ſhall within eight days, unleſs he have knowledge of the king's pleaſure to the contrary, make letters of warrant ſubſcribed with his hand, and ſealed with the king's ſignet, to the lord privy ſeal; and one of the clerks of the privy ſeal, upon examination had by the lord privy ſeal of the warrant, ſhall within eight days, unleſs the lord privy ſeal give commandment to the contrary, make other letters of like warranty, ſubſcribed with the name of the clerk of the privy ſeal, to the lord chancellor, chancellor of the duchy, *&c.* for the writing and enſealing of letters patent or cloſed, *&c.* or other proceſs making, according to the tenor of the warrant from the privy ſeal. *ſ.* 2.

No perſon ſhall write any warrant upon any grant made by the king, *&c.* or procure the ſame to be paſſed under any the ſeals aforeſaid, after other ſort than as before ſpecified; upon pain to forfeit 10*l.*; the one half to the king, and the other half to him that ſhall ſue for the ſame. *ſ.* 3.

The clerks which ſhall paſs any grants by immediate warrant, ſhall receive for the offices of the ſignet and privy ſeal, as well ſuch fees as in this act is taxed for writing of ſuch grant, as alſo the fees for the ſeal, which fees the ſame clerks ſhall deliver unto one of the clerks of the ſignet or privy ſeal within three months, upon pain of 10*l.* to be levied in form aforeſaid. *ſ.* 4.

This act ſhall not be prejudicial to the lord treaſurer concerning ſuch warrants or precepts, as he by virtue of his office may direct immediately to the lord chancellor or any other, for making out the king's grants of any offices or other thing belonging to his diſpoſition. *ſ.* 5.

All leaſes of the king's manors, lands, *&c.* within the county palatine of *Lancaſter*, which the chancellor of the duchy, *&c.* ſhall make in the name of the king, may paſs under the ſeals of the duchy or of the ſaid county palatine. *ſ.* 6.

Every grant of any office or other thing in the county palatine or the duchy of *Lancaſter*, the yearly fees whereof amount not above the value of 2*d.* by the day, may be paſſed by the chancellor of the duchy, *&c.* as heretofore. *ſ.* 7.

Every clerk of the ſignet and privy ſeal ſhall have for writing of a warrant upon a bill for *tales* or reward, 12*d.* for a warrant for the gift of every office, 20*d.* for a warrant for a penſion, annuity, or wages, 20*d.* for a warrant for a ſpecial livery, or other perpetuity, 6*s.* 8*d.* for a warrant upon every bill for a *conge deſlire*, royal aſſent, reſtitution of temporalties, donatives, advocations, preſentations, or other eccleſiaſtical matter, 3*s.* 4*d.* for every warrant upon a placard, licence, pardon, or ſheriffs reward, 2*s.* for every warrant upon a denizen, 3*s.* 4*d.* for a warrant for keeping of an ideot, 20*d.* And no clerks of the ſignet or privy ſeal ſhall take more fees, upon pain of 10*l.*; the one half to the king, the other half to him that ſhall ſue for the ſame. *ſ.* 8.

Provided, that the lord chancellor may uſe his diſcretion in paſſing any thing by the great ſeal, without fees for the great ſeal, ſignet and privy ſeal, as the caſe ſhall require, and as hath been accuſtomed. And the clerks for writing ſuch patents ſhall be diſcharged of all penalties for not receiving and paying fees to the ſignet and privy ſeal. *ſ.* 9.

This act ſhall not be prejudicial to any perſons whom the king ſhall by expreſs command appoint to procure any thing to be ſealed for his majeſty's private affairs or the affairs of his realm; ſo that the name of every ſuch perſon be entered in the clerk of the hanaper's book after this ſort, *per A. ad mandatum domini regis.* *ſ.* 11.

This act ſhall not be prejudicial to any perſon which ſhall have the grant or leaſe of any farm, the yearly rent whereof amounteth not above 6*l.* 13*s.* 4*d.* *ſ.* 12.

By 3 & 4 *Edw.* 6. *c.* 4. All perſons which ſhall claim by force of any patents to be made by the king, or all other that ſhall have any eſtate or intereſt in any lands, offices, or other things, by or under ſuch patentees, may convey unto themſelves title, as well againſt the king as againſt any other perſon, by ſhewing forth the exemplification or *conſtat* of the roll, or of ſo much thereof as ſhall ſerve for the matters in variance, under the great ſeal; and the exemplification or *conſtat* of the inrolment ſhall be of the ſame force as the firſt letters patent ſhould be of if the ſame were pleaded or ſhewed. *ſ.* 2.

By 13 *Eliz.* *c.* 6. All patentees and other perſons having by or from them any eſtate or intereſt in lands or other thing by the queen to be granted, may convey to themſelves ſuch title, as well againſt the queen as againſt all other perſons, by ſhewing forth any exemplification or *conſtat* under the great ſeal of the inrolment of the ſame letters patent, or of ſo much thereof as may ſerve for ſuch title, the letters patent then remaining in force, as if the ſame letters patent were pleaded and ſhewed forth. *ſ.* 2.

Pawnbrokers.

By 30 *Geo.* 2. *c.* 24. If any perſon knowingly pawn or exchange, or unlawfully diſpoſe of the goods of any other perſon, not being authoriſed by the owner, and be convicted by the oath of any credible witneſs, or by confeſſion before any juſtice, ſuch offender ſhall forfeit 20*s.*; and in caſe the forfeiture be not forthwith paid, the juſtice ſhall commit the party convicted to the houſe of correction, or ſome other public priſon, to be kept to hard labour for fourteen days, unleſs the forfeiture be ſooner paid; and if within three days before the expiration of the fourteen days the forfeiture be not paid, the juſtice is to order, upon the application of the proſecutor, the perſon ſo convicted to be publicly whipped in the priſon, or in ſome open public place of the city or place wherein the offence is committed;

committed; and the ſaid forfeitures ſhall be applied towards making ſatisfaction to the party injured, and defraying the coſts of proſecution, as ſhall be adjudged reaſonable by the juſtice; but if the party injured decline to accept of ſuch ſatisfaction and coſts, or if there be any overplus, ſuch forfeitures or overplus ſhall be applied to the uſe of the poor, and ſhall be paid to the overſeers. *ſ.* 2.

Every perſon who ſhall take by way of pawn, pledge, or exchange any goods, ſhall cauſe to be entered in a regular manner in a book a deſcription of the goods which he receives in pawn, *&c.* and the ſum advanced thereon, with the day of the month and year on which, and the name and place of abode of the owner, according to the information of the perſon pawning, *&c.* the ſame; and ſhall at the ſame time give a copy thereof to the perſon ſo pawning, *&c.* if required; for which the perſon giving ſuch copy ſhall be paid by the perſon pawning, *&c.* one halfpenny on goods pawned for leſs than 20 *s.* and one penny on goods pawned for 20 *s.* and not exceeding 5 *l.* and for every ſuch duplicate upon goods pawned for any larger ſum, two-pence; and in default of making ſuch entry and giving ſuch duplicate if required, he or ſhe ſhall for every offence forfeit 5 *l.*; to be levied by diſtreſs and ſale of goods, by warrant of a juſtice; which forfeitures ſhall be applied to the uſe of the poor. *ſ.* 4.

If in the courſe of any of the aforeſaid proceedings before a juſtice, it appear to the ſatisfaction of the juſtice upon oath or ſolemn affirmation, that any of the goods pawned are become of leſs value than the ſame were at the time of pawning, through the default, neglect, or wilful miſbehaviour of the perſon to whom the ſame were pawned, his executors, adminiſtrators or aſſigns, or ſervants, ſuch juſtice is to award ſatisfaction to the owner in reſpect of ſuch damage; and the ſum ſo awarded ſhall be deducted out of the principal and intereſt, and allowance for warehouſe-room, appearing due to any perſon to whom the ſame were ſo pawned, his executors, *&c.* and where the goods pawned are damaged, it ſhall be ſufficient for the pawner, his executors, *&c.* to pay or tender the money upon balance, after deducting out of the principal and intereſt, and money payable for warehouſe-room, ſuch ſatisfaction, in reſpect to ſuch damage, as ſuch juſtice ſhall order; and upon ſo doing, the juſtice ſhall proceed as if the pawner, his executors, *&c.* had paid or tendered the whole money due for the principal, intereſt, and warehouſe-room. *ſ.* 5.

If any perſon knowingly buy, or take in as a pledge, any linen or apparel, entruſted to any other perſon to waſh, ſcour, iron, mend, or make up, and be convicted of the ſame, on the oath of one witneſs, or on confeſſion, before a juſtice, ſuch perſon ſhall forfeit double the ſum given for or lent on the ſame, to be paid to the poor, to be recovered as other forfeitures by this act; and ſhall reſtore the ſaid goods to the owner in the preſence of the juſtice. *ſ.* 6.

In caſe any perſon who ſhall offer by way of pawn, pledge, exchange or ſale, any goods, be not able, or refuſe to give a ſatisfactory account of himſelf, or of the means by which he became poſſeſſed of ſuch goods, or if there be reaſon to ſuſpect that ſuch goods are ſtolen or illegally or clandeſtinely obtained; any perſon to whom ſuch goods are ſo offered, or his ſervants, may ſeize and detain ſuch perſon and the goods, and deliver ſuch perſon as ſoon as may be to the conſtable or other peace officer, who ſhall immediately convey ſuch perſon and the goods before ſome juſtice; and if ſuch juſtice, upon examination, ſuſpect that the goods were ſtolen, or illegally or clandeſtinely obtained, ſuch juſtice may commit ſuch perſon into ſafe

cuſtody, for not exceeding ſix days, to be further examined; and if upon either of the ſaid examinations it appear to ſuch juſtice that the goods were ſtolen or illegally or clandeſtinely obtained, the juſtice is to commit the party offending to the common gaol or houſe of correction, there to be dealt with according to law. *ſ.* 7.

In caſe ſuch goods ſo ſeized and detained afterwards appear to be the property of the perſon who offered the ſame to be pawned, pledged, exchanged or ſold, or that he was authoriſed by the owner to pawn, *&c.* the ſame, then the perſon who ſhall ſo ſeize or detain the party who offered the ſaid goods, ſhall be by this act indemnified for having ſo done. *ſ.* 8.

If the owner of any goods unlawfully pawned, pledged or exchanged, make out, either on his oath, or by the oath of any witneſs, or (being a quaker) by affirmation, before any juſtice, that ſuch owner has had his goods unlawfully obtained from him, and that there is cauſe to ſuſpect that any perſon within the juriſdiction of ſuch juſtice hath knowingly and unlawfully taken to pawn, or in exchange, any goods of ſuch owner, or without the privity of, or authority from ſuch owner; and make appear to ſuch juſtice probable grounds for ſuch ſuſpicion, then any juſtice may iſſue his warrant for ſearching in the day-time the houſe or other place of ſuch perſon charged as aforeſaid. And if the occupier of any houſe, *&c.* wherein ſuch goods are charged to be, on requeſt to open the ſame by any peace officer authoriſed to ſearch, refuſe to open the ſame, and permit the ſame to be ſearched, ſuch peace officer may break open ſuch houſe, *&c.* in the day-time, and ſearch for the goods ſuſpected to be there, doing no wilful damage. And if any perſon oppoſes ſuch ſearch, and be thereof convicted before any juſtice by the oath of one witneſs, every perſon ſo offending ſhall forfeit 5 *l.*; and in caſe ſuch forfeiture be not paid within 24 hours, the juſtice ſhall commit the party convicted to the houſe of correction, or ſome other public priſon, to be kept to hard labour, for not exceeding one month nor leſs than five days, unleſs in the mean time ſuch forfeiture be paid; and ſuch forfeiture ſhall be applied to the uſe of the poor. And if upon the ſearch of the houſe, *&c.* of ſuch ſuſpected perſon, any of the goods ſo knowingly and unlawfully pawned, pledged or exchanged be found, and the property of the owner from whom the ſame were unlawfully obtained be made out to the ſatisfaction of ſuch juſtice, by the oath of one witneſs, or (if a quaker) by affirmation, or by the confeſſion of the perſon charged with ſuch offence, ſuch juſtice ſhall cauſe the goods found on ſuch ſearch and unlawfully pawned, *&c.* to be reſtored to the owner. *ſ.* 9.

If any goods or chattels be pawned for ſecuring any money lent thereon, not exceeding in the whole 10 *l.* and the intereſt thereof; and if within two years after the pawning, proof having been made on oath by one witneſs, or by producing a duplicate of the entry directed to be given by this act, before any juſtice (or by affirmation if the perſon be a quaker), to the ſatisfaction of ſuch juſtice, of the pawning ſuch goods within the ſaid two years, any ſuch pawner who was the owner of ſuch goods at the time of pawning, his executors, *&c.* ſhall tender unto the perſon who lent on the ſecurity of the goods pawned, his executors, *&c.* the principal money borrowed thereon, and all intereſt due for the ſame, with ſuch charges for warehouſe-room as ſhall be agreed on at the time of pawning; and the perſon who took ſuch goods in pawn, his executors, *&c.* ſhall neglect to deliver back the goods ſo pawned, to the perſon who borrowed the money thereon,

his executors, &c. on oath (or if a quaker on affirmation) by the pawner, his executors, &c. or ſome other perſon, any juſtice, on application of the borrower, his executors, &c. is to cauſe ſuch perſon who took ſuch pawn, his executors, &c. within the juriſdiction of the juſtice, to come before ſuch juſtice; and ſuch juſtice is to examine on oath or affirmation the parties and ſuch other perſons as appear, touching the premiſes. And if tender of the principal money due, and all intereſt thereof, together with charges for warehouſe-room, be proved to have been made (ſuch principal money not exceeding 10*l.*) to the lender, his executors, &c. by the borrower, his executors, &c. within the ſaid two years after the ſaid pawning, then on payment of the borrower, his executors, &c. of ſuch principal money, and the intereſt due thereon, with charges for warehouſe-room, to the lender, his executors, &c. and in caſe the lender, his executors, &c. refuſe to accept thereof on tender before ſuch juſtice; ſuch juſtice ſhall by order under his hand direct the goods ſo pawned forthwith to be delivered to the pawner, his executors, &c. And if the perſon who lent any money, not exceeding in the whole 10*l.* on any goods pawned, his executors, &c. neglect to deliver up or make ſatisfaction for the goods proved to have been ſo pawned, as ſuch juſtice ſhall order, ſuch juſtice ſhall commit the party ſo refuſing to deliver up or make ſatisfaction, to the houſe of correction, or ſome other public priſon of the county or place wherein the offender reſides or is convicted, until he deliver up the goods ſo pawned, and continuing redeemable, according to the order of ſuch juſtice, or make ſatisfaction for the value to the party intitled to the redemption of ſuch goods. *ſ.* 10.

If any pawn of goods remain unredeemed for two years, every ſuch pawn ſhall be forfeited; and the perſon to whom ſuch goods have been pawned may ſell the ſame; ſubject to account for the overplus of the produce of ſuch goods, as by this act is directed. *ſ.* 11.

Every perſon to whom any goods are pawned ſhall enter in a book an account of the ſale of all goods pawned for 2*l.* or upwards, ſold by ſuch perſon, expreſſing the day when, the money for which, and the name and place of abode of the perſon to whom, ſuch goods pawned were ſold; and in caſe ſuch goods be ſold for more than the principal money with intereſt and the charge of warehouſe-room due at the time of ſale, the overplus ſhall be paid on demand to the perſon on whoſe account ſuch goods were pawned, his executors, &c. And ſuch perſon who pawned ſuch goods, his executors, &c. ſhall be permitted to inſpect the entry of every ſuch ſale, paying for ſuch inſpection one penny. And in caſe any perſon refuſe to permit ſuch perſon who pawned ſuch goods to inſpect ſuch entry, ſuch perſon if an executor, adminiſtrator or aſſignee, producing his letters teſtamentary, letters of adminiſtration or aſſignment; or in caſe the goods were ſold for more than the ſum entered; or if any ſuch perſon make not ſuch entry, or have not *bona fide* ſold the goods pawned for the beſt price that he might have had without wilful default; or refuſe to pay ſuch overplus upon demand to the pawner, his executors, &c. every perſon ſo offending ſhall for every offence forfeit treble the value of ſuch goods, to the perſon on whoſe account ſuch goods were pawned, his executors, &c. to be recovered by action of debt, &c. in any court of record at *Weſtminſter*. *ſ.* 12.

No fee or gratuity ſhall be taken for any ſummons or warrant granted by any juſtice in purſuance of this act, ſo far as the ſame relates to goods pawned, pledged, taken in exchange, or unlawfully diſpoſed of. *ſ.* 14.

By ſect. 18. *inhabitants of the pariſh*, &c. *are allowed to be witneſſes. See the remaining clauſes of this act in* "Gaming *and* Gaming-houſes."

7

By 25 *Geo.* 3. *c.* 48. All perſons uſing the trade of a pawnbroker in *Great Britain*, ſhall annually take out a licence. *ſ.* 1.

Where the pawnbroker ſhall reſide within the cities of *London* and *Weſtminſter*, the pariſh of *Saint Mary le Bone*, and *Saint Pancras*, in *Middleſex*, or within the diſtance of the bills of mortality, or within the borough of *Southwark*, in *Surrey*, there ſhall be charged a ſtamp duty of 10*l.* And where the pawnbroker ſhall reſide in any other part of *Great Britain*, there ſhall be charged a ſtamp duty of 5*l.* The ſaid duties ſhall be under the management of the commiſſioners for the duties charged on ſtamped vellum, &c. who are to employ officers under them, and allow ſuch ſalaries and incidental charges as may be neceſſary; and to provide ſuch ſtamps to denote the duties as ſhall be requiſite in that behalf; and to do all other things neceſſary for putting this act into execution, with relation to the ſaid duties. *ſ.* 2.

No perſon required by this act to be licenſed, ſhall, unleſs he be licenſed in manner herein-after preſcribed, receive by way of pawn, pledge, or exchange, any goods for the repayment of money lent thereon, in *Great Britain*, upon pain to forfeit 50*l.* *ſ.* 3.

Two commiſſioners for managing the duties ariſing by ſtamps, &c. or ſome perſon authoriſed by them, ſhall grant licences to ſuch perſons who ſhall apply for the ſame, to uſe the trade of a pawnbroker, within *Great Britain*, for one year, to commence from the day of the date of ſuch licence: and every perſon who ſhall take out ſuch licence, ſhall take out another for another year, ten days before the expiration of that year for which he ſhall be licenſed, if he ſhall continue to uſe the ſaid trade of a pawnbroker; and ſhall in like manner renew ſuch licence from year to year, paying down the ſums due for the ſtamps on ſuch licence, ſo long as he ſhall continue to uſe the trade of a pawnbroker. *ſ.* 4.

All perſons who ſhall take, by way of pawn, pledge, or exchange, from any perſon whomſoever, any goods for the repayment of money lent thereon, ſhall be deemed pawnbrokers, and ſhall take out a licence. *ſ.* 5.

Nothing in this act ſhall extend to perſons who lend money upon pawn or pledge at 5*l. per cent. per ann.* intereſt, without taking any greater profit for the loan of ſuch money lent. *ſ.* 6.

No pawnbroker, or other perſon taking by way of pawn, &c. any goods, for the repayment of money lent thereon, licenſed by this act, ſhall, by virtue of one licence, keep more than one houſe, ſhop, or other place, for taking in goods to pawn; but for each houſe, &c. a ſeparate licence ſhall be taken out and paid for by ſuch pawnbroker. *ſ.* 7.

Perſons in partnerſhip and carrying on the trade of a pawnbroker in one houſe only, ſhall not be obliged to take out more than one licence. *ſ.* 8.

Such ſtamps as the commiſſioners provide may be altered, as other ſtamps. *ſ.* 9.

"Penalty on counterfeiting ſtamps, &c. felony without "benefit of clergy." *ſ.* 10.

All proviſions preſcribed by former acts relating to the ſtamp duties, ſhall be in force with relation to the duties hereby impoſed. *ſ.* 11.

Pecuniary penalties may be recovered in any court at *Weſtminſter*, for offences committed in *England*, *Wales*, or *Berwick upon Tweed*, and in the court of ſeſſions, court of juſticiary, or court of exchequer in *Scotland*, for offences committed in *Scotland*, by action of debt, &c. wherein no eſſoin ſhall be allowed; and wherein the plaintiff, if he recover any penalty, ſhall recover the ſame with double coſts. *ſ.* 12.

Perſons

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, &c. then ſuch defendant ſhall have treble coſts. *ſ.* 14.

By 29 *Geo.* 3. *c.* 57. It ſhall be lawful for a pawnbroker to take from perſons applying to redeem any goods pawned, a profit after the following rates, over the principal ſum lent upon the pledge, before ſuch pawnbroker ſhall be obliged to re-deliver the ſame, *viz.*

For every pledge upon which there ſhall have been lent not exceeding two ſhillings and ſixpence, ½, for any time during which the ſaid pledge ſhall remain in pawn, not exceeding one month, and the ſame for every month afterwards, including the current month in which ſuch pledge ſhall be redeemed, although ſuch month ſhall not be expired.

For every pledge upon which there ſhall have been lent five ſhillings, 1*d.*

Seven ſhillings and ſixpence, 1½*d.*

Ten ſhillings, 2*d.*

Twelve ſhillings and ſixpence, 2½*d.*

Fifteen ſhillings, 3*d.*

Seventeen ſhillings and ſixpence, 3½*d.*

One pound, 4*d.*: and ſo on progreſſively and in proportion for any ſum not exceeding forty ſhillings.

And for every pledge upon which there ſhall have been lent any ſum exceeding 40*s.* and not exceeding 10*l.* at the rate of 3*d.* and no more, for the loan of every 20*s.* of ſuch money lent, by the month, including the current month; and ſo in proportion for any fractional ſum.

Which ſums ſhall be taken in lieu of all intereſt due, and charges for warehouſe room. *ſ.* 1.

Where any intermediate ſum lent upon any pawn ſhall exceed 2*s.* 6*d.* and not 40*s.* the perſon lending the ſame may take after the rate of 4*d.* for the loan of 20*s.* by the month, including the current month. *ſ.* 2.

Where the party entitled to, and applying for the redemption of goods pawned, within ſeven days after the expiration of the firſt month after pledged, he may redeem the ſame without paying any thing for the ſeven days; and where the party ſo entitled, and applying after the expiration of the firſt ſeven days, and before the expiration of the firſt 14 days of the ſecond month, he may redeem ſuch goods, upon paying the profit payable for one month, and the half of another month; but where the party ſo entitled, and applying after the expiration of the firſt 14 days, and before the expiration of the ſecond month, it ſhall be lawful for the pawnbroker to take the whole ſecond month; and the like regulation ſhall take place in every ſubſequent month wherein application ſhall be made for redeeming goods. *ſ.* 3.

Perſons who ſhall take by way of pawn, &c. any goods whereon ſhall be lent any money exceeding 5*s.* ſhall before he lend any money upon ſuch pawn, enter in a fair manner, in a book to be kept by him for that purpoſe, a deſcription of the goods which he ſhall receive in pawn, and alſo the ſum lent thereon, with the day of the month and year on which, and the name and abode of the perſon by whom ſuch goods are pawned, &c. alſo the name and abode of the owner thereof, according to the information of the perſon pawning, &c.; and where the money lent on ſuch goods ſhall not exceed 5*s.* ſuch entry ſhall be made in ſuch book by ſuch perſon ſo taking the ſame by way of pawn, &c. within four hours after the ſaid goods ſhall have been pawned; and every perſon ſhall, at the time of the taking of every pawn, &c. give to the perſon pawning, a note fairly written or printed, or in part written and in part printed, containing therein, in like manner, a deſcription of the goods which he has received in pawn, and alſo the money advanced, with the day of the month and year, and the name and abode of the perſon by whom ſuch goods are pawned, and alſo the name and abode of the owner thereof, according to the information aforeſaid, and upon which ſaid note, or on the back whereof, ſhall be moreover fairly written or printed the name and abode of the pawnbroker, which ſaid note the party pawning, ſhall take in all caſes, and the pawnbroker ſhall not receive ſuch pledge, unleſs the party pledging ſhall take ſuch note, and ſuch note, where the ſum lent ſhall be leſs than 5*s.* ſhall be delivered *gratis*; and where the ſum ſhall be 5*s.* or upwards, and leſs than 10*s.* ſuch pawnbroker may take ½*d.* for the ſame; and where 10*s.* or upwards, and leſs than 20*s.* ſuch pawnbroker may take 1*d.* for the ſame; and where the ſum lent ſhall be 20*s.* or upwards, and leſs than 5*l.* the ſum of 2*d.* for the ſame; and where 5*l.* or upwards, the ſum of 4*d.*; and which note ſhall be produced to the pawnbroker before he be obliged to re-deliver the goods, except as after excepted. *ſ.* 4.

If any perſon ſhall knowingly pawn, pledge, or exchange, or unlawfully diſpoſe of the goods of any other perſon, not being employed by the owner thereof, and ſhall be thereof convicted by the oath of any witneſs, or by the confeſſion of the perſon charged with ſuch offence, before any juſtice, ſuch offender ſhall forfeit 20*s.* and alſo the value of the goods pawned, &c. to be aſcertained by ſuch juſtice; and in caſe the ſaid forfeiture ſhall not be forthwith paid, the juſtice ſhall commit the party convicted to the houſe of correction, or ſome other public priſon of the county, &c. wherein the offender ſhall reſide or be convicted, there to be kept to hard labour for not more than three months, nor leſs than one month, unleſs the forfeitures ſhall be ſooner paid; and if, within three days before the expiration of the term of commitment, the forfeitures ſhall not be paid, the juſtice ſhall order, upon the application of the proſecutor, the perſon convicted to be publicly whipped in the houſe of correction, or in ſome other public place of the county, &c. where the offence ſhall have been committed, as to ſuch juſtice ſhall ſeem proper; and the ſaid forfeitures, when recovered, ſhall be applied towards making ſatisfaction thereout to the party injured, and defraying the coſts of the proſecution, as ſhall be adjudged by the juſtice; but if the party injured ſhall decline to accept of ſuch ſatisfaction, and coſts, or if there ſhall be any overplus of the forfeitures, after making ſuch ſatisfaction, and paying ſuch coſts, then ſuch forfeitures, or the overplus, ſhall be paid to the uſe of the poor of the pariſh where ſuch offence ſhall have been committed, and ſhall be paid to the overſeers for that purpoſe. *ſ.* 5.

If any perſon ſhall counterfeit or alter, or procure to be counterfeited or altered any note, or ſhall utter or ſell ſuch note, knowing the ſame to be counterfeited or altered, with intent to defraud any perſon whomſoever, ſuch perſon ſhall be puniſhed as mentioned, and it ſhall be lawful for any perſon, or his ſervants or agents, to whom any note ſhall be offered, which he ſhall have reaſon to ſuſpect to have been counterfeited or altered, to ſeize ſuch perſon offering the ſame, and to deliver him as ſoon as convenient to a conſtable or other peace officer, who ſhall as ſoon as convenient convey ſuch perſon before ſome juſtice; and if upon examination it ſhall appear, to the ſatisfaction of ſuch juſtice, that the perſon charged with ſuch offence is guilty thereof, then the ſaid juſtice is to commit the party offending to the common gaol or houſe of correction, there to be impriſoned for, not exceeding three months, nor leſs than one, at the diſcretion of ſuch juſtice. *ſ.* 6.

In caſe any perſon who ſhall offer, by way of pawn, pledge, exchange, or ſale, any goods, ſhall not be able, or

ſhall refuſe to give a ſatisfactory account of himſelf, or of the means by which he became poſſeſſed of ſuch goods, or ſhall give any falſe information to the pawnbroker, or to his ſervants, as to whether ſuch goods are his own property or not; or if there ſhall be any other reaſon to ſuſpect that ſuch goods are ſtolen, or otherwiſe illegally obtained; or if any perſon not intitled, nor having any colour of title by law to redeem goods in pledge, ſhall attempt to redeem the ſame, it ſhall be lawful for any perſon, or his ſervants, to whom ſuch goods ſhall be offered, or with whom ſuch goods are in pledge, to ſeize ſuch perſon and the goods, and to deliver ſuch perſon immediately to a conſtable or peace officer, who ſhall, as ſoon as may be, convey ſuch perſon and the ſaid goods before ſome juſtice; and if ſuch juſtice ſhall, upon examination, have cauſe to ſuſpect that the ſaid goods were ſtolen, or illegally obtained, or that the perſon offering to redeem the ſame ſhall not have any pretence or colour of right to redeem the ſame, it ſhall be lawful for ſuch juſtice to commit ſuch perſon into ſafe cuſtody for ſuch reaſonable time as ſhall be neceſſary for obtaining proper information on the ſubject, in order to be further examined; and if upon either of the ſaid examinations it ſhall appear, to the ſatisfaction of ſuch juſtice, that the ſaid goods were ſtolen, or illegally obtained, or that the perſon offering to redeem the ſame hath not any pretence ſo to do, the juſtice is to commit the party offending to the common gaol or houſe of correction, there to be dealt with according to law, where the nature of the offence ſhall authorize ſuch commitment by any other law; and where the nature of the offence ſhall not authoriſe ſuch commitment by any other law, then ſuch commitment ſhall be for not exceeding three months, nor leſs than one month, at the diſcretion of ſuch juſtice. *ſ.* 7.

If the owner of any goods unlawfully pawned, *&c.* ſhall make out, either on his oath, or by the oath of any witneſs, or, being quakers, by affirmation before any juſtice, that ſuch owner hath had his goods unlawfully obtained from him, and that there is juſt cauſe to ſuſpect that any perſon within the juriſdiction of ſuch juſtice hath knowingly and unlawfully taken to pawn any goods of ſuch owner, and without the privity of ſuch owner, and ſhall make appear, to the ſatisfaction of ſuch juſtice, probable grounds for ſuch ſuſpicion, then any juſtice, within his juriſdiction, may iſſue his warrant for ſearching, in the day time, the houſe, warehouſe, or other place, of ſuch perſon charged on oath or affirmation as aforeſaid, as ſuſpected to have taken in pawn any ſuch goods without the privity of the owner thereof; and if the occupier of any houſe, *&c.* wherein ſuch goods ſhall, on oath or affirmation, be charged to be, ſhall, on requeſt made to him, to open the ſame by any peace-officer, authoriſed to ſearch there by warrant from a juſtice, refuſe to open the ſame, and permit the ſame to be ſearched, it ſhall be lawful for any peace officer to break open ſuch houſe, *&c.* in the day time, and to ſearch, as he ſhall think fit, therein, for the goods ſuſpected to be there, doing no wilful damage; and no pawnbroker, or other perſon, ſhall oppoſe ſuch ſearch: and if upon ſearch, any of the goods which ſhall have been ſo unlawfully pawned, ſhall be found, and the property of the owner from whom the ſame ſhall have been taken ſhall be made out to the ſatisfaction of ſuch juſtice, by the oath of one witneſs, or if a quaker, by affirmation, or by the confeſſion of the perſon charged with ſuch offence, ſuch juſtice ſhall cauſe the goods found on ſuch ſearch, to be reſtored to the owner. *ſ.* 8.

If any goods ſhall be pawned for ſecuring money lent thereon, not exceeding in the whole 10*l.* and the profit thereof, and if within one year after the pawning thereof (proof having been made on oath or affirmation by one witneſs, and by producing the note directed to be given by this act before any juſtice, to the ſatisfaction of ſuch juſtice, of the pawning of ſuch goods within the ſpace of one year) ſuch pawner, who was the real owner of ſuch goods at the time of pawning thereof, his executors, adminiſtrators, or aſſigns, ſhall tender unto the perſon who lent, on the ſecurity of the goods pawned, his executors, adminiſtrators, or aſſigns, the principal money borrowed thereon, and profit according to the rates by this act eſtabliſhed, and the perſon who took ſuch goods in pawn, his executors, adminiſtrators, or aſſigns, ſhall thereupon, without ſhewing reaſonable cauſe for ſo doing, to the ſatisfaction of ſuch juſtice, neglect or refuſe to deliver back the goods pawned, to the perſon who borrowed the money thereon, his executors, adminiſtrators or aſſigns, then, on oath or affirmation as aforeſaid thereof made by the pawner, his executors, adminiſtrators, or aſſigns, or ſome other credible perſon, any juſtice, on the application of the borrower, his executors, *&c.* is to cauſe ſuch perſon who took ſuch pawn, his executors, *&c.* within the juriſdiction of the juſtice, to come before ſuch juſtice, and ſuch juſtice is to examine on oath or affirmation, the parties themſelves, and ſuch other perſons as ſhall appear before him, touching the premiſes; and if tender of the principal money due, and all profit thereof, ſhall be proved by oath or affirmation to have been made (ſuch principal money not exceeding 10*l.*) to the lender thereof, his executors, *&c.* by the borrower, his executors, *&c.* within one year after the ſaid pawning, then, on payment by the borrower, his executors, *&c.* of ſuch principal money, and the profit due thereon to the lender, his executors, *&c.* and in caſe the lender, his executors, or aſſigns, ſhall refuſe to accept thereof, on tender thereof to him made by the borrower, his executors, *&c.* before ſuch juſtice, ſuch juſtice ſhall by order under his hand, direct the goods pawned to be delivered up to the pawner; and if the perſon who ſhall have lent any money, not exceeding 10*l.* on any goods pawned, his executors, *&c.* ſhall neglect or refuſe to deliver up or make ſatisfaction of the goods which ſhall be ſo proved, to the ſatisfaction of ſuch juſtice, to have been pawned, as ſuch juſtice ſhall order, then ſuch juſtice ſhall commit the party ſo refuſing to the houſe of correction, or other public priſon, there to remain without bail, until he ſhall deliver up the goods according to the order of ſuch juſtice, or make ſuch ſatisfaction as ſuch juſtice ſhall adjudge reaſonable for the value thereof, to the party entitled to the redemption of ſuch goods pawned and continuing redeemable. *ſ.* 9.

Perſons who ſhall produce any note to the perſon with whom the goods therein ſpecified were pawned, as the owner thereof, or as authoriſed by the owner thereof to redeem the ſame, and require a delivery of the goods, ſuch perſon ſhall be deemed, ſo far as reſpects the perſon having ſuch goods in pledge, the real owner of ſuch goods, and the pawnbroker ſhall, after receiving ſatisfaction of principal and profit, deliver ſuch goods to the perſon who ſhall produce the ſaid note to him, and ſhall be indemnified for ſo doing, unleſs he ſhall have had previous notice from the real owner thereof, not to deliver the ſame to the perſon producing ſuch note, or unleſs notice ſhall have been given to him that the goods pawned have been, or are ſuſpected to have been fraudulently or feloniouſly taken, and unleſs the real owner thereof proceeds in manner hereinafter provided for the redeeming of goods pledged, where ſuch note hath been loſt, miſlaid, deſtroyed, or fraudulently obtained from the owner. *ſ.* 10.

In caſe any pawnbroker ſhall have had ſuch previous notice as aforeſaid, or in caſe ſuch note ſhall be loſt, *&c.* and the goods mentioned therein ſhall remain unredeemed, the

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pawnbroker ſhall, at the requeſt of any perſon who ſhall repreſent himſelf as the owner of the goods in pledge, deliver to ſuch perſon a copy of the note ſo loſt, &c. with the form of an affidavit of the particular circumſtances attending the caſe, printed or written, or in part printed and in part written, on the ſaid copy, as the ſame ſhall be ſtated to him by the party applying, for which copy of ſuch note and form of affidavit, in caſe the money lent ſhall not exceed 10*s.* the pawnbroker ſhall receive 1*d.*; and in caſe it ſhall exceed 10*s.* the pawnbroker ſhall receive the like money as he is entitled to receive on giving the original note, ſuch money to be paid by the party applying for the ſame, at the time of making the application; and the perſon having ſo obtained ſuch copy of the note and form of affidavit, ſhall thereupon prove his property in ſuch goods, to the ſatisfaction of ſome juſtice of the place where the goods ſhall have been pledged; and ſhall alſo verify on oath or affirmation before ſome juſtice the truth of the circumſtances attending the caſe mentioned in ſuch affidavit, the caption of ſuch oath or affirmation to be authenticated by the hand writing thereto of the juſtice before whom the ſame ſhall be made, and who ſhall ſo authenticate the ſame; whereupon the pawnbroker ſhall ſuffer the perſon proving ſuch property to the ſatisfaction of ſuch juſtice, and making ſuch affidavit or affirmation, on leaving ſuch copy of the ſaid note, and the ſaid affidavit or affirmation, with the ſaid pawnbroker, to redeem ſuch goods. *ſ.* 11.

All goods pawned ſhall be forfeited, and may be ſold at the expiration of one whole year from the time of the pawning the ſame; and all goods ſo forfeited, on which above 10*s.* and not exceeding 10*l.* ſhall have been lent, ſhall be ſold by public auction, but not otherwiſe, by the order of the perſon having the ſame in pawn, at the expiration of the ſaid year; but the perſon employed to ſell ſuch goods by auction ſhall cauſe the ſame to be expoſed to public view, and catalogues thereof to be publiſhed, and an advertiſement, giving notice of ſuch ſale, and containing the name of the pawnbroker with whom the ſaid goods were in pledge, to be inſerted on two ſeveral days in ſome public newſpaper, two days before the firſt day of ſale, upon pain of forfeiting to the owner of the goods 5*l.* *ſ.* 12.

In caſe any perſon entitled to redeem goods in pledge ſhall, before the expiration of the year, from the time of pawning, give notice in writing to the perſon having the ſame in pledge, or leave the ſame at his abode, not to ſell the ſame at the end of the year, then ſuch goods ſhall not be ſold by the perſon having the ſame in pledge, until after the expiration of three months, from the expiration of the year; during which three months the owner ſhall have liberty to redeem upon the terms provided by this act. *ſ.* 13.

Perſons to whom goods ſhall have been pawned, ſhall enter in a book to be kept by them for that purpoſe, a true account of the ſale of all goods pawned to him for upwards of 10*s.* which ſhall be ſold, expreſſing the day when, and the money for which ſuch goods pawned were ſold, together with the name and abode of the auctioneer by whom the ſame were ſold, according to the information thereof from the auctioneer; and in caſe any goods ſhall be ſold for more than the principal money and profit due thereon at the time of ſuch ſale, the overplus ſhall, by ſuch pawnbroker, be paid, on demand, to the perſon by whom ſuch goods were pawned, his executors, &c. in caſe ſuch demand ſhall be made within three years after ſuch ſale, the neceſſary coſts of ſuch ſale being firſt deducted; and ſuch perſon who pawned ſuch goods, his executors, &c. ſhall for his ſatisfaction, be permitted to inſpect the entry to be made of ſuch ſale, paying for ſuch inſpection 1*d.*; and in caſe any perſon ſhall refuſe to permit ſuch perſon who pawned ſuch goods, or who is entitled to ſuch overplus, to inſpect ſuch entry in ſuch book, ſuch perſon or perſons, if an executor, adminiſtrator, or aſſignee, at ſuch time producing his letters teſtamentary, letters of adminiſtration, or aſſignment, or in caſe the goods were ſold for more than the ſum entered in ſuch book, or if ſuch perſon ſhall not make ſuch entry, or ſhall not have, *bona fide*, according to this act, ſold the ſame, or ſhall refuſe to pay ſuch overplus upon demand to the pawner, his executors, &c. they producing ſuch letters teſtamentary, letters of adminiſtration, or aſſignment, ſuch perſon ſo offending ſhall forfeit treble the ſum ſuch goods ſhall originally have been pawned for, to the perſon by whom ſuch goods were pawned, his executors, &c. to be levied by diſtreſs and ſale of the offender's goods, by warrant under the hands and ſeals of two juſtices. *ſ.* 14.

No perſon having any goods in pledge ſhall, under any pretence whatſoever, either by himſelf, or other perſon for him, purchaſe ſuch goods ſo in pledge during the time the ſame ſhall remain in his cuſtody, as ſuch pledge, except at ſuch public auction, nor ſhall ſuffer the ſame to be redeemed with a view to purchaſe the ſame; nor ſhall any perſon taking any goods in pledge, make any contract with any perſon offering to pledge, or pledging the ſame, or with the owner of the pledge, for the purchaſe of the ſaid goods before the expiration of one year from the time of pawning the ſame; nor ſhall any pawnbroker purchaſe, or take any goods in pledge from any perſon who ſhall appear to be under the age of twelve years, or to be intoxicated with liquor; or purchaſe, or take in pawn, the note of any other pawnbroker; nor buy any goods in the courſe of his trade before eight in the forenoon, or after ſeven in the evening, throughout the year; nor take in goods by way of pawn before eight clock in the forenoon, or after nine in the evening, between *Michaelmas-day* and *Lady-day*, or before ſeven of the clock in the forenoon, or after ten in the evening, during the remainder of the year, excepting only on the evenings of *Saturday* throughout the whole year, and excepting on the evenings preceding *Good Friday* and *Chriſtmas-day*; nor ſhall any perſon exerciſe the trade of a pawnbroker on any *Sunday*, *Good Friday*, or *Chriſtmas-day*. *ſ.* 15.

Pawnbroker ſhall cauſe to be painted or printed in large legible characters the rate of profit allowed by this act to be taken by him, and alſo the various prices of the notes to be given by him, and an account of what notes are to be delivered gratis, and of the expence of obtaining a ſecond note, where the former has been loſt, &c. and place the ſame in a conſpicuous part of the ſhop wherein he ſhall carry on buſineſs, ſo as to be viſible to the perſons pledging goods, ſtanding in the boxes or places provided for ſuch perſons coming to pawn or redeem goods at ſuch ſhop. *ſ.* 16.

Every pawnbroker ſhall cauſe to be painted or written, in large legible characters over the door of each ſhop by him uſed for carrying on that trade, the chriſtian and ſurname or names of the perſons carrying on the ſaid trade, and the word pawnbroker or pawnbrokers, following the ſame, upon pain of 10*l.* for every ſhop made uſe of for one week, without ſuch names and word painted or written as aforeſaid, to be recovered by diſtreſs and ſale of the offender's goods, by warrant under the hands and ſeals of two juſtices (which warrant ſuch juſtices are to grant), upon the confeſſion of the party, or upon the information of any witneſs upon oath or affirmation; and the ſaid penalty, when the charges of recovering the ſame ſhall be deducted, ſhall be paid one half to the informer, and the other half to the uſe of the poor of the pariſh in which the offence ſhall be committed; and in caſe ſufficient diſtreſs

treſs ſhall not be found, or ſuch penalty ſhall not be forthwith paid, ſuch juſtices are by warrant under their hands and ſeals, to cauſe the offender to be committed to the county gaol or houſe of correction, there to remain without bail, for not exceeding three months, nor leſs than fourteen days, unleſs the penalty and charges be ſooner paid. *ſ.* 17.

If in the courſe of any proceedings before any juſtice under this act, it ſhall appear to the ſatisfaction of the juſtice upon oath or affirmation, that any of the goods pawned have been ſold before the time allowed by this act, or otherwiſe than according to this act, or have been embezzled, or are become of leſs value than at the time of pawning, through the default or wilful miſbehaviour of the perſon to whom the ſame were pledged, his executors, *&c.* then ſuch juſtice is to allow or award a reaſonable ſatisfaction to the owner in reſpect thereof, or of ſuch damage; and the money ſo allowed, in caſe the ſame ſhall not amount to the principal and profit due to any perſon to whom the ſame were pledged, ſhall be deducted out of the principal and profit; and where the goods pawned ſhall have been damaged, it ſhall be ſufficient for the pawner, his executors, *&c.* to pay or tender the money due upon the balance, after deducting out of the principal and profit for the goods pawned, ſuch reaſonable ſatisfaction, in reſpect to ſuch damage, as ſuch juſtice ſhall award, and upon ſo doing, the juſtice ſhall proceed as if the pawner, his executors, *&c.* had paid or tendered the whole money due for the principal and profit; and if the ſatisfaction to be awarded to the owner ſhall be equal to, or exceed the principal and profit, then the perſon to whom the ſame were pledged, ſhall deliver the goods pledged to the owner, without being paid any thing for principal or profit, and ſhall alſo pay ſuch exceſs, if any, to the perſon entitled thereto, under the penalty of 10*l.* to be recovered as after mentioned. *ſ.* 18.

It ſhall be lawful for any juſtice upon complaint made to him on the oath or affirmation of one witneſs, where any information ſhall be laid againſt any pawnbroker for having offended againſt this act, or reſpecting any diſpute between any pawnbroker and the perſon having pawned goods, or the owner of goods pawned, or reſpecting any felony or other matter, or on any other occaſion whatſoever, which, in the judgment of any juſtice, ſhall make the production of any book, note, voucher, or other paper neceſſary, which ſhall or ought to be in the cuſtody or power of any pawnbroker, to ſummon ſuch pawnbroker before him, to attend, with every book, note, voucher, or paper, relating to the ſame, which he is required to produce before ſuch juſtice in the ſtate the ſame was made at the time the pawn was received, without any alteration, eraſement, or obliteration whatſoever; and in caſe ſuch pawnbroker ſhall neglect or refuſe to attend, or to produce the ſame in its perfect ſtate, ſuch pawnbroker ſhall, in caſe he doth not ſhew good cauſe for ſuch neglect or refuſal, to the ſatisfaction of ſuch juſtice, forfeit 10*l.* for the uſe, and to be levied as after mentioned. *ſ.* 19.

In caſe any pawnbroker ſhall in any-wiſe offend againſt this act, ſuch pawnbroker ſhall, for every ſuch offence, in neglecting to make or cauſe to be made, in a fair manner, in ſuch books as aforeſaid, any ſuch entry as is required to be made by him by this act, forfeit 10*l.*; and for every other offence againſt this act, where no forfeiture is provided on any particular offence againſt any part of this act, 5*l.*; and all forfeitures incurred by any offence committed againſt this act ſhall be levied by diſtreſs and ſale of the goods of the offender, by warrant under the hand and ſeal of any juſtice for the county, *&c.* where the offence ſhall be committed; and it ſhall be lawful for the juſtice to award to the party complaining, out of the penalty, 2*l.* 10*s.*; and the remainder of the aforeſaid penalty, not otherwiſe diſpoſed of, to be paid to the uſe of the poor of the pariſh where the offence ſhall have been committed, and ſhall be paid to the overſeers for that purpoſe. *ſ.* 20.

No perſon ſhall be liable to any proſecution before any juſtice, unleſs information be given of his offence within twelve months. *ſ.* 21.

The churchwardens and overſeers where any offence ſhall be ſuppoſed to have been committed by any pawnbroker, or ſome of ſuch officers, at the diſcretion of any juſtice, on having notice from ſuch juſtice of ſuch offence, ſhall proſecute every offender for every offence ſo to be ſuggeſted by ſuch juſtice to have been committed, at the expence of the pariſh whereof they are officers. *ſ.* 22.

Nothing in this act ſhall extend to perſons who ſhall lend money to any perſon upon pawn at the rate of 5*l. per centum per annum* intereſt, without taking any greater profit for the loan. *ſ.* 23.

No fee ſhall be taken by any juſtice or his clerk, or by any perſon whomſoever, for any ſummons or warrant, or other proceedings made by any juſtice in purſuance of this act. *ſ.* 24.

All regulations in this act, ſhall extend to the executors, adminiſtrators, and aſſigns, of every deceaſed pawnbroker, except that no ſuch executor or adminiſtrator ſhall be anſwerable for any penalty perſonally, or to be paid out of his own money, unleſs incurred by his own act. *ſ.* 25.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue; and if upon the trial a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have double coſts. *ſ.* 26.

In all actions, ſuits, informations, trials, and other proceedings, any inhabitant of the pariſh in which any offence ſhall be committed, ſhall be admitted to give evidence. *ſ.* 27.

The juſtice before whom any perſon ſhall be convicted, ſhall cauſe ſuch conviction to be drawn up in the form following, *viz.*

To wit. *BE it remembered, that on this* ——— *day of* ——— *in the* ——— *year of his majeſty's reign*, A. B. *is convicted before* —— *of his majeſty's juſtices of the peace for the ſaid county of* ——— [or, *for the* ——— *riding or diviſion of the ſaid county of* ——— or, *for the city, liberty, or town of* ——— as the caſe ſhall happen to be] *for* ——— *and the ſaid* ——— *do adjudge him* [or *her*] *to pay and forfeit for the ſame the ſum of* ——— *Given under* ——— *the* ——— *day and year aforeſaid.*

And the ſaid juſtice before whom ſuch conviction ſhall be had, ſhall cauſe the ſame to be written upon parchment, and tranſmitted to the next general or quarter ſeſſion, to be filed amongſt the records; and in caſe any perſon ſo convicted ſhall appeal from the judgment of the juſtice to the ſaid general quarter ſeſſion, the juſtices in ſuch ſeſſion are upon receiving the ſaid conviction, drawn up in the form aforeſaid, to proceed to the hearing and determination of the appeal, according to this act, and no *certiorari* ſhall be granted to remove any conviction or proceedings. *ſ.* 28.

If any perſon convicted of any offence puniſhable by this act ſhall think himſelf aggrieved by the judgment of the juſtice, ſuch perſon may appeal to the next general or quarter ſeſſion, and the execution of the judgment ſhall in ſuch caſe be ſuſpended, the perſon convicted entering into a recognizance at the time of conviction, with two ſureties, in double the ſum adjudged, upon condition to proſecute

ſuch

ſuch appeal with effect, and to be forthcoming to abide the judgment of the next general or quarter ſeſſion, and to pay ſuch coſts as ſuch ſeſſion ſhall award, which recognizance the juſtice before whom ſuch conviction ſhall be had is to take; and the general or quarter ſeſſion are to hear and finally determine the appeal, and to award ſuch coſts as ſhall appear juſt to be paid by either party; and if, upon the hearing of the ſaid appeal, the judgment of the juſtice ſhall be affirmed, ſuch appellant ſhall immediately pay the ſum adjudged, together with ſuch coſts as the ſeſſion ſhall award, or in default of making ſuch payment ſhall ſuffer the pains and penalties by this act inflicted upon perſons who ſhall neglect to pay the forfeitures by this act impoſed upon perſons convicted by this act. *ſ.* 29.

This act ſhall be in force for one whole year, and from thence to the end of the then next ſeſſions of parliament. *ſ.* 31.

Perjury.

By 5 *Eliz. c.* 9. *Made perpetual by* 29 Eliz. c. 5. *and* 21 Jac. 1. c. 28. All perſons which ſhall corruptly procure any witneſs by letters, rewards, promiſes, or other ſiniſter means, to commit wilful and corrupt perjury, in any matter depending in ſuit, by writ, action, bill, complaint, or information, concerning lands and hereditaments, goods, debts, or damages, in any of the queen's courts of record, or in any leet, ancient demean court, hundred court baron, or in the courts of the ſtannary in *Devon* and *Cornwall*, or ſhall corruptly procure or ſuborn any witneſs ſworn to teſtify *in perpetuam rei memoriam*; ſuch offenders ſhall, being convicted, forfeit 40*l.* *ſ.* 3.

If ſuch offender have not goods or lands to the value of 40*l.* he ſhall ſuffer impriſonment one half year, and ſtand upon the pillory one hour in ſome market town adjoining, in open market there. *ſ.* 4.

No perſon ſo convicted ſhall be received as a witneſs in any court of record, until the judgment given againſt the ſaid perſon be reverſed. And upon every ſuch reverſal the parties grieved ſhall recover their damages, againſt ſuch as did procure the ſaid judgment to be firſt given againſt them, by action upon the caſe. *ſ.* 5.

If any perſon, either by ſubornation, unlawful procurement, or means of any other, or by their own act, wilfully and corruptly commit wilful perjury, in any of the courts before mentioned, or being examined, *ad perpetuam rei memoriam*, every perſon ſo offending, and being convict, ſhall forfeit 20*l.* and have impriſonment ſix months, and the oath of ſuch perſon ſhall not be received in any court of record, until the judgment be reverſed by attaint or otherwiſe. And upon ſuch reverſal the parties grieved to recover their damages, againſt ſuch as did procure the judgment to be given againſt them, by action on the caſe. *ſ.* 6.

If the offender have not goods to the value of 20*l.* he ſhall be ſet on the pillory in ſome market place, by the ſheriff, if without any city or town corporate, and if within ſuch city, *&c.* by the head officer, *&c.* and there have both his ears nailed, and be diſabled forever to be ſworn in any of the courts of record aforeſaid, until the judgment be reverſed, and thereupon to recover his damages. *ſ.* 7.

The one moiety of which money forfeited to be to the queen, and the other moiety to ſuch perſon grieved by reaſon of the offence, that will ſue for the ſame. *ſ.* 8.

As well the judges of the ſaid courts where ſuch perjury ſhall be committed, as alſo the juſtices of aſſizes and gaol delivery, and the juſtices of peace at their quarter ſeſſions, ſhall have power to enquire of all offences contrary to this act, by inquiſition, preſentment, bill or information, or otherwiſe lawfully to hear and determine the ſame. *ſ.* 9.

The juſtices of aſſize ſhall in every county two times in the year, in their ſittings, make proclamation of this ſtatute. *ſ.* 10.

This act ſhall not extend to any eccleſiaſtical court, but that ſuch offenders may be puniſhed by ſuch laws as heretofore in the eccleſiaſtical courts. *ſ.* 11.

If any perſon upon whom proceſs out of any court of record ſhall be ſerved, to teſtify concerning any matter depending in the ſame court, and having tendered according to their countenance ſuch coſts as is neceſſary, do not appear according to the proceſs, having not a reaſonable impediment; the party making default ſhall forfeit 10*l.* and yield ſuch further recompence to the party grieved, as by the diſcretion of the judge of the court the party which procured the proceſs ſhall ſuſtain; the ſaid ſums to be recovered by the party grieved by action of debt, *&c.* *ſ.* 12.

This act ſhall not reſtrain the power of any judge, having abſolute power to puniſh perjury before, ſo that they ſet not upon the offenders leſs puniſhment than is contained in this act. *ſ.* 13.

By 2 *Geo.* 2. *c.* 25. *made perpetual*, 9 Geo. 2. c. 18. Beſides the puniſhment already to be inflicted, it ſhall be lawful for the court or judge, before whom any perſon ſhall be convicted of wilful and corrupt perjury, or ſubornation of perjury, to order ſuch perſon to be ſent to ſome houſe of correction within the county for a term not exceeding ſeven years, to be kept to hard labour; or to be tranſported to his majeſty's plantations for a term not exceeding ſeven years; and judgment ſhall be given accordingly: and if any perſon ſo committed or tranſported ſhall voluntarily eſcape or return from tranſportation before the expiration of the term, ſuch perſon being thereof convicted, ſhall ſuffer death without benefit of clergy, and ſhall be tried for ſuch felony in the county where he eſcaped, or where he ſhall be apprehended.

This act ſhall not extend to *Scotland*. *ſ.* 4.

No attainder for any offence hereby made felony ſhall work corruption of blood, loſs of dower, or diſheriſon of heirs. *ſ.* 5.

By 23 *Geo.* 2. *c.* 11. In every information or indictment for wilful and corrupt perjury, it ſhall be ſufficient to ſet forth the ſubſtance of the offence charged, and by what court, or before whom the oath was taken (averring ſuch court or perſon to have authority to adminiſter the ſame), together with the proper averment to falſify the matter wherein the perjury is aſſigned, without ſetting forth the bill, anſwer, information, indictment, declaration, or any part of any record or proceeding; and without ſetting forth the commiſſion or authority of the court or perſon before whom the perjury was committed. *ſ.* 1.

In every information or indictment for ſubornation of perjury, or for corrupt bargaining with others to commit wilful and corrupt perjury, it ſhall be ſufficient to ſet forth the ſubſtance of the offence charged, without ſetting forth the bill, anſwer, information, indictment, declaration, or any part of any record or proceeding, and without ſetting forth the commiſſion or authority of the court or perſon before whom the perjury was committed, or agreed to be committed. *ſ.* 2.

It ſhall be lawful for any juſtice of aſſize, or *niſi prius*, or general gaol delivery, or of any of the great ſeſſions of *Wales*, or of the counties palatine (ſitting the court or within

within 24 hours after) to direct any perſon examined as a witneſs before them, to be proſecuted for perjury, in caſe there appear a reaſonable cauſe; and to aſſign the party injured, or other perſon undertaking ſuch proſecution, counſel, who ſhall do their duty without fee. And every proſecution ſo directed ſhall be carried on without payment of any tax, and without payment of any fees in court, or to any officer of the court; and the clerk of aſſize, or his aſſociate or prothonotary, or other officer of the court attending when ſuch proſecution is directed, ſhall, without fee, give the party injured, or other perſon undertaking ſuch proſecution, a certificate of the ſame being directed, with the names of the counſel aſſigned him; which certificate ſhall be deemed ſufficient proof of ſuch proſecution having been directed as aforeſaid. Provided that no ſuch direction or certificate ſhall be given in evidence upon any trial againſt any perſon upon a proſecution ſo directed. *ſ.* 3.

Petitions.

By 13 *Car.* 2. *ſt.* 1. *c.* 5. No perſon ſhall ſolicit or procure the getting of hands, or other conſent, of any perſons above the number of 20, to any petition, complaint, remonſtrance, declaration, or other addreſs, to the king, or both or either houſes of parliament, for alteration of matters eſtabliſhed by law in church or ſtate; unleſs the matter thereof be firſt conſented to, and ordered by three juſtices of the county, or by the major part of the grand jury, where the ſame ſhall ariſe at their aſſizes or quarter ſeſſions; or if ariſing in *London*, by the lord mayor, aldermen, and commons, in common council. And no perſon ſhall repair to his majeſty, or both or either houſes of parliament, upon pretence of delivering any petition, *&c.* accompanied with exceſſive number of people, nor at any one time with above the number of 10 perſons; upon pain of incurring not exceeding 100*l.* and three months impriſonment, to be proſecuted at the king's bench, or the aſſizes or quarter ſeſſions, within ſix months after the offence, and proved by two witneſſes. *ſ.* 2.

This act ſhall not hinder any perſons, not exceeding ten, to preſent any complaint to any members of parliament after election, and during the parliament, or to the king's majeſty, for any remedy to be then had; nor extend to any addreſs to his majeſty by all or any of the members of both or either houſes of parliament. *ſ.* 3.

Phyſicians, Apothecaries, and Surgeons.

(*See general title* "London," Part II. p. 98.)

Pillory.

Ordin. for bakers. 1. 3. Every pillory or ſtretch-neck muſt be of convenient ſtrength, ſo that execution may be done upon offenders without peril of their bodies.

Piracy.

By 27 *Hen.* 8. *c.* 4. All offences of piracy, robbery, and murder, done upon the ſea, or in any other haven, river or creek, where the admirals pretend to have juriſdiction, ſhall be enquired, tried, heard, and determined, in ſuch places in this realm, as ſhall be limited by the king's commiſſion, as if ſuch offences had been done upon land; and ſuch commiſſions ſhall be under the great ſeal, directed to the lord admiral, or his lieutenant or deputies, and other perſons named by the lord chancellor, to hear and determine ſuch offences after the common courſe of law uſed for felonies committed within the realm. *ſ.* 1.

By 28 *Hen.* 8. *c.* 15. All treaſons, felonies, robberies, murders, and confederacies, committed upon the ſea, or in any haven, river, creek, or place, where the admirals have or pretend to have power or juriſdiction, ſhall be enquired, heard, and determined, in ſuch ſhires and places in this realm, as ſhall be limited by the king's commiſſion, as if ſuch offences had been committed upon land; and ſuch commiſſions ſhall be under the great ſeal, directed to the admirals, or their lieutenant and deputies, and to three or four ſuch other perſons as ſhall be named by the lord chancellor, after the common courſe of the law uſed for treaſons, felonies, robberies, murders, and confederacies of the ſame, committed upon land within this realm. *ſ.* 1.

Such perſons to whom ſuch commiſſion ſhall be directed, or four of them, ſhall have power to enquire of ſuch offences by the oaths of 12 lawful inhabitants, in the ſhire limited in their commiſſion, as if ſuch offences had been committed upon land within the ſhire; and every indictment found before ſuch commiſſioners, of any treaſons, felonies, or ſuch other offences, committed upon the ſeas, or any haven, river, or creek, ſhall be good in law. And ſuch proceſs, judgment, and execution, ſhall be had againſt every perſon ſo indicted, as for treaſon, felony, or other ſuch offences done upon land; and the trial of ſuch offences ſhall be by 12 men inhabited in the ſhire limited within ſuch commiſſion, and no challenge to be had for the hundred; and ſuch as ſhall be convict of any ſuch offences, ſhall ſuffer ſuch pains of death, loſſes of lands and goods, as if they had been convicted of the ſaid offences done upon land. *ſ.* 2.

For treaſons, robberies, felonies, murders, and confederacies, done upon the ſeas or in any place above rehearſed, the offenders ſhall not have benefit of clergy. *ſ.* 3.

This act ſhall not extend to any perſon for taking victual, cables, ropes, anchors, or ſails, which ſuch perſon, compelled by neceſſity, taketh of any ſhip which may ſpare the ſame; ſo the perſon pay for the ſame money or money-worth, or deliver a bill obligatory to be paid, if the taking be on this ſide the ſtraits of *Marroke*, to be paid within four months, and if it be within the ſaid ſtraits, to be paid within 12 months; and that the makers of ſuch bills pay the ſame within the time limited. *ſ.* 4.

When any ſuch commiſſion ſhall be directed to any place within the juriſdiction of the five ports, ſuch commiſſion ſhall be directed to the lord warden of the ports, or his deputy, and three or four ſuch perſons as the lord chancellor ſhall name. *ſ.* 5.

Whenſoever any commiſſion ſhall be directed unto the five ports for the inquiſition and trials of any the offences expreſſed in this act, ſuch inquiſition and trial ſhall be had by the inhabitants in the five ports, or the members of the ſame. *ſ.* 6.

By 11 & 12 *Will.* 3. *c.* 7. *Made perpetual* by 6 Geo. 1. c. 19. All piracies, felonies, and robberies, committed upon the ſea, or in any haven, river, creek, or place, where the admirals have power or juriſdiction, may be enquired of, heard, and determined, in any place at ſea, or upon land, in

in any of his majeſty's dominions, forts, or factories, to be appointed by the king's commiſſion under the great ſeal, or the ſeal of the admiralty, directed to any of the admirals, vice-admirals, rear-admirals, judges of vice-admiralties, or commanders of any of his majeſty's ſhips of war, and alſo to any ſuch perſons as his majeſty ſhall appoint; which commiſſioners ſhall have power, by warrant under the hand and ſeal of them, or any of them, to commit to cuſtody any perſon againſt whom information of piracy, robbery, or felony, upon the ſea, ſhall be given upon oath; and to call a court of admiralty on ſhipboard, or upon land, as occaſion ſhall require; which court ſhall conſiſt of ſeven perſons at leaſt. *ſ.* 1.

If ſo many of the perſons cannot conveniently be aſſembled, any three of them (whereof the preſident or chief of ſome *Engliſh* factory, or the governor, lieutenant-governor, or member of his majeſty's councils, in any of the plantations, or commander of one of his majeſty's ſhips, is to be one), ſhall have power to call any other perſons on ſhipboard, or on the land, to make up the number of ſeven. *ſ.* 2.

Provided that no perſons but known merchants, factors, or planters, or captains, lieutenants, or warrant officers, in any of his majeſty's ſhips of war, or captains, maſters, or mates, of ſome *Engliſh* ſhip, ſhall be capable of ſitting and voting in the ſaid court. *ſ.* 3.

Such perſons called as aforeſaid, ſhall have power, according to the courſe of the admiralty, to iſſue warrants for bringing any perſons accuſed of piracy or robbery before them to be tried; and to ſummon witneſſes and take examinations of witneſſes, and to do all things neceſſary for the final determination of any caſe of piracy, robbery, and felony, and to give ſentence of death, and award execution of the offenders convicted, according to the civil law and the rules of the admiralty. And every perſon ſo convicted and attainted of piracy or robbery, ſhall ſuffer ſuch loſſes of lands and goods, as if they had been attainted and convicted according to the ſtatute 28 *Hen.* 8. *c.* 15. *ſ.* 4.

So ſoon as any court ſhall be aſſembled, the king's commiſſion ſhall be read, and the court ſhall be proclaimed, and then the preſident of the court ſhall take the following oath, *viz.*

I A. B. *do ſwear, in the preſence of Almighty God, that I will truly and impartially try and adjudge the priſoner or priſoners which ſhall be brought upon his or their trials before this court, and honeſtly and duly on my part put his majeſty's commiſſion for trying them in execution, according to the beſt of my ſkill and knowledge; and that I have no intereſt directly or indirectly, in any ſhip or goods, for the piratically taking of which any perſon ſtands accuſed, and is now to be tried.*

So help me God.

And he having taken the oath, ſhall adminiſter the ſame to every perſon who ſhall ſit and have a voice in the court; and thereupon the priſoners ſhall be brought before them: and then the regiſter ſhall read the articles againſt ſuch priſoners, wherein ſhall be ſet forth the particular facts of piracy, robbery, and felony, with the time and place, and in what manner it was committed: and each priſoner ſhall be aſked whether he be guilty or not guilty; whereupon ſuch priſoner ſhall immediately plead *guilty* or *not guilty*, or elſe it ſhall be taken as confeſſed: and if any priſoner ſhall plead not guilty, witneſſes ſhall be produced by the regiſter, and ſworn and examined in the priſoner's preſence; and after a witneſs hath anſwered all the queſtions propoſed by the preſident, and given his evidence, it ſhall be lawful for the priſoner to have the witneſs croſs-examined, declaring to the court what queſtions he would have aſked, and the preſident or the court ſhall interrogate the witneſs accordingly; and every priſoner ſhall have liberty to bring witneſſes for his defence, who ſhall be ſworn and examined, and afterwards the priſoner ſhall be heard for himſelf; which being done, the priſoner ſhall be taken away, and all other perſons, except the regiſter, ſhall withdraw; and then the court ſhall conſider of the evidence; and then the preſident ſhall collect the votes of the court, beginning at the junior, and ending with himſelf; and according to plurality of voices ſentence ſhall be given, and pronounced publicly in the preſence of the priſoner, being called in again: and according to ſuch ſentence, the perſons attainted ſhall be put to death in ſuch manner, and ſuch place, upon the ſea, or within the ebbing or flowing thereof, as the preſident or the major part of the court, by warrant directed to a provoſt-marſhal, which they ſhall have power to conſtitute, ſhall appoint. *ſ.* 5.

Some public notary ſhall be regiſter of the court; and in caſe of his abſence, death, or incapacity, or for want of a perſon ſo qualified, the preſident ſhall appoint a regiſter, giving him an oath, duly, faithfully, and impartially, to execute his office; which regiſter ſhall prepare all warrants and articles, and provide all things requiſite for any trial, according to the ſubſtantial and eſſential parts of proceedings in a court of admiralty in the moſt ſummary way; and ſhall take minutes of the proceedings, and enter them in a book, and ſhall tranſmit the ſame, with the copies of all articles and judgments, unto the high court of admiralty in *England*. *ſ.* 6.

If any of his majeſty's ſubjects ſhall commit piracy or robbery, or any act of hoſtility, againſt others his majeſty's ſubjects upon the ſea, under colour of any commiſſion from any foreign ſtate or authority from any perſon whatſoever, ſuch offenders, and every of them, ſhall be adjudged pirates, felons, and robbers; and being convicted according to this act, or 28 *Hen.* 8. *c.* 15. ſhall ſuffer pains of death, and loſs of lands and goods. *ſ.* 7.

If any commander of any ſhip, or any mariner, ſhall in any place where the admiral hath juriſdiction, betray his truſt, and turn pirate, enemy, or rebel, and piratically and feloniouſly run away with the ſhip, or any boat, ordnance, ammunition, or goods, or yield them up voluntarily to any pirate, or ſhall bring any ſeducing meſſages from any pirate, enemy, or rebel, or conſult or confederate with, or attempt to corrupt, any commander, officer, or mariner, to yield up or run away with any ſhip or goods, or turn pirate, or go over to pirates, or if any perſon ſhall lay violent hands on his commander, to hinder him from fighting in defence of his ſhip and goods, or confine his maſter, or endeavour to make a revolt in the ſhip, he ſhall be adjudged a pirate, felon, and robber, and being convicted according to this act ſhall ſuffer death, and loſs of lands and goods. *ſ.* 8.

All perſons who ſhall either on land or upon the ſeas, knowingly ſet forth any pirate, or aſſiſt or maintain, procure, command, counſel, or adviſe, any perſon to commit any piracies or robberies upon the ſeas, and ſuch perſon ſhall thereupon commit any ſuch piracy or robbery, all ſuch perſons ſhall be adjudged acceſſary to ſuch piracy and robbery; and after any piracy or robbery committed, every perſon who, knowing that ſuch pirate or robber has committed ſuch robbery, ſhall, on the land or on the ſea, receive, entertain, or conceal, any ſuch pirate or robber, or receive any ſhip or goods by ſuch pirate or

robber, piratically and felonioufly taken, ſhall be adjudged acceſſary to ſuch piracy and robbery. And all ſuch acceſſaries may be enquired of, heard, and determined, after the common courſe of the law, according to the ſtatute 28 *Hen.* 8. *c.* 15. as the principals of ſuch piracies and robberies ought to be; and being attainted ſhall ſuffer death, [illegible] of lands and goods. *ſ.* 9.

When any *Engliſh* ſhip ſhall have been defended againſt pirates, enemies, or ſea rovers, by fight, and brought to her port, in which fight any of the officers or ſeamen ſhall have been killed or wounded, it ſhall be lawful for the judge of his majeſty's high court of admiralty, or his ſurrogate in the port of *London*, or the mayor, bailiff, or chief officer, in the ſeveral out-ports of this kingdom, upon petition of the maſter or ſeamen of ſuch ſhip, to call unto him four or more ſubſtantial merchants, and ſuch as are no adventurers or owners of the ſhip or goods, and have no intereſt therein, and by advice with them to raiſe upon the adventurers and owners of the ſhip and goods, by proceſs out of the ſaid court, ſuch ſums of money as himſelf and the ſaid merchants, by plurality of voices, ſhall judge reaſonable, not exceeding two *per cent.* of the freight, and of the ſhip and goods according to the firſt coſts of the goods; which money ſhall be diſtributed among the captain, maſters, officers, and ſeamen of the ſhip, or widows and children of the ſlain, according to the direction of the judge of the ſaid court, *&c.* with the approbation of the merchants aforeſaid; who ſhall proportion the ſame to the ſhip's company, having ſpecial regard to the women and children of ſuch as ſhall have been ſlain, and ſuch as have been wounded. *ſ.* 10.

A reward of 10 *l.* for every veſſel of 100 tuns or under, and 15 *l.* for every ſhip of a greater burden, ſhall be paid by the commander of every ſhip, wherein any combination ſhall be ſet on foot, for the running away with or deſtroying ſuch ſhip, or the goods therein, to ſuch perſon as ſhall firſt make a diſcovery thereof; the ſame to be paid at the port where the wages of the ſeamen are to be paid. *ſ.* 11.

The commiſſioners appointed by 28 *Hen.* 8. *c.* 15. or by this act, ſhall have the ſole power of hearing and determining the ſaid crimes, within all the plantations in *America*, governed by proprietors, or under charters from the crown; and ſhall iſſue their warrants for apprehending of any pirates, felons, or robbers upon the ſea, or their confederates or acceſſaries, within any of the ſaid plantations, in order to their being brought to trial within the ſame, or any other plantation in *America*, or ſent into *England*: and all governors and perſons in authority in the plantations, governed by the proprietors, or under charters, ſhall aſſiſt the commiſſioners and their officers, and deliver up any pirates, felons, and robbers upon the ſea, and their confederates and acceſſaries, in order to their being tried or ſent into *England*. *ſ.* 13.

If any of the governors in the plantations, or perſons in authority there, ſhall refuſe to yield obedience to this act, ſuch refuſal is declared to be a forfeiture of all charters granted for the government or propriety of ſuch plantation. *ſ.* 14.

When any commiſſion for the trial and puniſhment of the offences aforeſaid, ſhall be directed to any place within the juriſdiction of the cinque ports, ſuch commiſſion ſhall be directed to the lord warden, or his lieutenant, and ſuch other perſons as the lord high chancellor ſhall name; and every inquiſition and trial to be had by virtue of ſuch commiſſion ſhall be by the inhabitants of the cinque ports, or the members of the ſame. *ſ.* 15.

All officers or ſailors who ſhall deſert the ſhips wherein they are hired to ſerve for that voyage, ſhall forfeit all wages due to them. *ſ.* 16.

In caſe any maſter of a merchant ſhip ſhall, during his being abroad, force any man on ſhore, or wilfully leave him behind in any of his majeſty's plantations, or elſewhere, or ſhall refuſe to bring home with him all ſuch of the men which he carried out, as are in a condition to return, ſuch maſter ſhall ſuffer three months impriſonment. *ſ.* 17.

By 4 *Geo.* 1. *c.* 11. All perſons who ſhall commit any offences for which they ought to be adjudged pirates by the act 11 *&* 12 *Will.* 3. *c.* 7. may be tried as by the act 28 *Hen.* 8. *c.* 15. and ſhall be debarred from the benefit of clergy. Nothing in this act to extend to *Scotland*. *ſ.* 9.

By 8 *Geo.* 1. *c.* 24. *Made perpetual by* 2 Geo. 2. c. 28. If any commander of any ſhip, or other perſon, ſhall trade with any pirate, or ſhall furniſh any pirate, felon, or robber on the ſeas, with ammunition, proviſions or ſtores, or ſhall fit out any ſhip knowingly and with deſign to trade or correſpond with any pirate, *&c.* or if any perſon ſhall conſult, combine, or correſpond with any pirate, *&c.* knowing him to be guilty of any piracy, felony, or robbery, ſuch offender ſhall be adjudged guilty of piracy, felony, and robbery, and ſhall be tried according to the ſtatutes 28 *Hen.* 8. *c.* 15. and 11 *&* 12 *Will.* 3. *c.* 7. and being convicted, ſhall ſuffer death, and loſs of lands and goods. And if any perſon belonging to any ſhip, upon meeting any merchant ſhip on the high ſeas, or in any port, haven, or creek, ſhall forcibly board and enter ſuch ſhip, and though they do not ſeize and carry her off, ſhall throw over-board or deſtroy any of the goods, they ſhall be puniſhed as pirates. *ſ.* 1.

Every ſhip fitted out with a deſign to trade or correſpond with any pirate, and all the merchandizes put on board the ſame with an intention to trade with any pirate, ſhall be forfeited; one moiety to the king, the other to the firſt diſcoverer of ſuch deſign, who may ſue for the ſhip, *&c.* in the high court of admiralty. *ſ.* 2.

All perſons who by the act 11 *&* 12 *Will.* 3. *c.* 7. are declared acceſſaries to any piracy, are hereby declared principal pirates. *ſ.* 3.

Every offender convicted of any piracy, felony, or robbery, by virtue of this act, ſhall not have benefit of clergy. *ſ.* 4.

If any ſeaman on board of any merchant ſhip ſhall be maimed in fight againſt any pirate, he ſhall not only receive the rewards appointed by 22 *&* 23 *Car.* 2. *c.* 11. *(ſee* SHIPS*)*, but ſhall be provided for in *Greenwich Hoſpital* preferable to any other ſeaman who is diſabled from ſervice by age. *ſ.* 5.

If any commander or other officer, or ſeaman, of a merchant ſhip, which carries guns and arms, ſhall not, when they are attacked by any pirate, fight and endeavour to defend themſelves, or ſhall utter any words to diſcourage the other mariners, and by reaſon thereof the ſhip ſhall fall into the hands of the pirate, every ſuch commander, *&c.* ſhall forfeit all the wages due to him, to the owners of the ſhip, and ſhall ſuffer ſix months impriſonment. *ſ.* 6.

No maſter or owner of any merchant ſhip ſhall pay to any ſeaman beyond the ſeas any money or effects on account of wages, exceeding one moiety of the wages due at the time of ſuch payment, till ſuch ſhip ſhall return to *Great Britain*, *Ireland*, or the plantations, or to ſome other of his majeſty's dominions whereto they belong; on forfeiture of double the money ſo paid, to be recover-

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ed in the high court of admiralty by any perſon who ſhall firſt inform for the ſame. *ſ.* 7.

This act ſhall extend to all his majeſty's dominions in *Aſia*, *Africa*, and *America*. *ſ.* 10.

By 18 *Geo.* 2. *c.* 30. All perſons being natural born ſubjects or denizens, who during the preſent or any future wars ſhall commit any hoſtilities upon the ſea, or in any place where the admirals have juriſdiction, againſt his majeſty's ſubjects, under colour of any commiſſion from any of his majeſty's enemies, or ſhall be any other ways adherent to his majeſty's enemies upon the ſea, or where the admirals have juriſdiction, may be tried as pirates, felons, and robbers, in the court of admiralty, on ſhipboard, or upon the land, and being convicted ſhall ſuffer death, loſs of lands and goods, as any other pirates ought by 11 *Will.* 3. *c.* 7. or any other act. *ſ.* 1.

Any perſon tried and acquitted or convicted, according to this act, ſhall not be liable to be proſecuted or tried again in *Great Britain* or elſewhere for the ſame fact, as high treaſon. *ſ.* 2.

Provided, that nothing in this act ſhall prevent any perſons guilty of any of the ſaid crimes, who ſhall not be tried according to this act, from being tried for high treaſon within this realm, according to the 28 *Hen.* 8. *c.* 15. *ſ.* 3.

Plague.

By 1 *Jac.* 1. *c.* 31. The mayor, bailiffs, head officers and juſtices of peace, of every city, borough, town corporate and places privileged, or any two of them, ſhall have power to tax every inhabitant, and houſes and hereditaments within the city, *&c.* for the relief of perſons infected or inhabiting in houſes and places infected in the ſame cities, *&c.* and to levy the ſame by warrant of the mayor, *&c.* *ſ.* 2.

If the party to whom ſuch warrant is directed ſhall not find goods, the mayor, *&c.* ſhall by like warrant cauſe the perſon to be committed to the gaol until he ſatisfy the taxation. *ſ.* 3.

If the inhabitants of any city, *&c.* find themſelves unable to relieve their poor infected perſons, *&c.* upon certificate thereof by the mayor, *&c.* the juſtices of peace of the county of or near the ſaid city, *&c.* or two of them, may tax the inhabitants of the county within five miles of the place infected at weekly rates, to be levied by warrant from ſuch two juſtices. *ſ.* 4.

If any ſuch infection ſhall be in any borough, town corporate or privileged place, where there are no juſtices of peace, or in any village or hamlet, it ſhall be lawful for any two juſtices of the county to tax the inhabitants of the county within five miles of the place infected, at weekly rates, for relief of the places infected, to be levied by warrant from the juſtices by ſale of goods, and in default thereof by impriſonment; the ſame taxes to be diſpoſed as they ſhall think fit. *ſ.* 5.

All which rates ſhall be certified at the next quarter-ſeſſions; and if the juſtices of peace at ſuch quarter-ſeſſions ſhall think fit the ſaid rate ſhould continue, or be enlarged, or extended to any other parts of the county, the ſame ſhall be ſo enlarged, *&c.* and every conſtable and other officer that ſhall wilfully make default in levying ſuch money, ſhall forfeit 10*s.* to be employed on the charitable uſes aforeſaid. *ſ.* 6.

If any perſon infected, or dwelling in any houſe infected, ſhall be by the mayor, bailiffs, conſtable, or other head officer, of any city, borough, town corporate, privileged place or market town, or by any juſtice of peace, conſtable, headborough, or other officer of the county, commanded to keep his houſe, and ſhall wilfully and contemptuouſly diſobey ſuch appointment, attempting to go abroad, or going abroad, and reſiſting ſuch keepers or watchmen as ſhall be appointed to ſee them kept in, it ſhall be lawful for ſuch watchmen, with violence, to enforce them to keep their houſes; and if any hurt come by ſuch enforcement to ſuch diſobedient perſons, the watchmen and their aſſiſtants ſhall not be impeached therefore. And if any infected perſon ſo commanded to keep houſe, ſhall wilfully and contemptuouſly go abroad, and converſe in company, having any infectious ſore upon him uncured, ſuch perſon ſhall be adjudged a felon; but if ſuch perſon ſhall not have any ſuch ſore found about him, he ſhall be puniſhed as a vagabond ought to be by 39 *Eliz.* *c.* 2. *viz.* *be whipped, but that ſtatute is repealed*; and be bound to his good behaviour for one year. *ſ.* 7.

No attainder of felony by this act ſhall extend to any corruption of blood, or forfeiture of goods or lands. *ſ.* 8.

It ſhall be lawful for juſtices of peace, mayors, bailiffs, and other head officers, to appoint ſearchers, watchmen, examiners, keepers and buryers, for the perſons and places infected, and to miniſter unto them oaths for the performance of their offices, and give them other directions as for the preſent neceſſity ſhall ſeem good. *ſ.* 9.

And this act was continued indefinitely by 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4.

No mayor, *&c.* ſhall by force of this act do any thing within either the univerſities, or within any cathedral church, or the precincts thereof, or within the colleges of *Eaton* or *Wincheſter*; but the vice chancellor of either of the univerſities, and the biſhop and dean of every cathedral church, and the provoſt or warden of either of the ſaid colleges, ſhall have all ſuch power within their precincts, as any mayor, *&c.* *ſ.* 10.

By 26 *Geo.* 2. *c.* 6. All ſhips, perſons, and merchandizes, coming into any place within *Great Britain* or *Ireland*, or the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, from any place from whence his majeſty, with the advice of his privy council, ſhall judge it probable that the infection may be brought, ſhall be obliged to make their quarentine in ſuch place, for ſuch time, and in ſuch manner, as ſhall be directed by his majeſty, by his order in council, notified by proclamation, or publiſhed in the *London Gazette*; and until ſuch ſhips, perſons, and merchandizes, ſhall be diſcharged from ſuch quarentine, no ſuch perſon or merchandizes ſhall come or be brought on ſhore, or go or be put on board any other ſhip in any place within his majeſty's dominions, unleſs in ſuch manner, and in ſuch caſes, and by ſuch licence, as ſhall be permitted by ſuch order; and all ſuch ſhips, and the perſons or goods on board, and all veſſels and perſons receiving any goods or perſons out of the ſame, ſhall be ſubject to ſuch orders concerning quarentine, and the prevention of infection, as have been or ſhall be made by his majeſty in council, and notified by proclamation, or publiſhed in the *London Gazette* as aforeſaid. *ſ.* 1.

If the plague appear on board any ſhip being to the northward of *Cape Finiſterre*, the maſter, or perſon having charge thereof, ſhall immediately proceed to the harbour of *New Grimſby* in the iſlands of *Scilly* [*The place is changed for* St. Helen's Pool *by* 29 Geo. 2. c. 8.], and make known his caſe to the officer of the cuſtoms there, who ſhall immediately acquaint ſome cuſtom-houſe officer of ſome near port of *England*; and the ſaid cuſtom-houſe officer ſhall with all ſpeed ſend intelligence thereof to one

of the principal ſecretaries of ſtate, that meaſures may be taken for the ſupport of the crew of ſuch ſhip, and precautions uſed to prevent the ſpreading of the infection, and the ſhip ſhall remain at the iſlands of *Scilly*, till his majeſty's pleaſure be known; nor ſhall any of her crew go on ſhore; but in caſe the maſter be not able to make the iſlands of *Scilly*, or be forced by ſtreſs of weather, or otherwiſe, to go up either of the channels, he ſhall not preſume to enter into any port, but ſhall remain in ſome open road, till he receives orders from his majeſty, or his privy council, and ſhall take care to prevent any of his ſhip's company from going out of his ſhip, and to avoid all intercourſe with other ſhips or perſons; and the maſter, or any other perſon on board, who ſhall be diſobedient herein ſhall be adjudged guilty of felony, and ſhall ſuffer death as in caſes of felony, without benefit of clergy: and every ſuch offence ſo made felony may be enquired of and determined in the county where the offence ſhall be committed, or where he ſhall be apprehended. *ſ.* 2.

When any place is infected with the plague, or any order is made by his majeſty concerning quarentine, as often as any ſhip ſhall attempt to enter into any place in *Great Britain* or *Ireland*, or of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, the principal officer of the cuſtoms in ſuch place, or ſuch perſon as ſhall be authorized to ſee quarentine performed, ſhall go off, or cauſe ſome other perſon to go off to ſuch ſhip; and at a convenient diſtance demand of the commander an account of the following particulars, *viz.* the name of the commander, at what places the cargo was taken on board, what places the ſhip touched at in her voyage, whether ſuch places were infected with the plague, how long ſuch ſhip had been in her paſſage, how many perſons were on board when the ſaid ſhip ſet ſail, whether any and what perſons during that voyage on board had been infected with the plague, how many died in the voyage and of what diſtemper, what ſhips he or any of his company with his privity went on board, or had any of their company come on board his ſhip in the voyage, and to what place ſuch ſhips belonged, and the contents of his lading. And if it appear that any perſon then on board, at the time of ſuch examination, be infected with the plague, or that ſuch ſhip is obliged to perform quarentine, the officers of any ſhips of war, or any forts or garriſons, and other his majeſty's officers whom it may concern, upon notice, and any other perſon whom they may call to their aſſiſtance, ſhall oblige ſuch ſhip to go to the place appointed for quarentine, and uſe all neceſſary means for that purpoſe, be it by firing guns at ſuch ſhip, or any other force or violence. And in caſe any ſhip ſhall come from any place viſited with the plague, or have any perſon on board infected, and the commander ſhall conceal the ſame, he ſhall be adjudged guilty of felony, and ſhall ſuffer death; and in caſe ſuch commander ſhall upon ſuch demand as aforeſaid not make a true diſcovery in any other of the particulars aforeſaid, for every ſuch offence he ſhall forfeit 200 *l.* one moiety to the king, and the other moiety to him who ſhall ſue, by action of debt, *&c.* in any court of record at *Weſtminſter*, *Edinburgh*, *Dublin*, or in the proper courts of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*. *ſ.* 3.

Every maſter or perſon having charge of any veſſel ordered to perform quarentine, ſhall, after his arrival at the place appointed for quarentine, deliver, on demand, to the chief officer appointed to ſee quarentine performed there, ſuch bill of health and manifeſt as he ſhall have received from any *Britiſh* conſul during his voyage, together with his log book and journal; under penalty of forfeiting 500 *l.* one moiety to the king, the other moiety to him who ſhall ſue by action of debt, *&c.* in any of the courts aforeſaid. *ſ.* 4.

If any commander liable to perform quarentine, having notice, ſhall himſelf quit, or knowingly permit any ſeaman or paſſenger to quit ſuch ſhip, before ſuch quarentine ſhall be fully performed, unleſs in ſuch caſes, and by ſuch licence, as ſhall be directed by ſuch order concerning quarentine, or in caſe any commander ſhall not within convenient time after notice, cauſe ſuch ſhip and the lading to be conveyed into the place appointed, for every ſuch offence he ſhall forfeit 500 *l.* one moiety to the king, and the other moiety to him who will ſue for the ſame; and if any perſon ſo quit ſuch ſhip contrary to this act, it ſhall be lawful for all perſons by any kind of force to compel ſuch perſon to return on board; and every perſon ſo quitting ſuch ſhip ſhall, for every ſuch offence, ſuffer impriſonment for ſix months, and forfeit 200 *l.* one moiety to the king, the other moiety to him that will ſue for the ſame; the ſame penalties to be recovered by action of debt, *&c.* in any of the courts aforeſaid. *ſ.* 5.

Whenever his majeſty, with the conſent of parliament, ſhall direct houſes or lazarets to be provided for the receiving perſons, or the depoſiting and airing of goods, liable to perform quarentine, it ſhall be lawful to erect the ſame either in any waſte grounds or commons, or where ſuch grounds are not ſufficient, in the ſeveral grounds of any perſons, not being a houſe, park, garden, orchard, yard, or planted walk, or avenue to a houſe, paying ſuch rent or conſideration as ſhall be agreed on between the perſons intereſted, their guardians or truſtees, and any two perſons appointed by his majeſty under his ſign manual; and in caſe of any difference concerning ſuch conſideration, the ſaid perſons appointed by his majeſty are, 30 clear days before any general or quarter-ſeſſions of the peace for the counties or diviſions where ſuch grounds lie, to give to the occupiers of ſuch ſeveral grounds, or cauſe to be left at their laſt places of abode, a notice in writing, deſcribing the ground, and purporting that the rent or conſideration will be ſettled by a jury at the ſaid ſeſſions; and the juſtices at their ſaid ſeſſions, upon proof that ſuch notices have been given, ſhall charge the jury which ſhall attend at the ſaid ſeſſions, or ſome other jury of 12 men (to be then and there impanelled and returned by the ſheriff without fee), and cauſe them to be ſworn to aſſeſs the value of the ground compriſed in the ſaid notices, and the rent or conſideration to be given for the ſame, to which jury the ſaid perſons appointed by his majeſty, and the parties intereſted in ſuch ground, ſhall have their lawful challenges; and the ſaid jury, after evidence on oath, ſhall by their verdict aſſeſs the rent or conſideration to be given for ſuch ground to the owners, according to their reſpective intereſts; which verdict and judgment of the juſtices thereupon, ſhall finally bind all parties; and after ſuch verdict and judgment, his majeſty ſhall hold ſuch ground for all ſuch time as he ſhall judge neceſſary for the purpoſes aforeſaid, paying for the ſame ſuch rent or other conſideration as ſhall be agreed upon or aſſeſſed as aforeſaid. *ſ.* 6.

The officers authorized to put in execution ſuch orders as aforeſaid, ſhall compel all perſons obliged to perform quarentine, and all goods compriſed within any ſuch orders, to repair or to be conveyed to ſome of the ſaid houſes or lazarets, or to ſuch other places as ſhall be provided for the reception of ſuch perſons, or for the opening and airing of ſuch goods. *ſ.* 7.

If any perſon obliged to perform quarentine, ſhall wilfully refuſe or neglect to repair, within convenient time after

after notice by the proper officer, to the place appointed; or having been placed, ſhall eſcape or attempt to eſcape out of the ſame before quarentine performed, it ſhall be lawful for the watchmen, and other perſons appointed to ſee quarentine performed, by force to compel ſuch perſon to repair or return into ſuch place; and every perſon ſo refuſing or neglecting to repair to ſuch place appointed, and every perſon eſcaping, ſhall be adjudged guilty of felony, and ſhall ſuffer death. *ſ.* 8.

All perſons liable to perform quarentine ſhall be ſubject during the ſaid quarentine to orders from the officers authorized to ſee it performed: and the ſaid officers are to enforce obedience to their orders, and may call in others to their aſſiſtance. *ſ.* 9.

If any perſon not infected nor liable to perform quarentine, enter any lazaret or place appointed as aforeſaid, whilſt any perſon infected or under quarentine ſhall be therein, and ſhall return or attempt to return from thence, unleſs in ſuch caſes, and by ſuch licence, as ſhall be directed by ſuch order as aforeſaid, it ſhall be lawful for the watchmen to compel ſuch perſon to repair into ſuch lazaret, there to continue and perform quarentine: and in caſe ſuch perſon eſcape out of ſuch lazaret, before he ſhall have performed the ſame, he ſhall be adjudged guilty of felony, and ſhall ſuffer death. *ſ.* 10.

If any officer of the cuſtoms, or other perſon to whom it ſhall appertain to execute any order concerning quarentine, be guilty of any wilful breach or neglect of duty, he ſhall forfeit his office in the cuſtoms, or any other office, and ſhall become incapable to hold the ſame, or to take a new grant thereof, and forfeit 100*l.* one moiety to the king, and the other moiety to him who ſhall ſue, by action of debt, *&c.* in any of the courts aforeſaid; and if any ſuch perſon embezzle or willingly damage any goods performing quarentine under his direction, he ſhall be liable to pay treble damages and coſts of ſuit. *ſ.* 11.

Whereas goods liable to retain infection may be brought from places infected into other countries, and from thence imported in ſhips not obliged to perform quarentine, all ſuch goods as ſhall be particularly ſpecified in any order concerning quarentine, which ſhall be imported into his majeſty's dominions from any foreign country in any ſhip, ſhall be ſubject to ſuch order. *ſ.* 12.

After quarentine performed by any ſhip or perſons, and upon proof by the oaths of the maſter and two of the perſons belonging to ſuch ſhip, or by the oaths of two witneſſes, before the cuſtomer, comptroller, or collector of the port where ſuch quarentine ſhall be performed, or the next port, or before any of their deputies, or any juſtice of peace near ſuch port, or where ſuch quarentine ſhall have been performed within any of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, before any two jurats or magiſtrates of any of the ſaid iſles, that ſuch ſhip and perſons have duly performed quarentine, and that the ſhip and all ſuch perſons are free from infection; and after producing a certificate to that purpoſe, ſigned by the chief officer who ſuperintended the quarentine, then ſuch cuſtomer, comptroller, or collector, or any of their deputies, together with the ſaid juſtice of peace, or ſuch jurats, are to give a certificate thereof; and thereupon ſuch ſhip and perſons ſhall be liable to no further reſtraint upon the ſame account. *ſ.* 13.

The officer before whom ſuch oath ſhall be made, and by whom ſuch certificate ſhall be given, ſhall for ſuch oath and certificate take no fee. *ſ.* 14.

All goods liable to quarentine ſhall be opened and aired in ſuch place, for ſuch time, and in ſuch manner, as ſhall be directed by his majeſty by ſuch order: and after ſuch orders ſhall have been duly complied with, and a certificate thereof given by the chief officer appointed to ſuperintend the quarentine, and proof made thereof by the oaths of two witneſſes, before the cuſtomer, comptroller, or collector of the port next to ſuch place where ſuch goods ſhall have been opened and aired, or any of their deputies, or any juſtice of peace near the ſame, or before any two jurats of the ſaid iſles, upon certificate and return of ſuch proof by ſuch cuſtomer, *&c.* to the commiſſioners of the cuſtoms of *Great Britain* or *Ireland*, or to the governor or commander in chief upon the place in the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, reſpectively, ſuch goods ſhall be diſcharged from any reſtraint upon the ſame account, by order of the ſaid commiſſioners, or two of them, or of the ſaid governor: for every of which oath, certificate, and order, no fee ſhall be taken. *ſ.* 15.

If any officer or other perſon demand or take any fee for any ſuch oath, order, or certificate made in purſuance of this act, he ſhall forfeit 100*l.*; one moiety to his majeſty, and the other moiety to him who ſhall ſue, by action of debt, *&c.* in any of the courts aforeſaid reſpectively; in which caſe treble coſts ſhall be allowed to either party as in other caſes. *ſ.* 16.

If any officer or other perſon appointed to ſee quarentine duly performed, or any watchmen upon any houſe, lazaret, ſhip, or other place, for performance of quarentine, ſhall deſert from their duty when employed on the ſaid buſineſs of quarentine, or ſhall willingly permit any perſon, ſhip, or goods, to depart, or be conveyed out of ſuch houſe, *&c.* unleſs in ſuch caſes, and by ſuch licence, as ſhall be directed by ſome order; or if any perſon directed to give a certificate of a ſhip's having performed her quarentine or airing, ſhall knowingly give a falſe certificate; every ſuch officer and perſon ſo offending ſhall ſuffer death. *ſ.* 17.

If any perſon ſhall knowingly or wilfully conceal from the officers of quarentine, or ſhall clandeſtinely convey any letters or goods, from any ſhip under quarentine, or liable to perform quarentine, or from any place where goods ſhall be performing quarentine, every perſon ſo offending ſhall ſuffer death. *ſ.* 18.

When any part of *Great Britain*, *Ireland*, or the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, or *France*, *Spain*, *Portugal*, or the *Low Countries*, ſhall be infected with the plague, it ſhall be lawful for his majeſty by proclamation to prohibit all ſmall boats and veſſels under the burden of twenty tons, from ſailing or paſſing out of any port of *Great Britain* or *Ireland*, or the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, and *Man*, or any of them, until ſecurity be firſt given by the maſter to the ſatisfaction of the principal officer of the cuſtoms, or the chief magiſtrate of the place, by bond taken to the king with ſufficient ſureties, in the penalty of 300*l.* with condition that if ſuch boat or veſſel ſhall not go to any place mentioned in ſuch proclamation, and if the maſter, mariners and paſſengers in ſuch veſſel, ſhall, during the time aforeſaid, not go on board any other veſſel at ſea, and if ſuch maſter ſhall not permit any perſon to come on board ſuch veſſel at ſea from any other veſſel, and ſhall not during the time aforeſaid receive any goods out of any other veſſel, then ſuch bond ſhall be void: for the making of which bond no fee ſhall be taken. And in caſe any veſſel for which ſuch ſecurity ſhall be required by ſuch proclamation ſhall ſet ſail or paſs out of any port aforeſaid before ſuch ſecurity be given, every ſuch veſſel, together with her tackle and furniture, ſhall be forfeited to the king, and may be ſeized and recovered

covered in the court of exchequer at *Weſtminſter*, *Edinburgh*, or *Dublin*, or in the proper courts of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man* reſpectively, to the uſe of his majeſty: and the maſter and every mariner ſailing in any ſuch veſſel, being convicted upon their appearance or default, upon the oath of one witneſs, by a juſtice of peace where ſuch offender ſhall be found, ſhall forfeit 20*l.* one moiety to the informer, the other moiety to the poor of the pariſh where ſuch offender ſhall be found; to be levied by diſtreſs and ſale of the offender's goods, by warrant of ſuch juſtice, and for want of ſufficient diſtreſs, every ſuch offender ſhall by ſuch juſtice be committed to priſon for three months: and in caſe any ſuch offender be found in any of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, and be convicted of ſuch offence in the proper court, he ſhall forfeit 20*l.* one moiety to the informer, and the other moiety to the poor of the pariſh, and in default of paying ſuch penalty, ſhall ſuffer impriſonment for three months. *ſ.* 19.

As often as his majeſty ſhall make any order concerning quarentine, and notify the ſame by proclamation, or cauſe the ſame to be publiſhed in the *London Gazette*, ſuch proclamation or order in council ſhall be publicly read on the next *Sunday* on which divine ſervice ſhall be performed after the receipt of the ſame, and the firſt *Sunday* in every month afterwards (during the time ſuch order ſhall continue in force) immediately after the prayers, in all pariſh churches, and other places ſet apart for divine worſhip, within ſuch places as ſhall be ſpecified in ſuch proclamation or orders. *ſ.* 20.

If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 21.

Provided that no attainder of felony by virtue of this act ſhall work any corruption of blood, or forfeiture of any goods, lands or hereditaments. *ſ.* 22.

By 29 *Geo.* 2. *c.* 8. The clauſe in the 26 *Geo.* 2. *c.* 6. *ſ.* 2. whereby the ſtationing of ſhips infected with the plague, to the northward of *Cape Finiſterre*, is confined to the harbour of *New Grimſby*, ſhall be repealed. *ſ.* 1.

If the plague appear on board any ſhip being to the northward of *Cape Finiſterre*, the maſter or perſon having charge of ſuch ſhip ſhall immediately proceed to the harbour of *Saint Helen's Pool*, between the uninhabited iſlands of *Saint Helen's*, *Tean*, and *North Withel*, or to ſuch other place as his majeſty, with the advice of his privy council, ſhall appoint; and ſhall there remain in like manner, and ſubject to the like regulations and penalties for diſobedience, as are provided by the ſaid act; and the cuſtom-houſe officers ſhall ſend intelligence to one of the principal ſecretaries of ſtate, of all ſhips infected with the plague coming into the ſaid harbour of *Saint Helen's Pool*, or ſuch other place as ſhall be appointed, as they are by the ſaid act required to do. *ſ.* 2.

By 28 *Geo.* 3. *c.* 34. In addition to the particulars which the principal officer of cuſtoms, or ſuch perſon as ſhall be authoriſed to ſee quarentine performed, is required by 26 *Geo.* 2. *c.* 6. to demand an account of, from the commander of any veſſel, which ſhall attempt to enter into any port in *Great Britain* or *Ireland*, or *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, and of which particulars ſo demanded, the ſaid commander is, by the ſaid act, to give account of, under the penalties by the act inflicted; the ſaid principal officer, or perſon authoriſed to ſee quarentine performed, ſhall demand of the ſaid commander, and the ſaid commander ſhall give a true account of the following particulars; *viz.* whether his veſſel touched at the *Iſle of Rhodes*, the *Morea*, or any part of *Africa* within the *Mediterranean* or *Levant* ſeas, or the port of *Magadore*; or whether any of the ſhip's company, or other perſon on board, had, during the voyage homewards, in any manner whatever, any communication with any veſſel coming from any of thoſe places? what pilots or perſons from the ſhores of *Great Britain*, the iſlands of *Scilly*, *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, have been on board, or had any communication with his ſhip's company, in any manner whatever, during the voyage homewards? and whether any of his ſhip's company had been ſick, and of what diſorder, in the courſe of the voyage, or were ſo at the time the particulars are demanded? And in caſe ſuch commander ſhall, upon demand, give an untrue anſwer, ſuch commander ſhall forfeit 200*l.* to be recovered and applied as the penalty inflicted by the ſaid act, for not making a diſcovery of the particulars required thereby. *ſ.* 1.

It ſhall not be neceſſary to give any actual notice of any order of his majeſty in council, or of any regulations therein contained, which are now in force touching quarentine; and it ſhall be lawful for his majeſty, by order in council, to limit a time, after which the publication of ſuch order in the *London Gazette* ſhall be deemed ſufficient notice to all perſons concerned, of all orders in council. *ſ.* 2.

Every commander liable to performance of quarentine, ſhall, in caſe of falling in with any veſſel at ſea, or within four leagues of *Great Britain* or *Ireland*, or the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, hoiſt a particular ſignal, to denote that his veſſel is liable to quarentine; ſuch ſignal, for the day, to be a large yellow flag at the main top-maſt head; and, for the night, to be a light at the ſame maſt head; on failure whereof, ſuch commander ſhall forfeit 200*l.* *ſ.* 3.

Every offence committed contrary to the ſaid act, or this, or any order in council touching quarentine, and notified by proclamation, or publiſhed in the *Gazette*, ſhall be tried in any county within *Great Britain*, or in the proper courts of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*. *ſ.* 4.

Plantations.

DUTIES.

Exportation.

By 25 *Car.* 2 *c.* 7. If any ſhip, which by law may trade in his majeſty's plantations, ſhall come to any of them to ſhip any of the commodities, and bond ſhall not be firſt given with ſurety to bring the ſame to *England*, *Wales*, or *Berwick*, and there to unload the ſame (the danger of the ſeas excepted), there ſhall be paid to his majeſty for ſo much of the ſaid commodities as ſhall be put on board ſuch ſhips, theſe duties; *viz.*

For Tobacco the lb. 1 *d.*
Cotton wool, — 1½*d.*
Indico, — — 2 *d.*
Ginger the cwt. 1 *s.*
Logwood, — 5 *l.*
Fuſtick, and all other dying wood, 6 *d.*
And for every lb. of cocoa nuts, 1 *d.*

to be collected, as ſhall be appointed, in the plantations before the lading thereof, and under ſuch penalties as for defrauding

defrauding his majeſty of his cuſtoms in *England*. *ſ.* 2.

The duties hereby impoſed ſhall be cauſed to be levied by the commiſſioners of the cuſtoms in *England*, by the authority of the treaſury. *ſ.* 3.

In caſe any perſon liable to pay the duties ſhall not have monies to pay the ſame, the officers ſhall accept ſuch a proportion of the commodities as ſhall amount to the value. *ſ.* 4.

Importation.

By 6 *Geo.* 2. *c.* 13. *ſ.* 1. There ſhall be paid to his majeſty upon all rum or ſpirits of the produce of any colonies in *America* not under the dominion of his majeſty, which ſhall be imported into any of the plantations in *America* under the dominion of his majeſty, 9*d.* for every gallon.

And upon ſugars and paneles of foreign produce, 5*s.* for every cwt.

By 4 *Geo.* 3. *c.* 15. For every cwt. of foreign white or clayed ſugars, 1*l.* 2*s.*

For every lb. of foreign indico, 6*d.*

For every cwt. of foreign coffee imported from any place, except *Great Britain*, 2*l.* 19*s.* 9*d.*

For every ton of wine of the growth of the *Madeiras*, or any other place from whence ſuch wine may be imported, which ſhall be imported from ſuch iſlands or places, 7*l.*

For every ton of *Portugal*, *Spaniſh*, or other wine (except *French*), imported from *Great Britain*, 10*s.*

By 6 *Geo.* 3. *c.* 52. *ſ.* 4. There ſhall be paid for every gallon (wine meaſure) of melaſſes and ſyrups imported (except as after mentioned) into any colony or plantation in *America*, under the dominion of his majeſty, 1*d.*

For every cwt. of coffee of the growth and produce of any *Britiſh* colony, imported from thence into any other *Britiſh* colony, 7*s.*

And for every lb. avoirdupois weight of *Britiſh* pimento, imported into ſuch *Britiſh* colony, $\frac{1}{2}$, except ſuch *Britiſh* coffee and pimento as ſhall be warehouſed under the regulations of this act.

For the duties payable in Quebec, *ſee* 14 Geo. 3. c. 88. and the tonnage duties at *Turks iſlands*, 28 *Geo.* 3. *c.* 6. *ſ.* 7.

By 12 *Car.* 2. *c.* 18. *Confirmed by* 13 Car. 2. c. 14. No ſugars, tobacco, cotton-wool, indicoes, ginger, fuſtick, or other dying wood, of the production of any *Engliſh* plantations in *America*, *Aſia*, or *Africa*, ſhall be carried from any the ſaid *Engliſh* plantations to any place whatſoever, other than to ſuch *Engliſh* plantations as belong to his majeſty, or to *England*, *Ireland*, *Wales*, or *Berwick*, there to be laid on ſhore; under the penalty of forfeiture of the goods, or the value thereof, as alſo of the ſhip, with her tackle; the one moiety to the king, and the other moiety to him that ſhall ſeize or ſue for the ſame in any court of record. *ſ.* 18.

For every ſhip which ſhall ſet out from *England*, *Ireland*, *Wales*, or *Berwick*, for any *Engliſh* plantation in *America*, *Aſia*, or *Africa*, bond ſhall be given, with one ſurety, to the chief officers of the cuſtom-houſe of ſuch port from whence the ſhip ſhall ſet ſail, to the value of 1000*l.* if the ſhip be of leſs burden than 100 tons, and of 2000*l.* if the ſhip be of greater burden, that in caſe the ſhip ſhall load any of the ſaid commodities at the *Engliſh* plantations, that the ſame ſhall be by the ſaid ſhip brought to ſome port of *England*, *Wales*, *Ireland*, or *Berwick*, and ſhall there unload the ſame, danger of the ſeas excepted; and for all ſhips coming from any other place to any of the plantations, the governor of ſuch plantation ſhall, before the ſhip be permitted to load any of the ſaid commodities, take bond to the value aforeſaid, that ſuch ſhip ſhall carry all the aforeſaid goods to ſome other of his majeſty's *Engliſh* plantations, or to *England*, *Ireland*, *Wales*, or *Berwick*: and every ſhip which ſhall take on board any of the aforeſaid goods, until ſuch bond given to the governor, or certificate produced from the officers of any cuſtom-houſe of *England*, *Ireland*, *Wales*, or *Berwick*, that ſuch bonds have been there given, ſhall be forfeited with all her tackle, to be employed and recovered as aforeſaid. And the ſaid governors ſhall, twice every year, return copies of all ſuch bonds to the chief officers of the cuſtoms in *London*. *ſ.* 19.

By 15 *Car.* 2. *c.* 7. No commodity of the production of *Europe* ſhall be imported into any plantation or place which ſhall belong to his majeſty in *Aſia*, *Africa*, or *America*, but what ſhall be ſhipped in *England*, *Wales*, or *Berwick*, and in *Engliſh* built ſhipping, and whereof the maſter and three-fourths of the mariners are *Engliſh*, and which ſhall be carried directly thence to the ſaid plantations; under the penalty of the loſs of all ſuch commodities imported from any other place, and if by water, of the ſhip alſo with her tackle; one third to his majeſty, one third to the governor of ſuch plantation, if the ſhip be there ſeized or informed againſt, or otherwiſe, that third part alſo to his majeſty, and the other third part to him who ſhall ſeize or ſue for the ſame in any of his majeſty's courts in ſuch plantations where the offence was committed, or in any court of record in *England*. *ſ.* 6.

Provided, that it ſhall be lawful to lade in ſhips, navigated as in the foregoing clauſe, in any part of *Europe*, ſalt for the fiſheries of *New England* and *Newfoundland*; and to ſhip in the *Madeiras*, wines of the growth thereof; and to ſhip in the weſtern iſlands or *Azores*, wines of the growth of the ſaid iſlands; and to take in ſervants or horſes in *Ireland*, and to ſhip in *Ireland* victual of the production of *Ireland*; and the ſame to tranſport into any of the ſaid plantations. *ſ.* 7.

Every perſon importing by land any goods into the ſaid plantations, ſhall deliver to the governor, or to ſuch perſon as ſhall be by him appointed, within 24 hours after ſuch importation, his name, and a particular of all ſuch goods; and no ſhip coming to any ſuch plantation, ſhall lade or unlade any goods, until the maſter ſhall firſt have made known to the governor, or ſuch other officer as ſhall be by him appointed, the arrival of the ſhip, with her name, and the name of her commander, and have ſhewn to him that ſhe is an *Engliſh* built ſhip, or made good by producing ſuch certificate, that ſhe is a ſhip belonging to *England*, *Wales*, or *Berwick*, and navigated with an *Engliſh* maſter, and three-fourth parts of the mariners *Engliſh*, and have delivered to ſuch governor or other officer, an inventory of her lading, with the places in which the goods were laden; under the pain of loſs of the ſhip with her tackle, and of all ſuch goods of the production of *Europe* as were not laden in *England*, *Wales*, or *Berwick*, to be recovered and divided in manner aforeſaid. And all governors of the plantations ſhall, before their entrance upon ſuch truſt, take oath before ſuch perſons as ſhall be authoriſed by his majeſty, to do their utmoſt to cauſe to be obſerved, what is in this act enacted in relation to the trade of ſuch plantations, under the penalty of being removed. And if any of them be found to have willingly offended contrary to this act, they ſhall be turned out of their governments, and be incapable of the government of any other plantation, and forfeit 1000*l.*; the one moiety to his majeſty, and the other

other moiety to him that ſhall ſue for the ſame in any of his majeſty's courts in the ſaid plantations, or in any court of record in *England*. *ſ.* 8.

If any officer of the cuſtoms in *England*, *Wales*, or *Berwick*, ſhall give any warrant for, or ſuffer, any ſugar, tobacco, ginger, cotton-wool, indico, ſpeckle-wood, or *Jamaica* wood, fuſtick, or other dying wood, of the growth of the plantations, to be carried into any other country, until they have been firſt unladen in ſome port in *England*, *Wales*, or *Berwick*, ſuch officer ſhall forfeit his place, and the value of ſuch of the goods as he ſhall give warrant for, or ſuffer to paſs; the one moiety to his majeſty, and the other moiety to him that ſhall ſue for the ſame in any court of record in *England or Wales*. *ſ.* 9.

By 22 & 23 *Car.* 2. *c.* 26. The word *Ireland* ſhall be left out of all bonds taken for any ſhip which ſhall ſet ſail from *England*, *Ireland*, *Wales*, or *Berwick*, for any *Engliſh* plantation in *America*, *Aſia*, or *Africa*; and in caſe the ſhip ſhall load any of the ſaid commodities at the ſaid *Engliſh* plantations, the ſaid commodities ſhall be by the ſaid ſhip brought to ſome port of *England*, *Wales*, or *Berwick*, and ſhall there unload the ſame, danger of the ſeas excepted. And in like manner for all ſhips coming from any other port to the ſaid plantations, the governor of ſuch plantations ſhall, before the ſhip be permitted to load any of the ſaid commodities, take bond in manner directed in the act 12 *Car.* 2. *c.* 18. *for the encouraging of navigation*, that ſuch ſhip ſhall carry all the ſaid goods to ſome other of his majeſty's *Engliſh* plantations, or to *England*, *Wales*, or *Berwick*. And every ſuch ſhip which ſhall load any of the ſaid commodities, until ſuch bond given, or certificate produced from the officers of ſome cuſtom-houſe of *England*, *Wales*, or *Berwick*, that ſuch bond hath been there given; or which, contrary to the tenor of ſuch bond, ſhall carry the ſaid goods to any place other than to other *Engliſh* plantations, or to *England*, *Wales*, or *Berwick*, and there lay the ſame on ſhore; every ſuch ſhip ſhall be forfeited with her tackle and lading; one moiety to the king, and the other moiety to him that will ſeize and ſue for the ſame in any of the plantations, in the court of the high admiral of *England*, or of any of his vice-admirals, or in any court of record in *England*. *ſ.* 11.

The governors of his majeſty's plantations ſhall, once a year, make a return to his majeſty's officers of his cuſtoms in the port of *London*, or to ſuch other perſons as his majeſty ſhall appoint, a liſt of all ſuch ſhips as ſhall lade any of the ſaid commodities in ſuch plantations, as alſo a liſt of the bonds taken by them. And in caſe any ſhip belonging to his majeſty's plantations, which ſhall have on board any ſugars, tobacco, cotton-wool, indicoes, ginger, fuſtick, or other dying wood, ſhall be found to have unladed in any place of *Europe*, other than *England*, *Wales*, or *Berwick*, ſuch ſhip ſhall be forfeited, with her tackle and lading as aforeſaid. *ſ.* 12.

It ſhall be lawful for any perſon to proſecute ſuch ſhip in any court of admiralty in *England*; the one moiety of the forfeiture to be to his majeſty, and the other moiety to ſuch proſecutor. *ſ.* 13.

By 7 & 8 *Will.* 3. *c.* 22. No goods ſhall be imported into, or exported out of, any plantation to his majeſty in *Aſia*, *Africa*, or *America*, belonging, or ſhall be carried from any one port in the plantations to any other port in the ſame, the kingdom of *England*, *Wales*, or *Berwick*, in any ſhip but what ſhall be of the built of *England* or of *Ireland*, or the plantations, and wholly owned by the people thereof, and navigated with the maſters and three-fourths of the mariners of the ſaid places (except ſhips taken prize, and condemnation thereof made in the courts of admiralty in *England*, *Ireland*, or the plantations, to be navigated by the maſter and three-fourths of the mariners *Engliſh*, or of the plantations, and whereof the property doth belong to *Engliſhmen*), under pain of forfeiture of ſhip and goods; one third to his majeſty, one third to the governor of the plantations, and the other third to the perſon who ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*, or in any court in his majeſty's plantations where ſuch offence ſhall be committed. *ſ.* 2.

Merchandizes may be exported or imported to and from this kingdom and places aforeſaid in any ſhips taken as prize, and whereof condemnation ſhall be made in one of the courts of admiralty aforeſaid, and ſhall be navigated by the maſter and three-fourths of the mariners *Engliſh*, and whereof the property ſhall belong to *Engliſhmen*. *ſ.* 3.

All governors of the plantations, before their entrance into their government, ſhall take an oath to do their utmoſt, that all the clauſes contained in the acts of parliament in force relating to the plantations, and in this act, be obſerved; which oath ſhall be taken before ſuch perſons as ſhall be appointed by his majeſty: and upon complaint and proof made before his majeſty, or ſuch as ſhall be by him appointed, by the oath of two witneſſes, that any the governors have neglected to take the ſaid oath, or have been willingly negligent in doing their duty, the governor ſo neglecting ſhall be removed from his government, and forfeit 1000 *l.* *ſ.* 4.

The naval officers appointed by the governors of the plantations by virtue of 15 *Car.* 2. *c.* 7. ſhall within two months, or as ſoon as conveniently may be after their entrance upon the office, give ſecurity to the commiſſioners of the cuſtoms, for his majeſty's uſe, for their true and faithful performance of their duty; and in default thereof, the perſons neglecting ſhall be diſabled to execute the ſaid office; and until ſuch ſecurity given, and the perſon appointed to the ſaid office be approved by the commiſſioners of the cuſtoms, the governor ſhall be anſwerable for any neglects or miſdemeanors of the perſon by him appointed. *ſ.* 5.

All ſhips coming into, or going out of, any of the plantations, and lading or unlading any goods, whether the ſame be his majeſty's ſhips of war or merchant ſhips, and the commanders thereof, ſhall be liable to the ſame rules, viſitations, and forfeitures, as to the entering, lading, or diſcharging their ſhips, as ſhips are liable to in this kingdom by 13 & 14 *Car.* 2. *c.* 11. *for preventing frauds in his majeſty's cuſtoms*; and the officers for collecting his majeſty's revenue, and inſpecting the plantation trade, in the plantations, ſhall have the ſame powers for ſearching of ſhips and taking their entries, and for ſeizing goods prohibited, or for which any duties are payable, as are provided for the officers of the cuſtoms in *England* by the ſaid act, and alſo to enter houſes or warehouſes, to ſearch for and ſeize ſuch goods; and all the wharfingers, lightermen, or other perſons aſſiſting in the concealment or reſcue of the ſaid goods, or in the hindering the officers in the performance of their duty, and the veſſels employed in the conveyance of ſuch goods, ſhall be ſubject to the like penalties as are provided by the ſame act in relation to prohibited or uncuſtomed goods in this kingdom; and the like aſſiſtance ſhall be given to the officers, as by the act is provided for the officers in *England*; and the officers ſhall be ſubject to the ſame penalties for any frauds or concealments, as officers of the cuſtoms in *England*; and in caſe any officer of the plantations ſhall be ſued for any thing done in the execution of their office, he may plead the general

general iſſue, and have the like privileges as are allowed by law to the officers of cuſtoms in *England*. *ſ.* 6.

The penalties before-mentioned, not in this act particularly diſpoſed of, ſhall be one third to his majeſty, one third to the governor of the plantation where the offence ſhall be committed, and the other third to ſuch perſon as ſhall ſue for the ſame; to be recovered in any of his majeſty's courts at *Weſtminſter*, or in *Ireland*, in the court of admiralty in his majeſty's plantations, or in any other plantation belonging to any ſubject of *England*. And where any queſtion ſhall ariſe concerning the importation or exportation of any goods into or out of the ſaid plantations, the proof ſhall lie upon the owner; and the claimer ſhall be reputed the importer or owner. *ſ.* 7.

Notwithſtanding the payment of the duties granted by 25 *Car.* 2. *c.* 7. in any of the plantations, none of the goods mentioned in the act ſhall be ſhipt, until ſecurity be given, as is required by the ſaid acts, to carry the ſame to *England*, *Wales*, or *Berwick*, or to ſome other of his majeſty's plantations, and ſo *toties quoties* as any of the ſaid goods ſhall be brought to be reſhipt, under forfeiture of ſhip and goods, to be divided as aforeſaid. *ſ.* 8.

All laws, by-laws, uſages or cuſtoms, which ſhall be in practice in the plantations, repugnant to the before-mentioned laws or to this act, or any other law to be made in this kingdom, ſo far as ſuch law ſhall relate to the plantations, are void. *ſ.* 9.

Where the governor, or officers appointed by the commiſſioners of the cuſtoms, in the plantations, ſhall have ground of ſuſpicion, that the certificate of having given ſecurity in *England* is falſe, the governor, or officers of the cuſtoms, ſhall take ſecurity there for the diſcharge of the plantation lading in *England*, *Wales*, or *Berwick*; and where there ſhall be cauſe to ſuſpect that the certificate of having diſcharged her lading of plantation goods in this kingdom is falſe, the governor or officers ſhall not cancel the ſecurity given in the plantation, until they be informed from the commiſſioners of the cuſtoms that the certificate is true; and if any perſon ſhall raſe or falſify any cocket, certificate, return or permit, for any veſſel or goods, or ſhall knowingly make uſe thereof, ſuch perſon ſhall forfeit 500 *l.* to be recovered and diſpoſed of as aforeſaid. *ſ.* 10.

The commiſſioners of the treaſury, and the commiſſioners of the cuſtoms, may appoint ſuch officers of the cuſtoms in any city, town, river, port, harbour or creek, of any of the iſlands, tracts of land and properties, as ſhall ſeem needful. Alſo upon any ſuits brought in the plantations, upon any law concerning his majeſty's duties, or ſhips or goods forfeited by reaſon of any unlawful importations or exportations, there ſhall not be any jury but of ſuch only as are natives of *England* or *Ireland*, or born in his majeſty's plantations; and upon all ſuch ſuits the offences may be laid in any colony, province, county or diviſion, of any of the plantations at the pleaſure of the informer. *ſ.* 11.

All places of truſt in the courts of law, or what relates to the treaſury of the iſlands, ſhall be in the hands of the native born ſubjects of *England* or *Ireland*, or of the ſaid iſlands. *ſ.* 12.

In all bonds to be taken in the plantations by 22 & 23 *Car.* 2. *c.* 26. the ſureties ſhall be perſons of known reſidence and ability in the plantations, and the condition of the bonds ſhall be, within eighteen months after the date (the danger of the ſeas excepted) to produce certificate of having landed the goods in one of his majeſty's plantations, or in *England*, *Wales*, or *Berwick*, otherwiſe ſuch bond, or copies thereof atteſted under the hand and ſeal of the governor to whom ſuch bonds were given, ſhall be in force, and allowed of in any court in *England*, *Ireland*, or the plantations, as if the original were produced. *ſ.* 13.

It ſhall not be lawful to put on ſhore in *Ireland* any goods of the produce of his majeſty's plantations, unleſs the ſame have been firſt landed in *England*, *Wales*, or *Berwick*, and paid the duties, under penalty of forfeiture of the ſhip and goods, three-fourths without compoſition to his majeſty, and the other fourth to him that ſhall ſue for the ſame. *ſ.* 14.

Provided that if any ſhip ſhall by ſtreſs of weather be ſtranded, or by reaſon of leakineſs or other diſability ſhall be driven into any port in *Ireland*, and not able to proceed on her voyage, the ſaid goods may be put on ſhore, but ſhall be delivered into the cuſtody of the collector or chief officer of the cuſtoms, until the ſaid goods ſhall at the charge of the owner thereof be put on board ſome other ſhip, to be carried to ſome port in *England*, *Wales*, or *Berwick*, the officer taking ſecurity for the delivery of the ſame according to this act. *ſ.* 15.

Perſons claiming property in any iſlands or tracts of land upon the continent of *America* by charter, ſhall not alien the ſaid iſlands or properties, other than to the natural-born ſubjects, without the licence of his majeſty ſignified by his order in council. And all governors appointed by ſuch proprietors intitled to make ſuch nomination, ſhall be approved of by his majeſty, and ſhall take the oaths injoined to be taken by the governors in other plantations, before their entering upon their governments. *ſ.* 16.

No ſhip ſhall paſs as a ſhip of the built of *England*, *Ireland*, *Wales*, *Berwick*, *Guernſey*, *Jerſey*, or any of his majeſty's plantations in *America*, ſo as to trade to the plantations, until the perſons claiming property in ſuch ſhip ſhall regiſter the ſame, *viz.* if the ſhip belong to any port in *England*, *Ireland*, *Wales*, or *Berwick*, proof ſhall be made upon oath of one of the owners, before the collector and comptroller of his majeſty's cuſtoms in ſuch port, or if the ſhip belong to any of his majeſty's plantations in *America*, or to the iſlands of *Guernſey* or *Jerſey*, then the like proof to be made before the governor, with the principal officer of revenue in ſuch plantation or iſland, in the tenor following, *viz.*

Jurat A. B. *that the ſhip of* ——— *of* ——— *whereof* ——— *is at preſent maſter, being a* ——— *of* ——— *tuns, was built at* ——— *in the year* ——— *and that* ——— *of* ——— *and* ——— *of*, &c. *are at preſent owners thereof, and that no foreigner, directly or indirectly, hath any ſhare, or part or intereſt therein.*

Which oath being atteſted by the governor or cuſtom officer, ſhall after having been regiſtered by them, be delivered to the maſter of the ſhip; a duplicate of which regiſter ſhall be tranſmitted to the commiſſioners of cuſtoms in *London*, to be entered in a general regiſter there; with penalty upon any ſhip trading to any of his majeſty's plantations in *America*, and not having made proof as here directed, that ſhe ſhall be liable to ſuch forfeiture as any foreign ſhip except prizes condemned in the admiralty. *ſ.* 17.

Provided that ſhips taken at ſea by letters of mart or repriſal, and condemnation thereof made in the admiralty of *England*, ſhall be ſpecially regiſtered with proof that the entire property is *Engliſh*. *ſ.* 18.

Nothing in this act ſhall require the regiſtering any fiſher-boats, boys, lighters, barges, or any open boats, whoſe navigation is confined to the rivers, or coaſts of the plantation

tion where they trade, but only of ſuch as croſs the ſeas. *ſ.* 19.

No ſhip's name ſhall be changed without regiſtering ſuch ſhip *de novo*, which is to be done upon any transfer of property to another port, and delivering up the former certificate, under the ſame penalties as before; and in caſe of any alteration of property in the ſame port by ſale of ſhares after regiſtering, ſuch ſale ſhall be acknowledged by indorſement on the certificate before two witneſſes. *ſ.* 20.

By 11 *Will.* 3. *c.* 12. If any governor, deputy governor, or commander in chief, of any plantation within his majeſty's dominions beyond the ſeas, ſhall be guilty of oppreſſing any of his majeſty's ſubjects beyond the ſeas within their governments, or guilty of any other offence contrary to the laws of this realm, or in force within their governments, ſuch oppreſſions and offences ſhall be enquired of, heard and determined, in his majeſty's court of king's bench in *England*, or before ſuch commiſſioners, and in ſuch county of this realm, as ſhall be aſſigned by his majeſty's commiſſion, and by lawful men of the ſame county, and ſuch puniſhments ſhall be inflicted on ſuch offenders, as are inflicted for offences of like nature committed in *England*.

By 6 *Ann.* *c.* 30. If any perſon in the plantations, as well thoſe under proprietors and charters as under her majeſty's immediate commiſſion, ſhall, for diſcharge of any contracts, receive or pay any of the ſpecies of foreign ſilver coins mentioned in the queen's proclamation, at any higher rate than at which the ſame is thereby regulated, *viz.*

		d.	wt.	gr.		*s.*	*d.*
Sevill pieces of eight, old plate	Weighing	17	12		of the value of	4	6
——————New plate		14	0			3	7¼
Mexico pieces of eight		17	12			4	6
Pillar pieces of eight		17	12			4	6¾
Peru pieces of eight, old plate		17	12			4	5
Croſs dollars		18	0			4	4¾
Ducatoons of *Flanders*		20	21			5	6
Ecus of *France*		17	12			4	6
Cruſados of *Portugal*		11	4			2	10¼
Three gilder pieces of *Holland*		20	7			5	2¼
Old rix dollars of the empire		18	10			4	6

(No *Sevill*, *Pillar*, or *Mexico* pieces of eight to be received at above the rate of 6*s.* *per* piece current money; and all other the ſaid pieces in proportion) every perſon receiving or paying the ſame contrary to the directions therein, ſhall ſuffer ſix months impriſonment; and forfeit 10 *l.* one moiety to her majeſty, the other moiety to ſuch as ſhall ſue for the ſame with coſts of ſuit in any of her majeſty's courts in the plantations, or in any of the courts of juſtice of the proprietary governments, where ſuch offence ſhall be committed. *ſ.* 2.

Nothing in the proclamation, or in this act, ſhall compel any perſon to receive any of the ſaid pieces of foreign coins at the rates in the proclamation. *ſ.* 3.

Nothing in this act ſhall reſtrain her majeſty from ſettling the rates of the ſaid foreign coins within any of the plantations, in ſuch other manner as her majeſty by her royal proclamation ſhall judge proper, or from giving her royal aſſent to any law to be made in the plantations, for aſcertaining the current rates of ſuch coins. *ſ.* 4.

By 8 *Ann.* *c.* 13. Plantation bonds, given for bringing the enumerated commodities to *Great Britain*, (*See* 12 Car. 2. c. 18.) in caſe there be no proſecution for breach of the conditions within three years after the dates, or if judgment be not obtained for her majeſty within two years after the proſecution commenced, ſuch plantation bonds ſhall be void, and delivered up by the officers on pain of anſwering all damages with treble coſts. *ſ.* 23.

By 4 *Geo.* 1. *c.* 11. Where any perſon of the age of fifteen years, and under twenty-one, ſhall be willing to be tranſported, and enter into any ſervice, in any of his majeſty's plantations in *America*, it ſhall be lawful for any merchant, or other, to contract with him for ſuch ſervice not exceeding eight years; provided ſuch perſon binding himſelf come before the lord mayor of *London*, or ſome other juſtice of the city, if ſuch contract be made there, or before two juſtices of peace of the place where ſuch contract ſhall be made, and acknowledge his conſent, and ſign ſuch contract in their preſence, and with their approbation; and ſuch merchant or other may tranſport ſuch perſon, and keep him in any of the plantations, according to ſuch contract: which contract and approbation of ſuch magiſtrates ſhall be certified by ſuch magiſtrates to the next quarter-ſeſſions, to be regiſtered by the clerk of the peace without fee. *ſ.* 5.

By 8 *Geo.* 1. *c.* 15. All beaver-ſkins and other furs of the product of the *Britiſh* plantations in *America*, *Aſia*, or *Africa*, ſhall be imported directly from thence into *Great Britain*, and laid on ſhore there, and not elſewhere, under the penalties, *&c.* in 12 *Car.* 2. *c.* 18. in relation to ſugars, tobacco, and other enumerated goods. *ſ.* 24.

By 13 *Geo.* 1. *c.* 5. Any of his majeſty's ſubjects may carry ſalt from any part of *Europe* to *Pennſylvania* in *Britiſh* ſhips navigated according to 12 *Car.* 2. *c.* 18. *of navigation*; and by 3 *Geo.* 2. *c.* 12. to *New York*, in the ſame manner as ſalt may be imported from *Europe* into *New England* and *Newfoundland*, by 15 *Car.* 2. *c.* 7.

By 4 *Geo.* 2. *c.* 15. It ſhall be lawful to import into *Ireland* from his majeſty's plantations in *America*, all goods of the growth or manufacture of his majeſty's plantations (except ſugars, tobacco, cotton wool, *Indigo*, ginger, ſpeckle wood, or *Jamaica* wood, fuſtick or other dying wood, rice, molaſſes, beaver ſkins and other furs, copper ore, pitch, tar, turpentine, maſts, yards, and bow-ſprits) the act 7 & 8 *Will.* 3. *c.* 22. notwithſtanding. *ſ.* 1.

Provided that the goods be imported in *Britiſh* ſhipping, whereof the maſter and three-fourths of the mariners are *Britiſh*. *ſ.* 2.

By 5 *Geo.* 2. *c.* 7. In any ſuit in any court of law or equity in the plantations, for any debt or account wherein any perſon reſiding in *Great Britain* ſhall be a party, it ſhall be lawful for the plaintiff or defendant, and for any witneſs, to be examined to prove any matter by affidavit or ſolemn affirmation, before any mayor or chief magiſtrate of the city or town in *Great Britain*, where, or near which, the perſon ſhall reſide, and certified under the common ſeal of ſuch city or town, or the ſeal of the office of ſuch mayor or chief magiſtrate; and every affidavit or affirmation ſo made and certified ſhall be of the ſame force, as if the perſons had appeared and ſworn or affirmed *viva voce* in open court, or upon a commiſſion. *ſ.* 1.

In all ſuits in behalf of his majeſty in the plantations for any debt or account, his majeſty may prove his debts and accounts, and examine his witneſſes, by affidavit or affirmation in like manner. *ſ.* 2.

If any perſon making ſuch affidavit or affirmation ſhall be guilty of wilful and corrupt perjury, ſuch perſon ſhall incur the penalties by the laws of this realm provided againſt wilful and corrupt perjury. *ſ.* 3.

The houſes, lands, negroes, and other real eſtates, ſituate within any of the ſaid plantations, belonging to any perſon indebted, ſhall be liable to all juſt debts and demands,

mands, and ſhall be aſſets, in like manner as real eſtates are by the law of *England* liable to the ſatisfaction of debts due by bond, and ſhall be ſubject to the like remedies in any court of law or equity in the plantations, in like manner as perſonal eſtates. *ſ.* 4.

By 5 *Geo.* 2. *c.* 22. No hats or felts ſhall be ſhipt in any of the *Britiſh* plantations, and no hats or felts ſhall be loaden upon any horſe or carriage, to the intent to be exported out of the ſaid plantations. *ſ.* 1.

All offenders againſt this act ſhall be ſubject to the penalties herein after mentioned, *viz.* the hats or felts ſhall be forfeited, and the offenders ſhall forfeit 500 *l.*; and every maſter, mariner, porter, boatman, or other perſon, knowing ſuch offence, and aſſiſting therein, ſhall forfeit 40 *l.*; which forfeitures may be recovered in any court of record in *Great Britain*, or in ſuch of the plantations wherein ſuch offence ſhall be committed; and ſhall be applied, one moiety to the uſe of his majeſty, and the other moiety to him that ſhall ſue for the ſame. *ſ.* 2.

It ſhall be lawful for any perſon to ſeize, and convey to his majeſty's next warehouſe, all ſuch hats and felts as he ſhall diſcover to be laid on board any veſſel, or laid on ſhore near the ſea, or in any navigable river, to the intent to be exported contrary to this act, or to be laden upon any horſe or carriage, to the intent to be exported. *ſ.* 3.

If any commiſſioner or officer of the cuſtoms, or farmer of the cuſtoms, in the plantations, ſhall ſuffer to be taken any entry outward, or ſign any cocket or ſufferance, for the exporting any hats or felts, or ſuffer the ſame to be done contrary to this act, ſuch commiſſioner, farmer, or officer, ſhall forfeit his office and 500 *l.* *ſ.* 4.

Every offence againſt this act ſhall be enquired of and determined in the county where ſuch goods ſhall be ſo laden or put on board, or elſe in the county, either in *Great Britain* or the plantations, where ſuch offender ſhall be apprehended, or where the goods ſhall be ſeized or brought in; and the trial ſhall be in ſuch manner, as if the offence had been wholly done in the county where the ſame ſhall be tried. *ſ.* 5.

If any action ſhall be proſecuted againſt any perſon for what he ſhall do in purſuance of this act, ſuch perſon may file common bail, and plead the general iſſue, not guilty; and if the plaintiff ſhall become nonſuit, *&c.* the defendant ſhall recover treble coſts. *ſ.* 6.

No perſon in his majeſty's plantations in *America* ſhall make any felt or hat with any wool or ſtuff, unleſs he ſhall have firſt ſerved as an apprentice in the trade of felt-making ſeven years; neither ſhall any felt-maker or hat-maker, in any of the ſaid plantations, employ any perſon as a journeyman, other than ſuch as ſhall have ſerved an apprenticeſhip; nor ſhall have above two apprentices at one time, or take an apprentice for leſs than ſeven years; upon pain to forfeit 5 *l.* for every month that he ſhall continue offending in the premiſes; of whom one moiety ſhall be to the uſe of majeſty, and the other moiety to ſuch as will ſue for the ſame. *ſ.* 7.

No perſon inhabiting in the plantations ſhall retain in the ſaid art of hat or felt-making, any negro; upon pain to forfeit 5 *l.* for every month. *ſ.* 8.

Nothing in this act ſhall extend to charge any perſon lawfully exerciſing the ſaid art with any penalty, for ſetting his ſon to the working hats or felts in his own houſe, ſo as ſuch ſon be bound by indenture of apprenticeſhip for ſeven years, which term ſhall not be to expire before he ſhall be of the age of twenty-one years. *ſ.* 9.

Every felt-maker reſiding in the plantations, who at the beginning of this ſeſſion of parliament was a maker of hats or felts, and an houſholder; and likewiſe all ſuch as were at the beginning of this ſeſſion apprentices, covenant ſervants, or journeymen, in the ſame art of felt-making (ſo as ſuch apprentices ſerve their apprenticeſhips), may exerciſe the trade in the ſaid plantations, although the ſame perſons were not bound apprentices for ſeven years. *ſ.* 10.

By 6 *Geo.* 2. *c.* 13. *Made perpetual by* 4 Geo. 3. c. 15. ſ. 4. Upon importation of rum, melaſſes, ſyrups, ſugars, and paneles, into any of the plantations of *Great Britain*, an entry ſhall be made with the proper officer of the cuſtoms, impoſt, or exciſe, and the duties ſhall be paid in ready money by the importers, before the landing. *ſ.* 2.

In caſe any of the commodities ſhall be landed before entry, and before the duties paid, or without a warrant ſigned by the proper officer, ſuch goods, or the value of the ſame, ſhall be forfeited, and may be ſeized by the governor, or by warrant of any magiſtrate, or by any cuſtom-houſe, impoſt, or exciſe officer; and ſuch offence may be proſecuted in any court of admiralty in his majeſty's plantations, or in any court of record in the plantations where ſuch offence is committed; and ſuch forfeitures ſhall be divided; one third for the uſe of his majeſty for the ſupport of the government of the plantation, one third to the governor, and the other third to the informer. *ſ.* 3.

No ſugars, paneles, ſyrups, or molaſſes, of the growth of *America*, nor any rum or ſpirits of *America*, except of the growth of his majeſty's ſugar colonies, ſhall be imported into *Ireland*, but ſuch only as ſhall be ſhipped in *Great Britain* in ſhips navigated according to law; under the penalty of forfeiting all ſuch ſugar, paneles, ſyrups, or molaſſes, rum or ſpirits, or the value thereof, together with the ſhip in which the ſame ſhall be imported: and ſuch commodities, with the ſhip, may be ſeized by the lord lieutenant or lord juſtices, or by warrant of any other magiſtrate, or by any cuſtom-houſe or exciſe officer. And all offences againſt this act may be proſecuted in any of his majeſty's courts of record at *Weſtminſter*, or in *Dublin*; and the forfeitures recovered ſhall be divided; *viz.* one moiety to his majeſty, and the other moiety to the informer. *ſ.* 4.

If any perſon ſhall aſſiſt in landing ſuch ſugar, paneles, ſyrups, or molaſſes, rum or ſpirits, in *Ireland*, or any of his majeſty's plantations in *America*, or ſhall receive into his houſe or cuſtody any ſuch commodities, knowing the ſame to be imported contrary to this act, ſuch perſon ſhall forfeit treble the value of ſuch goods. *ſ.* 5.

If any perſon ſhall hinder any cuſtom-houſe, impoſt, or exciſe officer, in the execution of their duty in ſeizing the commodities afore mentioned, he ſhall forfeit 50 *l.* and ſhall alſo be liable to be proſecuted by indictment, or otherwiſe, and ſhall be impriſoned three months. And if any officer, or their aſſiſtants, ſhall be ſued for any thing done in execution of this act, they may plead the general iſſue. And if any officer of the cuſtoms or exciſe in *Ireland*, or in the plantations, ſhall connive at the importation of the commodities afore mentioned, or ſhall ſeize any of the ſaid commodities, and by fraud delay the proſecution, he ſhall forfeit 50 *l.* and be incapable of holding office under his majeſty. *ſ.* 6.

If any maſter of any ſhip ſhall take in any ſugar, *&c.* to be imported into *Ireland*, or any of his majeſty's plantations, contrary to this act, ſuch maſter ſhall forfeit 100 *l.* *ſ.* 7.

Upon all ſuits for importation of the commodities afore mentioned, the *onus probandi* ſhall lie on the claimer. *ſ.* 8.

All ſuits for any offence againſt this act ſhall be brought within two years after ſuch offence committed. *ſ.* 11.

The expence of proſecuting any offence againſt this act ſhall be paid out of the ſhares of the forfeitures given to his majeſty. *ſ.* 12.

Nothing herein ſhall reſtrain the importation of ſugars of the produce of the dominions of *Spain* or *Portugal*, from any place from whence ſuch ſugars might lawfully have been imported before the making of this act. *ſ.* 13.

By 12 *Geo.* 2. *c.* 30. The acts 12 *Car.* 2. *c.* 18. 15 *Car.* 2. *c.* 7. & 25 *Car.* 2. *c.* 7. ſo far as they extend to ſugar of the produce of his majeſty's plantations in *America*, are hereby confirmed; except only as to ſuch ſugars as by this act ſhall be permitted to be exported from the ſaid ſugar colonies under ſuch regulations as are herein after appointed. *ſ.* 1.

It ſhall be lawful, notwithſtanding the acts aforeſaid, or any other act, for any of his majeſty's ſubjects, in any ſhip built in *Great Britain*, and navigated according to law, and belonging to ſubjects, of which the major part reſide in *Great Britain*, and the reſidue either in *Great Britain* or ſome of the ſugar colonies in *America*, that ſhall clear outwards in any port of *Great Britain* for any of the ſaid colonies, to load in the ſaid colonies any ſugars of the produce and manufacture of the ſaid colonies, and to carry the ſame to any foreign part of *Europe*; provided a licence be firſt taken out under the hands of the commiſſioners of the cuſtoms at *London* or *Edinburgh*, or three of them, ſubject to the regulations and conditions after mentioned; *viz.* that notice be firſt given in writing by the maſter, or one of the owners of ſuch ſhip, to the cuſtomer or collector and comptroller of the port in *Great Britain* where ſuch ſhip ſhall be, of the intention that ſuch ſhip ſhall proceed to the ſaid ſugar colonies, in order to lade ſugars to be carried to ſome other part of *Europe* than *Great Britain*; and that ſuch maſter or owner enter into bond to the uſe of his majeſty, with one or more ſecurities, in 1000 *l.* if the ſhip be of leſs burden than 100 tons, and in the ſum of 2000 *l.* if ſhe be of that or greater burden, with condition, that in caſe a licence be granted to ſuch ſhip to carry ſugars from the ſaid colonies to foreign parts, that ſuch ſhip ſhall proceed from *Great Britain* to the ſaid colonies, and ſhall deliver the ſaid licence to the collector, comptroller, and naval officer there, before he takes any goods on board, and that no tobacco, molaſſes, ginger, cotton, wool, indigo, fuſtick, or other dying wood, tar, pitch, turpentine, hemp, maſts-yards, bowſprits, copper ore, beaver ſkins, or other furs, of the production of any *Britiſh* plantation in *America*, ſhall be taken on board, unleſs it be for neceſſary proviſions in the voyage, and that ſuch ſhip before ſhe proceeds to any foreign port ſhall touch at ſome port in *Great Britain*, and that the maſter ſhall deliver to the cuſtomer, or collector, and comptroller of ſuch port, a true manifeſt atteſted upon oath (or if a *quaker* by affirmation) of the whole lading, mentioning the marks, numbers, package, and contents, and ſhall alſo bring back and produce the licence for ſuch ſhip to carry ſuch ſugars to foreign parts, with a certificate indorſed or affixed thereto, containing an account of the marks, numbers, package, contents, and ſorts of all the ſugars laden on board, and that when ſuch ſhip hath diſcharged her lading in ſome foreign part (the danger of the ſeas and enemies excepted), ſhe ſhall return to *Great Britain*, within eight months after ſhe ſhall have delivered her lading in any foreign part, and before ſhe returns to any of the ſaid plantations, and that in caſe ſuch ſhip take on board any goods before her return to *Great Britain*, all ſuch goods remaining on board on her arrival in *Great Britain* ſhall be entered and landed in *Great Britain*, as all other ſhips importing goods are obliged to do by the laws of the cuſtoms; or otherwiſe ſuch bond ſhall be forfeited. *ſ.* 2.

Upon ſuch bond being entered into and other requiſites before mentioned complied with, a licence ſhall be granted giving liberty for that voyage only to carry ſugars of the production of his majeſty's ſugar colonies to any foreign part; provided, that no ſhip have licence to carry ſugar to any foreign parts, unleſs it firſt appear by oath (or affirmation) of the maſter that the property thereof is in his majeſty's ſubjects, of which the major part reſide in *Great Britain*, and the reſidue either in *Great Britain* or in ſome of the ſaid colonies, ſuch oath or affirmation to be in the form after mentioned; *ſ.* 3.

A. B. {make oath / ſolemnly declares and affirms} *that the* {ſhip / veſſel} *called the* ——— *whereof he this* {deponent / affirmant} *is maſter, and hath the charge and command for this preſent voyage to* ——— *being* [deſcribe the built] {ſhip / veſſel} *of the burthen of* ——— *tons, was built at* ——— *in the year* ——— *and the ſaid* {ſhip / veſſel} *is wholly owned by the* {perſon / perſons} *whoſe* {name / names} *and uſual* {place / places} *of abode* {is / are} *undermentioned and ſubſcribed by this deponent* [or *affirmant*] *that ſuch* {owner / owners} {is / are} *his majeſty's* Britiſh {ſubject / ſubjects} *and that no foreigner, directly or indirectly, hath any ſhare, part, or intereſt in the ſaid* {ſhip / veſſel} *to the beſt of this* {deponent's / affirmant's} *knowledge or belief; and that he this* {deponent / affirmant} *and three-fourths of the mariners navigating the ſaid* {ſhip / veſſel} *are his majeſty's* Britiſh *ſubjects.*

In caſe any ſhip ſo licenſed take on board any ſugars, or other goods, being the property of foreigners, and laden on their account, to be carried to foreign parts; all ſuch ſugars or other goods ſhall be forfeited. *ſ.* 4.

Before any ſugar be put on board any ſhip at the ſaid colonies, the maſter ſhall deliver to the collector of the port the ſaid licence ſigned by the commiſſioners of the cuſtoms, and a certificate of ſuch bond having been given in *Great Britain*; and ſhall declare in writing to the collector, whether he intends to load any ſugar purſuant to ſuch licence, otherwiſe ſuch licence ſhall be of no force; but if it be declared that ſugars are intended to be carried to foreign parts purſuant to ſuch licence, then to aſcertain the quantity and quality of the ſugars to be exported, and to prevent the exportation from the ſaid colonies of any goods before enumerated, the merchant intending to export any ſugars or other goods not enumerated, ſhall, before the ſame are ſhipt, make an entry of ſuch ſugars or other goods with the collector and comptroller of the cuſtoms and the naval officer, expreſſing the name of the ſhip and maſter, and where ſhe lies, and the places where they are to be laden, or firſt water-born, in order to be laden; which ſhall be ſuch only where an officer ſhall attend the lading, or as ſhall be mentioned in a warrant from the collector and comptroller for that purpoſe, whereon ſhall be indorſed by the exporter the marks, numbers, contents, and ſorts of ſuch ſugars; and the warrant ſo indorſed ſhall be delivered to the ſearcher, and ſuch officer ſhall examine the goods before

before they are put on board; and if the number of caſks appears to be greater than is indorſed on the warrants, or if there be found any other ſugar but ſuch as ſhall be ſo endorſed, or any of the goods before enumerated, either put on board or brought to be ſhipped on board, before ſuch entry or taking out ſuch warrant, indorſing and delivering of the ſame, all ſuch ſugar and other goods ſo ſhipped or brought to be ſhipped ſhall be forfeited, as alſo the hoy, boat, or other carriage employed in ſhipping or attempting to ſhip any enumerated goods, other than ſugars, together with the ſhip on which ſuch other enumerated goods ſhall be laden; and the owner of ſuch ſugar or other goods ſhall alſo forfeit double the value thereof; to be recovered in the court of vice admiralty, or any other court of record in any of the ſaid plantations; one third to the uſe of his majeſty, one third to the governor of the colony, and the other third to the proſecutor. And before ſuch ſhip ſhall depart with the ſugar laden, the maſter ſhall receive the ſaid licence from the collector and comptroller and naval officer, with a certificate indorſed or affixed thereto under their ſeals of office, containing an account of the marks, numbers, contents, and ſorts of each caſk of ſugar ſo ſhipt; which indorſement ſhall be ſigned by the ſaid collector and comptroller and naval officer. And the collector and other officers aforeſaid, ſhall make two copies of ſuch licence or certificates. For all which entries, cocquets, indorſements, and certificates, or copies, no more ſhall be taken than the legal fees. And the maſter ſhall, before he receives the ſaid licence, atteſt the ſaid copies under his hand, which are to be left with the collector and comptroller and naval officer. And the ſaid collector and comptroller ſhall as ſoon as they conveniently can, tranſmit one of the ſaid copies to the commiſſioners of the cuſtoms in *Great Britain*, by whom the licence was granted when the ſhip ſet ſail from *Great Britain*. And the ſaid maſter ſhall proceed to *Great Britain* without putting into any other port, unleſs forced by ſtreſs of weather, proof whereof ſhall be made on oath, to the ſatisfaction of the commiſſioners of the cuſtoms in *Great Britain*. And on the return of ſuch ſhip to *Great Britain*, the maſter ſhall deliver the ſaid licence to the ſaid commiſſioners of the cuſtoms, or to the collector and comptroller of the port at which ſhe ſhall arrive, with the certificate annexed; and ſhall alſo deliver an exact manifeſt, expreſſing the marks and numbers, with the tale and ſorts of caſks of all his lading, atteſted upon oath (or if a *quaker*, by affirmation), before the collector and comptroller of ſuch port where he ſhall arrive, and ſhall make an entry of the ſugars on board, which entry the cuſtomer, or collector and comptroller of ſuch port are to paſs, without demanding any duties for ſuch ſugar, mentioning in their accounts that ſuch entries were paſſed by virtue of this act; and ſhall alſo declare on oath (or if a *quaker*, on his affirmation), to what foreign port he is bound: then ſuch maſter ſhall be at liberty to proceed to any foreign port without being obliged to land or pay duty, taking with him the ſaid licence and a certificate under the ſeals of office, from the ſaid cuſtomer, or collector and comptroller, teſtifying that the ſaid ſhip had touched at ſuch port and complied with the directions of this act. But in caſe any ſuch veſſel proceed to any foreign part without having firſt touched at ſome port in *Great Britain*, and having complied with the directions of this act, and having the ſame certified as aforeſaid; or in caſe any goods of the produce of any of the *American* colonies, enumerated as aforeſaid, beſides ſugars, be found on board, or carried by any ſuch ſhip to any foreign parts, then the licence ſhall be void; and ſuch ſhip and the maſter, and all others concerned, ſhall be liable to the ſame penalties as if this act had not been made. *ſ.* 5.

If the commiſſioners of the cuſtoms in *Great Britain*, or the cuſtomer, or collector, and comptroller of the port where ſuch ſhip ſhall touch, ſhall upon information on oath have cauſe to ſuſpect that ſome enumerated goods other than ſugars are on board ſuch ſhip, it ſhall be lawful for any officer of the cuſtoms, or any perſon employed by them, to enter and remain on board ſuch ſhip, and to unlade the ſame, to examine ſuch ſhip and all the goods on board, and to detain her for that purpoſe; and to open and examine any cabbins, lockers, falſe bulk head, or any concealments, or to open any cheſt or package, and to ſeize all goods not mentioned in the manifeſt delivered by the maſter; and all ſuch goods ſhall be forfeited. Provided that in caſe no goods be found but what are mentioned in the manifeſt, then the officers ſhall reload and repack the goods, and repair any damage done by landing or unpacking, without being liable to any other coſts or damages for demurrage, or on any other account: but if any other goods are found, except the proviſions of the ſhip for the voyage, then the maſter ſhall be at the charge of reloading, and the officers concerned ſhall not be at any expence, or be liable to any coſts or damages. *ſ.* 6.

If the owners of ſuch ſhip or their factor ſhall, on the arrival of ſuch ſhip in *Great Britain*, be deſirous to enter and pay the duty, and land the goods, they ſhall have liberty ſo to do; the maſter of the ſhip firſt making a report of his whole lading with the proper officer of the cuſtoms, as required by law. *ſ.* 7.

If the maſter of ſuch ſhip ſhall on his arrival in any of the ſaid colonies, have delivered to the collector, comptroller, and naval officer, the ſaid licence, with a certificate of bond being given in *Great Britain*, and ſhall before he lades any goods declare in writing, upon oath (or affirmation) before any two of them, (which oath or affirmation they are to indorſe and atteſt on ſuch licence) that the ſugars he intends to load purſuant to ſuch licence, are to be carried to ſome port to the ſouthward of *Cape Finiſterre*; then the ſaid maſter may proceed thither directly, taking with him ſuch licence and oath indorſed thereon, with an account of the marks, numbers, packages, contents and ſorts of ſugars laden, likewiſe indorſed or contained in a certificate annexed thereto, and may there land the ſame without firſt touching in *Great Britain:* but the maſter of ſuch ſhip ſhall, within eight months after landing the ſaid ſugars, and before ſuch ſhip go again to any of the plantations, return to ſome port of *Great Britain*, and deliver his ſaid licence to the commiſſioners of the cuſtoms, or the cuſtomer, or collector, and comptroller of ſuch port, with a certificate annexed as aforeſaid, together with a certificate from the conſul, or two known *Britiſh* merchants reſiding at the ports where ſuch ſugars were landed, teſtifying the landing thereof; and the maſter ſhall likewiſe make oath (or affirmation), before the cuſtomer or collector, and comptroller, to the truth of ſuch certificate; and that none of the goods before enumerated, except ſugar, were taken on board in the colonies, or landed at the port mentioned in the certificate; and he ſhall likewiſe make an entry with ſuch cuſtomer, *&c.* of the quantity and ſorts of all the ſugars landed at any port to the ſouthward of *Cape Finiſterre:* which entry the cuſtomer, *&c.* ſhall paſs without demanding any duties, mentioning in their accounts, that ſuch entries were paſſed by virtue of this act. And in caſe the maſter neglect to make ſuch entry, he ſhall forfeit 100*l.* one moiety to the uſe of his majeſty, and the other to ſuch as will ſue for the ſame. *ſ.* 8.

Upon

Upon the return to *Great Britain* of any ſhip, which ſhall, purſuant to this act, carry ſugars from his majeſty's ſugar colonies to any foreign parts, the maſter ſhall in either caſe before mentioned, deliver to the commiſſioners of the cuſtoms, or the cuſtomer or collector, and comptroller of the port in *Great Britain* where ſuch ſhip ſhall arrive, the ſaid licence, together with a certificate ſigned and ſealed by the conſul or two known *Britiſh* merchants at the port where ſuch ſugar was landed, certifying the landing thereof, with the number of caſks, and the mark, number, and contents of each, with the name of the ſhip and maſter; and that they believe that no tobacco or other goods before enumerated, except ſugar, have been landed: and upon the ſeveral things required by this act being complied with, the bond given before granting ſuch licence ſhall be diſcharged and delivered up, otherwiſe ſuch bond ſhall be forfeited. *ſ.* 9.

In caſe any ſhip ſhall, after the unloading of ſuch ſugars, take on board any goods before her return to *Great Britain*, all ſuch goods remaining on board at her arrival in *Great Britain* ſhall be entered and landed before her departure thence; and ſhall be ſubject to ſuch regulations as the like goods imported in any other ſhip are ſubject unto by this or any other law of the cuſtoms. *ſ.* 10.

This act ſhall not extend to excuſe any ſhip trading to the ſaid ſugar colonies, being regiſtered purſuant to 7 & 8 *Will.* 3. *c.* 22. *ſ.* 11.

No maſter or owner of any ſhip carrying ſugars as aforeſaid, ſhall pay or advance to any ſeaman, during the time he ſhall be beyond the ſeas, above one moiety of the whole wages which ſhall be due from the time of his departure from *Great Britain*, until ſuch ſhip ſhall return to *Great Britain*; and if any ſuch maſter or owner ſhall pay or advance any wages to any ſeaman above the ſaid moiety, ſuch maſter or owner ſhall forfeit double the money ſo paid, to be recovered in the high court of admiralty, by any informer. *ſ.* 12.

All penalties and forfeitures incurred by this act (except where it is otherwiſe hereby provided) ſhall be proſecuted in any court of record at *Weſtminſter*, or the court of exchequer in *Scotland*; one moiety for the uſe of his majeſty, and the other to him who will ſue for the ſame, wherein no eſſoign, *&c.* ſhall be allowed. *ſ.* 13.

If any perſon be ſued for any thing done in purſuance of this act, ſuch perſon may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts. *ſ.* 14.

If any perſon grant any falſe certificate, or counterfeit or alter any licence, oath, or certificate, made purſuant to this act, or knowingly publiſh or make uſe thereof, ſuch perſon ſhall forfeit 500*l.* to be recovered and diſpoſed of in the manner directed by this act; and ſuch licence, oath, or certificate ſo counterfeited or altered ſhall be of no effect. *ſ.* 15.

Nothing in this act ſhall give liberty to carry any ſugars from any of the ſugar colonies to *Ireland*. *ſ.* 16.

This act ſhall, by 26 *Geo.* 3. *c.* 53. *ſ.* 4. be in force until the 29th of *September* 1792, and to the end of the next ſeſſion of parliament.

By 15 *Geo.* 2. *c.* 31. No ſhip required by 7 & 8 *Will.* 3. *c.* 22. or by the 5th article of the union, [*See* SCOTLAND,] to be regiſtered, and carrying any goods to or from any of his majeſty's plantations in *America*, or to or from one plantation to another, ſhall be permitted to trade within the intent of the ſaid acts, until the maſter ſhall upon oath (or if a *quaker*, upon affirmation), before the governor or collector of the cuſtoms of every of the plantations where the ſame ſhall arrive, give an account of the name and burthen thereof, and of the place from whence ſhe came, according to the form following, *viz.*

A. B. *maketh oath (or if a* quaker, *ſolemnly affirms), that the ſhip or veſſel called the* ———, *whereof he this deponent (or affirmant) is maſter, or hath the charge and command during this preſent voyage, being of the burthen of* ——— *tons, came laſt from* ———, *and that ſhe is, as he verily believes, the ſame ſhip or veſſel deſcribed, meant, and intended in and by the certificate now produced by him; and that the ſame does now, as he believes, belong wholly to his majeſty's* Britiſh *ſubjects, and that no foreigner has directly or indirectly any ſhare, property, or intereſt therein, to his knowledge or belief.*

In caſe any ſhip ſhall load or unload any goods in any of his majeſty's plantations in *America*, before ſuch proof be made, every ſuch ſhip ſhall be forfeited, and may be proſecuted, recovered, and divided, as if ſhe had not been regiſtered in purſuance of the ſaid act of 7 & 8 *Will.* 3. *c.* 22.—*ſ.* 1.

If any ſhip duly qualified to trade to, from and in the ſaid plantations, be in any of the ſaid plantations, and the certificate of the regiſter thereof be loſt or miſlaid, the maſter may make oath (or being a *quaker*, affirmation), before the governor or collector of the cuſtoms, in the port where the ſhip ſhall be, in the following form:

A. B. *being maſter, or having the charge of the ſhip or veſſel called the* ———, *does ſwear, (or ſolemnly affirm), that the ſaid ſhip or veſſel has been, as he verily believes, regiſtered according to law, to qualify her to trade to, from and in his majeſty's plantations in* America, *and that he had a certificate thereof granted at the port of* ——— *but that the ſame is loſt or miſlaid, and that he cannot find the ſame, and does not know where the ſame is, or what is become thereof, and that the ſame hath not been, nor ſhall be, with his privity or knowledge, ſold or diſpoſed of to any perſon or perſons whatſoever; and that he this deponent (or affirmant), and three-fourths of the mariners navigating the ſaid ſhip or veſſel are his majeſty's* Britiſh *ſubjects, and the ſaid ſhip or veſſel does now, as he believes, belong wholly to his majeſty's* Britiſh *ſubjects, and that no foreigner has to his knowledge or belief any ſhare, property, or intereſt therein.*

And the ſaid maſter ſhall give ſecurity in the penalty of 500*l.* if the ſhip be of the burthen of 100 tons, or under, and ſo in proportion for every ſhip of a greater burthen, to the collector of the port where the ſaid ſhip ſhall be, in his majeſty's name, and to his majeſty's uſe, with condition that the ſaid ſhip was duly regiſtered, and that the certificate of the ſaid regiſter, if found, ſhall be delivered up to the commiſſioners of the cuſtoms to be cancelled, and no illegal uſe has been or ſhall be made thereof, and that the ſame has not been or ſhall be fraudulently diſpoſed of, and that the ſaid ſhip does wholly belong to his majeſty's *Britiſh* ſubjects; and upon making ſuch oath, and giving ſuch bond, the governor and collector of his majeſty's cuſtoms, ſhall, without fee, give the maſter a certificate under their hands and ſeals, of his having given ſuch bond, and made ſuch oath, and thereupon the ſhip ſhall have liberty to trade for that voyage only, in the ſame manner as if the original certificate had been produced, and the firſt-mentioned oath or affirmation had been taken: and the officers taking the ſaid oath and bond, ſhall tranſmit an account thereof to the commiſſioners of the cuſtoms. *ſ.* 2.

If

If the certificate of the regiſter of any ſhip be loſt, and the maſter and one or more of the owners make proof to the ſatisfaction of the commiſſioners of the cuſtoms, in caſe any of the owners reſide in *Great Britain* or *Ireland*, *Guernſey* or *Jerſey*; or of the governor or collector of the cuſtoms, reſiding in any of the plantations, in caſe ſhe was regiſtered in ſuch plantation, and none of the owners reſide in *Great Britain* or *Ireland*, *Guernſey* or *Jerſey*, upon oath (or if a *quaker* upon affirmation), of the loſs of ſuch certificate, and likewiſe of the name, burthen, built, property, and other particulars required by the 7 & 8 *Will.* 3. *c.* 22. in the ſame manner as upon original regiſters; and ſhall likewiſe give ſecurity, in the penalty of 500 *l.* if the ſhip be of the burthen of 100 tons, and ſo in proportion for every ſhip of a greater burthen, to the collector of the port to which ſuch ſhip belongs; and that the original certificate hath not been, nor ſhall be fraudulently diſpoſed of or uſed contrary to law, and that the ſame when found ſhall be delivered up to the commiſſioners of the cuſtoms to be cancelled; in ſuch caſe the commiſſioners of the cuſtoms, and the governor and collector of the cuſtoms reſiding at the plantations reſpectively, ſhall permit the ſhip to be regiſtered *de novo*; and the proper officers ſhall deliver a certificate thereof to the owner regiſtering the ſame, as is directed by the 7 & 8 *Will.* 3. *c.* 22. and therein mention the name by which the ſhip was formerly regiſtered; and that ſuch certificate of a new regiſter is granted in purſuance of this act, inſtead of a former certificate which appears to be loſt. And ſuch new regiſter and certificate ſhall have the ſame effect as if the ſame were an original regiſter and certificate, and a duplicate thereof ſhall be tranſmitted by the officers who grant the ſame to the commiſſioners of the cuſtoms. *ſ.* 3.

Plantation bonds taken or entered into in *Great Britain*, in purſuance of 12 *Car.* 2. *c.* 18. and of 22 *Car.* 2. *c.* 26. or any other law ſince made, whereby the goods therein enumerated are to be brought to *Great Britain*, ſhall be with condition that within 18 months after the date (the danger of the ſeas excepted) a certificate ſhall be produced from the collector and comptroller of the port where ſuch goods ſhall be delivered, that they have been there landed and diſcharged; otherwiſe ſuch bonds ſhall be forfeited; and the penalty may be ſued for in the court of exchequer in *England*, *Scotland*, or *Ireland*, reſpectively: provided that this act ſhall not extend to bonds given for ſhips lading ſugars in any of the ſugar colonies by virtue of a licence purſuant to 12 *Geo.* 2. *c.* 30. *ſ.* 4.

By 15 *Geo.* 2. *c.* 33. It ſhall be lawful for any ſubjects in any ſhip built in *Great Britain*, or belonging to any ſubjects reſiding in *Great Britain*, and navigated according to law, to load in any of his majeſty's ſugar colonies in *America*, any ſugars of the growth and manufacture of the ſaid colonies, and to carry the ſame to any foreign parts of *Europe*, ſubject to the regulations of 12 *Geo.* 2. *c.* 30. *ſ.* 5.

By 24 *Geo.* 2. *c.* 51. The duties now payable on *pott aſhes* or *pearl aſhes* made in and imported from his majeſty's colonies in *America* into *Great Britain* ſhall ceaſe. *ſ.* 1.

A due entry ſhall be made of all *pott aſhes* and *pearl aſhes* made in and imported from the ſaid colonies into *Great Britain*, at the cuſtom houſe at the time of importation in the ſame manner (expreſſing the package, marks, and numbers and quantities) as was uſed before this act; and the ſame ſhall be landed in the preſence of and examined by the proper officer of the cuſtoms; and ſhall be imported in ſhips that may lawfully trade to the plantations, manned as by law is required: and on failure of the ſaid conditions ſuch *pott aſhes* and *pearl aſhes* ſhall be liable to the duties as if this act had never been made. *ſ.* 2.

To entitle the importer of *pott aſhes* or *pearl aſhes* to the benefit of this act, every perſon who ſhall load any *pott aſhes* or *pearl aſhes* on board any ſhip, in any of the *Britiſh* colonies in *America*, ſhall before the clearing out of the ſhip, make proof on oath, before the collector and comptroller of the cuſtoms, and naval officer, at the port where ſuch *pott aſhes* or *pearl aſhes* ſhall be put on board, or any two of them, that the *pott aſhes* or *pearl aſhes* which he hath ſhipped, is *bona fide* of the product and manufacture of the *Britiſh* colonies in *America*, expreſſing the quantity, and the pariſh or place in ſuch plantation where the ſame was made, and by whom (which oath is to be adminiſtered without fee); and the maſter or perſon taking charge of the ſhip on board which ſuch *pott aſhes* or *pearl aſhes* ſhall be loaded, ſhall bring with him a certificate from ſuch collector and comptroller of the cuſtoms, and naval officer, or two of them, under their hands and ſeals of office (which they are to grant without fee) expreſſing the marks and number of caſks or packages, alſo the weight and tale of the *pott aſhes* and *pearl aſhes* ſo ſhipped, with the names and places of abode of the exporters from the ſaid colonies, and the name and place of abode of ſuch perſon who ſwore the goods to have been the product of the ſaid colonies; which certificate the maſter, *&c.* of ſuch ſhip ſhall on his arrival in this kingdom deliver to the collector, comptroller, or other officer of the cuſtoms at the port where he ſhall arrive, at the entry of the ſaid *pott aſhes* or *pearl aſhes*; and ſhall make oath before the ſaid collector, comptroller, or chief officer of the cuſtoms (who are to adminiſter the ſame without fee), that the ſaid caſks, and parcels, and goods, contained in ſuch certificate, are the ſame as were taken on board in the ſaid colonies. And if any *pott aſhes* or *pearl aſhes* of the product of the *Britiſh* colonies in *America* be imported without ſuch certificate and oath by the maſter, *&c.* of the ſhip, all ſuch *pott aſhes* and *pearl aſhes* ſhall be liable to the duties as if this act had never been made. *ſ.* 3.

If any perſon cauſe to be made an entry of any foreign *pott aſhes* or *pearl aſhes*, under the name of *pott aſhes* or *pearl aſhes* of the product of the *Britiſh* colonies in *America*, or cauſe to be mixed any foreign *pott aſhes* or *pearl aſhes* with *pott aſhes* or *pearl aſhes* of the product of the *Britiſh* colonies in *America*, to evade the duties on foreign *pott aſhes* and *pearl aſhes*, he ſhall forfeit 50 *l.* for every ſuch offence, and all ſuch foreign *pott aſhes* and *pearl aſhes*; and in caſe of any mixture, the quantity mixed, both foreign and *Britiſh* plantation product, or the value, with the packages, ſhall be forfeited; and may be ſeized, or the value ſued for, by any officer of the cuſtoms. *ſ.* 4.

If any collector or comptroller of the cuſtoms, and naval officer, falſely make any ſuch certificate, he ſhall for every ſuch offence forfeit 200 *l.* and alſo forfeit his office, and be incapable of ſerving his majeſty in any office of truſt or profit; or if any perſon falſely make any oath required by this act, every ſuch offender ſhall incur the puniſhment inflicted by law for wilful and corrupt perjury; and if any perſon knowingly counterfeit any ſuch certificate, or publiſh the ſame knowing it to be counterfeit, he ſhall incur the puniſhment inflicted by law for forgery. *ſ.* 5.

The penalties by this act inflicted ſhall be recovered by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or in any of the courts of admiralty in the plantations in *America*, wherein no eſſoin, *&c.* ſhall be allowed. *ſ.* 6.

All

All penalties by this act impoſed, ſhall, if in *Great Britain*, be applied one moiety to the uſe of his majeſty, and the other moiety to ſuch perſon as ſhall ſeize or ſue for the ſame; and all ſuch penalties incurred in the plantations in *America*, ſhall be applied, one third to the uſe of his majeſty, one third to the uſe of the governor of the plantation where the forfeiture is incurred, and the remaining third to ſuch perſon who ſhall ſeize or ſue for the ſame. *ſ.* 7.

If any doubt ariſe whether the ſaid *pott aſhes* or *pearl aſhes*, or any part thereof, ſo to be imported, is of the product of the *Britiſh* colonies in *America*, or of foreign product, the *onus probandi* ſhall lie on the owner. *ſ.* 8.

If any action be commenced for any thing done in purſuance of this act, every ſuch action ſhall be commenced within ſix months after the fact; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 9.

By 2 *Geo.* 3. *c.* 24. It ſhall be lawful for any of his majeſty's ſubjects to import ſalt from any part of *Europe* into *Nova Scotia* in *America*, in *Britiſh* ſhips and veſſels, manned and navigated according to the act of the 12th of *Car.* 2. and in the ſame manner as ſalt may be imported from *Europe* into *New England* and *Newfoundland*, by 15 *Car.* 2.

By 4 *Geo.* 3. *c.* 15. The duties hereby charged upon foreign white or clayed ſugars, indico, coffee, or wines, imported into any *Britiſh American* colony or plantation, ſhall be raiſed and paid by ſuch ways as are mentioned in 6 *Geo.* 2.; and all clauſes (except where any alteration is made by this act) ſhall be put in execution for raiſing the duties granted by this act. *ſ.* 6.

If the importer of any wines ſhall refuſe to pay the duties, it ſhall be lawful for the collector or officer of cuſtoms, and he is required to take and ſecure the ſame, with the caſks, and to cauſe the ſame to be publicly ſold, within 20 days after refuſal, and at ſuch time and place as ſuch officer ſhall, by four days public notice, appoint; which wine ſhall be ſold to the beſt bidder, and the money ariſing by the ſale, ſhall be applied, firſt in payment of the duties with charges of ſale, and the overplus, if any, ſhall be paid to ſuch importer. *ſ.* 7.

If the money offered for the purchaſe of ſuch wine ſhall not be ſufficient to diſcharge the duty and charges, then the officer ſhall cauſe the wine to be ſtaved, and return the caſks to ſuch importer. *ſ.* 8.

All monies which ſhall ariſe by the duties herein granted, and alſo the duties upon ſugars and paneles, by 6 *Geo.* 2. (except the charges of raiſing), ſhall be paid into the exchequer, and entered ſeparate from all other monies paid to his majeſty, and ſhall be there reſerved to be diſpoſed of by parliament, towards defraying the expences of defending and ſecuring the *Britiſh* colonies and plantations in *America*. *ſ.* 10.

No rum or ſpirits of the produce or manufacture of any of the colonies or plantations in *America*, not in the poſſeſſion or under the dominion of his majeſty, ſhall be imported into any of the colonies or plantations in *America*, which now are, or hereafter may be in the poſſeſſion or under the dominion of his majeſty, upon forfeiture of all ſuch rum or ſpirits, together with the ſhip or veſſel in which the ſame ſhall be imported, with the tackle, apparel, and furniture thereof; to be ſeized by any officer of cuſtoms, and proſecuted as herein after expreſſed. *ſ.* 18.

Every perſon loading on board any veſſel, in any of the *Britiſh* colonies or plantations in *America*, any rum or ſpirits, ſugars or paneles*, as of the growth, product, or manufacture, of any *Britiſh* colony or plantation, ſhall, before the clearing out of the ſaid ſhip, produce and deliver to the collector or officer of cuſtoms at the loading port, an affidavit ſworn to before ſome juſtice, in the ſaid *Britiſh* colonies or plantations, either by the grower, maker, or ſhipper of ſuch goods, or his agent, expreſſing, in words at length and not in figures, the quality of the goods ſhipped, with the number and denomination of the packages, and deſcribing the names of the plantations, and the name of the colony where the ſame grew or were produced and manufactured; which affidavit ſhall be atteſted, under the hand of the juſtice, to have been ſworn to in his preſence; who is to do the ſame without fee; and the collector or other officer of cuſtoms, to whom ſuch affidavit ſhall be delivered, ſhall thereupon grant to the maſter, a certificate under his hand and ſeal of office (without fee), of his having received ſuch affidavit purſuant to this act; which certificate ſhall expreſs the quality of the goods ſhipped on board ſuch veſſel, with the number and denomination of the packages: and ſuch collector or officer of cuſtoms ſhall alſo (without fee) within 30 days after the ſailing of the veſſel, tranſmit an exact copy of the ſaid affidavit to the ſecretary's office for the colony or plantation where the goods were ſhipped, on forfeiture of 5*l.* *ſ.* 20. *See* 18 Geo. 3. c. 58. *poſt.*

Upon the arrival of ſuch veſſel into the port of her diſcharge, either in *Great Britain*, or any other port of his majeſty's dominions, where ſuch goods may be lawfully imported, the maſter ſhall, at the time he makes report of his cargo, deliver the ſaid certificate to the collector or officer of cuſtoms, and make oath before him, that the goods reported are the ſame that are mentioned in the certificate, on forfeiture of 100*l.*; and if any rum or ſpirits, ſugars or paneles, ſhall be imported or found on board any ſuch veſſel, for which no ſuch certificate ſhall be produced, or which ſhall not agree therewith, the ſame ſhall be deemed to be foreign rum, *&c.* and ſhall be liable to the duties, reſtrictions, and forfeitures, as rum, *&c.* of any foreign colony would be. *ſ.* 21.

Bond and ſecurity, in the penalty in 12 *Car.* 2. *c.* 18. ſhall alſo be given to the collector or other officer of cuſtoms at any port in any of the *Britiſh American* colonies or plantations, with one ſurety beſides the maſter of every veſſel that ſhall lade there any goods not particularly enumerated in the acts, being the product or manufacture of any of the ſaid colonies or plantations, with condition, that, in caſe any molaſſes or ſyrups, being the produce of any of the plantations not under the dominion of his majeſty, ſhall be laden on board ſuch veſſel, the ſame ſhall (the danger of the ſeas and enemies excepted) be brought, without fraud or wilful diminution, by the ſaid veſſel, to ſome of his majeſty's colonies or plantations in *America*, or to ſome port in *Great Britain*; and that the maſter ſhall, immediately upon his arrival at every port in *Great Britain*, or the *Britiſh American* colonies, make report of all the goods laden on board under their true denominations; and if any non-enumerated goods ſhall be laden on board before ſuch bond ſhall be given, the goods laden, together with the veſſel and her furniture, ſhall be forfeited, and may be ſeized by any officer of cuſtoms, and proſecuted as after directed. *ſ.* 23.

* The like proof was required as to molaſſes or ſyrups, but 6 *Geo.* 3. *c.* 52. *ſ.* 29. repealed this clauſe in reſpect of ſuch articles.

Every

Every maſter ſhall, before he departs from any *Britiſh* plantation where he receives his lading, take a certificate under the hands and ſeals of the collector or officer of cuſtoms there (which ſuch officers are to grant without fee) that bond hath been given, purſuant to this or any other act; and the maſter ſhall keep ſuch certificate in his cuſtody till the voyage is completed, and ſhall then deliver the ſame up to the collector or officer of cuſtoms at the port where he ſhall diſcharge his lading, either in *Great Britain* or any *Britiſh American* plantation, on forfeiture of 100*l.* *ſ.* 24.

If any *Britiſh* veſſel laden as aforeſaid, with any goods of the produce or manufacture of any *Britiſh* plantation in *America*, or having on board any molaſſes or ſyrups the produce of any foreign plantation, ſhall be diſcovered by any officer of cuſtoms within two leagues of the ſhore of any *Britiſh* plantation in *America*, and the maſter ſhall not produce a certificate that bond has been given purſuant to this or any other act, or if he ſhall not produce ſuch certificate to the collector or officer of cuſtoms where he ſhall arrive, either in *Great Britain*, or any *Britiſh American* plantation, ſuch veſſel, with her tackle, *&c.* and all the goods therein laden ſhall be forfeited, and may be ſeized, *&c.* as after directed. *ſ.* 25.

The bond directed to be given by this act, with reſpect to ſuch non-enumerated goods, ſhall continue in force for one year after the voyage; and, in caſe no fraud ſhall appear within that time, the commiſſioners of cuſtoms, or four of them, may direct it to be delivered up. *ſ.* 26.

All coffee, pimento, cocoa nuts, whale fins, raw ſilk, hides and ſkins, pot and pearl aſhes, of the growth, production or manufacture of any *Britiſh* plantation in *America*, ſhall be imported directly from thence into this kingdom, or ſome other *Britiſh* plantation, under the like ſecurities and forfeitures as are mentioned in 12 & 25 *Car.* 2. with reſpect to the goods in thoſe acts enumerated. *ſ.* 27.

No iron, nor any lumber, ſpecified in 8 *Geo.* 1. of the growth, production, or manufacture of any *Britiſh* colony or plantation in *America*, ſhall be there loaden on board any veſſel to be carried from thence, until ſufficient bond ſhall be given, with one ſurety beſides the maſter, to the collector or officer of cuſtoms at the loading port, in a penalty of double the value of the goods, with condition, that the ſaid goods ſhall not be landed in any part of *Europe* except *Great Britain*; which bonds ſhall be diſcharged in manner after mentioned, *viz.* for ſuch of the ſaid goods as ſhall be entered for or landed in *Great Britain*, the condition of the bond ſhall be, to bring a certificate in diſcharge thereof within eighteen months from the date of the bond, and within ſix months for ſuch of the ſaid goods as ſhall be entered for or landed in any of the *Britiſh* plantations in *America*; which certificates ſhall be under the hands and ſeals of the collector or officer of cuſtoms reſident at the port where ſuch goods ſhall be landed, teſtifying the landing thereof; and, for ſuch of the goods as ſhall be entered for or landed at any other place in *America*, *Africa*, or *Aſia*, to bring the like certificate within twelve months, under the common ſeal of the chief magiſtrate, or under the hands and ſeals of two known *Britiſh* merchants reſiding there; or ſuch bond ſhall be diſcharged, by proof upon oath made by credible perſons, that the goods were taken by enemies, or periſhed in the ſeas. *ſ.* 28.

No goods of any kind whatſoever ſhall be ſhipped on board any veſſel in any of the *Britiſh* plantations in *America*, to be carried from thence to any other *Britiſh* plantation, without a ſufferance or warrant firſt obtained from the collector or officer of cuſtoms at the port where ſuch goods ſhall be put on board; and the maſter ſhall, before the ſame be removed from the port where he takes in his lading, take out a cocket expreſſing the quantity and quality of the goods, and marks of the package laden, with the merchants names by whom ſhipped, and to whom conſigned; and, if they are goods liable to duty, either upon importation or exportation from the plantations, the ſaid cocket ſhall likewiſe ſpecify that the duties have been paid, referring to the entry and payment of ſuch duties, and by whom they were paid; which cocket ſhall be produced by the maſter, to the collector or officer of cuſtoms at the port where ſuch veſſel ſhall arrive in any of the *Britiſh* plantations, before any part of the goods are unladen: and, if any goods ſhall be ſhipped without ſuch ſufferance, or the veſſel ſhall depart without ſuch cocket, or the goods ſhall be landed before ſuch cocket is produced at the port of diſcharge, or if the goods do not agree in all reſpects therewith, the goods ſhall be forfeited; and any officer of cuſtoms is to ſtop ſuch veſſel, bound as aforeſaid, which ſhall be diſcovered within two leagues of the ſhore of any *Britiſh* plantations in *America*, and to ſeize from thence all the goods found on board for which no cocket ſhall be produced. *ſ.* 29.

No veſſel ſhall, upon any pretence whatſoever, be cleared outwards from any port of this kingdom, for any land, iſland, plantation, colony, territory, or place, to his majeſty belonging, or which ſhall hereafter belong unto or be in the poſſeſſion or under the dominion of his majeſty in *America*, unleſs the whole cargo of ſuch veſſel ſhall be *bona fide* laden and ſhipped in this kingdom; and any officer of cuſtoms is impowered to ſtop any *Britiſh* veſſel arriving from any part of *Europe*, diſcovered within two leagues of the ſhore of any of the *Britiſh* plantations in *America*, and to ſeize from thence, as forfeited, any goods (except as aftermentioned), for which the maſter ſhall not produce a cocket or clearance from the collector or officer of cuſtoms, certifying that the goods were laden on board the ſaid veſſel in ſome port of *Great Britain*. *ſ.* 30.

This act ſhall not forfeit, for want of ſuch cocket, any ſalt laden in *Europe* for the fiſheries in *New England*, *Newfoundland*, *Pennſylvania*, *New-York*, and *Nova Scotia*, or any other place to which ſalt is allowed to be carried; wines laden in the *Madeiras*, of the growth thereof; and wines of the growth of the *Weſtern Iſlands*, or *Azores*, and laden there; nor any horſes, victuals, or linen cloth, from *Ireland*, which may be laden on board ſuch veſſels. *ſ.* 31.

If any perſon ſhall counterfeit, raſe, alter, or falſify, any affidavit, certificate, cocket, ſufferance, or clearance, required by this act, or ſhall knowingly make uſe of any affidavit, *&c.* ſo counterfeited, ſuch perſon ſhall forfeit 500*l.*; and ſuch affidavit, *&c.* ſhall be of no effect. *ſ.* 32.

If any foreign veſſel whatſoever ſhall be found at anchor, or hovering within two leagues of the ſhore of any land, *&c.* which ſhall or may be in the poſſeſſion or under the dominion of his majeſty, in *America*, and ſhall not depart from the coaſt, and proceed upon her voyage to ſome foreign port, within 48 eight hours after the maſter ſhall be required ſo to do by any officer of cuſtoms, unleſs in caſe of neceſſity and diſtreſs of weather, ſuch veſſel, with all the goods therein laden, ſhall be forfeited, whether bulk ſhall have been broken or not; and ſhall be ſeized and proſecuted by any officer of cuſtoms, as after expreſſed. *ſ.* 33.

Nothing herein ſhall extend to any veſſel belonging to the ſubjects of the *French* king found fiſhing, and not carrying on any illicit trade, on that part of the iſland of *Newfoundland* which ſtretches from *Cape Bonaviſta* to the northern point of the iſland, and from thence running down to the weſtern ſide as far as *Point Riche*. *ſ.* 34.

If any *Britiſh* veſſel ſhall be found ſtanding into, or coming out from, either *St. Pierre* or *Miquelon*, or hovering or at anchor within two leagues of the coaſts thereof, or ſhall be diſcovered to have taken any goods on board at either of them, or to have been there for that purpoſe; ſuch veſſel, and all the goods taken on board there, ſhall be forfeited, and ſhall be ſeized by any officer of cuſtoms; and the maſter, and every perſon concerned in taking ſuch goods on board, ſhall forfeit treble the value thereof. *ſ.* 35.

All goods found concealed in any place whatſoever on board any veſſel at any time after the maſter ſhall have made his report to the collector or officer of cuſtoms, and which ſhall not be mentioned in the report, ſhall be forfeited, and ſhall be ſeized by any officer of cuſtoms; and the maſter (in caſe it can be made appear that he was privy to ſuch fraud) ſhall forfeit treble the value of the goods found. *ſ.* 36.

If any goods whatſoever, liable to duties in any *Britiſh* plantation in *America*, ſhall be loaden on board any veſſel outward bound, or ſhall be unſhipped from any veſſel inward bound, before the duties are paid; or if any prohibited goods ſhall be imported into, or exported out of, any of the ſaid plantations, contrary to this or any other act; every perſon aſſiſting or concerned, either in loading outwards, or in the unſhipping inwards, ſuch goods, or to whoſe hands the ſame ſhall knowingly come, ſhall, for each offence, forfeit treble the value of ſuch goods, to be eſtimated according to the beſt price at the place where ſuch offence was committed; and all the boats, horſes, cattle, and other carriages whatſoever, made uſe of in loading, landing, removing, carriage, or conveyance of any of the ſaid goods, ſhall alſo be forfeited, and ſhall be ſeized by any officer of cuſtoms. *ſ.* 37.

If any officer of cuſtoms ſhall directly or indirectly take any bribe, in any kind whatſoever; or connive at any falſe entry, or make any colluſive ſeizure or agreement; or do any other act whatſoever by which his majeſty ſhall be defrauded in his duties, or whereby any goods prohibited ſhall be ſuffered to paſs either inwards or outwards, or whereby the forfeitures inflicted by this or any other act may be evaded; ſuch officer ſhall forfeit 500 *l.*, and be rendered incapable of ſerving his majeſty in any office, civil or military: and if any perſon ſhall give, or offer, or promiſe to give, any bribe to any officer of cuſtoms, to do, conceal, or connive at, any act, whereby the proviſions relating to cuſtoms in *America* may be evaded or broken, ſuch perſon ſhall, whether the offer be accepted or not, forfeit 50 *l.* *ſ.* 38.

All governors or commanders in chief of any *Britiſh* plantation ſhall, before their entrance into their government, take a ſolemn oath, to do their utmoſt that all the clauſes, matters and things contained in any act of parliament heretofore made, and now in force, relating to the ſaid plantations, and that all the clauſes in this act be punctually obſerved, according to the meaning thereof, ſo far as appertains unto the ſaid governors or commanders in chief, under the like penalties and diſabilities, either for neglecting to take the ſaid oath, or for wittingly neglecting to do their duty, as are mentioned in 7 & 8 *W.* 3. *c.* 22.; and the ſaid oath ſhall be adminiſtered by ſuch perſon as ſhall be appointed to adminiſter the oath required by the ſaid act. *ſ.* 39.

All penalties incurred in *Great Britain* ſhall be recovered in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*; and (all charges for the recovery being deducted) ſhall be divided, one moiety to his majeſty, and the other moiety to the ſeizor. *ſ.* 40.

All money impoſed by this act, and by 25 *Car.* 2. *c.* 7. as duties; and alſo all money impoſed as penalties, by this or any other act relating to the cuſtoms, in any of the *Britiſh* plantations in *America*; ſhall be deemed to be ſterling money of *Great Britain*, and ſhall be paid, to the amount of the value which ſuch nominal ſums bear in *Great Britain*; and ſuch monies ſhall be taken according to the value of 5 *s.* 6 *d.* the ounce in ſilver; and all the forfeitures inflicted by this or any other act relating to the trade and revenues of the *Britiſh* plantations in *America*, incurred there, ſhall be recovered in any court of record, or in any court of admiralty, in the plantations where ſuch offence ſhall be committed, or in any court of vice-admiralty which ſhall be appointed over all *America* (which court of admiralty or vice admiralty are authoriſed to determine the ſame), at the election of the informer. *ſ.* 41. *But ſee* 8 Geo. 3. c. 22. *poſt. whereby penalties may be recovered* in any court of vice-admiralty, *having juriſdiction within the plantation.*

All penalties ſo recovered there, ſhall be divided, after deducting the charges of proſecution, as follows, *viz.* one third of the net produce ſhall be paid into the hands of the collector of cuſtoms at the port where ſuch penalties ſhall be recovered for the uſe of his majeſty; one third part to the governor or commander in chief of the plantation; and the other third part to the perſon who ſhall ſeize, *&c.* excepting ſuch ſeizures as ſhall be made at ſea by the officers of his majeſty's veſſels of war, one moiety of which ſeizures, and of the penalties recovered thereon, firſt deducting the charges of proſecution, ſhall be paid to the collector of cuſtoms, for his majeſty, and the other moiety to him who ſhall ſeize, *&c.*; ſubject nevertheleſs to ſuch diſtribution of the produce of the ſeizures made at ſea, as well with regard to the moiety before granted to his majeſty, as with regard to the other moiety given to the ſeizor, as his majeſty ſhall think fit to direct by any order of council, or by any proclamation. *ſ.* 42.

If the produce of any ſeizure made in *America* ſhall not be ſufficient to anſwer the expences of condemnation and ſale; or if, upon the trial of any ſeizure, a verdict ſhall be given for the claimant; in either of thoſe caſes the charges attending the ſeizing and proſecuting, ſhall, with the conſent of four of the commiſſioners of cuſtoms, be paid out of the cuſtoms ariſing in any of the *Britiſh* plantations in *America*. *ſ.* 43.

No perſon ſhall be admitted to enter a claim to any ſhip or goods ſeized, and proſecuted in any of the *Britiſh* plantations, until ſufficient ſecurity be given by perſons of known ability in the court where ſuch ſeizure is proſecuted, in the penalty of 60 *l.* to anſwer the coſts and charges of proſecution; and, in default of giving ſuch ſecurity, ſuch ſhip or goods ſhall be adjudged forfeited, and ſhall be condemned. *ſ.* 44.

If any ſhip or goods ſhall be ſeized, and any diſpute ſhall ariſe whether the cuſtoms have been paid, or the ſame have been lawfully imported or exported, or concerning the growth, product, or manufacture, of ſuch goods, or the place from whence ſuch goods were brought, in ſuch caſes the proof thereof ſhall lie upon the owner or claimer, and not upon the officer. *ſ.* 45.

In caſe any information ſhall be commenced and brought to trial in *America*, on account of any ſeizure of any ſhip or goods, wherein a verdict ſhall be given for the claimer thereof; and it ſhall appear to the court, that there was a probable cauſe of ſeizure, the court ſhall certify on the record, that there was a probable cauſe for ſeizing; and, in ſuch caſe, the defendant ſhall not be intitled to any coſts; nor ſhall the perſons who ſeized be liable to any action, or other proſecution, on account of ſuch ſeizure: and in caſe action or proſecution ſhall be commenced,

and

and brought to trial againſt any perſon, on account of the ſeizing any ſuch ſhip or goods, where no information ſhall be commenced or brought to trial to condemn the ſame, and a verdict ſhall be given upon ſuch action, *&c.* againſt the defendant, if the court ſhall certify in like manner that there was a probable cauſe for ſeizure, then the plaintiff, beſides his ſhip or goods ſeized, or the value thereof, ſhall not be intitled to above 2 *d.* damages, nor to any coſts, nor ſhall the defendant befined above 1 *s. ſ.* 46.

If any action ſhall be commenced, either in *Great Britain* or *America*, againſt any perſon for any thing done in purſuance of this or any other act relating to cuſtoms, the defendant may plead the general iſſue; and if the plaintiff ſhall be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 47.

By 4 *Geo.* 3. *c.* 34. All future acts of aſſembly in the plantations for creating or iſſuing paper bills of credit, declaring them to be a legal tender in payment of money, are void.—But *ſee* 13 Geo. 3. c. 57.

By 5 *Geo.* 3. *c.* 45. Any iron, the production or manufactures of any *Britiſh* colony or plantation in *America*, may be there laden on board any ſhip to be carried from thence to *Ireland*; and alſo any *lumber*, ſpecified in 8 *Geo.* 1. of the growth or production of any *Britiſh* colony or plantation in *America*, may, in like manner, be there laden on board any ſhip to be carried from thence to *Ireland*, the *Madeiras*, the weſtern iſles called *The Azores*, or to any part of *Europe* ſouth of *Cape Finiſterre*, upon ſufficient bond being given in the penalty and manner directed by 4 *Geo.* 3. *c.* 15. with condition, that the goods ſhall be there landed, and not in any other part of *Europe*, except *Great Britain*; and certificates under the hands and ſeals of the collector or officer of the cuſtoms reſident at the port where ſuch goods ſhall be landed in *Ireland*, teſtifying the landing thereof, ſhall be produced to the collector or officer where bond ſhall have been given within eighteen months; and for ſuch of the ſaid goods as ſhall be entered for, and landed at, the *Madeiras*, *The Azores*, or ſouth of *Cape Finiſterre*, the like certificate ſhall be produced within the ſame time to the officers, under the common ſeal of the chief magiſtrate, or under the hand and ſeal of the *Britiſh* conſul, or hands and ſeals of two known *Britiſh* merchants reſiding where ſuch goods ſhall be landed; and upon the producing of ſuch certificate, or proof on oath by two perſons, that the goods were taken by enemies, or periſhed in the ſeas, the ſaid bond ſhall be diſcharged. *ſ.* 22.

The bond, with the condition in 4 *Geo.* 3. mentioned, ſhall be given for every veſſel that ſhall ſail from any *Britiſh* colony or plantation in *America*, whether goods ſhall be there laden or not; and if any ſuch veſſel, not having taken any goods on board, ſhall ſail before ſuch bond ſhall be given, ſuch veſſel, with her furniture, ſhall be forfeited, and may be ſeized. *ſ.* 24.

The act 4 *Geo.* 3. *c.* 15. ſhall not extend to require any perſon to take out any ſufferance or cocket for any goods of the growth, product, or manufacture, of the *Britiſh* colonies or plantations in *America*, which are not, by act of parliament made in *Great Britain*, liable to duty upon importation into, or exportation from, the ſaid colonies, nor are prohibited to be exported, which ſhall be laden in any boat, flat, ſhallop, or other veſſel without a deck, not exceeding twenty tons burthen, and ſhall be carried within any river, lake, or other inland waters, within the colonies, and not out to ſea farther than one league from ſhore. *ſ.* 25.

To obviate any doubts in 4. *Geo.* 3. *c.* 15, concerning the conſtruction of the words *ſeizures made at ſea*, it is declared, that the ſaid words ſhall extend to all ſeizures made by the commanders or officers of his majeſty's veſſels of war at ſea, or in or upon any river, and which ſhall not be actually made on ſhore within any *Britiſh* colony or plantation in *America*. *ſ.* 26.

It ſhall be lawful for every collector, and other officer of cuſtoms, in any *Britiſh* colony or plantation in *America*, appointed by the commiſſioners in *England*, to receive ſuch fees as they were intitled to before 29th *Sept.* 1764, provided they are not contrary to act of parliament; and in every port in any *Britiſh* iſland in the *Weſt Indies*, where no fees have been received, ſuch officer ſhall be intitled to the ſame fees as received in the neareſt port in the ſaid iſland before 29th *Sept.* 1764; and, if no fees have been received, ſuch officer ſhall be intitled to ſuch fees as have been received in *Barbadoes*; and in every port on the continent of *America*, within his majeſty's dominions, where no fees have been received by any officer of the cuſtoms, ſuch officer ſhall be intitled to the ſame fees as in the neareſt port in the colony or plantation, before 29th *Sept.* 1764; and if no fees have been received, ſuch officer ſhall be intitled to ſuch fees as have been received in the neareſt port within any *Britiſh* colony or plantation before 29th *Sept.* 1764; and if no fees have been received by any comptroller within any colony or plantation, or if the fees have not been equal to one-third of the fees received by the collector within the ſame port, it ſhall, after fifth *July* 1765, in every ſuch caſe be lawful for ſuch comptroller to receive for his fees, for any entry or other buſineſs done by him in the execution of his employment, a ſum equal to one-third of the fees received for like buſineſs; and every ſuch officer ſhall have the ſame remedy for recovery of ſuch fees, as heretofore allowed; and, if any collector, comptroller, or other officer of cuſtoms in *America*, appointed as aforeſaid, ſhall exact, require, or receive, any other or greater fees than herein allowed, he ſhall, for the firſt offence, forfeit 50 *l.*; one moiety to his majeſty, and the other to the perſon aggrieved, who ſhall ſue for the ſame in the proper court in ſuch colony or plantation; and for the ſecond offence, he ſhall forfeit his place, and be for ever after incapable of executing any office in the cuſtoms. *ſ.* 27.

By 6 *Geo.* 3. *c.* 52. The duty by this act ſhall not be charged upon melaſſes or ſyrups imported into any *Britiſh* plantation on the continent of *America* from *Dominica*, for which a certificate ſhall be produced upon the importation thereof, to the collector or officer of cuſtoms at the port of importation, under the hand and ſeal of office of the collector or officer at the port of exportation in *Dominica*, certifying that the ſaid duty hath been there paid for ſuch melaſſes or ſyrups. *ſ.* 5.

The duties charged by this act upon melaſſes and ſyrups, coffee and pimento, imported into any *Britiſh American* plantation, ſhall be deemed to be ſterling money of *Great Britain*, and be received to the value which ſuch nominal ſums bear in *Great Britain*; and ſuch monies may be received according to the value of 5 *s.* 6 *d.* the ounce in ſilver; and the ſaid duties ſhall be paid and recovered in the ſame manner, and by ſuch means, and under ſuch penalties, as other duties upon goods imported into the plantations: and all monies that ſhall ariſe by the duties (except the charges of raiſing, *&c.*) ſhall be paid into the exchequer, and ſhall be entered ſeparate from all other monies payable to his majeſty, and ſhall be there reſerved, to be diſpoſed of by parliament, towards defraying the expences of defending and ſecuring the *Britiſh* plantations in *America*. *ſ.* 12.

No duty whatſoever ſhall be paid for any *Britiſh* coffee

or pimento imported into any *Britiſh* plantation in *America*, provided the ſame ſhall upon landing thereof be immediately depoſited in warehouſes provided at the ſole expence of the importer or proprietor, with the approbation, and under the care and inſpection, of the collector and comptroller, or officer of cuſtoms, at the port where ſuch goods ſhall be imported, and ſhall be ſecured under the ſeparate locks of ſuch officers, and the proprietor; and ſhall, within twelve months from landing and warehouſing, be ſhipped directly from thence for exportation, either to *Great Britain*, or to ſome other *Britiſh* plantation in *America*, under the ſecurities and reſtrictions required. *ſ.* 15.

No duty whatſoever ſhall be paid for any foreign ſugars, nor for any foreign coffee or indico, imported into any *Britiſh* plantation on the continent of *America*; provided ſuch goods ſhall, upon landing thereof, be immediately depoſited in ſuch warehouſes, and in the manner before mentioned; and ſhall, within twelve months from the landing and warehouſing the ſame, be ſhipped from thence for exportation, as after expreſſed, *viz.* Upon condition that ſuch ſugars ſhall be exported either directly to *Great Britain*, or to ſome other part of *Europe* to the ſouthward of *Cape Finiſterre*, under the like ſecurities, reſtrictions, and forfeitures, as *Britiſh* ſugars may be exported from any *Britiſh* plantation in *America*; and provided that ſuch foreign indico ſhall be exported to *Great Britain* only under the like ſecurities, regulations, and forfeitures, as are mentioned in any act now in force with reſpect to indico of the growth or produce of any *Britiſh* plantation; and provided that, before ſuch foreign coffee ſhall be taken out of ſuch warehouſe for exportation, the exporter ſhall become bound with ſufficient ſecurity in 5 *l.* for every *cwt.* of ſuch coffee, that the ſame ſhall be really exported, according to the entry, and not brought back again or relanded in any part of the *Britiſh* dominions in *America*; which bond the collector and comptroller, or officers of cuſtoms at the port from whence ſuch foreign coffee ſhall be exported, are authoriſed to take, in the name and to the uſe of his majeſty; and the ſaid bond, with reſpect to ſuch coffee exported to *Great Britain*, *Ireland*, or any other place under the dominion of his majeſty where cuſtom-houſe officers are, ſhall be with further condition, to return a certificate within eighteen months from the date of ſuch bond from the collector and comptroller, or other officer of cuſtoms, at ſuch port, that ſuch coffee has been there landed accordingly; and with reſpect to ſuch coffee as ſhall be exported to any place not under the dominion of his majeſty, or where no ſuch officers are, ſuch bond ſhall continue in force for two years from the date; and in caſe no fraud ſhall appear within that time, the commiſſioners of cuſtoms in *England*, or four of them, may direct the bond to be cancelled, *&c.* *ſ.* 16.

If the importer or proprietor of ſuch goods as ſhall be warehouſed, ſhall not pay the duties due for the ſame, nor export ſuch goods within twelve months, the collector and comptroller, or other officer of cuſtoms, at the port where ſuch goods ſhall be ſecured, may cauſe the ſame to be publicly ſold to the beſt advantage; and the money ariſing by ſuch ſale ſhall be firſt applied in diſcharge of the duties and charges of ſale; and the ſurplus (if any) ſhall be paid to the importer or proprietor who landed and warehouſed ſuch goods. *ſ.* 17.

Any perſon may import any cotton wool or indico, of foreign produce or manufacture, into any *Britiſh* iſland in the *Weſt Indies*, in any veſſel that may lawfully trade there, navigated according to law, without payment of any duty whatſoever for ſuch goods. *ſ.* 18.

No duty whatſoever ſhall be paid, in any *Britiſh* plantation in *America*, for any cotton wool exported from thence. *ſ.* 19.

Provided entry of ſuch cotton wool and indico ſhall be made in the cuſtom-houſe belonging to the port where ſuch goods ſhall be imported in the *Weſt Indies*, in the ſame manner, and expreſſing the quantities thereof, as was uſed before this act; and the ſaid goods ſhall be landed in the preſence of the officer appointed, otherwiſe ſuch goods ſhall be liable to duties. *ſ.* 21.

Bond and ſecurity, in the penalty in 12 *Car.* 2. *c.* 18. ſhall alſo be given to the collector, or principal officer of cuſtoms, at any port in any of the *Britiſh American* plantations, with one ſurety beſides the maſter that ſhall take on board there any goods not enumerated in the acts, with condition that ſuch goods ſhall not be landed at any part of *Europe* to the northward of *Cape Finiſterre*, except in *Great Britain*, which bond ſhall be diſcharged, *viz.* for ſuch of the goods as ſhall be entered for, or landed in *Great Britain*, the condition of the bond ſhall be, to bring a certificate in diſcharge thereof within 18 months from the date of ſuch bond, and within ſix months for ſuch of the goods as ſhall be entered for, or landed in, any of the *Britiſh* plantations in *America*; which certificates ſhall be under the hands and ſeals of the collector and comptroller, or principal officer of cuſtoms, reſident at the port where ſuch goods ſhall be landed, teſtifying the landing thereof; and, for ſuch of the goods as ſhall be entered for, or landed at, any other place where the ſame may be legally landed, to bring the like certificate within twelve months, under the common ſeal of the chief magiſtrate, or under the hands and ſeals of two known *Britiſh* merchants reſiding there, or ſuch bond ſhall be diſcharged, by proof upon oath made by credible perſons, that the goods were taken by enemies, or periſhed in the ſeas: and if ſuch non-enumerated goods ſhall be laden on board any veſſel in any *Britiſh* plantation in *America* before bond given, the goods, together with the ſhip and her furniture, ſhall be forfeited, and may be ſeized by any officer of cuſtoms, and proſecuted. *ſ.* 30.

Nothing herein ſhall extend to veſſels *bona fide* bound to ſome of the ports of *Spain* within the bay of *Biſcay*. *ſ.* 31.

If any action ſhall be commenced, either in *Great Britain* or *America*, againſt any perſon for any thing done in purſuance of this or any other act relating to cuſtoms, the defendant may plead the general iſſue; and, if the plaintiff ſhall be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 32.

By 7 *Geo.* 3. *c.* 41. The cuſtoms and other duties impoſed upon any goods or merchandizes imported into, or exported from any *Britiſh* colony or plantation in *America*, may be put under the management of ſuch commiſſioners, to reſide in the ſaid plantations, as his majeſty, by commiſſion under the great ſeal of *Great Britain*, ſhall judge for the advantage of trade, and ſecurity of the revenue of the ſaid *Britiſh* colonies. *ſ.* 1.

The ſaid commiſſioners, or any three of them, ſhall have the ſame powers and authorities for carrying into execution the laws relating to the revenues and trade of the *Britiſh* colonies, as were, before this act, exerciſed by the commiſſioners in *England*, by virtue of any acts now in force: and it ſhall be lawful in ſuch commiſſion to make proviſion for putting in execution the laws relating to the cuſtoms and trade of the *Britiſh* colonies. *ſ.* 2.

By 8 *Geo.* 3. *c.* 22. All forfeitures and penalties relating to the trade or revenues of the *Britiſh* colonies or plantations in *America*, may be ſued for and recovered *in any court of vice-admiralty*, which ſhall have juriſdiction within the

the plantation where the cauſe of proſecution ſhall have ariſen. *ſ.* 1.

Where any proſecution ſhall be commenced and determined in any court of admiralty, either party aggrieved by ſuch determination, may appeal to any court of vice-admiralty, which ſhall have juriſdiction within the plantation; which court of vice-admiralty is to hear and determine all ſuch appeals. *ſ.* 2.

By 9 *Geo.* 3. *c.* 28. It ſhall be lawful for any perſon, inhabiting in *Jerſey* or *Guernſey*, to ſhip and tranſport directly from thence to *Newfoundland*, or any other *Britiſh* plantation in *America*, where the fiſhery is carried on, on board any veſſel which may lawfully trade there, any ſort of craft, food, victuals, clothing, or other goods, fit for the fiſhery, or for the uſe and ſupport of the perſons employed on board the veſſels, or on ſhore, in carrying on the ſaid fiſhery there; ſuch craft, clothing, or other goods, being the growth, produce, or manufacture of *Great Britain*, or of *Jerſey* or *Guernſey*, and ſuch food or victuals being of the growth or produce either of *Great Britain*, *Ireland*, or the ſaid iſlands, 15 *Car.* 2. *c.* 7. and 4 *Geo.* 3. notwithſtanding. *ſ.* 1.

The maſter of ſuch veſſel ſhall produce, to the proper officer of the cuſtoms in the colony or plantation where he ſhall arrive, a certificate, under the hand and ſeal of the governor, deputy governor, or commander in chief, that oath had been made by the ſhipper of ſuch goods before the magiſtrates of the royal courts in *Jerſey* or *Guernſey*, or three of them, that the goods and victuals ſhipped are of ſuch growth, product, or manufacture, as aforeſaid; which certificate ſhall alſo be atteſted by the principal officer of the cuſtoms, who ſhall certify that the oath was taken in his preſence; and on failure of producing ſuch certificate, ſuch craft, food, victuals, clothing or other goods, found on board any veſſel, and the veſſel importing the ſame, ſhall be liable to be ſeized and forfeited. *ſ.* 2.

Any non-enumerated goods, except rum, laden in any *Britiſh American* colony or plantation, may be landed in *Jerſey* or *Guernſey*; and 6. *Geo.* 3. *c.* 52. and all the regulations therein as to the bond and ſecurity for landing ſuch non-enumerated goods in *Great Britain*, ſhall extend to *Jerſey* and *Guernſey* alſo, as fully as if excepted and named in the act; and any bond which ſhall be entered into may be cancelled by the certificate under the hands and ſeals of the magiſtrates of the royal courts of *Jerſey* or *Guernſey*, and the principal officer of the cuſtoms in ſuch iſland, teſtifying the landing there, as if landed in *Great Britain* or *Ireland*. *ſ.* 3.

By 13 *Geo.* 3. *c.* 14. It ſhall be lawful for all perſons, foreigners, or aliens, to lend money at not exceeding 5 *l. per cent. per annum*, upon the ſecurity of any freehold or leaſehold eſtate, in any of his majeſty's colonies in the *Weſt Indies*, and to hold the ſame as an effectual ſecurity for the money lent, and to proſecute any ſuit for recovering the ſame, as after mentioned, whether the foreign ſtate of which ſuch alien is a natural-born ſubject be at war with this kingdom or not. *ſ.* 1.

In caſe of non-payment of the money lent upon ſuch ſecurity at the time agreed upon; it ſhall be lawful for ſuch foreigners to bring and proſecute, by themſelves or attornies, any ſuit at common law on any bond, or other collateral ſecurity, or on any covenant of the borrower, contained in any mortgage or deeds; and alſo bills in the court of chancery of the colony where the eſtate lies, praying a decree of ſale of the mortgaged premiſes, for payment of the debt due thereon; in which ſuit the plaintiff ſhall be intitled to like remedies, for recovery of his debt and coſts, as any *Britiſh* ſubject can have; except the being intitled to obtain, directly or indirectly, the actual poſſeſſion of ſuch mortgaged premiſes, by any proceſs of execution at common law; or to foreclоſe the equity of redemption by decree or order of any court of equity whatſoever. *ſ.* 2.

The court of chancery, where ſuch bills ſhall be brought, may order the ſale of ſuch mortgaged premiſes, in the ſame manner as where the mortgager hath conſented to a ſale. *ſ.* 3.

In ſuch caſes, ſervice of any writ or proceſs of ſuch court, upon the known attorney or agent of ſuch foreigners reſiding within the juriſdicton of the court, ſhall be deemed good ſervice: and in caſe the defendant ſhall be abſent, and have no ſuch attorney or agent reſident within the juriſdiction of the court, upon affidavit thereof made by the perſon ſeeking ſuch relief, or by his attorney, duly conſtituted to the ſatisfaction of the court (in which affidavit ſhall be expreſſed the reſidence of ſuch foreigner, according to the beſt of the deponent's information and belief), it ſhall be lawful for ſuch court to iſſue a commiſſion under ſeal to commiſſioners, authoriſing ſuch commiſſioners to take affidavit of the ſervice of ſuch writ or proceſs on the defendant perſonally, or his uſual place of reſidence, and to certify the ſame; and ſuch affidavit, returned with ſuch commiſſion into the court ſhall be competent evidence of the ſervice of ſuch writ or proceſs: and, if the defendant ſhall not, within ſix months after ſervice, upon the attorney or agent in the colony, or upon the defendant abroad, appear to the ſaid bill, either in perſon, or by attorney appointed under hand and ſeal, or according to the uſage of the country to which the defendant belongs; then the court of chancery in which ſuch ſuit ſhall be brought, is to take the bill *pro confeſſo*, and to decree an account to be taken, by one of the maſters of the court, of what is due to the defendant for principal and intereſt, and alſo for coſts; in taking of which account, the complainant ſhall be obliged to ſhew before the maſter, vouchers for all credits that he ſhall claim: and the court is, on the coming in of the maſter's report to make a final decree, appointing a time and place for payment of the ſum, which, by ſuch report, ſhall appear to be due to the defendant, together with intereſt, until tendered as after mentioned, and adjudging a redemption of the mortgaged premiſes, upon the payment of the ſaid principal and intereſt, and coſts, either to the defendant, or to his attorney, or into the bank of *England* as after preſcribed. *ſ.* 4.

After a time and place for redemption of ſuch mortgage, and the money to be paid for ſuch redemption ſhall be aſcertained by the court, according to the uſual courſe, if the money ſhall be then and there tendered, and if ſuch mortgagee, or his repreſentative, or attorney, refuſe to receive the ſame, or ſhall not attend for that purpoſe; then the mortgager, his repreſentative, or attorney, may pay ſuch money into the bank of *England*, in the name, and with the privity of the accountant-general of the high court of chancery of *England*, to be placed to his account there *ex parte*, the mortgager, or his repreſentative, purſuant to the method preſcribed by 12 *Geo.* 1. *c.* 32. (*See* PART I. page 97.) there to remain for the benefit of the mortgagee, and to be laid out on government or parliamentary ſecurities, as after mentioned, until he ſhall, upon a petition to the high court of chancery, in a ſummary way, at his expence, obtain an order for payment thereof, and of all intereſt ariſing therefrom. *ſ.* 5.

A certificate of the accountant-general, under his hand (which he is to give without fee, as well to the mortgager as to the mortgagee, upon application) that the mortgager, or

his

his heirs or repreſentatives, or attorney, have paid ſuch ſum into the bank of *England*, ſhall be a diſcharge to the mortgager, or his heirs; and, after ſuch certificate ſhall be given, the mortgager, his heirs or aſſigns, and all perſons who may be ſurety for the payment of the ſum originally lent, or the intereſt thereof, ſhall be diſcharged of the ſame; and the legal eſtate of the mortgagee ſhall be, after granting ſuch certificate, reveſted in the mortgager, *&c.* *ſ.* 6.

In the mean time, and until the mortgagee, or his repreſentatives, ſhall apply by petition to the high court of chancery for an order to receive the ſum, the accountant-general ſhall place out the ſame on government or parliamentary ſecurities; and ſhall pay the intereſt unto the perſon intitled to the ſum paid into the bank. *ſ.* 7.

The ſaid high court of chancery ſhall make an order for the payment of the ſum that ſhall be paid into the bank, and of all dividends therefrom ariſing, to the perſon intitled thereto, upon an application made to the court by petition, in a ſummary way, by the mortgagee; on hearing of which petition it ſhall be ſufficient for the petitioner to prove, to the ſatisfaction of the court, that he is the perſon for whoſe uſe the money was paid into the bank, or the legal repreſentative of ſuch perſon, without requiring any of the proceedings in the court of chancery of the colony to be tranſmitted hither; and upon producing ſuch order to the accountant-general, the money ſhall be paid to the perſon ſpecified in ſuch order, or to his attorney, without fee. *ſ.* 8.

By 13 *Geo.* 3. *c.* 57. Any certificates, notes, bills, or debentures, voluntarily accepted by the creditors of the public within any of the colonies in *America*, as a ſecurity for the payment of what is due to the public creditors, may be enacted by the general aſſemblies of the colonies reſpectively to be a legal tender to the public treaſuerers in the colonies, for the diſcharge of any duties, taxes, or other debts whatſoever, due to, and payable at the public treaſuries of the colonies, in virtue of laws paſſed within the ſame, and in no other caſe whatſoever, 4 *Geo.* 3. notwithſtanding.

By 14 *Geo.* 3. *c.* 83. All the territories, iſlands, and countries in *North America*, belonging to the crown of *Great Britain*, bounded on the ſouth by a line from the bay of *Chaleurs*, along the high lands which divide the rivers that empty themſelves into the river *St. Lawrence* from thoſe which fall into the ſea, to a point in forty-five degrees of northern latitude on the eaſtern bank of the river *Connecticut*, keeping the ſame latitude directly weſt, through the lake *Champlain*, until, in the ſame latitude, it meets the river *St. Lawrence*; from thence up the eaſtern bank of the ſaid river to the lake *Ontario*; thence through the lake *Ontario*, and the river commonly called *Niagara*; and thence along by the eaſtern and ſouth-eaſtern bank of lake *Erie*, following the ſaid bank, until the ſame ſhall be interſected by the northern boundary, granted by the charter of the province of *Pennſylvania*, in caſe the ſame ſhall be ſo interſected; and from thence along the ſaid northern and weſtern boundaries of the ſaid province, until the ſaid weſtern boundary ſtrike the *Ohio:* but in caſe the ſaid bank of the ſaid lake ſhall not be found to be ſo interſected, then following the ſaid bank until it ſhall arrive at that point of the ſaid bank which ſhall be neareſt to the north-weſtern angle of the ſaid province of *Pennſylvania*, and thence by a right line, to the ſaid north-weſtern angle of the ſaid province; and thence along the weſtern boundary of the ſaid province, until it ſtrike the river *Ohio*; and along the bank of the ſaid river, weſtward, to the banks of the *Miſſiſſippi*, and northward to the ſouthern boundary of the territory granted to the merchants adventurers of *England* trading to *Hudſon's Bay*; and alſo all ſuch territories, iſlands, and countries, which have, ſince the 10th of *February* 1763, been made part of the government of *Newfoundland*, are hereby, during his majeſty's pleaſure, annexed to, and made part of, the province of *Quebec*, as created by the royal proclamation of the 7th of *October* 1763.

Nothing herein ſhall affect the boundaries of any other colony. *ſ.* 2.

Nothing in this act ſhall make void or alter any right, title, or poſſeſſion, derived under any grant, conveyance, or otherwiſe, of any lands within the province, or the provinces adjoining. *ſ.* 3.

"Former proviſions were made void." *ſ.* 4.

His majeſty's ſubjects, profeſſing the religion of the church of *Rome* in *Quebec*, may enjoy the free exerciſe of the religion, ſubject to the king's ſupremacy, declared by an act made in 1 *Eliz.*; and the clergy of the ſaid church may enjoy their accuſtomed dues, with reſpect to ſuch perſons only as ſhall profeſs the ſaid religion. *ſ.* 5.

His majeſty may make proviſion out of the reſt of the accuſtomed dues, for the encouragement of the proteſtant religion, and for the maintenance and ſupport of a proteſtant clergy within the province. *ſ.* 6.

No perſon, profeſſing the religion of the church of *Rome*, and reſiding in the province, ſhall be obliged to take the oath required by 1 *Eliz.*, or any other oaths, by any other act, in the place thereof; but ſuch perſon ſhall be obliged to take and ſubſcribe the following oath before the governor, or ſuch other perſon in ſuch court of record as his majeſty ſhall appoint, who are to adminiſter the ſame; *viz.*

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his majeſty king* George, *and him will defend to the utmoſt of my power, againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon, crown, and dignity; and I will do my utmoſt endeavour to diſcloſe and make known to his majeſty, his heirs and ſucceſſors, all treaſons, and traiterous conſpiracies and attempts, which I ſhall know to be againſt him, or any of them; and all this I do ſwear without any equivocation, mental evaſion, or ſecret reſervation, and renouncing all pardons and diſpenſations from any power or perſon whomſoever to the contrary.*

So help me God.

And ſuch perſon, who ſhall neglect or refuſe to take the ſaid oath, ſhall be liable to the ſame penalties as for neglecting or refuſing to take the oath required by 1 *Eliz.*. *ſ.* 7.

All his majeſty's *Canadian* ſubjects within the province of *Quebec*, the religious orders and communities only excepted, may alſo enjoy their property and poſſeſſions, together with all cuſtoms relative thereto, and all other their civil rights, as ample as if the proclamation, commiſſions, ordinances, and other acts had not been made, and as may conſiſt with their allegiance to his majeſty, and ſubjection to the crown and parliament of *Great Britain*; and in all matters of controverſy, relative to property and civil rights, reſort ſhall be had to the laws of *Canada*, as the rule for the deciſion of the ſame; and all cauſes that ſhall hereafter be inſtituted in any of the courts of juſtice, to be appointed within and for the ſaid province by his majeſty, ſhall, with reſpect to ſuch property and rights, be determined agreeably to the ſaid laws and cuſtoms of *Canada*, until they ſhall be varied by any ordinances that ſhall be paſſed in the province by the governor, lieutenant-governor, or commander in chief, with the advice and conſent of the legiſlative council of the ſame, to be appointed as after mentioned. *ſ.* 8.

Nothing

Nothing in this act ſhall extend to any lands granted by his majeſty, to be holden in free and common ſoccage. *ſ.* 9.

Every owner of lands, goods, or credits, in the province, that has a right to alienate the ſaid lands, *&c.* in his life-time, by deed of ſale, gift, or otherwiſe, may deviſe or bequeath the ſame at his death by will; ſuch will being executed either according to the laws of *Canada*, or according to the laws of *England*. *ſ.* 10.

The criminal law of *England* ſhall be adminiſtered and obſerved as law in the province of *Quebec*, as well in the deſcription of the offence, as in the method of proſecution and trial; and the puniſhments and forfeitures thereby inflicted to the excluſion of every other mode which did prevail in the province before 1764; ſubject to ſuch alterations and amendments as the governor, lieutenant governor, or commander in chief, with the advice and conſent of the legiſlative council, ſhall cauſe to be made therein, as after directed. *ſ.* 11.

It ſhall be lawful for his majeſty, by warrant under his ſignet or ſign manual, and with the advice of the privy council, to appoint a council for the affairs of the province, to conſiſt of ſuch perſons reſident there, not exceeding twenty-three, nor leſs than ſeventeen; and, upon the death, removal, or abſence of any of the members of the ſaid council, to appoint other perſons to ſupply the vacancy; which council, or the major part thereof, ſhall have power to make ordinances for the peace, welfare, and good government of the province, with the conſent of the governor, or, in his abſence, of the lieutenant-governor, or commander in chief. *ſ.* 12.

Nothing in this act ſhall authoriſe the council to lay any taxes within the province, ſuch taxes only excepted as the inhabitants of any town or diſtrict within the province may be authoriſed by the council to aſſeſs and apply within the ſaid diſtrict, for making roads, erecting and repairing public buildings, or reſpecting the local convenience and œconomy of ſuch diſtrict. *ſ.* 13.

Every ordinance ſo made, ſhall, within ſix months, be tranſmitted by the governor, *&c.* and laid before his majeſty for approbation; and if his majeſty diſallow thereof, the ſame ſhall ceaſe from the time that his majeſty's order in council ſhall be promulgated at *Quebec*. *ſ.* 14.

No ordinance touching religion, or by which any puniſhment may be inflicted greater than fine or impriſonment for three months, ſhall be of any force until it have received his majeſty's approbation. *ſ.* 15.

No ordinance ſhall be paſſed at any meeting where leſs than a majority of the whole council is preſent, or at any time except between the 1ſt of *January* and 1ſt of *May*, unleſs upon ſome urgent occaſion; in which caſe every member reſident at *Quebec*, or within fifty miles thereof, ſhall be perſonally ſummoned by the governor, *&c.* to attend the ſame. *ſ.* 16.

Nothing herein ſhall prevent his majeſty by letters patent under the great ſeal of *Great Britain* from appointing ſuch courts of criminal, civil, and eccleſiaſtical juriſdiction within the province, and appointing the judges and officers thereof, as his majeſty ſhall think neceſſary. *ſ.* 17.

Nothing in this act ſhall repeal within the province of *Quebec*, any act heretofore made for prohibiting or regulating the trade or commerce of his majeſty's plantations in *America*; but the ſaid acts, and alſo all acts of parliament heretofore made concerning the plantations, ſhall be in force within the province of *Quebec*. *ſ.* 18.

By 14 *Geo.* 3. *c.* 88. There ſhall be paid unto his majeſty for the goods hereinafter mentioned, which ſhall be imported into any part of the province of *Quebec*, above all other duties now payable in the province by any act of parliament, the duties following; *viz.*

For every gallon of brandy, or other ſpirits, of the manufacture of *Great Britain*, 3 *d.*

For every gallon of rum, or other ſpirits, imported from any of his majeſty's ſugar colonies in the *Weſt Indies*, 6 *d.*

For every gallon of rum, or other ſpirits, imported from any other of his majeſty's dominions in *America*, 9 *d.*

For every gallon of foreign brandy, or other ſpirits, of foreign manufacture, imported from *Great Britain*, 1 *s.*

For every gallon of rum, or ſpirits, of the produce or manufacture of any of the plantations in *America*, not under the dominion of his majeſty, imported from any other place except *Great Britain*, 1 *s.*

For every gallon of molaſſes and ſyrups, imported into the province, in veſſels belonging to his majeſty's ſubjects in *Great Britain* or *Ireland*, or to his majeſty's ſubjects in the province, 3 *d.*

For every gallon of molaſſes and ſyrups, imported in any other veſſels, 6 *d.*

The ſaid duties ſhall be ſterling money of *Great Britain*, and ſhall be paid to the value ſuch ſums bear in *Great Britain*; and ſuch monies may be received according to the value of 5 *s.* 6 *d.* the ounce in ſilver; and the duties ſhall be paid and recovered in the ſame manner, and by ſuch rules, and under ſuch penalties, except where any alteration is made by this act, as other duties payable in any *Britiſh* plantation in *America* are; and all the monies that ſhall ariſe by the ſaid duties (except the charges of raiſing, *&c.*) ſhall be paid, by the collector of cuſtoms, into the hands of his majeſty's receiver-general in the ſaid province, and ſhall be applied, firſt, in making a more certain proviſion towards defraying the expences of the adminiſtration of juſtice, and of the ſupport of civil government, in the province; and the commiſſioners of the treaſury, or three of them, ſhall, by warrants under their hands, cauſe ſuch money to be applied out of the produce of the ſaid duties, towards defraying the ſaid expences; and the reſidue of the duties ſhall remain in the hands of the ſaid receiver-general, for the future diſpoſition of parliament. *ſ.* 2.

If any goods chargeable with the ſaid duties ſhall be brought into the province by land carriage, the ſame ſhall paſs through the port of *Saint John*'s, near the river *Sorrel*; or if ſuch goods ſhall be brought into the province by any inland navigation, other than upon the river *Saint Lawrence*, the ſame ſhall paſs upon the river *Sorrel*, by the ſaid port, and ſhall be there entered with, and the ſaid duties paid for the ſame, to ſuch officer of cuſtoms as ſhall be there appointed; and if ſuch goods coming by land carriage, or inland navigation, ſhall paſs by or beyond the place before named, without entry or payment of the duties, or ſhall be brought into any part of the province, through any other place, the ſaid goods ſhall be forfeited; and every perſon aſſiſting, or concerned, in bringing ſuch goods, or to whoſe hands the ſame ſhall come, knowing that they were brought contrary to this act, ſhall forfeit treble the value of ſuch goods, to be eſtimated according to the beſt price in *Quebec*; and all horſes, cattle, boats, veſſels, and other carriages uſed in the removal, ſhall alſo be forfeited, and ſhall be ſeized by any officer of cuſtoms. *ſ.* 3.

The penalties by this act inflicted ſhall be ſued for in any court of admiralty, or vice-admiralty, having juriſdiction within the province, and the ſame ſhall be recovered and divided in the ſame manner, and by the ſame rules, as other penalties for offences againſt the cuſtoms and trade of the colonies in *America*. *ſ.* 4.

There

There ſhall be paid unto his majeſty's receiver-general of the province, for the uſe of his majeſty, a duty of 1 *l.* 16 *s.* ſterling money of *Great Britain* for every licence granted by the governor, *&c.* to any perſon for keeping a houſe or other place of public entertainment, or for retailing wine, brandy, rum, or other ſpirituous liquors, within the province; and any perſon keeping ſuch houſe, *&c.* or retailing ſuch liquors without ſuch licence, ſhall forfeit 10*l.* for every offence; one moiety to ſuch perſon as ſhall inform, and the other ſhall be paid into the hands of the receiver-general, for the uſe of his majeſty. *ſ.* 5.

Nothing herein ſhall diſcontinue any part of the territorial or caſual revenues, fines, rents, or profits, which belonged to his moſt chriſtian majeſty before the conqueſt and ſurrender to the king of *Great Britain*; but the ſame ſhall remain and be paid. *ſ.* 6.

If any action ſhall be commenced againſt any perſon for any thing done in purſuance of this act, and it ſhall appear to the court that ſuch action is brought for any thing done in purſuance of this act, the defendant ſhall be indemnified and acquitted for the ſame; and, if ſuch defendant ſhall be ſo acquitted, *&c.* ſuch court ſhall award to the defendant treble coſts. *ſ.* 7.

By 15 *Geo.* 3. *c.* 40. It ſhall be lawful to convey by land carriage or inland navigation, into any parts of the province of *Quebec*, not heretofore comprehended within the limits thereof by his majeſty's royal proclamation of the 7th *October* 1763, any quantity of rum, brandy, or other ſpirits; 14 *Geo.* 3. *c.* 18. notwithſtanding.

By 18 *Geo.* 3. *c.* 12. It was declared that the king and parliament of *Great Britain* will not impoſe any duty, tax, or aſſeſſment whatever, payable in any of his majeſty's colonies, provinces, and plantations in *North America* or the *Weſt Indies*, except only ſuch duties as it may be expedient to impoſe for the regulation of commerce; the net produce of ſuch duties to be always applied to the uſe of the colony, province, or plantation, in which the ſame ſhall be levied, in ſuch manner as other duties collected by the authority of the general courts, or general aſſemblies, of ſuch colonies, *&c.* are ordinarily paid. *ſ.* 1.

By 18 *Geo.* 3. *c.* 58. The collector, or principal officer of cuſtoms, to whom the affidavit required by 4 *Geo.* 3. *c.* 15. ſhall be produced and delivered ſhall (without fee), within thirty days after the ſailing of the veſſel, tranſmit one exact copy of the affidavit, to the ſecretary's office for the plantation where the ſugar or paneles, referred to in the affidavit, were ſhipped; and ſhall alſo, within the like ſpace of thirty days, tranſmit another exact copy of ſuch affidavit to the juſtices and veſtry of the pariſh or precincts where the ſaid ſugar or paneles grew, or were produced and manufactured, on the penalty of forfeiting 50*l.* for every neglect. *ſ.* 1.

In caſe any juſtice of the peace of the ſaid plantations ſhall ſubſcribe his name to any affidavit for the purpoſe directed by 4 *Geo.* 3. unleſs the perſon purporting to make ſuch affidavit ſhall actually appear before him, and be ſworn upon the Holy Evangeliſts to the truth of the affidavit, ſuch juſtice ſhall forfeit 50*l.* *ſ.* 2.

The penalties ſhall be recovered and diſpoſed of in the ſame manner as the penalties in 4 *Geo.* 3. *ſ.* 4.

By 22 *Geo.* 3. *c.* 75. No office to be exerciſed in any colony or plantation belonging to the crown of *Great Britain* ſhall be granted by patent for any longer term than during ſuch time as the grantee thereof, or perſon appointed thereto, ſhall diſcharge the duty thereof in perſon, and behave well therein. *ſ.* 1.

If any perſon holding ſuch office, ſhall be wilfully abſent from the colony or plantation, without a reaſonable cauſe to be allowed by the governor and council of ſuch colony or plantation, or ſhall neglect the duty of ſuch office, do otherwiſe miſbehave, it ſhall be lawful for ſuch governor and council to amove ſuch perſon from ſuch office: and the perſon aggrieved thereby may appeal therefrom, as in other caſes of appeal from ſuch colony or plantation, whereon ſuch amotion ſhall be finally judged of by his majeſty in council. *ſ.* 2.

It ſhall be lawful for the governor and council of any colony or plantation to give ſuch leave of abſence; and in ſuch caſe, as likewiſe in the caſe of vacancy by death or amotion, to provide for the diſcharge of the duties of ſuch office, until the king's pleaſure be known. *ſ.* 3.

Nothing to operate to the prejudice of any ſubſiſting grant of ſuch offices, or to prevent any office being granted determinable at pleaſure. *ſ.* 4.

By 27 *Geo.* 3. *c.* 27. Wool, cotton-wool, indigo, cochineal, drugs of all ſorts, cocoa, logwood, fuſtick, and all ſorts of wood for dyers uſe, hides, ſkins, and tallow, beaver, and all ſorts of furs, tortoiſe-ſhell, hardwood, or mill timber, mahogany, and all other woods for cabinet ware, horſes, aſſes, mules, and cattle, being the growth or production of any of the plantations in *America*, under the dominion of any foreign *European* ſtate, and all corn and bullion, diamonds, or precious ſtones, may be imported from any of the ſaid plantations into the ports of *Kingſton*, *Savannah la Mar*, *Montego Bay*, and *Santa Lucea* in *Jamaica*, the port of *Saint George* in *Grenada*, *Roſeau* in *Dominica*, and *Naſſau* in *New Providence*, one of the *Bahama* iſlands, in any foreign veſſel, not having more than one deck, and not exceeding the burthen of 70 tons, owned and navigated by the ſubjects of any foreign *European* ſtate. *ſ.* 2.

No goods, except ſuch as are before enumerated, ſhall be imported in any ſuch foreign veſſel, from any of the plantations in *America*, belonging to any foreign *European* ſtate, into any of the before-mentioned ports, upon any pretence whatever, upon pain of forfeiting the ſame, together with the veſſel, and the guns, tackle, apparel, and furniture; and the ſame ſhall be ſeized by any officer of cuſtoms or navy, who are authoriſed to make ſeizures, and ſhall be proſecuted as after directed. *ſ.* 3.

It ſhall be lawful to export from any of the ſaid ports to any of the plantations in *America* belonging to any foreign *European* ſtate, in any veſſel owned and navigated by the ſubjects of any foreign *European* ſtate, not having more than one deck, and not exceeding 70 tons, rum, of the produce of any *Britiſh* iſland, and alſo negroes brought into the ſaid iſlands in *Britiſh*-built ſhips, owned, navigated, and regiſtered according to law, and all manner of goods which ſhall have been legally imported into the ſaid iſlands, except maſts, yards, or bowſprits, pitch, tar, turpentine, and tobacco, and alſo except ſuch iron as ſhall have been brought from the *Britiſh* plantations in *America*. *ſ.* 4.

If any doubt ſhall ariſe whether ſuch goods intended to be exported, ſhall have been legally imported into *Jamaica*, *Grenada*, *Dominica*, and *New Providence*, the legality of ſuch importation ſhall be made appear to the ſatisfaction of the collector and comptroller, or other officer of cuſtoms at the port of exportation, before ſuch goods ſhall be ſhipped. *ſ.* 5.

All wool, cotton-wool, indigo, cochineal, drugs of all ſorts, cocoa, logwood, fuſtick, and all ſorts of wood for dyers uſe, hides, ſkins, and tallow, beaver, and all ſorts of furs, tortoiſe-ſhell, mahogany, and all other woods for cabinet ware, of the growth or production of any of the plantations in *America*, belonging to any foreign *European* ſtate, ſhall be allowed to be exported from *Jamaica*, *Grenada*,

nada, *Dominica*, and *New Providence*, to *Great Britain* or *Ireland*, under the rules and forfeitures mentioned in 12 *Car.* 2. *c.* 18.; 22 & 23 *Car.* 2. *c.* 26; and 20 *Geo.* 3. *c.* 10. with reſpect to the goods therein enumerated. *ſ.* 6.

No goods whatever, of the growth, production, or manufacture, of *Europe*, or the *Eaſt Indies*, or other places beyond the *Cape of Good Hope*, ſhall, upon any pretence whatever, be exported from *Grenada* or *Dominica*, or from the *Bahama* iſlands, to any other *Britiſh* plantation in *America*, or the *Weſt Indies*, upon pain of forfeiting ſuch goods, together with the veſſel, and the guns, *&c.*; and the ſame ſhall be ſeized by any officer of cuſtoms or navy; and ſhall be proſecuted as after directed. *ſ.* 7.

No duty of gunpowder, nor any fee whatever, ſhall be demanded, or received, by any officer in *Jamaica*, *Grenada*, *Dominica*, and *New Providence*, for any entry, cocquet, clearance, or paſſport, for any foreign veſſel, or for any goods imported into or exported from the ſaid iſlands in ſuch foreign veſſels, under the penalties inflicted upon officers exacting or receiving greater fees than are allowed by 5 *Geo.* 3. *c.* 45. *ſ.* 27. *ſ.* 8.

All penalties impoſed by this act ſhall be recovered and divided in *Great Britain*, *Guernſey*, *Jerſey*, or the *Iſle of Man*, or in any of his majeſty's colonies or iſlands in *America*, in the ſame manner, and by the ſame rules, as other penalties impoſed by any act made for the ſecurity of the cuſtoms, or for the regulation of trade or navigation. *ſ.* 9.

This act ſhall continue in force to *Sept.* 1, 1792, and from thence to the end of the then next ſeſſion of parliament. *ſ.* 10.

By 28 *Geo.* 3. *c.* 6. No goods whatever ſhall be imported from any of the territories belonging to the United States of *America* into any of his majeſty's *Weſt India* iſlands (the *Bahama* iſlands, and the *Bermuda* or *Somers* iſlands, included), under forfeiture thereof, and alſo of the veſſel, together with all her guns, furniture, ammunition, tackle, and apparel, except tobacco, pitch, tar, turpentine, hemp, flax, maſts, yards, bowſprits, ſtaves, heading-boards, timber, ſhingles, and lumber of any ſort; horſes, neat cattle, ſheep, hogs, poultry, and live ſtock of any ſort; bread, biſcuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, and grain of any ſort; ſuch commodities being the growth or production of any of the territories of the United States. *ſ.* 1.

None of the goods before excepted ſhall be imported into any of the ſaid iſlands from the territories of the United States, under forfeiture thereof, and alſo of the veſſel, together with all her guns, *&c.* except by *Britiſh* ſubjects, and in *Britiſh*-built ſhips, owned by his majeſty's ſubjects, and navigated according to law. *ſ.* 2.

It ſhall be lawful to export from any of the *Weſt India* iſlands to any port within the territories belonging to the United States, any goods whatſoever, not prohibited to be exported from the ſaid iſlands to any foreign country in *Europe*; and alſo ſugar, melaſſes, coffee, cocoa nuts, ginger, and pimento: and all cocoa nuts or ginger ſo exported ſhall be ſubject to the ſame duties to which the ſame are ſubject if exported to any *Britiſh* plantation in *America*; and the ſaid duties ſhall be paid and applied as the duties on cocoa nuts or ginger exported to any *Britiſh* plantation in *America* are: provided no ſugar, melaſſes, coffee, cocoa nuts, ginger, or pimento, nor any other articles whatſoever (except ſalt from *Turk's Iſlands*, part of the *Bahama* iſlands), ſhall be ſo exported, except by *Britiſh* ſubjects, and in *Britiſh*-built ſhips, owned by his majeſty's ſubjects, and navigated according to law, under forfeiture thereof, and alſo of the veſſel, together with her guns, *&c.* *ſ.* 3.

Where, on exportation of goods to any *Britiſh* plantation in *America*, a bond is required by law for the due landing of ſuch goods in ſuch plantation, and a certificate is required to diſcharge ſuch bond, a ſimilar bond ſhall be required; on exportation of ſuch goods to the territories of the United States, for the due landing the ſame in the ſaid territories; and ſuch bond ſhall be diſcharged, upon a certificate under the hand and ſeal of the *Britiſh* conſul or vice conſul, provided ſuch conſul ſhall be reſident at the port where ſuch goods ſhall be landed; or, in caſe there ſhall not be any ſuch conſul, then under the hand and ſeal of any officer appointed by the United States for granting ſuch certificate; and, if there ſhall not be any officer appointed, then ſuch bond ſhall be diſcharged upon a certificate under the hand and ſeal of any magiſtrate of the United States, certifying that there is no ſuch officer at the port where ſuch goods ſhall be landed, and that oath hath been made before ſuch magiſtrate, by the maſter, that the goods for which ſuch certificate is required were landed by him at ſuch port. *ſ.* 4.

It ſhall be lawful for any veſſel belonging to the inhabitants of the United States coming in ballaſt, and not otherwiſe, to enter the ports of *Turk's Iſlands*, for being there laden with ſalt, and for no other purpoſe whatever; under the proviſions after-mentioned. *ſ.* 5.

The maſter of ſuch veſſel ſhall, immediately after the arrival of ſuch veſſel into any port of the ſaid iſlands, make a true entry, upon oath, before the collector, or officer, of ſuch port, of his veſſel, declaring of what country ſhe is built, how manned, who was the maſter during the voyage, and who are the owners thereof, and the purpoſe for which he enters the ſaid port, that ſuch veſſel may undergo the ſearch and examination of the officers of cuſtoms: and ſuch maſter ſhall truly anſwer upon oath to ſuch queſtions touching the ſame as ſhall be demanded of him by ſuch collector or officer, upon pain that ſuch maſter ſhall forfeit 100*l.*; and the collector, or officer of cuſtoms, is to adminiſter the ſaid oaths. *ſ.* 6.

There ſhall be paid unto his majeſty, a tonnage duty, at the rate of 2*s.* 6*d.* ſterling, payable in dollars at 5*s.* 6*d.* *per* ounce for each ton burthen of every veſſel belonging to the inhabitants of the United States coming to *Turk's Iſlands*; and the tonnage ſhall be aſcertained by admeaſurement, made by ſuch officer as ſhall be appointed by the commiſſioners of cuſtoms in *England*, or four of them; which officer ſhall admeaſure ſuch veſſel according to the following method; *viz.* drop a plumb-line over the ſtern of the ſhip, and meaſure the diſtance between ſuch line and the after-part of the ſtern-poſt at the load water mark; then meaſure from the top of the ſaid plumb-line, in a parallel direction with the water, to a perpendicular point immediately over the load water mark at the fore-part of the main ſtem; ſubtracting from ſuch meaſurement the above diſtance, the remainder will be the ſhip's extreme length, from which is to be deducted three inches for every foot of the load draught of water for the rake abaft, and alſo three-fifths of the ſhip's breadth for the rake forward, the remainder ſhall be eſteemed the juſt length of the keel, to find the tonnage; and the breadth ſhall be taken from outſide to outſide of the plank, in the broadeſt part of the ſhip, either above or below the main wales, excluſive of all manner of ſheathing or doubling wrought upon the ſide of the ſhip; then multiply the length of the keel for tonnage by the breadth taken, and that product by half the breadth, and dividing by 94, the quotient ſhall be deemed the true contents of the tonnage. *ſ.* 7.

The full amount of the tonnage duty ſhall be paid to the collector of cuſtoms in the iſlands, at the port wherein he

ſhall be appointed to reſide, before any ſalt ſhall be loaden; and ſuch duty ſhall be under the management of the commiſſioners of cuſtoms, and be collected in ſuch manner as other duties on goods imported into any of the ſaid iſlands, *&c.* under the dominion of his majeſty in *America* or the *Weſt Indies* are; and ſuch duty ſhall, under ſuch management, be ſubject to the payment of the ſalaries of the officers and other charges of the port, and the reſidue be paid to the receiver-general of cuſtoms in *England*, to be paid by him into the exchequer, under the head of conſolidated cuſtoms. *ſ.* 8.

No goods whatſoever ſhall be exported from *Turk's Iſlands* to any of his majeſty's dominions in *America* or the *Weſt Indies*, or loaden on board any veſſel in *Turk's Iſlands*, for that purpoſe, except ſalt; and no goods whatſoever ſhall be exported from *Turk's Iſlands* to *Great Britain* or *Ireland*, or loaden on board any veſſel in the ſaid iſlands for that purpoſe, except ſalt, and alſo except ſuch goods as may now, or hereafter be imported into this kingdom from other countries, free of duties, under the penalty of forfeiture of all ſuch goods ſo exported, or laid on board, and of the veſſel, and of all her guns, *&c.* *ſ.* 9.

No tobacco, pitch, tar, turpentine, hemp, flax, maſts, yards, bowſprits, ſtaves, heading-boards, timber, ſhingles, or lumber of any ſort; bread, biſcuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any ſort, ſhall be imported into any iſland under the dominion of his majeſty, in the *Weſt Indies* (the *Bahama* and the *Bermuda* or *Somers* iſlands included), from any iſland in the *Weſt Indies* under the dominion of any foreign *European* ſtate, under the penalty of forfeiture thereof, and of the veſſel, together with all her guns, *&c.* *ſ.* 10.

In caſe of public emergency or diſtreſs, any of the governors, lieutenant governors, or commanders in chief, of any of the iſlands in the *Weſt Indies*, under the dominion of his majeſty, with the conſent of their councils, may authoriſe the importation of tobacco, pitch, tar, turpentine, hemp, flax, maſts, yards, bowſprits, ſtaves, heading-boards, timber, ſhingles, or lumber of any ſort; bread, biſcuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any ſort, for a limited time, from any iſland in the *Weſt Indies*, under the dominion of any foreign *European* ſtate, for the ſupply of the inhabitants of the iſlands: provided, ſuch goods ſhall not be imported, except by *Britiſh* ſubjects, and in *Britiſh*-built ſhips, owned by ſubjects, and navigated according to law, under the forfeiture above mentioned. *ſ.* 11.

No goods whatever ſhall be imported from any of the territories belonging to the United States into the provinces of *Nova Scotia*, or *New Brunſwick*, or the iſlands of *Cape Breton*, *Saint John's*, or *Newfoundland*, or into any country or iſland within their governments, under the penalty of forfeiture thereof, together with the veſſel, and all her guns, *&c.* *ſ.* 12.

In caſe of public emergency or diſtreſs, any of the governors, lieutenant governors, or commanders in chief, of the provinces of *Nova Scotia*, or *New Brunſwick*, or of the iſlands of *Cape Breton*, or *Saint John's*, with the advice and conſent of their councils, may authoriſe the importation of ſcantling, planks, ſtaves, heading-boards, ſhingles, hoops, or ſquared timber of any ſort; horſes, neat cattle, ſheep, hogs, poultry, or live ſtock of any ſort; bread, biſcuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any ſort, for a limited time, from any of the territories belonging to the United States, for the ſupply of the inhabitants: provided, that ſuch goods ſhall not be imported, except by *Britiſh* ſubjects, and in *Britiſh*-built ſhips, owned by ſubjects, and navigated according to law, under the penalty of the forfeiture above mentioned: and it ſhall be lawful for his majeſty in council, by order to be iſſued and publiſhed from time to time, to authoriſe, or by warrant under his ſign manual, to empower the governor of *Newfoundland* to authoriſe, in caſe of neceſſity, the importation into *Newfoundland* of bread, flour, *Indian* corn, and live ſtock, from any of the territories belonging to the United States, for the ſupply of the inhabitants and fiſhermen of *Newfoundland*, for the then enſuing ſeaſon only: provided, ſuch bread, flour, *Indian* corn, and live ſtock, ſhall not be imported, except in conformity to ſuch rules as ſhall be ſpecified in ſuch order or warrant, and except by *Britiſh* ſubjects, and in *Britiſh*-built ſhips, owned by ſubjects, and navigated according to law, under the forfeiture above. *ſ.* 13.

No goods whatever ſhall be imported from any of the territories belonging to the United States, by ſea, or coaſtwiſe, into the province of *Quebec*, or into the countries or iſlands within the government thereof, or up the river *Saint Lawrence* from the ſea, under the forfeiture thereof, together with the veſſel, and all her guns, *&c.* *ſ.* 14.

This act ſhall not repeal 27 *Geo.* 3. *c.* 27.; but the ſame ſhall continue in force. *ſ.* 15.

All the goods, and all veſſels, forfeited by this act, ſhall be ſeized by the commanders of any of his majeſty's veſſels of war, or any commiſſioned, warrant, or petty officer, ſpecially authoriſed by them, or by any officer of cuſtoms; and every forfeiture ſhall be recovered in ſuch courts, and by ſuch ways, and the produce thereof applied in ſuch manner, and to ſuch uſes, as any forfeiture reſpecting the cuſtoms may now be ſued for, *&c.* either in this kingdom, or in any of his majeſty's dominions in *North America*, or the *Weſt Indies*. *ſ.* 16.

By 28 *Geo.* 3. *c.* 39. Where any rum or other ſpirits, the produce or manufacture of any of his majeſty's colonies in the *Weſt Indies*, ſhall be legally imported into the province of *Quebec*, from any of the colonies, in any veſſel which, in her laſt preceding voyage, ſhall have carried to, and landed in, any of the ſaid colonies, a cargo of lumber and proviſions, horſes or neat cattle, from the ſaid province, it ſhall be lawful to admit to an entry and land any quantity of ſuch rum or ſpirits, not exceeding in value the cargo of lumber or proviſions, horſes or neat cattle, ſo carried and landed, without payment of the duty of 6 *d. per* gallon impoſed by 14 *Geo.* 3. *ſ.* 1.

Where any rum or other ſpirits, the produce or manufacture of any of the colonies in the *Weſt Indies*, ſhall be legally imported into the province from any of the ſaid colonies, in any veſſel which, in her next clearing out from the ſaid province after ſuch importation, ſhall load with a cargo of lumber or proviſions, horſes or neat cattle, in the province, and carry to, and land the ſame in ſome of the ſaid colonies, it ſhall be lawful to admit to an entry and land any quantity of ſuch rum or ſpirits, not exceeding in value the cargo of lumber or proviſions, horſes or neat cattle, loaded, without payment of the duty of 6 *d. per* gallon: provided the owner of ſuch laſt veſſel, which ſhall have imported ſuch rum or ſpirits, or in caſe of ſuch owner not reſiding in the province, the maſter, together with one or more ſureties reſiding within the province, ſhall, before ſuch rum or ſpirits be admitted to an entry without payment of the ſaid duty, give bond to his majeſty, to be taken by two principal officers of cuſtoms there, in the penal ſum of 500 *l.* with condition that the ſaid veſſel ſhall, in her next clearing out from the province after importation, be laden with a cargo of lumber or proviſions, horſes

horſes or neat cattle, equal in value to the rum or ſpirits admitted to an entry, without payment of the duty; and that the ſaid lumber, &c. ſhall be carried to, and landed in, ſome of the colonies in the *Weſt Indies*. *ſ.* 2.

The value of the rum or ſpirits admitted to an entry, and the value of the cargo of lumber, &c. ſo loaded in the province, ſhall be eſtimated according to the valuations in the ſchedule. *ſ.* 3.

It ſhall be lawful for his majeſty, with the advice of his privy council, by order to be iſſued and publiſhed from time to time, to alter the valuations contained in the ſchedule, whenever neceſſary, upon any report made by the governor and council of the province. *ſ.* 4.

The SCHEDULE.

	l.	*s.*	*d.* Sterling.	
Flour, 1ſt ſort	0	10	9	*Per* cwt.
2d ſort	0	7	4	
Biſcuit	0	10	6	
Wheat	0	3	0	*Per Wincheſter* buſhel.
Peaſe	0	2	9	
Oats	0	1	1	
Barley	0	2	0	
Flax ſeed	0	3	0	
Potatoes	0	1	6	
Freſh beef	0	0	2	*Per* lb.
Freſh pork	0	0	4	
Turkeys	0	1	9	each.
Oak timber ſquared, *per* cubic foot	0	0	6	*per* foot.
Ditto plank, 3 to 4 inches thick, *per* ſquare foot	0	0	3	ditto.
Ditto — ditto 1½ to 2 inches	0	0	2	ditto.
Barrel Staves fit for the *Weſt Indies*, 3 feet 6 inches long, 4 inches broad, and 1 inch thick	4	10	0	*per* 1000 feet.
Heading, 2 feet 6 inches long, 5 to 6 inches broad, and 1 inch thick	4	10	0	*per* 1000 feet.
Squared pine timber	0	0	2	*per* cubic foot.
Pine boards 12 feet long, 1 inch thick, 12 inches broad	2	2	6	*per* 1000 feet.
Pine boards 15 feet long, 1 inch thick, and 12 inches broad	2	15	0	*per* 1000 feet.
Pine boards 18 feet long, 1 inch thick, and 12 inches broad	3	10	0	*per* 1000 feet.
Pine boards 10 feet long, 1 inch thick	1	15	0	*per* 1000 feet.
Pine boards 12 feet long, 2 inches thick	3	7	6	*per* 1000 feet.
Hoops 12 feet long	3	0	0	*per* 1000 feet.
Shingles	0	12	0	*per* 1000 feet.
Windward Iſlands, *Weſt India* rum	0	1	9	*per* gallon.
Jamaica rum	0	2	0	*per* gallon.
Horſes	15	0	0	*per* head.
Neat cattle	8	0	0	*per* head.

By 29 *Geo.* 3. *c.* 16. It ſhall be lawful for his majeſty in council, by order iſſued and publiſhed, to authoriſe, in caſe of neceſſity, the importing of bread, flour, *Indian* corn, and live ſtock, as well into the province of *Quebec*, as into all the countries bordering on the gulf of *Saint Lawrence*, and into the iſlands within the ſaid gulf, and alſo to the coaſt of *Labrador*, for the then enſuing ſeaſon only, from any of the territories belonging to the United States of *America*, for the ſupply of the perſons carrying on the fiſheries: provided ſuch bread, &c. ſhall not be imported except in conformity to ſuch rules as ſhall be ſpecified in ſuch order, and by *Britiſh* ſubjects, and in *Britiſh* built ſhips, owned by ſubjects, and navigated according to law, under the penalty of the forfeiture, thereof, together with the ſhip importing the ſame, and all her guns, furniture, ammunition, tackle, and apparel. *ſ.* 1.

The goods and ſhips forfeited by this act, ſhall be ſeized by the commanders of ſhips of war, or any commiſſioned, warrant, or petty officer, ſpecially authoriſed by them, or by any officer of cuſtoms; and every forfeiture ſhall be recovered in ſuch courts, and by ſuch ways, and the produce thereof applied in ſuch manner, and to ſuch uſes, as any forfeiture incurred reſpecting the cuſtoms may now be recovered, either in this kingdom, or in any of his majeſty's dominions in *North America*, or the *Weſt Indies*. *ſ.* 2.

Pleadings.

Stat. Marleber. 52 *Hen.* 3. *c.* 11. Neither in the circuit of juſticers, nor in counties, hundreds, nor court-barons, ſhall any fines be taken for fair pleading. *ſ.* 1.

Fines certain are not to be taken away by this act. *ſ.* 2.

By *Stat. Weſt.* 1. 3 *Edw.* 1. *c.* 29. If any ſerjeant, pleader, or other, do any deceit in the king's court, or conſent unto it, in deceit of the court or the party, and thereof be attainted, he ſhall be impriſoned for a year and a day, and ſhall not be heard to plead in that court. And if he be no pleader, he ſhall be impriſoned in like manner. And if the treſpaſs require greater puniſhment, it ſhall be at the king's pleaſure.

Stat. de conjunctim. feoffatis, 34 *Edw.* 1. *ſt.* 1. In aſſizes of *novel diſſeiſin*, where the tenant doth plead, that he holdeth the lands in demand jointly with his wife not named in the writ, and ſome time with a ſtranger not named in the writ, and ſheweth forth a deed teſtifying the ſame, and demandeth judgment of the writ; if the plaintiff will aver by aſſize, that the day of his writ purchaſed he that alledged the exception was ſole tenant, ſo that neither his wife nor any other had any thing in the lands, the juſtices ſhall retain the deed, until the aſſize be tried thereupon. And they ſhall by writ under their *teſte* let the party abſent, whom the deed teſtified to have been jointly enfeoffed with the tenant, to underſtand, that he be preſent at a certain day with the other tenant, to anſwer to the plaintiff, as well upon the exception alledged, as of the lands demanded and put in view, if it ſhall ſo ſeem expedient to him; at which day if both the tenants come and juſtify the feoffment, they ſhall maintain the exception alledged by one of them, and further ſhall anſwer unto the aſſize, as though the original had been purchaſed againſt both of them jointly. And if it be proved by aſſize, that the exception was alledged maliciouſly, to delay the plaintiff of his right, ſo that they held not the ſame land jointly the day of the writ purchaſed, then albeit the aſſize paſs for the tenants, yet they that alledge the exception ſhall be puniſhed by one year's impriſonment, from whence they ſhall not be delivered without a grievous ranſom. And let the juſtices not allow ſuch an exception alledged by the bailiffs of any ſuch tenants. And if he that alledgeth the exception abſent himſelf at his day, and the other thatis named joint tenant appear, although he diſavow the deed, and ſay, that he hath nothing in the lands, &c. nevertheleſs the aſſize ſhall be awarded againſt him that is abſent by default; and, if it be found by the aſſize, that they were not jointly ſeiſed, &c. and likewiſe that the tenant or any other named in the writ did diſſeiſe the plaintiff, then, having regard to the exception that was falſely alledged, and to the diſſeiſin, the plaintiff ſhall recover his ſeiſin and double damages; and they that alledged the falſe exception ſhall have the puniſhment aforeſaid:

ſaid: but, if neither of the tenants come at the day, then upon their default, the aſſize ſhall be awarded; and, if it be found that the exception was truly alledged, the aſſize ſhall paſs no further, but the writ ſhall be abated. The ſame order ſhall be obſerved in aſſizes of *mortdanceſter* and *juris utrum*. In other writs whereby lands are demanded, ſuch proceſs ſhall be made, that if at the firſt day that the parties appear, if the tenant alledge the exception of a joint feoffment, and the demandant will offer to aver by the country, that the day of the writ purchaſed he that alledged the exception was ſole tenant, the ſame proceſs ſhall be obſerved until a jury have paſſed between them thereupon. And if it be found by the jury, that the exception was truly alledged, the writ ſhall abate; and if it be found, that the exception was falſly alledged, and to the hindrance of the party, the demandant ſhall recover his ſeiſin, and the tenant ſhall be puniſhed by the pain aboveſaid as to the impriſonment, and, as to the damages, according to the diſcretion of the juſtices.

By 2 *Edw.* 3 *c.* 17. A writ of deceit ſhall be maintainable as well in caſe of garniſhment touching plea of land, as in caſe of ſummons.

By 25 *Edw.* 3. *ſt.* 5. *c.* 16. By the exception of *non-tenure* of parcel, no writ ſhall be abated but for quantity of the *non-tenure*.

By 36 *Edw.* 3. *c.* 15. All pleas in courts before any of the king's juſtices or miniſters, or in the courts of any other lords, ſhall be pleaded, debated, and judged, in the *Engliſh* tongue, and entered and enrolled in *Latin*; and by the ancient terms and forms of pleaders, no man ſhall be prejudiced, ſo that the matter of the action be fully ſhewed in the declaration and in the writ.

By 6 *Ric.* 2. *c.* 2. In writs of debt and account, and all other ſuch actions, if in pleas upon the ſame writs it ſhall be declared, that the contract was made in another county than is contained in the original writ, the ſame writ ſhall be abated.

By 32 *Hen.* 8. *c.* 30. *Made perpetual by* 2 & 3 Edw. 6. c. 32. If any iſſue be tried by 12 or more indifferent men, in any of the king's courts of record, the juſtices ſhall give judgment in the ſame, any miſpleading, lack of colour, inſufficient pleading, or *jeofail*, any miſcontinuance or diſcontinuance, or miſconveying of proceſs, miſjoining of iſſue, lack of warrant of attorney of the party againſt whom the iſſue ſhall be tried, or any other default or negligence of the parties, their counſellors, or attornies notwithſtanding. *ſ.* 1.

Every attorney for any demandant or plaintiff, tenant or defendant, in any action in the king's ſaid courts, ſhall deliver his warrant of attorney to be entered of record in the ſame term when the iſſue is entered of record, or before, upon pain of forfeiting to the king 10*l.* and further to ſuffer ſuch impriſonment as by the court ſhall be thought convenient. *ſ.* 2.

By 18 *Eliz.* *c.* 14. If any verdict of 12 men or more ſhall be given in any action in any court of record, the judgment thereupon ſhall not be ſtayed or reverſed, by reaſon of any default in form, or lack of form, touching falſe *Latin*, or variance from the regiſter, or other defaults in form, in any writ original or judicial, count, declaration, plaint, bill, ſuit, or demand, or for want of any writ original or judicial, or by reaſon of any imperfect or inſufficient return of any officer, or for want of any warrant of attorney, or by reaſon of any default in proceſs, upon or after any aid *prier* or *voucher*. *ſ.* 1.

This act ſhall not extend to any appeal of felony or murder, nor to any indictment or preſentment of felony, murder, treaſon, or other matter, nor to any proceſs upon them, nor to any action upon any popular or penal ſtatute. *ſ.* 2.

All attornies in any court of record ſhall deliver in the warrant of attorney, to be entered or filed as heretofore, upon pain to forfeit 10*l.*, the one moiety to the queen, and the other to ſuch officer to whom the warrant ſhould be delivered, and to ſuffer impriſonment by the diſcretion of the court. *ſ.* 3.

By 27 *Eliz.* *c.* 5. After demurrer joined and entered in any action in any court of record, the judges ſhall give judgment according as the very right of the cauſe and matter in law ſhall appear, without regarding any imperfection, defect, or want of form, in any writ, return, plaint, declaration, or other pleading, proceſs, or courſe of proceeding; except thoſe only which the party demurring ſhall ſpecially ſet down with his demurrer. *ſ.* 1.

After demurrers joined and entered, the court may amend all ſuch imperfections, defects, and wants of form, other than thoſe which the party ſhall ſpecially ſet down with his demurrer. *ſ.* 2.

This act ſhall not extend to any appeal of felony or murder, nor to any indictment or preſentment of felony, murder, treaſon, or other matter, nor to any proceſs upon them, nor to any action upon any popular or penal ſtatute. *ſ.* 3.

By 7 *Jac.* 1. *c.* 5. *Made perpetual by* 21 Jac. 1. c. 12. If any action upon the caſe, treſpaſs, battery, or falſe impriſonment, ſhall be brought againſt any juſtice of peace, mayor, or bailiff of city or town corporate, headborough, portreeve, conſtable, tythingman, collector of ſubſidy or fifteens, for any thing by them done by reaſon of their offices, it ſhall be lawful for every ſuch juſtice of peace or other officer, and all others which in their aſſiſtance, or by their command, ſhall do any thing touching their offices, to plead the general iſſue, *not guilty*; and if the verdict paſs with the defendant, or the plaintiff become nonſuit, or ſuffer any diſcontinuance, the judge before whom the matter ſhall be tried ſhall allow the defendant double coſts.

By 21 *Jac.* 1. *c.* 12. All church-wardens, and perſons called ſworn-men executing the office of church-wardens, and all overſeers of the poor, and others which in their aſſiſtance, or by their command, ſhall do any thing touching their offices, ſhall have ſuch benefit by the act 7 *Jac.* 1. *c.* 5. as if they had been named therein. *ſ.* 3.

If any action upon the caſe, treſpaſs, battery, or falſe impriſonment, ſhall be brought againſt any juſtice of peace, mayor or bailiff of any city or town corporate, headborough, portreeve, conſtable, tythingman, collector of ſubſidy or fifteens, church-wardens, and perſons called ſworn-men, executing the office of church-warden or overſeer of the poor, and their deputies, or any other, which in their aſſiſtance, or by their command, ſhall do any thing touching their offices, for any thing by them done by virtue of their offices, the action ſhall be laid within the county where the fact ſhall be done; and it ſhall be lawful for every perſon aforeſaid, to plead the general iſſue, *not guilty*; and if the verdict ſhall paſs with the defendant, or the plaintiff become nonſuit, or ſuffer any diſcontinuance, the defendant ſhall have double coſts. *ſ.* 5.

By 21 *Jac.* 1. *c.* 13. If any verdict of 12 men, or more, ſhall be given for the plaintiff or demandant, or for the defendant or tenant, baily in aſſize, vouchee, pray in aid, or tenant by receipt, in any court of record, the judgment thereupon ſhall not be ſtaid nor reverſed by reaſon of any variance in form only, between the original writ or

or bill and the declaration, plaint, or demand, or for lack of an averment of any life of any perſon, ſo as upon examination the perſon be proved to be in life, or by reaſon that the *venire facias*, *habeas corpora*, or *diſtringas*, is awarded to a wrong officer, or by reaſon the *viſne* is in ſome part miſawarded ſo as ſome one place be right named, or by reaſon that any of the jury is miſnamed, ſo as upon examination it be proved to be the ſame man that was meant, or by reaſon that there is no return upon any of the writs, ſo as a panel of the names of jurors be returned and annexed to the writ; or for that the ſheriff's name is not ſet to the return, ſo as upon examination it be proved, that the writ was returned by the ſheriff, *&c.* or by reaſon that the plaintiff, in an *ejectione firmæ*, or in any perſonal action, being an infant, did appear by attorney, and the verdict for him. *ſ.* 2.

This act ſhall not extend to any appeal of felony or murder, or to any indictment or preſentment of felony, murder or treaſon, nor to any action upon any popular or penal ſtatute. *ſ.* 3.

By 21 *Jac.* 1. *c.* 14. Whenſoever the king ſhall be out of poſſeſſion 20 years, before any information of intruſion brought, the defendants may plead the general iſſue, and ſhall retain the poſſeſſion, until the title be found for the king. *ſ.* 1.

Where an information of intruſion may be brought on the king's behalf, no *ſcire facias* ſhall be brought whereunto the ſubject ſhall be enforced to ſpecial pleading. *ſ.* 2.

By 13 & 14 *Car.* 2. *c.* 17. All collectors and other perſons who ſhall levy or collect any money by virtue of any act of parliament now in force, and who ſhall be ſued for the ſame by any other than the king's majeſty, may plead the general iſſue. *ſ.* 1.

By 16 & 17 *Car.* 2. *c.* 8. If any verdict be given in any action or demand in his majeſty's courts at *Weſtminſter*, or in the counties palatine, or in the great ſeſſions, judgment ſhall not be ſtaid or reverſed, for default in form, or by reaſon that there are not pledges, or but one pledge, to proſecute returned upon the original writ, or becauſe the name of the ſheriff is not returned upon ſuch original writ; or for default of entering pledges upon any bill or declaration; or for default of alledging the bringing into court of any bond, bill, indenture, or other deed, mentioned in the declaration or other pleading; or for default of allegation of bringing into court of letters teſtamentary, or letters of adminiſtration; or by reaſon of the omiſſion of *vi et armis*, or *contra pacem*; or the miſtaking of the chriſtian name or ſurname of the plaintiff or defendant, demandant or tenant, ſums of money, day, month, or year, by the clerk, in any bill, declaration, or pleading, where the right name, *&c.* in any record preceding, or in the ſame record, are once rightly alledged, whereunto the plaintiff might have demurred and ſhewn the ſame for cauſe; nor for want of the averment of *hoc paratus eſt verificare*, or *hoc paratus eſt verificare per recordum*; or for not alledging *prout patet per recordum*; or for that there is no right venue, ſo as the cauſe were tried by a jury of the county or place where the action is laid; nor any judgment after verdict, confeſſion by *cognovit actionem*, or *relicta verificatione*, ſhall be reverſed for want of *miſericordia* or *capiatur*; or that a *capiatur* is entered for a *miſericordia*, or a *miſericordia* for a *capiatur*; nor for that *ideo conceſſum eſt per curiam* is entered for *ideo conſideratum eſt per curiam*; nor for that the increaſe of coſts after a verdict in an action, or upon a nonſuit in replevin, are not entered to be at the requeſt of the party; nor by reaſon that the coſts in any judgment are not entered to be by conſent of the plaintiff; but all ſuch omiſſions, variances, defects, and all other matters of like nature, not being againſt the right of the matter of the ſuit, nor whereby the iſſue or trial are altered, ſhall be amended by the courts where ſuch judgments are given, or whereunto the record is removed by writ of error. *ſ.* 1.

This act ſhall not extend to any appeal of felony or murder, nor to any indictment or preſentment of felony, murder, treaſon, or other matter, nor to any proceſs upon them, nor to any action upon any penal ſtatute, other than concerning ſubſidies of tonnage and poundage. *ſ.* 2. *See* ERROR.

By 4 & 5 *Ann.* *c.* 16. Where demurrer ſhall be joined and entered in any ſuit in any court of record, the judges ſhall give judgment, according as the very right of the cauſe and matter in law ſhall appear, without regarding any imperfection, omiſſion, or defect, in any writ, return, plaint, declaration, or other pleading, proceſs, or courſe of proceeding, except thoſe only which the party demurring ſhall ſpecially ſet down with his demurrer as cauſes of the ſame, notwithſtanding that ſuch imperfection, *&c.* might have heretofore been taken to be matter of ſubſtance, and not aided by the ſtatute 27 *Eliz.* *c.* 5. ſo as ſufficient matter appear in the pleadings, upon which the court may give judgment according to the right of the cauſe; and no advantage ſhall be taken of an immaterial traverſe, or of the default of entering pledges; or of the default of alledging the bringing into court any bond or other deed mentioned in the pleading; or of the default of alledging of the bringing into court letters teſtamentary, or letters of adminiſtration; or of the omiſſion of *vi et armis* and *contra pacem*; or of the want of averment of *hoc paratus eſt verificare*, or *hoc paratus eſt verificare per recordum*; or of not alledging *prout patet per recordum*; but the court ſhall give judgment according to the very right of the cauſe, without regarding any ſuch imperfections, or any other matter of like nature, except the ſame ſhall be ſpecially ſhewn for cauſe of demurrer. *ſ.* 1.

All the ſtatutes of jeofails ſhall be extended to judgments entered upon confeſſion, *nihil dicit*, or *non ſum informatus*, in any court of record; and no ſuch judgment ſhall be reverſed, nor any judgment upon any writ of enquiry of damages executed thereon be ſtaid or reverſed, for any thing which would have been aided by the ſtatutes of jeofails, in caſe a verdict had been given in the action, ſo as there be an original writ or bill, and warrants of attorney duly filed. *ſ.* 2.

The attorney for the plaintiff or demandant ſhall file his warrant of attorney the ſame term he declares; and the attorney for the defendant or tenant ſhall file his warrant of attorney the ſame term he appears; under the penalties inflicted by any former law for default of filing their warrants of attorney. *ſ.* 3.

It ſhall be lawful for any defendant or tenant in any action, or for any plaintiff in replevin, in any court of record, with the leave of the court, to plead as many matters as he ſhall think neceſſary. *ſ.* 4.

Provided that if any ſuch matter ſhall, upon a demurrer joined, be judged inſufficient, or if a verdict ſhall be found upon any iſſue for the plaintiff or demandant, coſts ſhall be given, unleſs the judge who tried the iſſue ſhall certify, that the defendant or tenant, or plaintiff in replevin, had a probable cauſe to plead ſuch matter. *ſ.* 5.

Nothing before contained ſhall extend to any appeal of felony or murder, or to any indictment or preſentment of treaſon, felony, or murder, or other matter, or to any proceſs

proceſs upon them, or to any action upon any penal ſtatute. *ſ.* 7.

No dilatory plea ſhall be received in any court of record, unleſs the party offering ſuch plea do by affidavit prove the truth thereof, or ſhew ſome probable matter to the court, to induce them to believe that the fact is true. *ſ.* 11.

Where an action of debt ſhall be brought upon any ſingle bill, or where a debt or *ſcire facias* ſhall be brought upon any judgment, if the defendant hath paid the money, ſuch payment may be pleaded in bar: and where debt is brought upon any bond which hath a condition or defeazance to make void the ſame upon payment of a leſſer ſum, if the obligor, his heirs, executors, or adminiſtrators, have before the action brought, paid the principal and intereſt due, though ſuch payment was not made ſtrictly according to the condition or defeazance, yet it may be pleaded in bar, and ſhall be as effectual as if the money had been paid at the day and place according to the condition, and had been ſo pleaded. *ſ.* 12.

If at any time, pending an action upon ſuch bond with a penalty, the defendant ſhall bring into court the principal and intereſt due, and all coſts expended in any ſuit in law or equity upon ſuch bond, the money ſhall be taken in ſatisfaction of the bond, and the court ſhall give judgment to diſcharge ſuch defendant. *ſ.* 13.

This act, and all the ſtatutes of jeofails, ſhall extend to all ſuits in her majeſty's courts of record at *Weſtminſter*, for recovery of any debt immediately owing, or any revenue belonging to her majeſty; and ſhall alſo extend to all courts of record in the counties palatine, and *Wales*, and to all other courts of record. *ſ.* 14. *See* Account, Attornment, Bail, Chancery, Error, *&c.*

By 4 *Geo.* 2. *c.* 26. All writs, proceſs, pleadings, rules, indictments, records, and all proceedings in any courts of juſtice within *England*, and in the court of exchequer in *Scotland*, ſhall be in the *Engliſh* tongue, and ſhall be written in ſuch common hand as acts of parliament are uſually ingroſſed in, the lines and words to be written at leaſt as cloſe as the ſaid acts uſually are, and not abbreviated; and all perſons offending againſt this act ſhall forfeit 50*l.* to any perſon who ſhall ſue for the ſame. *ſ.* 1.

Miſtranſlation or miſtake in clerkſhip, in proceedings begun before the 25th of *March* 1733, being part *Latin* and part *Engliſh*, ſhall be no error, but may at any time be amended, whether in paper or on record, before or after judgment, upon payment of reaſonable coſts. *ſ.* 2.

Nothing in this act ſhall extend to certifying beyond the ſeas any proceedings in the court of admiralty, but the proceedings may be certified in *Latin* as formerly. *ſ.* 3.

Every ſtatute for amending jeofails ſhall extend to all forms and proceedings (except in criminal caſes) when the proceedings are in *Engliſh*; and this clauſe ſhall be taken in the moſt beneficial manner. *ſ.* 4.

By 6 *Geo.* 2. *c.* 6. The act 4 *Geo.* 2. *c.* 26. (that proceedings ſhall be in *Engliſh*) ſhall not extend to the court of the receipt of his majeſty's exchequer. *ſ.* 1.

The ſaid court of receipt, and the ſeveral members thereof, ſhall carry on the buſineſs according to uſual courſe. *ſ.* 2.

By 6 *Geo.* 2. *c.* 14. All writs, proceſs, and returns thereof, and proceedings thereon, and all pleadings, rules, orders, indictments, informations, *&c.* in courts of juſtice within *England*, *Wales*, and *Berwick upon Tweed*, and in the exchequer in *Scotland*, may be written or printed in a common hand, and with the like manner of expreſſing numbers by figures, as have been commonly uſed in the ſaid courts, and with ſuch abbreviations as are uſed in the *Engliſh* language: and no penalty ſhall be incurred by the ſaid act for any other offence than for writing or printing in court hand, or in any language except *Engliſh*; nor ſhall ſuch penalty be extended to the expreſſing the names of writs or technical words, in the ſame language as hath been uſed. And all proſecutions for offences againſt the ſaid act ſhall be commenced within three months. *ſ.* 5. *See* Amendment, Arrests, Error.

Pleas of the Crown.

Magna Charta, 9 *Hen.* 3. *c.* 17. No ſheriff, conſtable, eſcheator, coroner, nor any other of the king's bailiffs, ſhall hold pleas of the crown.

Pledges.

By 38 *Edw.* 3. *ſtat.* 1. *c.* 3. All fines to be taken before any juſtices, ſhall be in the preſence, and the pledges ſhall know the ſum of their fine before their departing.

Poor.

By 11 *Hen.* 7. *c.* 12. Poor perſons, which have cauſe of action againſt any, ſhall have, by the diſcretion of the chancellor, writs original, and writs of *ſubpœna*, according to the nature of their cauſes, nothing paying for the ſeals, nor for writing of the writs. And the chancellor ſhall aſſign clerks to write the ſame ready to be ſealed, and alſo learned counſel and attornies, without any reward taking. And, after the writs returned, if it be afore the king in his bench, the juſtices ſhall aſſign to the poor perſon counſel learned, which ſhall give their counſels, nothing taking; and likewiſe the juſtices ſhall appoint attornies for the ſame poor perſons, and all other officers requiſite for the ſpeed of the ſaid ſuits, which ſhall do their duties without reward for their counſels. And the ſame order ſhall be of all ſuch ſuits in the common place and exchequer, and all other courts of record.

By 43 *Eliz.* *c.* 2. The churchwardens of every pariſh, and four, three, or two houſeholders there, to be nominated yearly in *Eaſter* week, or within one month after *Eaſter*, under the hand and ſeal of two juſtices of peace, whereof one of the *quorum*, dwelling in or near the pariſh, ſhall be called overſeers of the poor of the ſame pariſh. And they, or the greater part of them, ſhall take order, with conſent of two juſtices, for ſetting to work the children of all ſuch whoſe parents ſhall not be thought able to keep their children; and alſo for ſetting to work all ſuch perſons, married or unmarried, having no means to maintain them, and uſe no trade to get their living by; and alſo to raiſe weekly, or otherwiſe (by taxation of every inhabitant, parſon, and other, and every occupier of lands, houſes, tithes impropriate, coal mines, or ſaleable underwoods in the pariſh, in ſuch ſums of money as they ſhall think fit), a convenient ſtock of flax, hemp, wool, thread, iron, and other ſtuff, to ſet the poor on work; and alſo money for the relief of the lame, old, blind, and other, being poor, and not being able to work; and alſo for the putting out of children apprentices out of the pariſh, and to do all other things concerning the premiſes. *ſ.* 1.

Which churchwardens and overſeers, or ſuch of them as ſhall not be let by ſickneſs, or other juſt excuſe, to be allowed by two juſtices, ſhall meet once every month in the church, upon the *Sunday* afternoon, to conſider of the premiſes; and ſhall within four days after the end of their year, and after other overſeers nominated, yield to ſuch two juſtices a true account of all money by them received, or rated and not received, and of ſuch ſtock as ſhall be in their hands, and all other things concerning their office; and ſuch money as ſhall be in their hands ſhall pay over to the churchwardens and overſeers newly appointed; upon pain that every one of them abſenting themſelves, or being negligent in their office, to forfeit 20*s*. *ſ*. 2.

If the juſtices perceive that the inhabitants of any pariſh are not able to levy among themſelves ſufficient money for the purpoſes aforeſaid, the ſaid two juſtices may tax any other of other pariſhes, or out of any pariſh, within the hundred where the ſaid pariſh is, to pay ſuch ſums of money to the church-wardens and overſeers of the poor pariſh, as the juſtices ſhall think fit; and if the hundred ſhall not be thought able to relieve the ſeveral pariſhes not able to provide for themſelves, the juſtices at their quarter-ſeſſions ſhall rate any other of other pariſhes, or out of any pariſh, within the ſaid county, as in their diſcretion ſhall ſeem fit. *ſ*. 3.

The church-wardens and overſeers, by warrant from two juſtices, may levy as well the ſaid ſums of money, and all arrearages, of every one that ſhall refuſe to contribute as they ſhall be aſſeſſed, by diſtreſs and ſale of goods; and in defect of diſtreſs, it ſhall be lawful for any two juſtices to commit them to the common gaol of the county until payment: and the juſtices to ſend to the houſe of correction or common gaol ſuch as ſhall not employ themſelves to work, being appointed as aforeſaid: and any two juſtices to commit to priſon the church-wardens and overſeers which ſhall refuſe to account. *ſ*. 4.

The church-wardens and overſeers, by the aſſent of two juſtices, may bind ſuch children apprentices till ſuch man-child come to the age of 24 years, and ſuch woman-child to the age of 21 years, or the time of her marriage. And it ſhall be lawful for the church-wardens and overſeers, by leave of the lord of the manor whereof any waſte or common within their pariſh is parcel, to build in ſuch waſte at the charges of the pariſh, or of the hundred or county as aforeſaid, houſes of dwelling for the poor, and alſo to place inmates in cottages; which cottages ſhall not be uſed for any other habitation, but only for impotent and poor of the pariſh. *ſ*. 5. *See* 18 Geo. 3. c. 47.

If any perſons find themſelves grieved with any tax, or other act done by the church-wardens, *&c*. or by the juſtices, it ſhall be lawful for the juſtices at their quarter-ſeſſions to take ſuch order as ſhall be thought convenient. *ſ*. 6.

The father and grandfather, and the mother and grandmother, and the children, of every poor, old, blind, lame, and impotent perſon, or other poor perſon not able to work, being of a ſufficient ability, ſhall, at their own charges, maintain ſuch poor perſon, as by the juſtices of peace at their quarter-ſeſſions ſhall be aſſeſſed; upon pain to forfeit 20*s*. for every month. *ſ*. 7.

The mayors, bailiffs, or other head officers, of every town corporate and city, being juſtices of peace, ſhall have the ſame authority as juſtices of peace of the county; and no other juſtices to meddle there. And every alderman of *London* within his ward may do ſo much as is appointed to be done by one or two juſtices. *ſ*. 8.

If any pariſh extend into more counties than one, or part lie within the liberties of any city or place corporate, and part without, then as well the juſtices of every county as the head officers of ſuch city or place corporate, ſhall deal only in ſo much of the pariſh as lieth within their liberties; and every of them within their limits to execute the ordinances concerning the nomination of overſeers, *&c*. And yet the church-wardens and overſeers of the pariſhes that extend into ſuch ſeveral limits, ſhall, without dividing themſelves, execute their office; and ſhall make one account before the head officer of the town-corporate, and one other before the juſtices of peace. *ſ*. 9.

If in any place there happen to be no nomination of overſeers, every juſtice of peace dwelling within the diviſion, and every mayor, alderman, and head officer, of any city or place corporate, where ſuch default ſhall happen, ſhall forfeit 5 *l*. towards the relief of the poor, to be levied by warrant from the ſeſſions. *ſ*. 10.

All penalties ſhall be employed to the uſe of the poor of the pariſh, and towards a ſtock and habitation for them, and other neceſſary uſes; and ſhall be levied by the church-wardens and overſeers, or one of them, by warrant from any two juſtices, or mayor, alderman, or head officer, of city or place corporate, by diſtreſs and ſale; or in defect thereof, it ſhall be lawful for any two ſuch juſtices, *&c*. to commit the offender to priſon till the forfeitures be paid. *ſ*. 11.

The juſtices of *Eſſex* ſhall appoint inhabitants within the iſland of *Fowlneſs* to be overſeers for the poor in the iſland, as if the ſame iſland were a pariſh. In conſideration whereof, neither the ſaid inhabitants ſhall be compelled to contribute towards the relief of the poor of thoſe pariſhes wherein their houſes or lands within the ſaid iſland are ſituated, other than for the relief of the poor within the iſland; neither ſhall the other inhabitants of the pariſhes wherein ſuch houſes or lands are ſituated be compelled tocontribute to the relief of the poor within the iſland. *ſ*. 19.

If any action be brought for any thing doing by authority of this act, the defendants may either plead not guilty, or make avowry, cognizance, or juſtification, for the taking of the diſtreſſes, making of ſale, or other thing doing, alledging that the thing whereof the plaintiff complained was done by authority of this act, *&c*. without rehearſal of any other matter; to which the plaintiff ſhall be admitted to reply, that the defendant did take the diſtreſs, *&c*. without any ſuch cauſe, *&c*. And after ſuch iſſue tried for the defendant, or nonſuit of the plaintiff after appearance, the defendant to recover treble damages with coſts, to be aſſeſſed by the ſame jury, or writ to enquire of the damages. *ſ*. 20.

By 3 *Car*. 1. *c*. 5. All perſons, to whom the overſeers of the poor ſhall bind any children apprentices, may keep them. And the church-wardens and overſeers may, with the conſent of two juſtices, whereof one of the *quorum*, and where there are no more than one, with the aſſent of that one juſtice, ſet up any trade, only for the ſetting on work and relief of the poor. *ſ*. 22.

By 13 *&* 14 *Car*. 2. *c*. 12. It ſhall be lawful, upon complaint made by the church-wardens or overſeers of any pariſh to any juſtice of peace, within forty days after any poor perſon's coming to ſettle in any tenement under the yearly value of 10 *l*. for any two juſtices, one of the *quorum*, by warrant to remove ſuch perſons to ſuch pariſh where they were laſt legally ſettled, either as a native, houſholder, ſojourner, apprentice, or ſervant, for the ſpace of forty days, unleſs they give ſecurity for the diſcharge of the pariſh. *ſ*. 1.

Perſons

Perſons aggrieved by ſuch judgment of the juſtices may appeal to the next quarter-ſeſſions. *ſ.* 2.

Provided, that it ſhall be lawful for any perſons to go into any pariſh to work, ſo that they carry with them a certificate from the miniſter of the pariſh, and one of the church-wardens, and one of the overſeers, that they have a dwelling place in which they inhabit (or otherwiſe as the condition of the perſons ſhall require), and is declared an inhabitant there; and if the perſons ſhall not return when their work is finiſhed, or ſhall fall ſick, it ſhall not be accounted a ſettlement, but it ſhall be lawful for two juſtices to convey the perſon to the place of his habitation; and if ſuch perſon refuſe to go, or ſhall not remain in ſuch pariſh where they ought to be ſettled, but ſhall return to the pariſh from whence he was removed, it ſhall be lawful for any juſtice of the city, county, *&c.* to ſend ſuch perſon to the houſe of correction, to be puniſhed as a vagabond, or to a public work-houſe to be employed in work; and if the church-wardens and overſeers of the pariſh to which he ſhall be removed refuſe to receive ſuch perſons, and to provide work for them, any juſtice of peace of that diviſion may bind ſuch officers to the aſſizes or ſeſſions. *ſ.* 3.

It ſhall be lawful for the church-wardens and overſeers of ſuch pariſh where any baſtard child ſhall be born, to ſeize ſo much of the goods, and of the annual rents or profits of the lands, of the putative father or lewd mother, as ſhall be ordered by any two juſtices of peace, towards the diſcharge of the pariſh, to be confirmed at the ſeſſions, for the providing for ſuch baſtard child; and it ſhall be lawful for the ſeſſions to make an order for the church-wardens or overſeers to diſpoſe of the goods, as the court ſhall think fit. *ſ.* 19.

Any perſon ſued for any thing done in execution of this act, may plead the general iſſue; and if the verdict ſhall paſs for the defendant, *&c.* the defendant ſhall recover treble damages. *ſ.* 20.

In the counties of *Lancaſhire*, *Cheſhire*, *Derbyſhire*, *Yorkſhire*, *Northumberland*, the biſhoprick of *Durham*, *Cumberland*, and *Weſtmoreland*, and many other counties, where by reaſon of the largeneſs of the pariſhes they cannot reap the benefit of the act 43 *Eliz. c.* 2. the poor within every townſhip or village ſhall be maintained and ſet on work within the reſpective townſhip and village; and there ſhall be yearly choſen, according to 43 *Eliz. c.* 2. two or more overſeers of the poor within every of the ſaid townſhips or villages, who ſhall execute all the powers for relief of the poor within the ſaid townſhip or village, as by the ſaid act. *ſ.* 21.

The juſtices of peace within the ſaid counties ſhall have like powers to do every thing within every townſhip or village, as is appointed for them to do within any pariſh, by the ſaid act. *ſ.* 22.

By 1 *Jac.* 2. *c.* 17. The forty days continuance of a poor perſon in a pariſh intended by 13 & 14 *Car.* 2. *c.* 2. to make a ſettlement, ſhall be accounted from the time of his delivery of notice in writing of the houſe of his abode, and the number of his family, to one of the church-wardens or overſeers of the poor of the pariſh to which they ſhall remove. *ſ.* 3.

By 3 & 4 *Will. & Mar. c.* 11. The forty days continuance of a poor perſon, intended by the acts to make a ſettlement, ſhall be accounted from the publication of a notice in writing, which he ſhall deliver, of the houſe of his abode, and the number of his family, to the church-warden or overſeer of the poor; which notice the church-warden or overſeer is required to cauſe to be read publicly immediately after divine ſervice in the church on the next Lord's day; and the church-warden or overſeer is to regiſter the ſaid notice in the book kept for the poor's account. *ſ.* 3.

No ſoldier, ſeaman, ſhipwright, or other workman, employed in their majeſties ſervice, ſhall have any ſettlement in any pariſh by delivery and publication of notice, unleſs the ſame be after the diſmiſſion of ſuch perſon out of their majeſties ſervice. *ſ.* 4.

If any church-warden or overſeer ſhall neglect to read ſuch notice (upon proof thereof by two witneſſes before any juſtice of peace), he ſhall forfeit 40 *s.* to the party grieved, to be levied by diſtreſs and ſale of goods, by warrant of any juſtice of peace to the conſtable where ſuch offenders dwell; and for want of diſtreſs, the juſtice ſhall commit them to the common gaol for one month; and, if any church-warden or overſeer ſhall neglect to regiſter ſuch notice, he ſhall forfeit 40 *s.* to the poor of the pariſh; and, for want of diſtreſs, the juſtice ſhall commit ſuch offender as aforeſaid. *ſ.* 5.

If any perſon, who ſhall come to inhabit in any town or pariſh, ſhall on his own account execute any public annual office in the town or pariſh during one year, or ſhall be charged with and pay his ſhare towards the public taxes of the town or pariſh, he ſhall be adjudged to have a legal ſettlement in the ſame. *ſ.* 6.

If any unmarried perſon, not having a child, ſhall be hired into any pariſh or town for one year, ſuch ſervice ſhall be adjudged a ſettlement. *ſ.* 7. *See* 8 & 9 W. 3. c. 30. ſ. 4.

If any perſon ſhall be bound an apprentice by indenture, and inhabit in any town or pariſh, ſuch binding and inhabitation ſhall be adjudged a ſettlement. *ſ.* 8. *See* 31 Geo. 2. c. 11. ſ. 1.

If any perſon find themſelves aggrieved by any determination which any juſtices of peace ſhall make in the caſes aforeſaid, they ſhall have liberty to appeal to the next quarter-ſeſſions. *ſ.* 9.

If any perſon be removed by virtue of this act from one county, city, town corporate, or liberty, to another, by warrant of two juſtices, the church-wardens or overſeers of the pariſh or town to which the perſon ſhall be removed, are required to receive the perſon; and if they refuſe, they (upon proof by two witneſſes before any juſtice of peace of the county, city, or town corporate, to which the perſon ſhall be removed) ſhall forfeit 5 *l.* to the poor of the pariſh, *&c.* from which the perſon was removed; to be levied by diſtreſs and ſale of goods, by warrant of any juſtice of the county, *&c.* to which ſuch perſon was removed, to the conſtable of the pariſh or town where ſuch offenders dwell; and, for want of diſtreſs, the juſtice ſhall commit the offenders to the common gaol for forty days. *ſ.* 10.

All perſons aggrieved with any ſuch judgment of two juſtices, may appeal to the next quarter-ſeſſions for the county, *&c.* from which the perſon was removed. *ſ.* 11.

There ſhall be kept in every pariſh books, wherein the names of all perſons who do receive collection ſhall be regiſtered, with the day and year when they were admitted, and the occaſion which brought them under that neceſſity; and yearly in *Eaſter-week* (or as often as ſhall be thought convenient) the pariſhioners ſhall meet in their veſtry, before whom the book ſhall be produced, and all perſons receiving collection called over, and the reaſons of their taking relief examined, and a new liſt made of ſuch as they ſhall think fit to receive collection; and no other perſon ſhall be allowed collection at the charge of the pariſh, but by authority under the hand of one juſtice of peace reſiding within ſuch pariſh, or (if none be there dwelling) in the parts

parts near adjoining, or by order of quarter-ſeſſions; except in caſes of peſtilential diſeaſes, plague, or ſmall-pox, for ſuch families only as are infected. *ſ.* 12.

In all actions brought in the courts at *Weſtminſter*, or at the aſſizes, for any money miſ-ſpent, or taken by church-wardens or overſeers of the poor, the evidence of the pariſhioners, other than of ſuch as receive alms, or any penſion out of ſuch collections or public monies, ſhall be admitted. *ſ.* 13.

By 8 & 9 *Will.* 3. *c.* 30. If any perſon that ſhall come into any pariſh to inhabit, ſhall deliver to the church-wardens or overſeers a certificate under the hands and ſeals of the church-wardens and overſeers of any other pariſh, or of the overſeers of the poor of any other place where there are no church-wardens, atteſted by two witneſſes, owning the perſon to be an inhabitant ſettled in that pariſh; ſuch certificate, having been ſubſcribed by two juſtices of peace of the county, *&c.* wherein the pariſh from whence ſuch certificate ſhall come doth lie, ſhall oblige the ſaid pariſh to provide for the perſon together with his family, whenever he ſhall become chargeable to the pariſh where ſuch certificate was given: and then, and not before, it ſhall be lawful for any ſuch perſon and his children, though born in that pariſh, not having otherwiſe acquired a legal ſettlement there, to be removed in the pariſh from whence ſuch certificate was brought. *ſ.* 1.

Every ſuch perſon as ſhall be upon the collection of any pariſh, and the wife and children of ſuch perſon cohabiting in the ſame houſe (ſuch child only excepted as ſhall be by the church-wardens and overſeers permitted to live at home, in order to attend an impotent parent) ſhall, upon the ſhoulder of the right ſleeve of the uppermoſt garment, wear ſuch badge as is herein mentioned, *viz.* a large *Roman* P, with the firſt letter of the name of the pariſh, cut in red or blue cloth; and if any ſuch poor perſon ſhall neglect to wear ſuch badge, it ſhall be lawful for any juſtice of peace to puniſh ſuch offender, either by ordering his allowance to be abridged, ſuſpended, or withdrawn, or by committing ſuch offender to the houſe of correction to be whipt, and kept to hard labour for any number of days not exceeding 21; and if any church-warden or overſeer relieve any ſuch poor perſon, not wearing ſuch badge, being convicted upon the oath of one witneſs, before any juſtice of peace, he ſhall forfeit 20 *s.* to be levied by diſtreſs and ſale of goods by warrant of any ſuch juſtice, one moiety to the informer, and the other to the poor of the pariſh. *ſ.* 2.

The juſtices in their quarter-ſeſſions, upon any appeal concerning the ſettlement of any poor perſon, or upon any proof before them made of notice of ſuch appeal, ſhall order to the party for whom ſuch appeal ſhall be determined, or to whom ſuch notice did appear to have been given, ſuch coſts as by the juſtices ſhall be thought juſt, to be paid by the church-wardens, overſeers, or any other perſon againſt whom ſuch appeal ſhall be determined, or by the perſon that did give ſuch notice; and if the perſon ordered to pay ſuch coſts ſhall live out of the juriſdiction of the court, any juſtice of the county, *&c.* wherein ſuch perſon ſhall inhabit, is required, upon requeſt made, and a copy of the order for coſts produced and proved, by warrant to cauſe the money mentioned in that order to be levied by diſtreſs and ſale of goods; and if no ſuch diſtreſs can be had, to commit ſuch perſon to the common gaol, there to remain 20 days. *ſ.* 3.

No perſon hired ſhall be adjudged to have a ſettlement, unleſs ſuch perſon continue in the ſervice during one whole year. *ſ.* 4.

Part II.

Where poor children ſhall be appointed to be bound apprentices, purſuant to 43 *Eliz.* *c.* 2. the perſon to whom they are appointed to be bound, ſhall receive and provide for them, according to the indenture ſigned and confirmed by the two juſtices, and alſo execute the other part of the indentures; and if he refuſe, oath being thereof made by one of the church-wardens or overſeers before any two juſtices for that county, *&c.* he ſhall forfeit 10 *l.* to be levied by diſtreſs and ſale of goods, by warrant of the ſaid juſtices, to be applied to the uſe of the poor of the pariſh; ſaving to the perſon, to whom any poor child ſhall be appointed to be bound, his appeal to the next quarter-ſeſſions. *ſ.* 5.

The appeal againſt any order for removal of any poor perſon ſhall be determined at the quarter-ſeſſions for the county, diviſion, or riding, wherein the place from whence ſuch perſon ſhall be removed doth lie. *ſ.* 6.

This act ſhall not hinder the juſtices of peace within the liberty of *St. Albans* from hearing and determining any appeals for the ſettlement of the poor in their quarter-ſeſſions. *ſ.* 8.

By 9 & 10 *Will.* 3. *c.* 11. No perſon who ſhall come into any pariſh by certificate, ſhall be adjudged to have procured a legal ſettlement in ſuch pariſh, unleſs he ſhall take a leaſe of a tenement of the value of 10 *l.* or ſhall execute ſome annual office in ſuch pariſh, being legally placed in ſuch office.

By 12 *Ann. ſt.* 1. *c.* 18. If any perſon ſhall be an apprentice bound by indenture, or a hired ſervant, to any perſon who did come into any pariſh by certificate, and not afterwards having gained a ſettlement, ſuch apprentice by ſuch apprenticeſhip, and ſuch ſervant by ſerving as aforeſaid, ſhall not gain any ſettlement. *ſ.* 2.

By 5 *Geo.* 1. *c.* 8. It ſhall be lawful for the church-wardens or overſeers, where any wife or children ſhall be left by their huſbands, fathers, or mothers, on the charge of ſuch pariſh, by warrant or order from any two juſtices of peace, to ſeize ſo much of the goods, and receive ſo much of the annual rents and profits of the lands, of ſuch huſband, father, or mother, as ſuch juſtices ſhall direct, for the diſcharge of the pariſh for the providing for ſuch wife, child, or children; which order being confirmed at the next quarter-ſeſſions, the juſtices at ſuch ſeſſions may make an order to diſpoſe of ſuch goods by ſale or otherwiſe, and to receive the rents and profits, *&c.* for the purpoſes aforeſaid. *ſ.* 1.

The church-wardens and overſeers ſhall be accountable to the quarter-ſeſſions for ſuch monies as they ſhall receive by virtue of this act. *ſ.* 2.

By 9 *Geo.* 1. *c.* 7. No juſtice of peace ſhall order relief to any poor perſon, till oath be made before ſuch juſtice of ſome matter, which he ſhall judge to be a reaſonable cauſe for ſuch relief, and that the perſon had applied for relief at ſome public meeting of the pariſhioners, or to two of the overſeers of ſuch pariſh, and was by them refuſed; and till ſuch juſtice has ſummoned two of the overſeers to ſhew cauſe why ſuch relief ſhould not be given. *ſ.* 1.

The perſon, whom ſuch juſtice ſhall order to be relieved, ſhall be entered in the pariſh books as one of thoſe who is to receive collection, as long as the cauſe for ſuch relief continues. And no officer of any pariſh ſhall (except on ſudden occaſions) bring to the account of the pariſh any monies he ſhall give to any poor perſon who is not regiſtered in the pariſh book, on forfeiture of 5 *l.* to be levied by diſtreſs and ſale, by warrant of two juſtices, who ſhall have found him guilty of ſuch offence; to be applied for the uſe of the poor by direction of the juſtices. *ſ.* 2.

The church-wardens and overſeers, with the conſent of the pariſhioners or inhabitants in veſtry, may purchaſe or hire houſes in the pariſh, &c. and contract with perſons for the lodging, maintaining, and employing, all ſuch poor in their pariſhes, &c. as ſhall deſire relief; and if any poor perſon ſhall refuſe to be lodged in ſuch houſe, he ſhall be put out of the books, and ſhall not be entitled to relief; and two or more ſuch pariſhes, &c. with like conſent, with the approbation of a juſtice of peace dwelling in or near ſuch pariſh, &c. may unite in purchaſing or hiring ſuch houſe; and the church-wardens and overſeers of any pariſh, &c. with the like conſent, &c. may contract with the church-wardens and overſeers of any other pariſh, &c. for the lodging, maintaining, or employing, of any poor perſons, &c. provided, that no perſon, his apprentice, or children, ſhall acquire a ſettlement in the pariſh, &c. to which they are removed by virtue of this act. *ſ.* 4.

No perſon ſhall acquire any ſettlement by virtue of any purchaſe of an eſtate whereof the conſideration does not amount to 30 *l.* for any longer time than ſuch perſon ſhall inhabit in ſuch eſtate. *ſ.* 5.

No perſon ſhall be deemed to have a ſettlement in any city, pariſh, &c. by reaſon of his paying to the ſcavenger's rate, or repairs of the highway. *ſ.* 6.

The juſtices within the liberty of the borough of *St. Peter*, and hundred of *Naſſaborough* in the county of *Northampton*, may hear and determine appeals againſt any order for removal of any poor perſon in their quarter-ſeſſions. *ſ.* 7.

No appeal from any order of removal ſhall be proceeded upon, unleſs notice be given by the church-wardens or overſeers of the pariſh who ſhall make the appeal, to the church-wardens, &c. of the pariſh from which ſuch poor perſon ſhall be removed; the reaſonableneſs of which notice ſhall be determined by the quarter-ſeſſions; and if reaſonable notice was not given, they ſhall adjourn the appeal to the next quarter-ſeſſions. *ſ.* 8.

If the juſtices ſhall at their quarter-ſeſſions, upon an appeal concerning the ſettlement of any poor perſon, determine in favour of the appellant, they ſhall award the appellant ſo much money as ſhall have been reaſonably paid by the pariſh on whoſe behalf ſuch appeal was made, for the relief of ſuch poor perſon, to be recovered in the ſame manner as coſts on an appeal, by 8 & 9 *Will.* 3. *c.* 30. *ſ.* 9.

By 3 *Geo.* 2. *c.* 29. The witneſſes who atteſted the execution of certificates of ſettlements, or one of them, ſhall make oath before the juſtices, who by 8 & 9 *Will.* 3. *c.* 30. are directed to allow the ſame, that ſuch witneſs did ſee the church-wardens and overſeers ſign and ſeal the ſaid certificates, &c. and the juſtices ſhall certify that ſuch oath was made before them; and ſuch certificate ſhall be allowed in all courts as fully proved, and be taken as evidence without other proof. *ſ.* 8.

When any overſeers of the poor, or other perſons, ſhall remove back any perſons and their families, ſent by certificate, they ſhall be re-imburſed ſuch reaſonable charges as they have been put to in maintaining and removing ſuch perſons, by the church-wardens or overſeers of the pariſh to which ſuch perſons are removed; the charges being aſcertained by one juſtice of the county to which ſuch removal ſhall be made; the which charges ſhall, in caſe of refuſal of payment, be levied by diſtreſs and ſale of the church-wardens and overſeers goods by warrant of ſuch juſtices. *ſ.* 9.

By 17 *Geo.* 2. *c.* 3. The church-wardens and overſeers, and other perſons authoriſed to take care of the poor in every pariſh or place, ſhall give public notice in the church of every rate for the relief of the poor, allowed by the juſtices of peace, the next *Sunday* after the ſame is allowed; and no rate ſhall be valid, ſo as to collect the ſame, unleſs ſuch notice be given. *ſ.* 1.

The church-wardens and overſeers, or other perſons authoriſed in every pariſh, &c. ſhall permit the inhabitants to inſpect ſuch rate, paying 1 *s.* for the ſame, and ſhall upon demand give copies of the ſame, or any part thereof, to any inhabitant, paying at the rate of 6 *d.* for every 24 names. *ſ.* 2.

If any church-warden or overſeer, or other perſon authoriſed, ſhall not permit any inhabitant or pariſhioner to inſpect the ſaid rate, or neglect to give copies thereof, for every ſuch offence he ſhall forfeit to the party aggrieved 20 *l.* to be recovered by action of debt, &c. in any court of record, wherein no eſſoin, &c. ſhall be allowed. *ſ.* 3.

By 17 *Geo.* 2. *c.* 37. Where there ſhall be any uncertainty in what pariſh or place waſte and barren lands, and lands formerly fen or marſh ground, or covered with water, heretofore improved or drained, or hereafter ſo to be, lie, and ought to be rated, the occupiers of ſuch lands, or houſes built thereon, tenements, tythes ariſing therefrom, mines therein, and ſaleable underwoods therein growing, ſhall be rated to the relief of the poor, and to all other parochial rates within ſuch pariſh, &c. which lies neareſt ſuch lands, in like manner, and ſubject to the ſame regulations as all other lands within ſuch pariſh, &c.; and if any diſpute ariſe touching what pariſh, &c. ſuch lands ought to be in, it ſhall be lawful for the juſtices of peace for the county or diviſion where ſuch lands lie, at their next general quarter-ſeſſions, after notice given to the ſeveral pariſhes, &c. adjoining to ſuch lands, and to all other perſons intereſted therein, to determine the ſame on the appeal of any perſon intereſted, and at ſuch ſeſſions to cauſe ſuch lands or hereditaments to be allotted to, and equally aſſeſſed in, ſuch pariſh, &c. as they ſee juſt; and ſuch determination ſhall be final as to the pariſh, &c. in which ſuch lands, &c. ſhall be rated; and the ſaid lands, &c. ſhall be rated to the relief of the poor, and to all other parochial rates within ſuch pariſh, &c. only to which they are ſo allotted. *ſ.* 1.

Nothing in this act, nor any allotment made by the juſtices at the general quarter-ſeſſions in purſuance thereof, ſhall affect or determine the boundaries of any pariſh, &c. to any purpoſe other than for the rating ſuch lands, &c. to the relief of the poor, and other parochial rates. *ſ.* 2.

Nothing in this act ſhall make void or alter 16 & 17 *Car.* 2. *c.* 11. *ſ.* 17. *for draining* Deeping Fen. *ſ.* 3.

By 17 *Geo.* 2. *c.* 38. The church-wardens and overſeers of the poor ſhall yearly within 14 days after other overſeers are nominated to ſucceed them, deliver in to ſuch ſucceeding overſeers an account entered in a book and ſigned, of all money by them received, or rated and not received; and alſo of all goods in their hands, or in the hands of any of the poor, in order to be wrought, and of all monies paid by them, and of all other things concerning their office; and ſhall alſo pay over all money and goods in their hands unto ſuch ſucceeding overſeers of the poor; which account ſhall be verified by oath (or by the affirmation of *Quakers*) before a juſtice of peace, who ſhall ſign and atteſt the caption of the ſame at the foot of the account without fee: and the ſaid book ſhall be preſerved by the church-wardens and overſeers, or one of them, in every pariſh or place; and they ſhall permit any perſon there aſſeſſed, or liable to be aſſeſſed, to inſpect the ſame, paying 6 *d.* and ſhall give copies to ſuch perſon, paying at the rate of 6 *d.* for every 300 words. *ſ.* 1.

In

In caſe ſuch church-wardens and overſeers, or any of them, neglect to make up ſuch account within the time herein limited, or neglect to pay over ſuch money or goods in their hands, it ſhall be lawful for any two juſtices of peace to commit him or them to the common gaol, until he ſhall have given ſuch account, or yielded up ſuch money and goods. *ſ.* 2.

If any ſuch overſeer die, or remove from the place for which he was appointed, or become inſolvent, before the expiration of his office, on oath thereof made it ſhall be lawful for two juſtices to appoint another overſeer, who ſhall continue in office until new overſeers are appointed; and if any overſeer remove, he ſhall before removal deliver over to ſome church-warden, or other overſeer of the ſame place, his accounts verified as aforeſaid, with all rates, books, papers, money, and other things, concerning his office, under the like penalties as are inflicted on an overſeer refuſing to do the ſame, after the expiration of his office; and if any overſeer die, his executors or adminiſtrators ſhall within 40 days deliver all things concerning his office to ſome church-warden, or other overſeer of the ſame place; and ſhall pay out of his aſſets all money remaining due, which he received by virtue of his office, before any other debts. *ſ.* 3.

In caſe any perſon find himſelf aggrieved by any rate for the relief of the poor, or have any objection to any perſon being put on, or left out of ſuch rate, or to the ſum charged on any perſon therein, or to ſuch account as aforeſaid, or find himſelf aggrieved by any neglect or act of the church-wardens and overſeers, or of any juſtice of peace; it ſhall be lawful for ſuch perſon, giving notice to the church-wardens or overſeers, to appeal to the next general or quarter ſeſſions of the peace; and the juſtices there ſhall receive ſuch appeal, and finally determine the ſame; but if it appear to the ſaid juſtices, that reaſonable notice was not given, they ſhall adjourn the appeal to the next quarter ſeſſions; and they may award to the party, for whom ſuch appeal ſhall be determined, reaſonable coſts as in appeals by 8 *Will.* 3. *c.* 30. concerning the ſettlement of poor perſons. *ſ.* 4.

In all corporations or franchiſes who have not four juſtices of peace, it ſhall be lawful for any perſon where an appeal is given by this act, to appeal to the next general or quarter ſeſſions of the peace for the county or diviſion wherein ſuch corporation or franchiſe is ſituate. *ſ.* 5.

Upon all appeals from rates the juſtices where they ſee cauſe for giving ſuch relief, ſhall amend the ſame, in ſuch manner only as ſhall be neceſſary for giving ſuch relief, without altering ſuch rates with reſpect to other perſons; but if upon an appeal from the whole rate it be neceſſary to ſet aſide the ſame, then the ſaid juſtices ſhall direct the church-wardens and overſeers to make a new equal rate. *ſ.* 6.

The goods of any perſon aſſeſſed and refuſing to pay, may be levied by warrant of diſtreſs, not only in the place for which ſuch aſſeſſment was made, but in any other place within the ſame county or precinct; and if ſufficient diſtreſs cannot be found within the ſaid county, *&c.* on oath thereof before ſome juſtice of any other county, *&c.* (which oath ſhall be certified under the hand of ſuch juſtice on the warrant) ſuch goods may be levied in ſuch other county, *&c.*; and if any perſon find himſelf aggrieved by ſuch diſtreſs, it ſhall be lawful for him to appeal to the next general or quarter ſeſſions of the peace for the county, *&c.* where ſuch aſſeſſment was made, and the juſtices there ſhall finally determine the ſame. *ſ.* 7.

Where any diſtreſs ſhall be made for any money due for the relief of the poor, the diſtreſs itſelf ſhall not be deemed unlawful, nor the party making it a treſpaſſer, on account of any defect in the warrant for the appointment of ſuch overſeers, or in the rate or in the warrant of diſtreſs; nor ſhall the party diſtraining be deemed a treſpaſſer *ab initio*, on account of any irregularity afterwards done by him; but the party aggrieved by ſuch irregularity ſhall recover ſatisfaction for the ſpecial damage ſuſtained and no more, in an action of treſpaſs or on the caſe. *ſ.* 8.

Provided that where the plaintiff recover, he ſhall be paid his coſts. *ſ.* 9.

Provided that no plaintiff ſhall recover for any irregularity as aforeſaid, if tender of amends hath been made by the party diſtraining, before ſuch action brought. *ſ.* 10.

In caſe any perſon neglect to pay ſuch overſeers any ſum that he ſhall be legally rated to, the ſucceeding overſeers ſhall levy ſuch arrears, and reimburſe their predeceſſors all ſums expended for the uſe of the poor, and allowed to be due to them in their accounts. *ſ.* 11.

Where any perſon ſhall come into or occupy any houſe, land, or hereditament, out of which any perſon aſſeſſed ſhall be removed, or which at the making ſuch rate was empty, every perſon ſo removing from, and every perſon ſo coming into the ſame, ſhall be liable to pay to ſuch rate in proportion to the time that ſuch perſon occupied the ſame, as if ſuch perſon ſo removing had not removed, or ſuch perſon ſo coming in had been originally rated, which proportion in caſe of diſpute ſhall be aſcertained by any two juſtices. *ſ.* 12.

Copies of all rates made for the relief of the poor ſhall be entered in a book to be provided by the church-wardens and overſeers, who ſhall take care that ſuch copies ſhall be entered within 14 days after all appeals from ſuch rates are determined, and ſhall atteſt the ſame by putting their names thereto; and all ſuch books ſhall be preſerved by the church-wardens and overſeers or one of them, whereto all perſons aſſeſſed or liable to be aſſeſſed may reſort, and ſhall be delivered over from time to time to the ſucceeding church-wardens and overſeers as ſoon as they enter into their offices, and ſhall be produced by them at the general or quarter ſeſſions, when any appeal is to be heard. *ſ.* 13.

If any church-warden, overſeer of the poor, or other officer of any pariſh, *&c.* neglect to obey the directions of this act, where no penalty is before provided by this act, or act contrary thereto, he ſhall for every ſuch offence, on oath thereof made within two calendar months after the offence before any two juſtices, forfeit for the uſe of the poor a ſum not exceeding 5 *l.* nor leſs than 20 *s.* to be levied by diſtreſs and ſale of the offenders goods, by warrant from ſuch juſtices; which ſum ſhall be paid to ſome church-warden or overſeer of ſuch pariſh or place. *ſ.* 14.

Overſeers of the poor within every townſhip or place where there are no church-wardens, ſhall execute all the acts and powers concerning the relief of and relating to the poor, as church-wardens and overſeers may by this or any former ſtatute, and ſhall ſuffer all ſuch penalties for neglect, as church-wardens and overſeers are liable to by this or any former ſtatute. *ſ.* 15.

By 31 *Geo.* 2. *c.* 11. *ſ.* 1. No perſon bound an apprentice by any deed, writing or contract, not indented, being firſt legally ſtamped, ſhall be liable to be removed from the town, pariſh, or place, where he or ſhe ſhall be ſo bound an apprentice, and reſident 40 days, by any order of removal granted by two juſtices, or by any order of the general or quarter ſeſſions, on account of ſuch deed, *&c.* not being indented only. *ſ.* 1.

By 9 *Geo.* 3. *c.* 37. If any churchwarden or overſeer, or other perſon intruſted by them to make payments to the poor, ſhall wilfully make any ſuch payments in any baſe or counterfeit money, or in any other than lawful money of *Great Britain*; then, upon complaint thereof made to any juſtice, it ſhall be lawful for ſuch juſtice, and he is required, to ſummon the churchwarden, overſeer, or other perſon charged with ſuch offence, and in a ſummary way, upon his non-appearance or confeſſion, or upon proof of ſuch offence upon the oath of one witneſs, to adjudge the party offending to forfeit not leſs than ten, nor more than 20*s.* and to levy the ſame by diſtreſs and ſale of the goods of ſuch offender; rendering the overplus to the owner, after the charges of diſtreſs and ſale deducted; which ſhall be applied for the uſe of any poor perſon of ſuch pariſh, in ſuch manner as the juſtice ſhall direct.

By 18 *Geo.* 3. *c.* 47. Any man-child bound apprentice under 43 *Eliz. c.* 2. ſhall be bound to be an apprentice for no longer term than till ſuch child ſhall come to the age of 21 years.

By 20 *Geo.* 3. *c.* 36. The perſons to whom any poor children ſhall be appointed to be bound apprentices, in purſuance of any act made for the relief of the poor in any particular incorporated hundreds or diſtricts within *England*, ſhall receive and provide for ſuch children, according to the indentures to be executed by the directors and acting guardians of the poor for ſuch hundreds, for the binding of ſuch poor children, in like manner as perſons are now obliged to receive and provide for poor children appointed to be bound apprentices by churchwardens and overſeers, with the aſſent of two juſtices, and alſo execute the counterpart of ſuch indentures: and if any perſon, to whom any poor child ſhall be appointed to be bound apprentice, ſhall refuſe or neglect to receive and provide for ſuch poor child, or to execute the counterpart of the indenture for binding ſuch child, ſuch perſon, upon proof of ſuch refuſal or neglect, by the oath of one of the directors or acting guardians, or of ſome other credible witneſs, before two juſtices, ſhall forfeit to the directors and guardians, or to their treaſurer or appointee, to be applied to the relief of the poor, 10*l.*; ſuch penalty to be levied by diſtreſs and ſale of the goods of the perſon refuſing or neglecting by warrant under the hands and ſeals of ſuch juſtices; ſaving to the perſon, to whom any poor child ſhall be appointed to be bound apprentice, his appeal to the next general or quarter ſeſſion, whoſe order ſhall be final. *ſ.* 1.

Nothing in this act ſhall compel any perſon to take any ſuch poor child apprentice, unleſs ſuch perſon ſhall be an inhabitant and occupier of lands, &c. in the pariſh to which ſuch child belongs; and all baſtard children born in the houſe of induſtry within any incorporated hundred, ſhall be deemed to belong to the pariſh where the mother was ſettled. *ſ.* 2.

By 22 *Geo.* 3. *c.* 83. So much of 9 *Geo.* 1. *c.* 7. as reſpects the maintaining or hiring out the labour of the poor by contract, within any pariſh which ſhall adopt the proviſions of this act, ſhall be repealed. *ſ.* 1.

It ſhall be lawful for the viſitors and guardians appointed as after mentioned, of any pariſh which ſhall have adopted the proviſions of this act, and ſhall have a viſitor appointed, to make agreements with any perſon for the diet or clothing of poor perſons ſent to the houſe to be provided under this act, and for the work of ſuch perſons, ſo that no agreement be for longer than twelve months, and ſo that the ſame be under the ſtricteſt inſpection and controul of the viſitor, guardian, and governor of ſuch poor houſe, and alſo of the juſtices for the limit where ſuch poor houſe ſhall be; two of which juſtices, upon proof of abuſe, may diſſolve ſuch contract. *ſ.* 2.

Whenever two thirds in number and value, according to the poor rate, of the owners or occupiers of lands, &c. within the pariſh, qualified as after, ſhall, at a public meeting purſuant to this act, ſignify their approbation of the proviſions herein, and their deſire to adopt them, in the form in the ſchedule, No. I. and ſhall at ſuch meeting recommend to the juſtices of the county, &c. where ſuch meeting ſhall be holden, three perſons qualified for guardians of the poor for ſuch pariſh, and three governors of the poor houſe, and fix the ſalaries to be paid to ſuch guardian and governor reſpectively, and ſhall procure the conſent of two juſtices to ſuch agreement and ſalaries, by writing under their hands, in the forms in the ſchedule, No. II. and ſhall cauſe ſuch agreement to be regiſtered purſuant to this act; ſuch pariſh ſhall be entitled to all the benefits which can ariſe from this act. *ſ.* 3.

Where two thirds of the owners or occupiers of lands, within two or more pariſhes, think fit, with ſuch approbation, ſignified under the hands of two juſtices, and ſubſcribed at the foot of the agreement, in the form in No. II. at the end of the form of the agreement, to unite for the purpoſes of this act, and ſhall ſignify their inclination ſo to do at a public meeting holden in each of ſuch pariſhes, in manner before directed concerning a ſingle pariſh, in the form in No. III. an agreement ſhall, after ſuch public meetings, be entered into by the guardians of the poor in the form in No. IV. which agreement ſhall be binding upon the parties; and ſuch agreement ſhall ſpecify the place where ſuch houſe ſhall be ſituate, and the terms upon which ſuch agreement is made, and ſhall be entered with the clerk of the peace or town clerk of the county, &c. in which ſuch pariſhes ſhall be ſituate, and a copy thereof left with him within three months after the making ſuch agreement, in the form in No. V. for which entry ſuch clerk ſhall receive one ſhilling; and from that time ſuch pariſh united, ſhall be entitled to all the benefits which can ariſe from this act. *ſ.* 4.

No pariſh ſituate more than ten miles from any poorhouſe or workhouſe provided under this act, ſhall be united with the pariſhes which ſhall eſtabliſh ſuch poorhouſe, &c. *ſ.* 5.

The notice for every public meeting ſhall be given in the church or chapel of every pariſh on three ſucceſſive *Sundays* before the meeting, immediately after divine ſervice, or on ſuch *Sundays* as ſervice ſhall be performed there, and alſo fixed in writing on ſuch church or chapel door, or if no church or chapel, at ſome public place within ſuch pariſh, where notices of pariſh buſineſs have been uſually given, fifteen days before the meeting, in the form in No. VI.; and no perſon ſhall vote at any public meeting, unleſs he be the owner or occupier of lands, &c. aſſeſſed to the poor's rates, within ſuch pariſh, after the rate of 5*l.* *per annum*: nor ſhall ſuch perſon vote as occupier, unleſs he be aſſeſſed or pay to ſuch poor's rates: but in all pariſhes wherein there ſhall not be ten perſons poſſeſſed of the qualification, every perſon aſſeſſed, or paying to ſuch poor's rates, may vote. *ſ.* 6.

Two juſtices where ſuch poor-houſe ſhall be, or be agreed to be ſituated, are, after ſuch agreement ſhall have been made, upon application to them by two perſons who ſigned ſuch agreement, and upon producing the ſame to them, to appoint one of the perſons recommended, to be guardian of the poor for each of ſuch pariſhes, in the form in No. VII. and ſuch guardian ſhall attend the monthly meetings, and execute the powers given to guardians, and ſhall have all powers given to overſeers by other acts, and

ſhall to all intents, except as to making and collecting of rates, be an overſeer for the pariſh for which he ſhall be appointed guardian, and ſhall be liable to ſuch forfeitures for neglect of duty as overſeers are by this or any other act; and all notices or applications directed by this or any other act to be given to the overſeers, as to the care or removal of the poor, ſhall be given to the guardian, where ſuch guardian ſhall be appointed under this act; but in caſe any orders of removal or notices ſhall happen by miſtake to be given to the churchwarden or overſeer, the ſame ſhall be as valid as if given to the guardian; and ſuch churchwarden or overſeer ſhall deliver the ſame to the guardian, or forfeit 40 *s.*: and where ſuch guardian ſhall be appointed, neither the churchwardens or overſeers ſhall interfere in the care of the poor, but ſhall be inveſted with the ſame powers of making and collecting poor's rates as they have at preſent, and ſhall be ſubject to the like penalties for neglect or miſbehaviour in making and collecting ſuch rates. *ſ.* 7.

After the appointment of ſuch guardian, one or more of the churchwardens or overſeers of every pariſh which ſhall adopt this act, who ſhall be approved at ſome public meeting holden as aforeſaid, ſhall receive ſuch poor's rates, and apply the ſame in manner following, *viz.* If ſuch pariſh ſhall not be united with any other, ſuch churchwarden, *&c.* ſhall pay to the guardian ſuch ſums as he ſhall employ for diſcharging the bills, and expences attending ſuch houſe, and the poor belonging to ſuch pariſh, and ſhall take receipts from ſuch guardian for the money paid, expreſſing the purpoſes for which ſuch money is wanted; and if the pariſh ſhall be united with any other pariſh, ſuch churchwarden or overſeer ſhall pay to the treaſurer of ſuch united pariſhes their quota of the expences attending the poor and poor-houſe therein, under this act, and take his receipts for ſuch money; or, if more convenient, he ſhall permit ſuch treaſurer to draw drafts upon him for ſuch money, in the form No. VIII. and pay the ſame when due, ſpecifying in every receipt and draft the purpoſes for which ſuch money is to be applied; all which payments ſhall be allowed to the churchwarden, *&c.* in his accounts with the pariſh; and the accounts, as well of the churchwarden, *&c.* as of the guardian, ſhall be examined at every monthly meeting, and ſhall be examined and paſſed quarterly by the viſitor of ſuch poor-houſe, after they ſhall have been verified upon oath before a juſtice. *ſ.* 8.

Two juſtices are, after ſuch agreement ſhall have been made for adopting this act, either by a ſingle pariſh, or by two pariſhes, upon application made to them by two of the perſons who ſigned ſuch agreement, and upon producing the ſame to them, to appoint one of the perſons recommended, for governor of ſuch poor-houſe (in the form No. VII), who ſhall have the care and employment of the poor, and ſhall be allowed ſuch ſalary as ſhall be ſpecified in the agreement; and the viſitor of ſuch poor-houſe, with the conſent of the guardians, or the major part of them, or two juſtices, where a guardian ſhall be viſitor, may remove the governor upon complaint, and proof of miſbehaviour or incapacity. *ſ.* 9.

The guardians for the pariſhes united, ſhall meet as ſoon as convenient after ſuch agreement ſhall have been made, to conſider of three perſons, reſpectable in character and fortune, fit to be put in nomination for the office of viſitor of ſuch poor-houſe; and two guardians ſhall, as ſoon as may be after ſuch meeting, apply to two juſtices, and produce to them the agreement, and the names of the perſons whom they recommend; which juſtices ſhall then, or within three days after, appoint one of ſuch perſons recommended to be viſitor, in the form in No. VII; but if he refuſe to accept that office, they ſhall then appoint one other of the perſons named; and if he decline it, they ſhall appoint the third perſon named in ſuch liſt; and if he decline it, the guardians ſhall ſerve that office monthly by rotation, ſubject to the controul of the juſtices: and ſuch viſitor, if not a guardian, is to nominate ſome perſon to be his deputy, if he think fit, in the form in No. IX; and ſuch deputy ſhall, in the abſence of ſuch viſitor, and under his direction, act as inſpector of the matters committed to the care of the viſitor, and ſhall make his report thereof to him, for his better information, and render him all the aſſiſtance in his power: and every viſitor appointed ſhall ſuperintend every houſe, and ſettle the accounts between the guardians and the treaſurer, if any queſtion ariſe, and alſo ſhall ſettle all doubts which may ariſe concerning the perſons which ought to be ſent to ſuch houſe, according to this act, and by every prudent means in his power enforce the rules eſtabliſhed under this act, for the better relief of the poor, and preventing unneceſſary expences and burthens on the pariſhes: and ſuch governor, guardian, and treaſurer is to obſerve the directions from the viſitor: and where any act ſhall be required to be done by a juſtice, ſuch viſitor, if not a juſtice, or his deputy, ſhall apply to ſome neighbouring magiſtrate to do the ſame: and every viſitor or deputy, as an inducement to executing that office, ſhall be freed from ſerving conſtable, and all parochial offices, and alſo from ſerving upon juries at the aſſizes or ſeſſions, ſo long as he continue in that office; and a certifice under the hand of a juſtice, in the form in No. X, ſhall be admitted as evidence of his ſerving the office. *ſ.* 10.

If two-thirds, in number and value, of the owners or occupiers of lands, *&c.* within any ſingle pariſh, which ſhall adopt this act, ſhall deſire to have a viſitor, and ſhall recommend to the juſtices three perſons, the juſtices, upon application to them as aforeſaid, ſhall appoint one of the perſons recommended, as before directed concerning pariſhes united. *ſ.* 11.

The guardians of the pariſhes united, ſhall recommend to the juſtices one of their own body to be treaſurer of the poor-houſe; and two juſtices are to appoint the guardian recommended, or any other whom they think better qualified, to that office, in the form in No. VII. which treaſurer ſhall give ſecurity to the ſatisfaction of the juſtices, to the other guardians, and their ſucceſſors, for accounting for the money which ſhall come to his hands; and ſhall keep the accounts, receive the money to be contributed by each pariſh, and pay the bills and expences allowed and ordered to be paid by the guardians, at their monthly meeting; and ſhall lay his accounts before the guardians, at every ſuch meeting, for their peruſal; and ſhall, once in every year, within 14 days before *Michaelmas* quarter ſeſſions, make out a fair account of the expences attending the ſame, diſtinguiſhing them under the heads herein ſpecified; and alſo an account of the number of poor, diſtinguiſhing their age and ſex, which ſhall be contained in ſuch houſe at the time of making ſuch account, and how they have been employed, and how much money hath been earned by the labour of the poor in the year preceding; which ſhall be laid before the viſitor, and ſignified under his hand, if he approves the ſame, and ſhall afterwards be tranſmitted to the clerk of the peace, or town clerk, before or at the quarter ſeſſions, and be by him laid before the court for inſpection: and ſuch treaſurer ſhall be allowed, for his trouble in executing that office, ſuch annual ſum, not exceeding 10 *l.* as the viſitor, if not a guardian, ſhall think fit; and if no ſuch viſitor, as two juſtices ſhall appoint. *ſ.* 12.

When

When any vacancy ſhall happen in any of the offices by death, reſignation, or removal, meetings ſhall be called, and recommendations offered to the juſtices as aforeſaid; and they ſhall proceed ſo ſoon as convenient, in manner before, to appoint a ſucceſſor to the perſon dying, &c. ſ. 13.

The offices of guardian, governor, viſitor, or treaſurer, to which any perſon ſhall be appointed under this act, ſhall determine in *Eaſter* week after the perſons ſhall be appointed, on the day upon which the public meeting for ſuch pariſh ſhall be held there; when the perſons, who, according to this act, are qualified and have a right to recommend another perſon to the juſtices, to be appointed to ſuch office, ſhall either agree with the perſons who held the ſame to continue in ſuch office, or ſhall recommend others, in manner before directed. ſ. 14.

If within any limit, wherein any poor-houſe ſhall be ſituate, there ſhall happen to be no acting juſtice, or only one acting juſtice, or if the juſtice in that limit ſhall be abſent, or incapacitated to act, any juſtice of any other limit may act. ſ. 15.

The juſtices within their limits may appoint ſpecial or privy ſeſſions for executing the powers of this act, cauſing notices to be given to the juſtices, peace officers, and guardians within ſuch limits; and alſo adjourn ſuch privy ſeſſions, ſo as to occaſion the leaſt trouble to themſelves, and to afford the greateſt convenience to the public, cauſing like notices to be given of ſuch adjournment. ſ. 16.

The guardians of the poor of the pariſhes which adopt the proviſions of this act, ſhall provide a houſe with proper buildings and accommodations thereto, when wanted, either by erecting new ones on land to be purchaſed or rented by them, altering old ones, or hiring buildings for the purpoſe; and ſhall fit up and diſpoſe the ſame, with the advice of the viſitor, if any, in ſuch manner as ſhall be moſt conducive to the purpoſes of this act, at the expence of ſuch pariſh, in the proportions herein after mentioned; and ſhall provide ſuch utenſils and materials as they think neceſſary for their employment, according to the intent of this act. ſ. 17.

The poorhouſes or workhouſes to be built or provided under this act, ſhall be ſituate within the pariſh for which they ſhall be uſed, if ſingle pariſhes, and if ſeveral pariſhes ſhall be united, they ſhall be built or provided within one of the pariſhes, and not in any other pariſh, without the conſent of three-fourth parts, in number and value, of ſuch owners or occupiers firſt had, qualified as before mentioned, who ſhall be aſſembled at a public meeting holden in the manner and upon the notice before directed. ſ. 18.

All the houſes, buildings, and lands hired under this act, ſhall be hired for ſuch term, and on ſuch conditions, as are ſpecified in the agreement in No. IV; and ſuch houſes, &c. ſhall be free from all parochial and parliamentary taxes, except ſuch taxes, and to ſuch amount, as they were aſſeſſed at the time they were firſt taken for the purpoſes of this act. ſ. 19.

When ſuch buildings ſhall be agreed to be erected, repaired, or fitted up, at the expence of the pariſh, the expences thereof, and of the purchaſe of the land neceſſary to be uſed for that purpoſe, ſhall be paid by the guardians of the poor, in the proportions, and in the manner, directed by the agreement; and it ſhall be lawful for the viſitor and guardian, when ſuch expences, or their proportion thereof, ſhall amount to 100*l.* to borrow the ſame at intereſt, and ſecure ſuch money by a charge upon the poor's rates, in ſums not exceeding fifty pounds each, for the greater eaſe in diſcharging the ſame, in the form in No. XI, which charge ſhall continue upon the ſaid rates until the money borrowed, and all intereſt be paid: and the guardians and their ſucceſſors ſhall pay and keep down the intereſt of ſuch money borrowed, as the ſame ſhall become due; and when the principal ſhall be called for, they may borrow it from ſome other perſon; and the ſame ſhall be ſecured to the perſon advancing the ſame, by an aſſignment of ſuch ſecurity indorſed on the back thereof, in the form in No. XIV: and the poor's aſſeſſments ſhall continue at the ſame rate they were when ſuch poor-houſe was firſt eſtabliſhed under this act, until the debt contracted and the intereſt ſhall be diſcharged: and the ſaid viſitor and guardian ſhall, as ſoon as the ſavings in the poor's accounts ſhall amount to ſufficient to pay off one of the ſums borrowed, pay off ſuch ſum, and in like manner as to ſucceeding ſavings, until the whole debt ſhall be diſcharged. ſ. 20.

The viſitor and guardian, after they have adopted the proviſions of this act, ſhall be one body politic and corporate, and be called *viſitor and guardian*, or *viſitors and guardians*, *of the poor for the pariſh*, *townſhip*, or *place of* ——— *in the county*, &c. *of* ——— ——— or *of the united pariſhes*, *townſhips*, *or places of* ——— ——— *and* ——— *in the county*, &c. *of* ——— ——— as the caſe ſhall be; and are hereby enabled to ſue and be ſued, and to take by purchaſe or leaſe, any lands, &c. of inheritance, or for lives or years, &c. not exceeding in any city or town one acre, and not exceeding in the open country twenty acres of ſtatute meaſure, for the ſcite of a houſe to be built, and for lands to be occupied, for the purpoſes of this act; and the ſaid corporation is alſo enabled to take all voluntary grants and donations of lands, &c. of inheritance, or for lives or years, &c. or of perſonal property, which ſhall be made to them for the uſe of the poor within ſuch pariſhes. ſ. 21.

It ſhall be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or ſole, huſbands, guardians, truſtees, feoffees in truſt, committees, executors, adminiſtrators, and all other truſtees whatſoever, not only for themſelves but for their ceſtuique truſts, and all femes-covert ſeiſed, poſſeſſed of, or intereſted in their own right, and for every other perſon ſeiſed, poſſeſſed of, or intereſted in any lands, &c. neceſſary to be purchaſed or rented for the purpoſes of this act, to contract for, ſell, and convey, or leaſe the ſame, or any part thereof, in manner aforeſaid, not exceeding the quantity aforeſaid, unto the ſaid viſitor and guardians, their ſucceſſors and aſſigns, or to ſuch perſon as they appoint, for the uſe of ſuch poor-houſe, and the poor perſons within ſuch pariſhes, and for the purpoſes of this act. ſ. 22.

All money paid to any bodies politic, &c. for the purchaſe of any lands or buildings ſhall, in caſe the ſame exceed 20*l.* by ſuch bodies politic, &c. be laid out, as ſoon as conveniently may be, in the purchaſe of lands, &c. in fee-ſimple, and conveyed to the uſe of ſuch bodies politic, &c. for ſuch eſtates, and upon ſuch uſes, as the lands in reſpect whereof ſuch purchaſe money ſhall be paid were limited, &c. at the time ſuch purchaſe was made; ſuch purchaſes and ſettlements to be made at the expence of the pariſh, and charged by the guardians, together with the purchaſe money, in their accounts; and until ſuch purchaſe ſhall be made, the money ſhall be placed out by ſuch bodies politic, &c. in ſome of the public funds, or on government or real ſecurity, in the name of two perſons, the one to be named by the party intereſted therein, and the other by the guardian, if it reſpects a ſingle pariſh only, and by the viſitor, if it reſpects ſeveral pariſhes united; and the intereſt ariſing from ſuch funds, and alſo the annual rent,

rent, where the premiſes ſhall be rented, ſhall be paid to ſuch perſon as would be entitled to the rents of ſuch lands, purſuant to this act. *ſ.* 23.

The poor ſent to ſuch houſe ſhall be maintained therein at the general expence of the pariſhes adopting the proviſions of this act, according to the terms and proportions directed by this act; and the treaſurer, with the aſſiſtance of the governor, ſhall provide proviſions for the maintenance of ſuch poor, and keep an account thereof; and there ſhall be a meeting of the guardians of every pariſh at ſuch houſe, on the firſt *Monday* in every month, at ten in the forenoon, or on ſuch other day and hour in the firſt week of every month, as the guardians ſhall at their firſt meeting appoint, to ſtate, examine, inſpect, and adjuſt the accounts for the preceding month; and at ſuch meeting, the ſaid treaſurer ſhall produce, fairly written, one account of the debt incurred in the preceding month, for utenſils and materials for manufacture, and for furniture, alterations, or repairs of the buildings, and alſo for the ſalary to the governor or treaſurer, and ſervants (if any), in which account the rent of ſuch houſe, *&c.* if the ſame ſhall be rented, ſhall be charged in the month next after ſuch rent ſhall become due, according to the terms of the agreement for taking the ſame; which account, when ſettled, ſhall be ſigned by the ſaid guardians attending ſuch meeting: and the ſums to be paid by each of ſuch pariſhes, on that account, ſhall be ſettled at ſuch meeting, in proportion to the ſums paid by each pariſh, on account of their poor, on a medium of three years next preceding the date of ſuch agreement (to be ſettled at ſuch firſt monthly meeting, in the manner to be ſpecified by the agreement to be entered into for uniting as aforeſaid, and according to the mode in No. XV), and in like manner, and in the like proportions, at every ſucceeding monthly meeting; and the money ſhall be then, or within one week after, paid to the treaſurer, to be by him applied in diſcharge of the articles and debts contained in ſuch account: and the ſaid treaſurer ſhall alſo at the ſame time produce, fairly written, one other account of the victuals, beer, firing, and other neceſſaries for the uſe and maintenance of the poor, and of the governor, at ſuch houſe, and all other incidental expences; which ſhall be then accounted for and proportioned by the guardians according to the number of perſons ſent from each of the pariſhes, and for the time they ſhall have reſided in ſuch houſe, within ſuch month, according to the mode in No. XVI; and the ſum due from each pariſh ſhall be ſpecified at the foot of ſuch account, which ſhall, when ſettled, be ſigned by ſuch guardians, and be afterwards inſpected by the viſitor, if not a guardian, and allowed by him if he approve thereof; and in caſe default ſhall be made in payment of the ſums proportioned to be paid in reſpect of ſuch pariſh, for ſeven days after ſettled and proportioned, and the money demanded, it ſhall be lawful for any juſtice, upon complaint made to him upon oath of ſuch default, to levy the ſaid ſums by diſtreſs and ſale of the goods of any guardian for ſuch pariſh making default; and at the end of every year the account ſhall be finally cloſed, and the balances paid and received, according to the mode preſcribed by No. XVI. *ſ.* 24.

The church-warden or overſeer who ſhall have the cuſtody of the poor's rates, aſſeſſments, or accounts, ſhall produce the ſame to the perſons nominated, in the agreement contained in the ſchedule for uniting pariſhes, on every requeſt made by them, after four days notice thereof, to enable them to aſcertain the expences relative to the poor, on a medium of three years, according to the directions of this act, or in default thereof, ſhall forfeit 5 *l.* for every refuſal or neglect. *ſ.* 25.

If the guardian ſhall not attend each monthly meeting, or ſend ſome ſubſtantial inhabitant of ſuch pariſh, to attend and anſwer the payments for him, in caſe he be prevented by ſickneſs, or accident, from attending in perſon, the guardian making default ſhall forfeit, not exceeding 5*l.* nor leſs than 40*s.* *ſ.* 26.

It ſhall be lawful for the guardians, where any poor-houſe ſhall be provided, to encloſe from any waſte or common land or ground lying near thereto, with the conſent of the lord of the manor, and the major part in value of the freeholders, or perſons having right of common thereupon, ſignified under their hands and ſeals, any part of ſuch waſte or common land, not exceeding ten acres, for the purpoſe of building upon, or occupying, cultivating, and improving the ſame, for the uſe of ſuch poor-houſe, and the poor perſons within the pariſhes. *ſ.* 27.

Every perſon ſent to any houſe provided under this act, ſhall, at the time of entering ſuch houſe, deliver to the governor thereof, or to his aſſiſtant, if any, an order, ſigned by one of the guardians, for the admiſſion of ſuch perſon, in the form in No. XII; which order ſhall be kept by the governor, and entered in a book. *ſ.* 28.

No perſon ſhall be ſent to ſuch poor-houſe, except ſuch as are become indigent by old age, ſickneſs, or infirmities, and are unable to acquire a maintenance by their labour; and except ſuch orphan children as ſhall be ſent thither by order of the guardian, with the approbation of the viſitor; and except ſuch children as ſhall neceſſarily go with their mothers thither for ſuſtenance. *ſ.* 29.

All infant children of tender years, and who, from accident or misfortune, ſhall become chargeable, may either be ſent to ſuch poor-houſe, or be placed by the guardian, with the approbation of the viſitor, with ſome reputable perſon in or near the pariſh to which they belong, at ſuch weekly allowance as ſhall be agreed upon between the pariſh officers and ſuch perſon, with the approbation of the viſitor, until ſuch child ſhall be of ſufficient age to be put into ſervice, or bound apprentice to huſbandry, or ſome trade; and a liſt of the names of every child placed out, and by whom and where kept, ſhall be given to the viſitor; who ſhall ſee that they are properly treated, or cauſe them to be removed, and placed under the care of ſome other perſon, if he finds cauſe ſo to do; and when ſuch child ſhall attain ſuch age, he ſhall be placed out at the expence of the pariſh to which he belongs, according to the laws in being: but if the parents or relations of any poor child ſent to ſuch houſe, or ſo placed out, or any other reſponſible perſon, ſhall deſire to receive and provide for ſuch poor child, and ſignify the ſame to the guardians at their monthly meeting, the guardians ſhall diſmiſs ſuch child from the poor-houſe, or from the care of ſuch perſon, and deliver him to the parent, *&c.* provided, nothing herein ſhall give any power to ſeparate any child, under the age of ſeven years, from his parent, without the conſent of ſuch parent. *ſ.* 30.

All idle or diſorderly perſons, who are able, but unwilling, to work or maintain themſelves and families, ſhall be proſecuted by the guardians of the pariſhes wherein they reſide, and puniſhed as idle and diſorderly perſons under 17 *Geo.* 2.; and if any guardian ſhall neglect to make complaint thereof, againſt every ſuch perſon, to ſome neighbouring juſtice, within 10 days after it come to his knowledge, he ſhall forfeit not exceeding 5*l.* nor leſs than 20*s.* one moiety to the informer, and the other to be diſpoſed of as the other forfeitures after directed. *ſ.* 31.

Where

Where there ſhall be in any pariſh, any poor perſon who ſhall be able and willing to work, but who cannot get employment, it ſhall be lawful for the guardian of the poor, on application made to him by ſuch poor perſon, to agree for the labour of ſuch poor perſon, at any work or employment ſuited to his ſtrength and capacity, in any pariſh near the place of his reſidence, and to maintain, or cauſe ſuch perſon to be maintained, lodged, and provided for, until ſuch employment be procured, and during the time of ſuch work, and to receive the money earned by ſuch work or labour, and apply it in ſuch maintenance, as far as the ſame will go, and make up the deficiency, if any; and if the ſame ſhall happen to exceed the money expended in ſuch maintenance, to account for the ſurplus, which ſhall afterwards, within one month, be given to ſuch poor perſon, if no further expences ſhall be then incurred on his account to exhauſt the ſame. And in caſe ſuch poor perſon ſhall refuſe to work, or run away from ſuch work, complaint ſhall be made thereof by the guardian to ſome juſtice, who ſhall enquire into the ſame upon oath, and on conviction puniſh ſuch offender, by committing him to the houſe of correction, to be kept to hard labour for not exceeding three months, nor leſs than one. *ſ.* 32.

The guardian of the poor ſhall provide, at the expence of ſuch pariſh, cloathing for the perſons ſent by him to ſuch poor-houſe; and in caſe of neglect ſo to do, the governor, or one of the guardians of ſuch houſe, ſhall make complaint thereof to ſome juſtice, who ſhall ſummon the guardian making neglect, to appear before him to anſwer the complaint, and direct him to provide ſuch cloathing as ſhall to ſuch juſtice appear neceſſary; and if ſuch guardian ſhall make default in providing ſuch cloathing, within ten days after ſuch direction, it ſhall be lawful for ſuch juſtice to direct the governor, or the guardian making complaint, to provide the ſame, and to demand from ſuch guardian the charges of ſuch cloathing; and in default of payment thereof, upon demand made, it ſhall be lawful for ſuch juſtice to levy the ſame, and the coſts attending the recovery thereof, by diſtreſs and ſale of the goods of ſuch guardian making default. *ſ.* 33.

The rules ſpecified in the ſchedule annexed ſhall be obſerved at every poor-houſe or work-houſe provided by virtue of this act, with ſuch additions as ſhall be made by the juſtices at ſome ſpecial ſeſſion, provided ſuch additions ſhall not be contradictory to the rules eſtabliſhed by this act, and the ſame be not repealed by the juſtices at their quarter-ſeſſions; and the governors of every ſuch houſe are to cauſe the ſame to be printed in plain legible characters, and fixed up in ſome conſpicuous part of every ſuch houſe. *ſ.* 34.

It ſhall be lawful for any juſtice, on complaint made upon oath, by or on the behalf of any poor perſon belonging to any pariſh, that the guardian, upon application made to him, hath refuſed ſuch poor perſon relief, and after enquiring into the condition of ſuch poor perſon upon oath, either to order him, by writing under the hand of ſuch juſtice, ſome weekly or other relief, or direct ſuch guardian to ſend ſuch poor perſon to the poor-houſe, in caſe he appear a fit object to be kept there, according to this act; which order ſhall be complied with, or cauſe ſhewn to the contrary, before ſuch juſtice, by ſuch guardian, within two days after he ſhall receive the ſame; (and every perſon receiving weekly relief ſhall wear the badge directed by 8 & 9 *Will.* 3. unleſs directed otherwiſe by a juſtice, upon proof of decent and orderly behaviour;) or if it ſhall appear to ſuch juſtice, that the perſon complaining, or on whoſe behalf ſuch complaint is made, is able and willing to work, but wants employment, it ſhall be lawful for ſuch juſtice to order the guardian to procure him maintenance and employment as before directed; and if any guardian ſhall, upon notice of ſuch order, refuſe or neglect to obey the ſame, he ſhall forfeit 5 *l.*; or if it ſhall appear to ſuch juſtice, that the perſon making complaint, or on whoſe behalf complaint is made, is an idle or diſorderly perſon, and has not uſed proper means to get employment, it ſhall be lawful for the juſtice, after examining ſuch perſon, and hearing the circumſtances of the caſe, to commit ſuch perſon to the houſe of correction for not exceeding three months, nor leſs than one; or if it appear to ſuch juſtice, upon enquiry, that the huſband or father of ſuch perſon is an idle or diſorderly perſon, able to work, but by his neglect of work, or for want of ſeeking employment, or by ſpending the money he earns in alehouſes, or places of bad repute, does not maintain his wife or children, and ſuffers them to be reduced to want, it ſhall be lawful for ſuch juſtice to commit the huſband or father to the houſe of correction, for not exceeding three months, nor leſs than one. *ſ.* 35.

When any complaint or application ſhall be made to a juſtice for the relief of any poor perſon, within any pariſh for which a viſitor ſhall be appointed, ſuch juſtice ſhall not ſummon the guardian to appear before him, unleſs application ſhall have been firſt made, by the perſon complaining, to the guardian, and, if he refuſes redreſs, to the viſitor (it being part of his duty to adjuſt matters of that ſort), who ſhall order relief if he thinks it neceſſary, either within or out of the houſe; but if ſufficient relief ſhall not be given or ordered, the poor perſon ſhall be redreſſed by ſuch juſtice as before directed. *ſ.* 36.

Out of the penalty inflicted upon the guardian for diſobeying the order of a juſtice, ſo much thereof as the juſtice ſhall direct to be paid to ſuch poor perſon ſhall be paid to him accordingly, and the remainder applied as other penalties. *ſ.* 37.

If any poor perſon ſhall be retarded on his paſſage through any pariſh in which he has no ſettlement, by reaſon of any accident, or being afflicted with ſickneſs or bodily infirmity, without the means of ſubſiſtence, or of proceeding to the place of ſettlement, the guardian living near the place where ſuch diſtreſſed object ſhall be, ſhall, upon notice thereof, provide lodging, and ſuitable nouriſhment and aſſiſtance (and alſo clothing if neceſſary) for ſuch perſon, until he can be removed with ſafety; and when ſuch perſon ſhall be fit to be removed, ſhall take ſuch perſon to ſome neighbouring juſtices, who ſhall examine him upon oath, as to his ſettlement, and make order for his removal thither, if they think fit: and the pariſh officer who ſhall ſo receive and provide for ſuch perſon, ſhall make a charge of the expences, which being allowed and certified by the juſtices, or ſome other neighbouring juſtices where ſuch perſon was found, the ſame ſhall be paid by the guardian of the pariſh where ſuch poor perſon ſhall be ſettled, in caſe the ſame can diſcovered, and ſhall be within that county, on demand made thereof, and on the production of ſuch allowance and certificate, or in default of payment, the ſame ſhall be levied upon the goods of ſuch guardian making default, after ſummons, by warrant from a juſtice having juriſdiction there; and if any poor and ſick perſon ſhall die before he can be examined, or if any poor perſon ſhall be found dead in any pariſh to which he did not belong, the guardian of ſuch pariſh ſhall cauſe ſuch perſon to be buried in the pariſh where he died, or was found dead, and ſhall make a charge of the expences, which ſhall be allowed and certified by a juſtice, after examining into the

place

place of his ſettlement, and ſhall be paid by the guardian of the pariſh where ſuch perſon ſhall have been ſettled, if the ſame ſhall be within that county; but in caſe the ſettlement cannot be diſcovered, or ſhall not be within that county, the ſame ſhall be paid by the treaſurer of ſuch county where ſuch perſon was relieved, on the production of ſuch allowance and certificate, out of the county or public money. *ſ.* 38.

Nothing herein ſhall alter or affect the ſettlement of any perſon, or give any illegitimate child, born in any poor or workhouſe under this act, a ſettlement in the pariſh in which ſuch workhouſe ſhall be (but ſuch child ſhall be conſidered as ſettled in the pariſh to which the mother belongs) or to alter or affect any of the proviſions eſtabliſhed by any act for the management of any particular houſe of induſtry, or workhouſe, in this kingdom. *ſ.* 39.

If any poor perſon, ſent to ſuch houſe, ſhall embezzle or wilfully waſte any of the goods committed to his care, or ſhall take, without permiſſion of the governor, any goods provided for the uſe of ſuch houſe, or belonging to any perſon reſiding there, complaint ſhall be made upon oath to ſome neighbouring juſtice, who ſhall hear the ſame, and the party accuſed; and ſuch juſtice is, upon conviction, to commit ſuch offender to the houſe of correction, to hard labour, for not exceeding ſix, nor leſs than two months. *ſ.* 40.

When any guardian or other perſon ſhall entice or remove, or cauſe to be enticed or removed, any poor perſon from one pariſh to another, which ſhall adopt this act, without an order of removal from two juſtices for that purpoſe, every perſon ſo offending ſhall forfeit not exceeding 20 nor leſs than 5*l.* *ſ.* 41.

If any viſitor, guardian, or governor, ſhall ſell or furniſh any materials, goods, clothes, victuals, or proviſions, or do any work in his trade for the uſe of any workhouſe, poor-houſe, or poor perſons, within any pariſh for which he ſhall be appointed to act, or be concerned in trade or intereſt with any perſon who ſhall ſell or furniſh the ſame, he ſhall forfeit not exceeding 20 nor leſs than 5*l.* on being convicted. *ſ.* 42.

It ſhall be lawful for the guardians of the poor, with the approbation of the perſons within ſuch pariſh, qualified as before mentioned, obtained at a public meeting, to ſell any houſe, cottage, or building, erected or purchaſed for the uſe of any poor perſon, at the expence of ſuch pariſh, and apply the money ariſing therefrom for the purpoſes of this act; and alſo to remove, by order from a juſtice, the perſon who ſhall inhabit the ſame, or any other houſe rented or provided at the expence of ſuch pariſh, if he refuſe to quit, after receiving 14 days notice. *ſ.* 43.

Nothing in this act ſhall extend to any pariſh which ſhall not agree to adopt the proviſions herein, in the manner hereby directed. *ſ.* 44.

All penalties ſhall be recovered before one juſtice where the offender dwells, who ſhall, upon conviction, in default of payment, after ſummons, and demand made, cauſe the ſame to be levied by diſtreſs and ſale of the offender's goods, by warrant under the hand and ſeal of any juſtice where ſuch offender ſhall dwell, rendering to the offender the overplus, after charges ſhall be deducted; and in caſe ſufficient diſtreſs ſhall not be found, then ſuch juſtice may commit ſuch offender to the houſe of correction, for not exceeding ſix months nor leſs than one; and ſuch penalty, if not otherwiſe diſpoſed of, ſhall be paid to the treaſurer of ſuch houſe, to be applied by him towards defraying the monthly expences of victuals, beer, firing, and other neceſſary proviſions for the poor within ſuch houſe. *ſ.* 45.

PART II.

Any perſon aggrieved by the act of any juſtice, out of ſeſſions, may appeal to the next general quarter ſeſſions, giving eight days notice thereof to the party againſt whom the complaint ſhall be made, and giving ſecurity, by recognizance, acknowledged before a juſtice, with a ſufficient ſurety, to pay the coſts attending ſuch appeal, if the matter be determined againſt the appellant; and the quarter ſeſſions are to hear and determine ſuch appeal, and to award coſts for or againſt the appellant; which determination ſhall be final, and ſhall not be removed by *certiorari*. *ſ.* 46.

SCHEDULE.

N° I.

FORM of AGREEMENT, at a Public Meeting, for a ſingle Pariſh or Townſhip, to adopt the Proviſions, Rules, and Regulations, of the 22 *Geo.* 3.

IT is agreed, at a public meeting duly holden this ——— *day of* ——— *at* ——— *in the county of* ——— *purſuant to the directions of an act, made in the* 22d *year of king* GEORGE III. for the better relief and employment of the poor, *that the pariſh* [or *townſhip*] *of* ——— [as the caſe ſhall be] *ſhall from henceforth adopt, in all reſpects, the proviſions, rules, orders, and regulations, and comply with all the requiſites preſcribed by the ſaid act; and that our workhouſe* [if there is one] *ſhall be immediately fitted up and accommodated for the purpoſes mentioned in the ſaid act.* [If there is none] *We will forthwith provide a proper workhouſe, either by erecting a new one, or hiring, altering, and fitting up buildings ſuitable to the purpoſe, at ſome convenient place within our pariſh,* &c. *And we recommend to the conſideration of the juſtices,* ——— *and* ——— *as fit and proper perſons for guardians of the poor; and* ——— *and* ——— *as fit and proper perſons for governors of the poor houſe, for the ſaid pariſh, townſhip,* &c. [as the caſe ſhall be].

Given under our hands, &c.

N° II.

APPROBATION of the JUSTICES.

WE A. B. *and* C. D. *eſquires, two of his majeſty's juſtices of the peace for the county,* &c. *of* ——— [as the caſe ſhall be], *conſidering the pariſh or townſhip,* &c. *of* ——— *within the ſaid county,* &c. *to be of magnitude ſufficient to have a workhouſe provided within it for the reception and employment of the poor, and to adopt the proviſions of the act* (for the better relief and employment of the poor), *paſſed in the* 22d *year of the reign of king* GEORGE III. *do hereby give our approbation and conſent thereto, purſuant to the directions of the ſaid act; and we do alſo agree to the ſalaries fixed by the ſaid agreement to be paid to the guardian and governor.*

Given under our hands, this ——— *day of* ———

N° III.

FORM of AGREEMENT, at the Public Meeting, for two or more Pariſhes, &c. to unite in adopting the Proviſions of the Act.

IT it is agreed at a public meeting duly held this ——— *day of* ——— *at* ——— *in the county of* ——— *purſuant*

to the directions of the said act, that the parish [or *township*] *of* ——— [as the case shall be] *shall, from henceforth, in conjunction with the parishes or townships of* ——— *and* ——— [as the case shall be], *adopt in all respects the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act for parishes uniting for those purposes; and that a convenient workhouse, and other buildings and necessary conveniencies, shall be immediately provided at or near* ——— *and properly fitted up and accommodated for the purposes mentioned in the said act: And we recommend to the consideration of the justices of the limit wherein such workhouse will be situate,* A. B., C. D., *and* E. F., *as fit and proper persons qualified for guardians of the poor; and* G. H., I. K., *and* L. M., *as fit persons to be governors of the poorhouse for the said parish* [or *township*, as the case shall be]; *and do agree to allow the person who shall be appointed guardian a salary of* ——— per annum *for his trouble in executing that office; and to the person who shall be appointed governor of the poorhouse, a salary of* ———*for his trouble in executing that office.*

N° IV.

FORM of AGREEMENT for uniting the Parishes [*or* Townships, *as the Case shall be*], of *A*, *B*, *C*, and *D*, for the Purpose of providing a House or Houses, and the better maintaining and employing their Poor, pursuant to the Statute.

IT is agreed, this ———*day of* ——— *by and between the guardians of the poor of the parishes of* ——— *and* ——— *and of the townships of* ——— *and* ——— *in the county of* ——— *(which maintain their own poor separate from the other parts of their respective parishes), whose names are hereunto subscribed, pursuant to the opinion of two third parts, in number and value as aforesaid, of the owners or occupiers of lands, tenements, and hereditaments, assessed to the poor's rates within such respective parishes and townships, at meetings duly held for that purpose, qualified according the directions of the act passed in the* 22d *year of the reign of his majesty king* GEORGE III. *and with the approbation of* A. B. *and* C. D. *two justices of the peace, according to the directions of the said act; that the said respective parishes and townships shall be united for the better maintaining and employing their poor; and that a convenient house or houses, with proper buildings and accommodations thereto, and with land fit for gardens, orchards, and the keeping of a cow or cows, shall be built* [*purchased* or *hired*, as shall be found most suitable], *at or near* ——— *for the reception and accommodation of the poor, as soon as conveniently may be, and if hired, the same shall be rented upon such terms as shall be agreed upon between the guardians of the poor of the said parishes and townships, or the major part of them, and the person or persons owning or being authorised to let such buildings, lands and premises; but no such agreement shall be made for a longer term than* 21 *years, unless the guardian or guardians shall have an option to vacate it at the end of that term, on giving* 12 *months notice in writing of his or their intentions so to do, nor for a shorter term than three years; and such houses shall be fitted up and made convenient for the purposes aforesaid, at the expence of the landlords* [or *tenants*, as shall be agreed between them]. *That the rents of the said houses, the expences of fitting up, making additions or alterations* [where they shall be agreed to be paid by the tenants], *and of the furniture thereof, and also the utensils and materials to be used for the purpose of employing the poor, and the wages and allowances to be paid to the governor of the house, shall be paid by the several guardians in their due proportions, according to the amount of the money raised by the poor's rates for their several parishes and townships, in respect of their poor, on a medium of three years preceding such agreement; and that such proportion shall be ascertained by* ——— *and* ——— *whom we have nominated for that purpose, and shall be paid by the guardians of the poor of the said respective parishes and townships, to the person who shall be authorised to receive the same, within* 7 *days after the same shall be so ascertained; and that the money earned by the labour of such poor shall be brought to the credit of that account at the end of every year. That the expences of victuals, beer, and firing, for the poor and the governor,* [*and for the assistants*, when any shall be found necessary] *in every such house or houses, with all other incidental expences, shall be proportioned at the end of every month, according to the number of poor which shall be sent from each of the said parishes, townships, and places, and for the time they shall have resided there within such month. That the guardians of the poor of any of the said parishes, townships or places, shall be at liberty to withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving* 12 *months notice of such their intention, if it shall be so determined by three-fourth parts of the owners or occupiers of lands, tenements or hereditaments, assessed to the poor's rates, and qualified as aforesaid, at a public meeting, summoned by due notice as aforesaid, specifying the occasion of such meeting; and in such case, they shall receive one half of their due proportion, to be ascertained by the persons above named, or such other persons as the parties shall agree upon for that purpose, of the value of the furniture, stock, utensils, and implements, then remaining at such poor house, after paying their proportion of the rent, and of the salaries to the governor and other officers, to the end of the then growing year: and that the guardians of the poor of each parish, township, and place, shall provide suitable and convenient cloathing for the poor, to be sent to the said house or houses, from their respective parishes, townships, or places, and charge the expences thereof in their accounts. And we recommend to the justices of the limit where such house is to be situated,* A. B., C. D., *and* E. F., *as persons duly qualified for the office of visitor of the said poor-house, and* I. K., L. M., *and* N. O., *as persons duly qualified for the office of governor of the said poor-house.*

We, A. B. *and* C. D. *the justices of peace mentioned in the within-written agreement, do hereby give our approbation to the parishes and places herein named being united for the purposes of the act within-mentioned.*
Witness our hands, this ———*day of* ———

N° V.

FORM of ENTRY to be made by the Clerk of the Peace, or Town Clerk.

BE it remembered, that on the ———*day of* ——— A. B. *deposited in my hands a copy of the agreement made between the churchwardens and overseers of the poor of the parishes or townships of* ——— *and* ——— [as the case shall be] *in the county,* &c. [as the case shall be] *of* ——— *for uniting in hiring, purchasing, or building houses, at or near* ——— *in the said county,* &c. *and providing for the maintenance and employment of a certain description of poor persons*

perſons belonging to the ſaid pariſhes, townſhips, and places, purſuant to the ſtatute made in the 22d *year of the reign of his majeſty king* GEORGE III.

N° VI.

NOTICE for the Meeting.

NOTICE is hereby given, that a public meeting, to conſult the owners or occupiers of lands, tenements or hereditaments, aſſeſſed after the rate of 5 l. *per annum, about hiring, purchaſing,* or *building* [as the caſe ſhall be], *a houſe or houſes, and providing for the maintenance and employment of the poor, purſuant to the ſtatute of the* 22d *year of* GEORGE III. *will be held at* ——— *the* ——— *day of* ——— *at* ——— *in the forenoon.*

N° VII.

APPOINTMENT of a Guardian.

WE A. B. *and* C. D. *two of his majeſty's juſtices of peace for the county of* ——— *acting for the hundred,* &c. *of* ——— *in the ſaid county, do hereby appoint* E. F. *of* ——— *to execute the office of guardian of the poor for the pariſh,* &c. *of* ——— *within the ſaid hundred,* &c. *for one year, to be computed from* ——— *to which he has been recommended at a public meeting holden the* ——— *day of* ——— *purſuant to the directions of the act paſſed in the* 22d *year of the reign of his majeſty king* GEORGE III. for the better relief and employment of the poor.

Given under our hands, this ——— *day of* ———

[The like form for viſitor, only varying the deſcription of the office, and when appointed for united pariſhes, &c. name them.]

[The like form for appointing a governor and treaſurer, only varying that of a treaſurer, by adding *to which he has been recommended by the guardians.*]

N° VIII.

A DRAFT by the Guardian on the Churchwarden or Overſeer appointed to collect the Poor's Rates.

To *A. B.* collector of the poor's rates of the pariſh [*or* townſhip] of ——— [*as the caſe ſhall be.*]

YOU are hereby authoriſed and directed to pay to C. D. *the ſum of* ——— *for* [here deſcribe the occaſion of the payment, whether for *houſe rent, cloathing,* or for *weekly relief of poor perſons,* &c. &c. as the caſe ſhall be], *and take his receipt for the ſame, which will be your diſcharge for ſuch payment. Dated this* ——— *day of* ———

E. F.

Guardian of the poor for the pariſh [or *townſhip*] *aforeſaid.*

N° IX.

APPOINTMENT of a Deputy Viſitor.

I A. B. *viſitor of the poor and poor-houſe for the pariſh, townſhip,* &c. *of* ——— [or *for the united pariſhes, townſhips,* &c. *of* ——— *and* ———] *in the county of* ——— *do hereby nominate and appoint* C. D. *to be my deputy viſitor and aſſiſtant, during my will and pleaſure, purſuant to the power given to me by an act, paſſed in the* 22d *year of the reign of his majeſty king* GEORGE III. *(intituled,* An act for the better relief and employment of the poor), *and authoriſe him to diſcharge the duty required of him by the ſaid act.*

Witneſs my hand, this ——— *day of* ———

N° X.

CERTIFICATE of ſerving the Office of Viſitor.

I A. B. *one of his majeſty's juſtices of the peace for the county,* &c. [as the caſe ſhall be], *of* ——— *do hereby certify, that* C. D. *of* ——— *in the ſaid county, hath been appointed to, and is now ſerving, the office of viſitor of the poor for the pariſh or townſhip of* ——— [or *for the pariſhes and townſhips of* ———] *in the ſaid county,* [as the caſe ſhall be], *purſuant to the direction of the act paſſed in the* 22d *year of the reign of his majeſty king* GEORGE III.

Dated this ——— *day of* ———

N° XI.

SECURITY for Money borrowed.

BY virtue of an act made in the 22d *year of the reign of his majeſty king* GEORGE III. *(intituled,* An act for the better relief and employment of the poor), *we* A. B. *viſitor, and* C. D. *guardian of the poor, for the pariſh* [or *townſhip,* as the caſe ſhall be] *of* E. *in the county, city,* &c. *of* ——— *in conſideration of the ſum of* ——— *to us in hand, paid by* ——— *for the purpoſe of purchaſing, building, erecting, repairing, fitting up,* or *furniſhing,* &c. [as the caſe ſhall be] *a convenient houſe, buildings, and offices, for the reception, accommodation, and employment of the poor of the ſaid pariſh or townſhip, and for providing ſuitable ſtock and utenſils for that purpoſe, do hereby charge the poor's rates to be hereafter made, and the ſeveral ſums of money to be raiſed thereupon, within the ſaid pariſh* [or *townſhip,* as the caſe ſhall be], *with the payment of the ſaid principal ſum, and intereſt, after the rate of* —— per centum per annum, *half-yearly, as the ſame ſhall become due.*

N° XII.

ORDER for Admiſſion of Paupers.

To the Governor of the Poor Houſe at *E.*

YOU are hereby ordered and required to receive A. B. [deſcribe his or her age, whether married or ſingle], *a poor perſon belonging to the pariſh* [or *townſhip,* as the caſe ſhall be] *of* ——— *in the county of* D. *into the poor-houſe at* E. *and to accommodate and provide for ſuch perſon in a proper manner, according to the rules and eſtabliſhment of the ſaid houſe.*

Given under my hand, this ——— *day of* ———

H. G.

Viſitor [or *guardian,* as the caſe ſhall be.]

N° XIII.

JUSTICE's Direction to excuſe the Badge.

I A. B. *a juſtice of peace for the county* [*riding, diviſion,* &c. as the caſe ſhall be], *of* —— *having received proof*

upon oath, before me, that C. D. *a poor perſon, receiving weekly relief from the pariſh* [*townſhip*, &c. as the caſe ſhall be] *of* ——— *in the county*, &c. *of* ——— *is a perſon of very decent and orderly behaviour, do hereby direct the guardian* [or *overſeer*, if no guardian] *of the poor for the ſaid pariſh*, &c. *to omit putting the badge upon the coat* [or *gown*, if a female] *of the ſaid* C. D. *and to excuſe his* [or *her*] *wearing the ſame, as long as he* [or *ſhe*] *ſhall continue to behave orderly and decently.*

Dated this ——— *day of* ———

N° XIV.

The Transfer of the Security for the Money advanced.

I DO transfer this ſecurity, with all my right and title to the principal money hereby ſecured, and to all the intereſt now due, or hereafter to be due, unto C. D., *his executors, adminiſtrators, and aſſigns. Dated this* ——— *day of* ———

A. B.

Witneſs, E. F.

N° XV.

Mode of adjuſting the firſt Account mentioned in the Act, reſpecting Utenſils, Materials, Furniture, Rent, &c.

LET it be ſuppoſed, that the pariſhes or townſhips of A. B. C. *and* D. *have agreed to be united under the authority of the act; and that* E. *and* F. *are the perſons named in the agreement as arbitrators or referees, to ſettle and adjuſt the proportions which each pariſh or place is to pay.*

It will be neceſſary for E. *and* F., *at their firſt meeting, to call upon the officers of every ſuch pariſh, townſhip, or place, for their aſſeſſments and accounts, in order to ſee what they have paid to their poor, on a medium of three years preceding the agreement; who are required by the act to produce them, under a penalty for refuſal.*

When the arbitrators have got theſe materials, it will be neceſſary to ſeparate and deduct every matter which does not relate to the poor; for inſtance, money paid to the county rates, or for the expences of the conſtable, headborough, or militia, which are all now included in the poor's rates; and, as ſome of theſe pariſhes may have had expences occaſioned by litigations about ſettlements and removals, and others may not, they ſhould exclude all ſuch expences in the account.

When the accounts have been ſo inſpected and examined, and the proper deductions made, they may be ſuppoſed to appear:

That A. *has paid for the firſt of the three years*	65	7	6
for the ſecond year - -	87	2	0
for the third year - -	105	0	0
Making together	257	9	6
A third part of which ſum (being A*'s medium) will be* — — — — —	85	16	6
Let B*'s payments be calculated in the ſame manner, which may be ſuppoſed to amount, on the medium of three years, to* — —	110	0	0
C*'s ditto, to* — — — —	97	0	0
D*'s ditto, to* — — — —	140	0	0
The total amount of the annual payments will be	432	16	6

Suppoſe the month's expences paid by the ſeveral pariſhes under the above heads, according to the directions of the act, ſhould amount to 300l., *the queſtion will be, if* 432l. 16s. 6d. *(the total medium of all the pariſhes) require* 300l., *what will* 85l. 16s. 6d. *require? When that ſhall be worked by the Rule of Three, multiplying the third number by the ſecond, and dividing it when ſo multiplied by the firſt, the anſwer will be,*

That A*'s proportion amounts to* — —	59	9	5
B*'s proportion, when worked in the ſame manner, will be* — — —	76	5	0
C*'s ditto,* — — — —	67	4	7
D*'s ditto,* — — — —	97	1	0
Making together the whole ſum expended	300	0	0

When thoſe medium ſums ſhall be ſettled and proportioned at their firſt meeting, there will be no occaſion to repeat that trouble afterwards, as the firſt ſum will be the ſame on all future calculations; and to prevent trouble in adjuſting the proportions at every monthly meeting, at every poor-houſe, ſoon after the firſt medium proportions ſhall be ſo aſcertained, there ſhall be a table fixed, calculating the proportions of each pariſh, townſhip, or place, to any given ſum, from the ſmalleſt to the greateſt, that is likely to be expended in that diſtrict within the month; which will make every account clear and eaſy to the meaneſt underſtanding, and will be liquidated in an inſtant.

N° XVI.

Mode of adjuſting the ſecond Account mentioned in the Act, reſpecting the Victuals, Beer, Firing, and other Neceſſaries.

AS ſoon as the agreement is made for uniting ſeveral pariſhes, &c. *the guardians ſhall meet and conſider what will be a proper weekly ſum to be paid into the hands of the treaſurer for every perſon admitted into the poor-houſe, eſtimating it as near as they can to the probable expence of maintaining them; the guardians ſhould pay to the treaſurer, at every monthly meeting, what ſhall be due for every ſuch perſon, upon that calculation, for the time he has been kept there, in the month preceding; and, in order to avoid fractions, if any perſon ſhall have been there four days, or more, in any of the weeks, it ſhould be conſidered as a full week, and if leſs than four days, no charge ſhall be made for it: That, in order to avoid difficulties in adjuſting the account, a table ſhould be provided in like manner as before, and fixed up in the houſe, with proper columns for the number of perſons, the number of weeks, and, the total amount, according to the weekly ſum ſo agreed upon; by which that account will likewiſe be ſettled without the leaſt trouble or difficulty.*

The ſeveral monthly ſums paid by each pariſh on this ſecond account, and alſo the groſs ſums, ſhould be entered in the treaſurer's books; and, at the end of the year, it ſhould be computed, whether the payments by the ſeveral pariſhes have amounted to more, or leſs, than the ſum expended; if to more, the guardian of each pariſh ſhould receive, if to leſs, he ſhould pay his proportion thereof to the treaſurer, to be computed according to the firſt account, as directed by the act.

RULES *to be obſerved and enforced at every* POOR-HOUSE *provided under* 22 Geo. 3.

Firſt.—THE perſons ſent to ſuch poor houſe, who are capable of work, ſhall be employed by the governor in labour ſuited to their ſtrength and capacity.

Second.—The governor ſhall take care to keep the houſe, and apartments therein, and alſo the perſons who ſhall inhabit the ſame, clean and wholeſome; and for that purpoſe he ſhall employ ſuch of the ſaid poor perſons, who ſhall be ſent thither, whom he ſhall think moſt able and beſt qualified for the offices, to aſſiſt him therein, and alſo in the providing and dreſſing of victuals for the uſe of ſuch poor perſons; and if any ſuch poor perſon ſhall refuſe or neglect to perform the work or labour in which he or ſhe ſhall be ſo employed, or ſhall be directed to do by the governor, every ſuch perſon ſhall be puniſhed by confinement, or alteration of diet, in ſuch manner as the governor ſhall direct; and for a ſecond offence of the like ſort, complaint thereof ſhall be made to ſome juſtice of the peace for the limit, who, on conviction, ſhall commit ſuch perſon to the houſe of correction, for any time not exceeding two calendar months, nor leſs than one.

Third.—That the apartments in the houſe or houſes to be provided as aforeſaid, ſhall be adapted ſo as to accommodate the poor who ſhall be ſent thither, in the beſt manner they are capable.—That the governor ſhall place in the beſt apartments ſuch poor perſons who, having been creditable houſekeepers, are reduced by misfortune, in preference to thoſe who are become poor by vice and idleneſs; and that ſeparate apartments ſhall be provided for the reception of the ſick and diſtempered poor, and an apothecary or ſurgeon to be ſent for to attend them when there ſhall appear neceſſity for it, at the expence of the pariſh or place to which ſuch poor perſons belong.

Fourth.—That ſuch poor perſons who are able to work, ſhall be called up by ring of bell, and ſet to work by ſix in the morning, from *Lady-day* to *Michaelmas*, and by eight from *Michaelmas* to *Lady-day*; and continue until four in the afternoon, from *Michaelmas* to *Lady-day*; and from *Lady-day* to *Michaelmas*, till ſix in the afternoon (meal times and times for reaſonable recreation excepted): and, if anyſuch poor perſon ſhall refuſe or neglect to do ſuch work as ſhall be allotted him or her, or wilfully ſpoil the ſame, or depart from ſuch houſe without leave from the governor, or ſhall be guilty of any diſorder or diſobedience to theſe rules and orders, the governor ſhall reprove ſuch perſon for the ſame, and puniſh him or her by confinement and alteration of diet, as the ſaid governor ſhall think fit; and if ſuch perſon ſhall be guilty of the like offence a ſecond time, the governor ſhall complain thereof to the viſitor of ſuch houſe, who is hereby authoriſed to order the puniſhment of confinement to be increaſed to ſuch degree as he ſhall think fit.

Fifth.—That the governor ſhall enter in a book, to be kept by him, an account of the houſehold goods, linen, furniture, and utenſils provided for the ſaid houſe; and alſo an account of the materials bought for manufacture, and of the goods manufactured there; which ſhall be laid before the guardians at their monthly meeting, and before the viſitor whenever he comes to ſuch houſe.

Sixth.—That the governor ſhall viſit the ſeveral perſons maintained in ſuch houſe or houſes, and their apartments, once at leaſt in every day; and ſhall take care that there is no waſte of fire, candles, or proviſions; and ſhall ſee that the fires and candles are put out at the hours fixed for ſuch perſons going to bed, which ſhall be at eight of the clock between *Michaelmas* and *Lady-day*, and nine between *Lady-day* and *Michaelmas*.

Seventh.—That when any perſon ſhall die in the houſe, the governor ſhall take care that the body of ſuch perſon be immediately removed into ſome ſeparate apartment, and be decently buried, as ſoon as conveniently may be; and alſo take care of the clothes and goods of ſuch perſon, and deliver them to the guardian of the poor of ſuch pariſh or place to which ſuch perſon did belong, who is to pay the charges of the funeral of ſuch poor perſon.

Eighth.—That no poor perſon be permitted to go out of the poor houſe, nor any perſon permitted to come into ſuch houſe or houſes, except the perſons maintained and employed there, without the permiſſion of the governor; and that no ſpirituous liquors be permitted to be drank in ſuch houſe or houſes; and that no other liquors ſhall be brought thither, without the permiſſion of the ſaid governor.

Ninth.—That the rules, orders, and bye-laws, ſhall be publicly read by the governor, to all the poor perſons kept in ſuch houſe or houſes, once at leaſt in every month.

Tenth.—That all the poor perſons able to go to church, ſhall attend divine ſervice every *Sunday*.

Eleventh.—That the governor ſhall diſmiſs from the poor-houſe or work-houſe, every perſon who ſhall, in the opinion of the guardian or guardians, be thought improper to continue longer there, and upon an order from him or them for that purpoſe.

Poſt Horſes.

By 25 Geo. 3. c. 51. *Every poſtmaſter, innkeeper, or other perſon in* Great Britain, *who ſhall let to hire any horſe for the purpoſe of travelling poſt by the mile, or from ſtage to ſtage, or being a perſon uſually letting horſes to hire, ſhall let to hire for a day, or any leſs period of time, any horſe for drawing any coach or other carriage uſed in travelling poſt, or otherwiſe, in reſpect whereof any rates heretofore under the management of the commiſſioners of exciſe have been payable, ſhall pay annually* 5 s. *for a licence for that purpoſe:*

For every horſe hired by the mile or ſtage, to be uſed in travelling poſt in Great Britain, *there ſhall be charged a duty of* 1 ½ d. *for every mile ſuch horſe ſhall be hired to travel poſt:*

And for every horſe hired for a day, or any leſs period of time, for drawing on any public road any coach, or other carriage uſed in travelling poſt, or otherwiſe, in reſpect whereof any duties of exciſe have been payable, there ſhall be charged, if the diſtance ſhall be then aſcertained, 1 ½ d. per *mile; and if the diſtance ſhall not be then aſcertained, there ſhall be charged* 1 s. 9 d. *for each horſe hired; ſuch duty to be paid by the perſons by whom ſuch horſe ſhall be hired:*

Every perſon who ſhall keep any coach, berlin, landau, chariot, calaſh, chaiſe-marine, chaiſe, diligence, or oth carriage with four wheels, or any calaſh, chaiſe, chair, or other carriage with two wheels, to be employed as public ſtage coaches or carriages, for conveying paſſengers for hire to and from different places in Great Britain, *ſhall pay annually* 5 s. *for a licence for that purpoſe:*

Every coach, or other carriage with four wheels, or any calaſh, or other carriage with two wheels, to be employed as public ſtage coaches or carriages, for conveying paſſengers for hire, to and from different places in Great Britain, *ſhall be charged with* 1 d. *for every mile ſuch carriage ſhall travel, to be paid by the owners thereof. ſ.* 4.

The ſaid duties ſhall be under the management of the commiſſioners for the duties charged on ſtamped vellum, &c.;

&c.; who are to appoint officers, and to allow ſalaries, and to provide ſtamps, and to repair or alter the ſame, and to do all other acts neceſſary for putting this act in execution, with relation to the duties, in the like manner as they are authoriſed to put in execution any of the laws concerning ſtamped vellum, *&c. ſ.* 5.

No perſon required to be licenſed ſhall, unleſs he be authoriſed in manner after preſcribed, let out any horſe for hire, either by the mile or ſtage, or to draw any coach with four wheels, or any calaſh with two wheels, or any other carriage uſed in travelling poſt, or otherwiſe, for a day, or leſs period of time, upon pain to forfeit 10 *l. ſ.* 6.

Two commiſſioners, or ſome perſon authoriſed by them, ſhall grant licences to ſuch perſons who ſhall apply for the ſame, to let out horſes for hire, in the manner aforeſaid, within *Great Britain*, for one year, to commence from the day of the date of ſuch licence; and every perſon who ſhall take out ſuch licence for letting out horſes for hire, ſhall take out a freſh licence for another year, ten days before the expiration of that year for which he ſhall be licenſed, if he continue to let out horſes; and ſhall, in like manner, renew ſuch licence from year to year, paying down the ſums due for ſuch licences, as long as he continue to let out horſes for hire. *ſ.* 7.

No poſtmaſter, innkeeper, or other perſon whatſoever, ſhall, by virtue of one licence, keep more than one inn for letting horſes; but for each inn, a ſeparate licence ſhall be taken out and paid for by ſuch poſtmaſter; upon pain to forfeit for every inn ſo kept by him not licenſed, 20 *l. ſ.* 8.

Every poſtmaſter licenſed, ſhall cauſe *(Licenſed to let Poſt Horſes)* to be painted or written in legible characters, either on a ſign hung out, or in ſome viſible place in the front of his houſe, ſtables, or out-offices, at the places at which he lets out horſes to hire, to denote that ſuch poſtmaſter is a letter of horſes, and authoriſed to furniſh travellers with the ſame: and if any poſtmaſter licenſed, ſhall preſume to let out horſes for hire, without fixing or hanging out ſuch token, ſuch poſtmaſter ſhall forfeit 5 *l. ſ.* 9.

Every perſon ſo licenſed, ſhall, if he furniſh his own chaiſes, or carriages, at the ſame time with ſuch horſes let to hire to travel poſt, mark or paint on the outſide pannel of each door of the chaiſe, or carriage, his chriſtian and ſurname, and the name of the place of his abode, in legible characters, in letters of a colour diſtinct from the colour of the carriage, each letter at leaſt one inch in length, and continue the ſame thereupon as long as ſuch carriage ſhall be ſo uſed; and if any perſon ſhall neglect to mark or paint the ſame, as before directed, or ſhall mark any falſe name, or abode, he ſhall forfeit 5 *l. ſ.* 10.

Every poſtmaſter licenſed, if he furniſh his own carriages with four wheels, or any carriage with two wheels, at the ſame time with ſuch horſes let to hire for a day, or leſs period of time, for drawing on any public road, where ſuch carriages ſhall have a box, or other outſide ſeat for the driver thereof, ſhall affix upon ſome conſpicuous part of the footboard, or other part of ſuch box, a braſs or tin plate; and where ſuch carriages ſhall not have a box or outſide ſeat, upon the pole, ſhaft, or ſplinter-bar, upon which there ſhall be marked or engraved the chriſtian and ſurname of ſuch owner, together with the name of the place of his abode, in large and legible characters, and continue the ſame thereon, and replace the ſame as often as occaſion ſhall require, during the time ſuch carriage ſhall be ſo uſed: and if any perſon ſhall omit ſo to do, or mark any falſe name or abode, on any ſuch plate, he ſhall forfeit 5 *l. ſ.* 11.

The commiſſioners ſhall, at the time of iſſuing ſuch licence, deliver to every perſon ſo licenſed, printed or written papers (intituled, *Stamp-office Weekly Accounts*), in which ſhall be inſerted the day of the week, and blanks left for the number of horſes and miles, and name of the place to which ſuch horſes ſhall be hired to go; and alſo for the day of the month, and the names of the drivers employed, to be filled up as after directed, according to the following form, or ſuch other as the commiſſioners ſhall judge convenient.

Stamp Office Weekly Account.

A. B. of *C.*

A. B. Names of Poſtilions or Drivers.

Month and Day.	Week and Day.	*A. B.*	*C. D.*	*E. F.*	*G. H.*	*I. K.*	*L. M.*	Names of Places to which the Horſes are hired to go.	Duty.
		N° of Horſes.	N° of Horſes.	N° of Horſes.	N° of Horſes.	N° of Horſes.	N° of Horſes.		
		Miles.	Miles.	Miles.	Miles.	Miles.	Miles.		
	Sunday								
	Monday								
	Tueſday								
	Wedneſday								
	Thurſday								
	Friday								
	Saturday								

And ſhall alſo deliver a number of tickets, on which ſhall be printed or written the words *(Stamp Office)*, and alſo the word *(Horſes)*, and 1, 2, 3, 4, 5, or 6, in figures, as the tickets may be intended to denote the number; and likewiſe the word *(Miles)*, except where the horſes are hired for a day, or any leſs period of time, and then, inſtead of the word *(Miles)*, the words *(For a Day)* ſhall be inſerted, and alſo the amount of the duty, after the rate of 1 *s.* 9 *d.* for each horſe, according to the number of horſes expreſſed by figures on ſuch tickets, and ſhall take eſpecial care that all perſons

perſons licenſed ſhall be furniſhed with ſuch accounts and tickets; and in caſe any officer employed in the execution of this act, in relation to the ſaid duties, ſhall wilfully refuſe or neglect to do any matter by this act required, whereby any ſubjects ſhall ſuſtain any damage whatſoever, ſuch officer ſhall be liable, in any action on this ſtatute, to anſwer to the party aggrieved damages, with treble coſts. *ſ.* 12.

Every perſon ſo licenſed, ſhall, at the time of receiving his firſt licence, give ſecurity, by bond, to his majeſty in 50 *l.* with a condition that he will, whenever thereunto required, re-deliver the ſtamp-office tickets which he may have received, and that may remain unaccounted for by him, or will pay the money due thereon; and that he will alſo deliver to the perſons authoriſed by the commiſſioners to inſpect the ſame, and to receive the money due thereon, the ſtamp-office accounts delivered to him, faithfully made out, ſigned, and atteſted, as after directed, and make payment of all ſuch money as ſhall be due; and alſo truly perform all the directions herein contained, on his behalf to be obſerved; and in caſe of the nonperformance or breach of ſuch condition, it ſhall be lawful for the commiſſioners, or perſons appointed by them, to cauſe ſuch bond to be proſecuted; and in caſe of judgment againſt the defendant, the commiſſioners may refuſe to grant to ſuch perſon any licence in future. *ſ.* 13.

Tickets ſhall be valued in account, and paid for, in caſe of deficiency, at the rate of 1 *s.* 9 *d.* for each horſe, according to the number of horſes expreſſed by figures on ſuch tickets, and in the receipt given by ſuch poſtmaſters for the ſame. *ſ.* 14.

Every perſon licenſed, who ſhall let horſes to hire by the mile or ſtage, ſhall, by themſelves or ſervants, previous to the uſing ſuch horſes, demand and receive for the uſe of his majeſty, from the perſons hiring, 1 ½ *d. per* mile for each mile ſuch horſe ſhall be hired to travel, at the rate of miles which he ſhall charge ſuch traveller for the ſtage ſuch horſe may be hired to go; and ſhall, at the time he receives payment of the duty, deliver to the perſons hiring ſuch horſe, the ſtamp-office tickets, and to which ſuch poſtmaſter ſhall add, if an innkeeper, the name of his ſign or houſe; if not an innkeeper, his name; and he ſhall alſo inſert the name of the place where ſuch licenſed perſon reſides, and the name of the place to which ſuch horſes may be hired to go; and if to *London*, the name of the ſtreet, ſquare, or place in *London*; and in words or figures the month, and day of the month, and the number of miles for which ſuch horſes are hired: and if any poſtmaſter, under pretence of there not being any turnpike upon the road through which he may be hired to go, or under any other pretence whatſoever, ſhall neglect to demand and receive the duty of 1 ½ *d. per* mile, or ſhall neglect or refuſe to deliver the ticket, filled up, ſuch poſtmaſter ſhall forfeit 10 *l.*; and moreover, in caſe of not receiving the duty, be chargeable therewith, in the ſame manner as if he had actually received the ſame. *ſ.* 15.

Every traveller to whom the tickets, whereon ſhall be expreſſed the miles, ſhall be delivered, if they paſs through any turnpike, ſhall, at the firſt at which any toll ſhall be collected, through which he ſhall paſs, deliver to the toll-gate keeper there, the ticket given to him, which the ſaid toll-gate keeper is to demand, and to receive and file; and if any traveller going poſt, ſhall have neglected to take ſuch ticket, or ſhall not deliver the ſame, properly filled up, he ſhall, before ſuch horſes paſs through ſuch turnpike, pay for every horſe 1 *s.* 9 *d.* which the gate-keeper is to demand, and not permit ſuch horſes to paſs till he ſhall have paid the ſame, or produced ſuch ticket. *ſ.* 16.

No traveller ſhall be compelled to pay for a greater number of miles than ſhall be expreſſed upon the ticket; and if any poſtmaſter ſhall inſert in ſuch ticket the name of any other place than the place to which the horſes ſhall be hired to go, or ſhall fill up a leſs number of miles than the number charged to ſuch traveller, every perſon ſo offending, ſhall forfeit 10 *l.*; and the ſaid commiſſioners ſhall, if they think fit, after conviction, refuſe to grant ſuch offender any licence in future. *ſ.* 17.

Where any ticket ſhall be iſſued, with the number of miles expreſſed thereon, and the perſon ſo iſſuing the ſame, ſhall charge the traveller a ſpecific ſum by the ſtage, and not at *per* mile, in ſuch caſe, ſuch poſtmaſter ſhall be accountable for one-fourth part of the money received by him, as and for the duty by this act directed to be paid; and ſhall, in that caſe, expreſs on the ticket the money charged to ſuch traveller, and enter in the weekly account one-fourth part of the money received, and pay the ſame to the collector appointed by this act to receive the duties; and if any poſtmaſter ſhall act contrary hereto, he ſhall forfeit 10 *l.* *ſ.* 18.

Every perſon licenſed, who ſhall let to hire any horſe by the day, or leſs period of time, ſhall, by themſelves or ſervants, previous to ſuch horſe being uſed, demand, and receive, from the perſons hiring the ſame, 1 ½ *d. per* mile for each mile ſuch horſe ſhall be hired to go, where the diſtance ſhall be aſcertained, and where not, then 1 *s.* 9 *d.* for each horſe hired, previous to ſuch horſe's being uſed; and ſhall, at the time, deliver to the perſons hiring ſuch horſes, the ſtamp-office tickets, with the words *(For a Day)* inſerted therein, as occaſion ſhall require; and to which every poſtmaſter ſhall add, if an innkeeper, the name of his ſign or houſe; if not an innkeeper, his name; and he ſhall alſo inſert the name of the place where ſuch licenſed perſon reſides, and, in words or figures, the month, and day of the month; and if any poſtmaſter ſhall neglect to demand and receive the 1 ½ *d. per* mile, or 1 *s.* 9 *d.* for each horſe, as the caſe ſhall be, from ſuch perſons hiring the ſame, or ſhall neglect or refuſe to deliver the tickets filled up as aforeſaid, ſuch poſtmaſter ſhall forfeit 10 *l.*; and moreover, in caſe of not receiving the duty, be chargeable therewith as if he had actually received the ſame. *ſ.* 19.

Every perſon to whom ſuch day-ticket ſhall be delivered, if he, in the day for which ſuch ticket ſhall be given, paſs through any turnpike, ſhall, at the firſt turnpike, deliver to the toll-gatherer there, the day-ticket given to him at the place where he hired ſuch horſes, which the ſaid toll-gatherer is to demand, and to receive and file; and in return for ſuch day-ticket, ſuch perſon ſhall receive from the toll-gatherer a ticket (called *An Exchange Ticket)*, to be ſupplied from the ſtamp-office, which ſhall contain the name of the county in which the turnpike ſhall be, and the words *(Received Day-ticket)*; and alſo the number of horſes according to the figures expreſſed in ſuch day-ticket, together with the name of the place at which ſuch day-ticket was given, and ſome mark, denoting the particular day in which ſuch exchange ticket was iſſued, in printed or written letters or figures; which exchange tickets the toll-gatherer is to deliver to ſuch perſon *gratis*, in return for ſuch day-ticket left with him; and which ſaid exchange ticket ſo delivered, ſhall be ſhewn by ſuch perſon at every turnpike through which he ſhall afterwards on that day paſs, with ſuch horſes: and if any perſon, to whom ſuch day-ticket ſhall be delivered, ſhall neglect or refuſe to leave the ſame at ſuch firſt turnpike, or ſhall refuſe to ſhew the ticket given to him in exchange, at every turnpike through which he ſhall on that day paſs, he ſhall pay for every horſe

uſed

uſed by him, 1 *s.* 9 *d.* before ſuch horſe ſhall paſs through ſuch turnpike, and the gatekeeper there is to demand, and retain the ſame to his own uſe; and where the name of the owner of the carriage ſhall be marked on the foot-board or ſeat, or pole, ſhaft, or ſplinter-bar, when the carriage is let out with the horſes, then ſuch gatekeeper ſhall not permit ſuch horſes to paſs through until ſuch traveller ſhall have paid the ſame, or leſt ſuch day-ticket, or ſhall have produced ſuch exchange ticket. *ſ.* 20.

If any perſon ſhall take off the braſs or tin plate, with an intent to evade the duty, or the 1 *s.* 9 *d.* to be paid at the turnpike, as before directed, ſuch perſon ſhall forfeit 10 *l.* *ſ.* 21.

In caſe any carriage, upon which any braſs or tin plate is directed to be affixed, ſhall paſs through any turnpike, without having ſuch plate thereon, as before directed, the driver ſhall forfeit 40 *s.* *ſ.* 22.

Where any poſtmaſter ſhall let to hire any horſe to return in leſs than two days, and the number of miles, inſtead of the words *(For a Day)*, ſhall be inſerted in ſuch ticket, every licenſed poſtmaſter ſhall fill up the name of the place to which the horſes are hired to go, and the true number of miles, aſcertaining the diſtance both going to, and returning from the place expreſſed in ſuch ticket; and in default of not filling up the ſaid ticket, as before directed, ſuch poſtmaſter ſhall forfeit 10 *l.* and moreover be chargeable with the duty as if he had actually received the ſame. *ſ.* 23.

Every poſtmaſter, when he ſhall let to hire for two days, or longer, any horſes for drawing any carriage on any public road, ſhall deliver to the perſon travelling in ſuch carriage, or to the driver thereof, a note, to be ſupplied from the ſtamp-office, on which ſhall be engraved or printed *(Hired for two or more Days)*, and to which ſuch poſtmaſter ſhall add the day of the month, the name of the abode, and the number of days for which the ſaid horſes ſhall be hired, and the abode of the perſon hiring the ſame; and the perſon travelling in ſuch carriage, or the driver thereof, ſhall, at the firſt turnpike, if he paſs through any, deliver to the toll-gate keeper there the note given to him as aforeſaid, which the toll-gate keeper is to demand, and to receive and file; and in return for ſuch note, the toll-gate keeper ſhall deliver a ticket, called *(The Check Ticket)*, to be ſupplied from the ſtamp-office, which ſhall contain the name of the county in which the turnpike ſhall be, and the words *(Certificate delivered)*, and alſo the name of the place whence ſuch note iſſued, together with ſome mark, denoting the day on which ſuch check ticket was iſſued, in printed or written letters or figures; which check ticket the toll-gate keeper is to deliver to ſuch perſon *gratis*, in return for ſuch note left with him, and which check ticket delivered, ſhall be ſhewn by the driver, or ſome perſon therein, to the toll-gatherer at every turnpike through which the horſes paſs: and if any perſon ſo hiring ſuch horſes, ſhall have neglected to take ſuch note, or ſhall neglect or refuſe to leave the ſame at ſuch firſt turnpike, or ſhall refuſe to ſhew, at the turnpikes through which he paſs, the check ticket given by the toll-gate keeper, ſuch traveller ſhall pay for every horſe uſed 1 *s.* 9 *d.* before ſuch horſes paſs ſuch turnpike, which the toll-gate keeper is to demand, and receive to his own uſe, and not permit ſuch horſes to paſs till ſuch travellers ſhall have paid the ſame, or produced ſuch note, or check ticket; and if any poſtmaſter ſhall, in ſuch note, inſert any falſe name or abode, or ſhall wilfully inſert therein any fictitious name, or abode of the perſon hiring ſuch horſes, or ſhall, in letting out ſuch horſes, by any device or colluſion, pretend to let out his horſes for longer time than for which the ſame were actually hired, with intent to evade the duty, ſuch poſtmaſter ſhall forfeit 20 *l.*; and the commiſſioners ſhall, if they think fit, refuſe any licence in future. *ſ.* 24.

Every horſe hired for drawing any carriage for leſs than two ſucceſſive complete days, ſhall be deemed to be hired for a day, and ſhall be ſubject to all the regulations as horſes hired for a day or leſs time. *ſ.* 25.

Every toll-gate keeper who ſhall have received any of the day-tickets or notes for two or more days, and ſhall refuſe to give any traveller, *gratis*, the tickets directed to be given in exchange, or who ſhall deliver the exchange or check ticket without having received in lieu thereof the day ticket or note for two or more days; or who ſhall make any alteration in any of the tickets hereby directed to be filed by him, after ſuch tickets ſhall have come to his cuſtody, or ſhall deliver any of the tickets directed to be received and filed by him, to any perſon other than the perſon authoriſed as after mentioned to receive the ſame, he ſhall forfeit 40 *s.* *ſ.* 26.

Every perſon ſo licenſed to let horſes, ſhall inſert, in the account before ſpecified, ſo delivered to him from the ſtamp-office, the number of horſes uſed in travelling poſt, and the number of miles for which ſuch horſes ſhall have been uſed, and the name of the place to which ſuch horſes were hired to go; alſo the number of horſes let to hire for a day, or leſs time; and alſo the note iſſued by them, and the day of the month on which the day tickets were uſed, or ſuch note iſſued, together with the names of the drivers; which account ſhall be ſigned by ſuch poſtmaſter, and witneſſed by the hoſtler, or ſervant employed in preparing ſuch horſes, and ſhall be open, when required, to the inſpection of any perſon authoriſed under the hands and ſeals of the commiſſioners, to inſpect the ſame; and ſuch poſtmaſter ſo licenſed, reſiding in the city of *London*, or liberty of *Weſtminſter*, ſhall, the firſt *Tueſday* or *Wedneſday* in every month, and ſuch other perſon licenſed, reſiding within five miles of the head office for ſtamps, or within the bills of mortality, ſhall, the firſt *Thurſday* or *Friday* in every month, or at ſuch other times as may be appointed by the commiſſioners, on public notice given in the *Gazette*, bring in and deliver to the commiſſioners, or to the perſons appointed by them for the purpoſe of receiving the ſame, at the head office, the accounts before directed for the four weeks ending on the *Saturday* preceding ſuch day of delivery, and ſhall, at the ſame time, pay ſuch money which ſhall be due thereon to the receiver general, or to the officer for collecting the ſaid duties, at the head office, upon pain of 10 *l.* for every default in not delivering in ſuch account, and double the amount of the money payable from ſuch poſtmaſter, for the duties, for the nonpayment thereof. *ſ.* 27.

Every perſon ſo licenſed, not reſiding within *London* or *Weſtminſter*, or within five miles of the ſame, or within the bills of mortality, ſhall, at ſuch times and places to be appointed as after mentioned, produce and deliver the accounts before directed for the weeks ending on the *Saturday* preceding ſuch delivery, and then unaccounted for, to the perſon authoriſed under the hands and ſeals of three of the commiſſioners for ſtamped vellum, *&c.* to receive ſuch accounts, and the money due thereon; and at the ſame time pay to ſuch perſon all money due upon ſuch accounts, under the penalty of 10 *l.* for every default in not delivering ſuch accounts, and double the amount of the money due for the duties, for nonpayment thereof. *ſ.* 28.

Every perſon ſo licenſed, ſhall enter in his weekly account, the tickets, notes, or certificates, iſſued by him, on the day

day in which iſſued; and if any poſtmaſter ſhall date any of the poſting or day tickets, or any note by him delivered, in any other manner than as the ſame ſhall, at delivery, be entered in his weekly account, he ſhall forfeit forty ſhillings. *ſ.* 29.

Every poſtmaſter, who ſhall be guilty of any wilful concealment, or making falſe accounts, or any other fraudulent contrivance, with an intent to defraud his majeſty of the duties, ſuch poſtmaſter ſhall forfeit 50 *l.*; and the commiſſioners may, after judgment, refuſe any licence in future. *ſ.* 30.

Every poſtmaſter, who ſhall take the hire for ſuch horſes by the mile, or from ſtage to ſtage, ſhall be conſidered as the perſon to whom the duties ſhall be paid, and ſhall be chargeable with the ſame, as if he was the proprietor of ſuch horſes, although the ſame belong to any other poſtmaſter. *ſ.* 31.

No poſtmaſter, at whoſe inn any traveller ſhall change horſes, ſhall let to hire any horſe to ſuch traveller, in any other manner than by the mile or ſtage; and if any poſtmaſter ſhall act contrary hereto, he ſhall forfeit 10 *l.* *ſ.* 32.

Where any poſtmaſter cannot furniſh horſes to convey travellers on their journey, when applied to for that purpoſe, ſuch poſtmaſter ſhall iſſue to any traveller requiring the ſame, a freſh ticket filled up, and receive the duty, and charge himſelf therewith, in the ſame manner as if the horſes had been hired from ſuch poſtmaſter. *ſ.* 33.

Every toll-gate keeper is authoriſed to demand and receive from the collector appointed to get in the ſame, to whom he ſhall deliver the day and poſting tickets as after directed, three-pence for every pound which the duties upon ſuch tickets amount unto; and ſuch collector is to pay the ſame accordingly; and ſuch allowance ſhall be over the allowance hereby given to ſuch toll-gate keeper, of retaining the money by him collected from ſuch travellers who ſhall not have delivered the tickets to ſuch toll gate keeper. *ſ.* 34.

Every toll-gate keeper ſhall, for the compenſation aforeſaid, bring the tickets by him received, if within five miles of the head office for ſtamps, then to the ſaid head office, or to ſuch other place, within the bills of mortality, as the commiſſioners ſhall appoint; and if beyond the five miles, then to ſuch places, and at ſuch times, as the collector, appointed to collect ſuch tickets, ſhall require, and deliver up ſuch tickets to the collector. *ſ.* 35.

Every toll-gate keeper, who ſhall have received ſuch ſtamp-office tickets, who ſhall not bring ſuch tickets, ſhall, upon demand at the gate of ſuch turnpike, deliver ſuch tickets to the collector; and if any toll-gate keeper ſhall refuſe to deliver up all tickets received by him, he ſhall, for each ticket he refuſe to deliver up, forfeit five ſhillings. *ſ.* 36.

If any toll-gate keeper ſhall wilfully neglect to demand, or ſhall refuſe to receive, from any perſon, any ticket directed to be delivered, or ſhall neglect or refuſe to file the ſame when delivered, ſuch toll-gate keeper ſhall forfeit five pounds. *ſ.* 37.

In caſe any toll-gate keeper ſhall demand or receive, or agree to take any leſs money than he is authoriſed to receive, and retain to his own uſe, ſuch toll-gate keeper ſhall forfeit twenty ſhillings. *ſ.* 38.

It ſhall be lawful for the commiſſioners on ſtamped vellum, *&c.* to erect bars acroſs any public road, for the receipt of the tickets, and to place a perſon thereat, who ſhall have the ſame power to collect the tickets iſſued, and to demand the money from travellers not ſhewing the ſame, as the turnpike men, and to be ſubject to the ſame penalties for any thing done contrary to this act, as the turnpike men are. *ſ.* 39.

Every poſtmaſter, not reſiding within five miles of the head office for ſtamps, nor within the bills of mortality, ſhall, at the times, and at the places to be mentioned at the foot of the firſt licence granted to him, when the ſame ſhall be delivered, and afterwards at the foot of every receipt given by the collector for the money paid in by him on account of the duties, attend and there deliver in and paſs his account, and pay the duty received to the collector: provided no ſuch perſon be compelled to travel for the payment of the duties, or other cauſe whatſoever, touching the ſame, if he live in a market town, out of the ſaid town; or if he live out of a market town, then to no other place than to the market town neareſt to his habitation. *ſ.* 40.

Nothing herein ſhall extend to any horſes uſed in hackney coaches, where the horſes ſhall be employed to go no greater diſtance than ten miles from the cities of *London* or *Weſtminſter*, and the ſuburbs thereof. *ſ.* 41.

Every horſe hired by the mile, ſhall be deemed to be hired to travel poſt, although the perſon do not go ſeveral ſtages upon a poſt road, or change horſes; and although at the ſtage, at which ſuch horſes be hired, there ſhall not be any poſt-houſe; and although there ſhall not be any poſt ſettled on the road. *ſ.* 42.

If any poſtmaſter ſhall die, it ſhall be lawful for his executors, adminiſtrators, or other perſons ſucceeding to ſuch inn, to let horſes to hire in manner aforeſaid, until ſuch perſon ſhall procure ſuch licence, and give ſuch ſecurity as before directed, without being liable to the penalty inflicted on the perſons letting horſes to hire without being licenſed, provided ſuch licence be taken out within thirty days after the death of ſuch poſtmaſter; and ſuch perſon ſhall be ſubject to the ſame rules as ſuch poſtmaſter was ſubject. *ſ.* 43.

Every poſtmaſter ſhall, at delivering their accounts to the commiſſioners, or perſon appointed to receive the ſame, at the head office, or to the collector authoriſed to receive the ſame, and the money due thereon, make oath, or, being a *quaker*, make and ſubſcribe a ſolemn affirmation before ſuch commiſſioners, or other perſon appointed, or collector, to the truth of the accounts then delivered, in the form following:

I. A. B. *do ſwear*, (or *affirm*, as the caſe may require), *that the ſeveral weekly accounts, now by me delivered, of the duties ariſing upon horſes, which I have let for the purpoſe of travelling poſt, or otherwiſe, from the* ——— *day of* ——— *to the* ——— *day of* ——— *as far as the ſame have been entered and kept by me, are fair, juſt, and true accounts; and that I have charged therein the duty for the true number of miles received for the uſe of his majeſty, from the travellers who have hired horſes from me; and that I have inſerted therein an account of all the day tickets, notes, and certificates iſſued by me; and as far as ſuch accounts have been entered and kept by any other perſon or perſons, I verily believe the ſame to be true.*

So help me GOD.

And if any perſon, taking the ſaid oath or affirmation, ſhall thereby commit wilful perjury, he ſhall be ſubject to ſuch pains as perſons convicted of wilful and corrupt perjury are; and if any poſtmaſter ſhall refuſe to take the oath or affirmation, the collector may refuſe to receive the money due on ſuch accounts; and ſuch poſtmaſter ſhall be liable to the penalty of twenty pounds, as if they had not de-

livered in their accounts, and paid the money due thereon. *ſ.* 44.

If any perſon who ſhall keep any coach, or other carriage with four wheels, or any calaſh, or other carriage with two wheels, to be employed as public ſtage coaches, for conveying paſſengers for hire to and from different places within *Great Britain*, ſhall let out the ſame without having firſt obtained a licence under the hands of two of the commiſſioners, or ſome perſon authoriſed by them, he ſhall forfeit for every time ſuch carriage ſhall be uſed, 10*l.* *ſ.* 45.

Two commiſſioners, or ſome perſon authoriſed by them, ſhall grant licences, under their hands and ſeals, to any perſon who ſhall apply for the ſame to let out for hire any ſuch carriage, directed to be licenſed by this act, for one year, to commence from the day of the date of ſuch licences; which licence ſhall be renewed ten days previous to the expiration of the year for which it was granted; and if the perſon licenſed ſhall continue to let out for hire ſuch carriage, he ſhall renew ſuch licence from year to year, paying down the ſums due for ſuch licence, and ſo yearly as long as he ſhall continue to let out ſuch carriage, for the purpoſe aforeſaid. *ſ.* 46.

No perſon ſo licenſed, ſhall, by virtue of one licence, keep more than one coach, diligence, or other carriage, for the purpoſes aforeſaid. *ſ.* 47.

Every perſon ſo licenſed to uſe any carriages, to be employed as public ſtage coaches, ſhall pay to his majeſty one penny for every mile every ſuch coach ſhall be uſed to travel. *ſ.* 48.

Every perſon ſo licenſed to uſe ſuch carriages, to be employed as public ſtage coaches, ſhall, at the time of receiving ſuch licence, declare from, and to what place ſuch coach is intended to be uſed, diſtinguiſhing the number of miles between the two extreme places ſuch coach is intended to go, and the number of journies each coach is to be uſed, either in the day or in the week, as the caſe may happen to be, that the ſame may be inſerted in ſuch licence; and every perſon ſo licenſed, ſhall give ſecurity, by bond, to his majeſty, in twenty pounds, or in treble the ſum to which the duty for the journies inſerted in ſuch licences for one month would amount unto, in the option of the commiſſioners, with a condition for the faithful accounting for and paying ſuch ſums as may be due for the journies expreſſed in ſuch licences. *ſ.* 49.

All coaches directed to be licenſed, that ſhall go from *London* or *Weſtminſter* to any place in the country, or that ſhall come from the country to any place in *London* or *Weſtminſter*, ſhall be licenſed at the head office. *ſ.* 50.

The commiſſioners, or ſuch officers as they appoint, ſhall make ſuch allowances as appear juſt, to any perſon licenſed to uſe any coach as aforeſaid, upon oath made by the owner before the commiſſioners, or ſuch officers, as to the number of journies actually made in a day by ſuch coach, where the ſame ſhall differ from the number expreſſed in ſuch licences; which oath the commiſſioners, or the collector, are to adminiſter, and to examine into all the circumſtances relative to the number of journies made by ſuch coach; and the commiſſioners are hereby to make ſuch regulations, with reſpect to ſuch coaches, where ſuch allowances are applied for, as they find neceſſary, as well for ſecuring the duties, as doing juſtice to the owners thereof. *ſ.* 51.

Every perſon ſo licenſed to uſe ſuch coach as aforeſaid, ſhall mark or paint, on the outſide of each door, before he uſe the ſame, his chriſtian and ſurname, together with the name of the place from whence they ſet out, and to which they are going, in large characters, in letters of a colour diſtinct from the colour of the carriage, each letter one inch in length, under the penalty of 10*l.*; and every proprietor of ſuch coach, licenſed to go from *London* to any other place, or from any other place to *London*, ſhall, on the firſt *Monday* in every month, between eight in the morning and two in the afternoon, unleſs an holiday, and then on the next day, clear the duties, by paying the ſame to the receiver general, or to the officer for collecting the duties at the head office; and if ſuch proprietor ſhall be licenſed from any town in the country to any other town than *London*, then ſuch proprietor ſhall clear the ſaid duties, by paying the ſame to the perſon authoriſed, by commiſſion under the hands and ſeals of three commiſſioners, to receive the ſame, under the penalty of five pounds. *ſ.* 52.

Every licenſed proprietor of any coach, who ſhall diſcontinue the uſe of the ſame, ſhall give notice in writing, ſeven days before he diſcontinue, and ſhall have ſuch notice indorſed upon the back of his licence, or upon the bond given as aforeſaid, and from thenceforth, on payment of all arrears, ſhall be no longer chargeable for the ſame. *ſ.* 53.

The receiver general, and the other collectors appointed to receive the duties, ſhall make an allowance to the perſons licenſed to let horſes to hire, for all monies by them paid on account of the duties; and they may deduct, for their own uſe, three-pence in the pound, out of the monies by them accounted for and paid to ſuch receiver general, or collector. *ſ.* 54.

If any perſon ſhall falſely make, forge, or counterfeit, or cauſe to be falſely made, *&c.* or wilfully aid in the falſe making, *&c.* any ticket, note, or certificate by this act directed to be uſed; or ſhall utter as true, any falſe ticket, *&c.* with an intent to defraud his majeſty of the duties, ſuch perſon ſhall forfeit 50*l.* *ſ.* 55.

All penalties hereby impoſed ſhall be divided (if proſecution be commenced within ſix months), one moiety to his majeſty, and the other moiety, with full coſts, to the perſon who ſhall inform and ſue. *ſ.* 56.

All penalties which ſhall amount to 50*l.* ſhall be ſued for in any court at *Weſtminſter*, for offences committed in *England* and *Wales*, or *Berwick upon Tweed*, and in the court of ſeſſions, court of juſticiary, or court of exchequer in *Scotland*, for offences committed in *Scotland*, by action of debt, *&c.* *ſ.* 57.

Such diviſion of the penalties ſhall be confined to the proſecuting for the ſame within the time before limited; and in default of ſuch proſecution within the time aforeſaid, no informer ſhall have any part of ſuch penalties, but the whole thereof ſhall belong to his majeſty, and ſhall be recoverable by information, at the inſtance of the attorney general, or lord advocate of *Scotland*. *ſ.* 58.

It ſhall be lawful for any juſtice near the place where the offence be committed, to determine any offence againſt this act which ſubjects the offender to any penalty, not amounting to 50*l.*; which ſaid juſtice is, upon information, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and ſhall examine into the matter of fact; and, upon proof thereof, either by confeſſion of the party, or by oath of one witneſs, to give judgment for the penalty, and to iſſue his warrant, under hand and ſeal, for the levying any penalties ſo adjudged on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they be not redeemed within ſix days, rendering to the party the overplus (if any); and where the goods be not ſufficient to anſwer the penalty, to commit ſuch offender to priſon, for ſix months, unleſs ſuch penalty be ſooner paid; and any perſon aggrieved by the judgment of ſuch juſtice, may (upon

on giving ſecurity to the amount of the penalty, together with ſuch coſts as ſhall be awarded in caſe judgment ſhall be affirmed) appeal to the next general quarter ſeſſions, who are to ſummon and examine witneſſes upon oath, and finally determine the ſame; and in caſe the judgment ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay coſts: if the next general quarter ſeſſions ſhall fall within ſix days after conviction, the perſon convicted, if he think fit, giving ſuch ſecurity, may appeal to the next ſubſequent quarter ſeſſions. *ſ.* 59.

If any perſon ſummoned as a witneſs to give evidence before ſuch juſtice, either on the part of the proſecutor, or perſon accuſed, ſhall neglect or refuſe to appear, without a reaſonable excuſe for ſuch neglect, to be allowed of by ſuch juſtice, or appearing ſhall refuſe to be examined on oath and give evidence, ſuch perſon ſhall forfeit 40*s.* to be levied by ſuch means as are before directed. *ſ.* 60.

All ſummonſes, iſſued by any juſtice, againſt the owners of any coaches required to be licenſed, that ſhall be left at the inn where the carriage ſhall put up, with the book-keeper, ſhall be good ſervice on the owners, although ſuch owners ſhall not have a reſidence in ſuch inn. *ſ.* 61.

A conviction in the form following *(mutatis mutandis)*, ſhall be good.

BE it remembered, that on the ——— *day of* ——— *in the year of our Lord* ——— *at* ——— *in the county of* ——— A. B. *came before me* C. D. *one of his majeſty's juſtices of the peace for the ſaid county, reſiding near the place where the offence was committed, and informed me, that* E. F. *of* ——— *on the* ——— *day of* ——— *now laſt paſt, at* ——— *in the ſaid county, did* [here ſet forth the fact for which the information is laid]; *whereupon the ſaid* E. F. *after being duly ſummoned to anſwer the ſaid charge, appeared before me on the* ——— *day of* ——— *at* ——— *in the ſaid county, and having heard the charge contained in the ſaid information, declared he was not guilty of the ſaid offence,* [or, as the caſe may happen to be,] *did not appear before me purſuant to the ſaid ſummons,* [or, *did neglect and refuſe to make any defence againſt the ſaid charge,*] *but the ſame being fully proved upon the oath of* G. H. *a credible witneſs,* [or, as the caſe may happen to be,] *acknowledged and voluntarily confeſſed the ſame to be true; and it manifeſtly appearing to me that he ſaid* E. F. *is guilty of the offence charged upon him in the ſaid information, I do therefore hereby convict him of the offence aforeſaid, and do declare and adjudge, that he the ſaid* E. F. *hath forfeited the ſum of* ——— *of lawful money of* Great Britain, *for the offence aforeſaid, to be diſtributed as the law directs, according to the form of the ſtatute in that caſe made and provided. Given under my hand and ſeal, the* ——— *day of* ———

It ſhall be lawful for the juſtice to mitigate penalties, reaſonable coſts of the officers and informers being always allowed above ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than a moiety of the penalties incurred, over the coſts. 63.

"Receiver general of ſtamp duties to pay the duties "granted by this act into the exchequer. Auditor to keep "ſeparate account thereof." *ſ.* 64.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if the plaintiff become nonſuited, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 67.

By 27 *Geo.* 3. *c.* 26. It ſhall be lawful for the commiſſioners of the treaſury, or three of them, either by themſelves, or the commiſſioners for managing the duties on ſtamped vellum, *&c.* duly authoriſed for that purpoſe, under the hands and ſeals of the commiſſioners of the treaſury, or three of them, to let to farm the duties of 1½*d. per* mile, and 1*s.* 9*d. per* horſe, to ſuch perſons as ſhall be willing to farm the ſame, according to the regulations after preſcribed. *ſ.* 1.

It ſhall be lawful for the commiſſioners of the treaſury, or three of them, to fix ſuch particular diſtricts as ſhall appear to them moſt proper, for the purpoſes of farming out the duties ſeparately in each diſtrict to the beſt advantage. *ſ.* 2.

One month's notice at leaſt ſhall be given by the commiſſioners of the treaſury, or commiſſioners on ſtamped vellum, *&c.* in the *London Gazette*, of the time and place of letting the duties, ſpecifying the diſtricts, and the ſum at which it is propoſed to put up the ſame, and alſo the place into which propoſals for farming the ſame ſhall be delivered. *ſ.* 3.

No propoſals ſhall be proceeded on, unleſs the ſame are delivered in at leaſt three days previous to the day appointed in the *Gazette*, ſigned with the names of the parties, ſtating the places of their abode, who intend to become bidders, and ſpecifying the diſtrict for which they bid. *ſ.* 4.

The commiſſioners of the treaſury, or three of them, or the commiſſioners on ſtamped vellum, *&c.* ſhall let the ſaid duties ariſing within any ſuch diſtrict, for not exceeding three years, and the ſame ſhall be put up at a rent not leſs than the groſs amount which they ſhall appear to have produced within the year ending 1ſt *Auguſt* 1786; and the bidding for the ſame ſhall be conducted under ſuch regulations as ſhall be eſtabliſhed by the commiſſioners of the treaſury, or by the commiſſioners on ſtamped vellum; and the perſon who ſhall be the higheſt bidder ſhall be the farmer of the ſaid duties, for three years, or ſuch other ſhorter term as may be determined on, and as ſhall be inſerted in the *Gazette*, and ſhall forthwith execute a contract, to be prepared in purſuance of this act, and give ſecurity by bond to his majeſty, with three ſureties, for payment to his majeſty, of the money or yearly rent contracted for; the ſaid rent to be paid into the hands of the receiver general of ſtamp duties, at the head office, in equal portions, by eight payments in the year: *viz.* on 15th *Sept.* 1ſt *Nov.* 16th *Dec.* 1ſt *Feb.* 16th *March*, 1ſt *May*, 16th *June*, and 1ſt *Auguſt*, in every year, unleſs any of the days ſhall be on a *Sunday*, and then the next day thereafter; the firſt payment to be made on executing the contract, and continue to be made on every ſucceeding day of payment in each year, during the continuance of the contract, and before the expiration of the term for which the duties ſhall have been let to farm. *ſ.* 5.

In every contract entered into in purſuance of this act, there ſhall be inſerted a clauſe, declaring that the ſame ſhall be made void on any reſolution made by the houſe of commons, upon ſix months notice being given by the commiſſioners of the treaſury, to any perſon entering into ſuch contract. *ſ.* 6.

In caſe any of the diſtricts fixed on, ſhall not be let to farm at the time fixed by ſuch advertiſement, for want of offers, the commiſſioners of the treaſury, or the commiſſioners of ſtamps, may fix a future day for letting ſuch diſtricts in manner, *&c.* and upon the notice before provided. *ſ.* 7.

The commiſſioners of the treaſury, or the commiſſioners on ſtamped vellum, *&c.* upon any contract being entered into, and bond given, ſhall deliver to the perſon farming ſuch duties, and executing ſuch contract, authority, under the hands and ſeals of three of them, appointing ſuch perſons

ſons to be the collectors of the duties let to them, and authoriſing ſuch perſon farming the duties to take ſecurities by bonds from the perſons licenſed, in the name of his majeſty, with ſuch conditions as are required by the recited act, and to excute all powers, touching the collecting, managing, or accounting for the ſaid duties farmed to them, within their diſtrict, as fully as the collectors, appointed by the commiſſioners, under the ſaid act are impowered to do. *ſ.* 8.

It ſhall be lawful for the perſon farming the duties, with the conſent of the commiſſioners on ſtamped vellum, *&c.* to vary the mode of keeping the weekly account, directed by the recited act to be kept by the perſons who let out horſes to hire for travelling poſt, or by time, in ſuch manner as they ſhall judge moſt convenient for keeping the accounts; and they may, by any indorſement, or on the face of the tickets or certificates to be delivered by them to the licenſed perſons, add the name or number of the diſtrict which they farm; and any perſon forging the ſaid tickets, or aiding therein, or uttering as true any falſe ticket, note, or certificate, with an intent to defraud the farmers, ſhall forfeit 50*l.* to be recovered and applied as other penalties are by the ſaid act directed to be recovered and applied. *ſ.* 9.

All powers, forfeitures, and directions, preſcribed by the ſaid act, with relation to the duties, or to the perſons appointed to collect the ſame, and not hereby altered, ſhall be in full force, and carried into execution by the perſons farming the ſame, and appointed collectors thereof by the commiſſioners, as fully as if the ſame had been re-enacted; and the ſaid perſons farming the duties ſhall have all remedies for recovery of the money payable for the ſaid duties within their reſpective diſtricts, as the collectors appointed by the commiſſioners for ſtamped vellum, *&c.* now are entitled to have. *ſ.* 10.

All ſecurities, bonds, or obligations, taken by the perſons farming the duties from ſuch licenſed perſons under this or the ſaid act, ſhall be taken in the name of his majeſty, and ſhall be proſecuted in the name of his majeſty, with the conſent of the attorney general in *England*, or advocate general in *Scotland*; and all actions, or informations, proſecuted for any penalty forfeited by this or the ſaid act, ſhall be proſecuted in the name of his majeſty, or in the name of the attorney general, or advocate general, or by any perſon who ſhall proſecute in the manner in the ſaid act directed: provided, all actions, *&c.* proſecuted in the name of any farmer, ſhall be deemed to be popular actions. *ſ.* 11.

It ſhall be lawful for any perſon farming the duties to uſe the like remedies for recovery thereof, againſt the perſons appointed to receive the ſame, by extent or otherwiſe, which may be uſed for any duties payable directly to the king. *ſ.* 12.

The duties ſhall belong, and the tickets iſſued thereupon ſhall be returned and accounted for to the perſons who ſhall be the farmers of the duties ariſing within the diſtrict where ſuch tickets ſhall have iſſued, and where the licenſed perſons iſſuing the ſame ſhall reſide; and the gatekeepers at whoſe gates ſuch tickets ſhall be delivered, ſhall return the ſame to the farmer from whoſe diſtrict ſuch tickets ſhall have iſſued, at the time, and in the manner the ſame are directed to be returned to the collectors by the ſaid act. *ſ.* 13.

Every perſon licenſed, reſiding in *London* or *Weſtminſter*, or within five miles of the head office for ſtamps, or within the bills of mortality, ſhall bring in and deliver to the farmer ſo appointed collector of the duties, the accounts directed by the ſaid act to be delivered, and ſhall pay at ſuch place in *London* or *Weſtminſter*, and at ſuch times, as ſhall be appointed by public notice in the *London Gazette*, by order of the commiſſioners for the duties on ſtamped vellum, the money due on ſuch accounts; and every licenſed perſon, not reſiding within five miles of the head office, nor within the bills of mortality, ſhall, at the times, and at the places mentioned at the foot of the licence, and afterwards at the foot of every receipt given by the collector, attend, and there deliver in and paſs his accounts, and pay the duty received by him, to the perſon ſo appointed collector thereof, under the penalty in the ſaid act directed: provided, no ſuch licenſed perſon ſhall be compelled to travel, for the payment of the duties, farther than to the market town neareſt to his habitation. *ſ.* 14.

No perſon farming the duties, and appointed collectors thereof, ſhall, by ſuch appointment, be diſqualified from voting at any election of members to ſerve in parliament. *ſ.* 15.

No contract for letting the duties to farm ſhall be made with any perſon licenſed to let horſes for travelling poſt, nor to any one for his uſe, or ſo as that he ſhall have any intereſt therein, but the ſame (if made) ſhall be utterly void; and if ſuch contract ſhall be aſſigned to any perſon as aforeſaid, or to any other perſon for his uſe, ſo that he ſhall have any intereſt therein, or benefit therefrom, ſuch aſſignment ſhall alſo be utterly void. *ſ.* 16.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 17.

Poſt Office.

Rates of Poſtage.

It ſhall be lawful for his majeſty's poſtmaſter general, and his deputy, for the uſe of his majeſty, to take for the port and conveyance of all letters and packets which he ſhall convey, carry, or ſend poſt within *Great Britain*, according to the rates hereafter mentioned, the ſame being rated by the letter, or by the ounce.

For the port and conveyance of every ſingle letter, ſo conveyed or carried by the poſt as aforeſaid, not exceeding one whole poſt ſtage from the office where ſuch letter may be put in, within *Great Britain*, 1 *d.* by 5 *Geo.* 3. *c.* 25. *ſ.* 5. and 1 *d.* by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 37. *ſ.* 1.—*total*, 2 *d.*

For every double letter, 2 *d.* by 5 *Geo.* 3. and 2 *d.* by 24 *Geo.* 3.—*total*, 4 *d.*

For every treble letter, 3 *d.* by 5 *Geo.* 3. and 3 *d.* by 24 *Geo.* 3.—*total*, 6 *d.*

And for every ounce in weight, 4 *d.* by 5 *Geo.* 3. and 4 *d.* by 24 *Geo.* 3.—*total*, 8 *d.*; and ſo in proportion for every packet of deeds, writs, or other things:

And for every ſingle letter carried by the poſt above one poſt ſtage, and not exceeding two poſt ſtages, from the office where put in, within *England*, 2 *d.* by 5 *Geo.* 3. and 1 *d.* by 24 *Geo.* 3.—*total*, 3 *d.*

For every double letter, 4 *d.* by 5 *Geo.* 3. and 2 *d.* by 24 *Geo.* 3.—*total*, 6 *d.*

For every treble letter, 6 *d.* by 5 *Geo.* 3. and 3 *d.* by 24 *Geo.* 3.—*total*, 9 *d.*

And for every ounce in weight, 8 *d.* by 5 *Geo.* 3. and 4 *d.* by 24 *Geo.* 3.—*total*, 12 *d.*; and ſo in proportion for every packet of writs, deeds, or other things:

And for the port and conveyance of every ſingle letter, conveyed or carried by the poſt above two poſt ſtages, and

and not exceeding 80 *Engliſh* miles diſtant from the office where ſuch letter may be put in, within *England*, 3 *d.* by 9 *Ann. c.* 10. *ſ.* 6. and 1 *d.* by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 37. *ſ.* 1.—*total*, 4 *d.*

For every double letter, 6 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 8 *d.*

For every treble letter, 9 *d.* by 9 *Ann.* and 3 *d.* by 24 *Geo.* 3.—*total*, 12 *d.*

And for every ounce in weight, 12 *d.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 16 *d.*; and ſo in proportion for every packet of writs, deeds, or other things:

And for every ſingle letter, conveyed by the poſt above 80, and not exceeding 150 *Engliſh* miles diſtant from the office where put in, within *England*, 4 *d.* by 9 *Ann.* and 1 *d.* by 24 *Geo.* 3.—*total*, 5 *d.*

For every double letter, 8 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 10 *d.*

For every treble letter, 12 *d.* by 9 *Ann.* and 3 *d.* by 24 *Geo.* 3.—*total*, 15 *d.*

And for every ounce in weight, 1 *s.* 4 *d.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 1 *s.* 8 *d.*; and ſo in proportion for every packet of writs, *&c.*

And for every ſingle letter, conveyed by the poſt above 150 *Engliſh* miles diſtant from the office where put in, within *England*, 4 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 6 *d.*

For every double letter, 8 *d.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 12 *d.*

For every treble letter, 12 *d.* by 9 *Ann.* and 6 *d.* by 24 *Geo.* 3.—*total*, 1 *s.* 6 *d.*

And for every ounce in weight, 1 *s.* 4 *d.* by 9 *Ann.* and 8 *d.* by 24 *Geo.* 3.—*total*, 2 *s.*; and ſo in proportion for every packet of writs, *&c.*

And for every ſingle letter, carried by the poſt from the general poſt-office in *London* unto *Edinburgh* in *Scotland*, or from thence to the general poſt-office in the ſaid city of *London*, and to and from *Dumfries* and *Cockburnſpeth*, and between either of thoſe places and *Edinburgh*, 6 *d.* by 9 *Ann.* and 1 *d.* by 24 *Geo.* 3.—*total*, 7 *d.*

For every double letter, 12 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 14 *d.*

For every treble letter, 1 *s.* 6 *d.* by 9 *Ann.* and 3 *d.* by 24 *Geo.* 3.—*total*, 1 *s.* 9 *d.*

And for every ounce in weight, 2 *s.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 2 *s.* 4 *d.*; and ſo in proportion for every packet of writs, *&c.*

And for every ſingle letter, conveyed by the poſt above one poſt ſtage, and not exceeding 50 *Engliſh* miles diſtant from the office where put in, within *Scotland*, 2 *d.* by 9 *Ann.* and 1 *d.* by 24 *Geo.* 3.—*total*, 3 *d.*

For every double letter, 4 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 6 *d.*

And for every treble letter, 6 *d.* by 9 *Ann.* and 3 *d.* by 24 *Geo.* 3.—*total*, 9 *d.*

And for every ounce in weight, 8 *d.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 12 *d.*; and ſo in proportion for every packet of writs, *&c.*

And for every ſingle letter, conveyed by the poſt above 50, and not exceeding 80 *Engliſh* miles, within *Scotland*, 3 *d.* by 9 *Ann.* and 1 *d.* by 24 *Geo.* 3.—*total*, 4 *d.*

For every double letter, 6 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 8 *d.*

For every treble letter, 9 *d.* by 9 *Ann.* and 3 *d.* by 24 *Geo.* 3.—*total*, 1 *s.*

And for every ounce in weight, 12 *d.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 1 *s.* 4 *d.*; and ſo in proportion for every packet of writs, *&c.*

And for every ſingle letter, carried by the poſt above 80, and not exceeding 150 *Engliſh* miles, within *Scotland*, 4 *d.* by 9 *Ann.* and 1 *d.* by 24 *Geo.* 3.—*total*, 5 *d.*

For every double letter, 8 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 10 *d.*

For every treble letter, 12 *d.* by 9 *Ann.* and 3 *d.* by 24 *Geo.* 3.—*total*, 15 *d.*

And for every ounce in weight, 1 *s.* 4 *d.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 1 *s.* 8 *d.*; and ſo in proportion for every packet of writs, *&c.*

And for every ſingle letter, carried by the poſt above 150 *Engliſh* miles diſtant from the office where put in, within *Scotland*, 4 *d.* by 9 *Ann.* and 2 *d.* by 24 *Geo.* 3.—*total*, 6 *d.*

For every double letter, 8 *d.* by 9 *Ann.* and 4 *d.* by 24 *Geo.* 3.—*total*, 12 *d.*

For every treble letter, 12 *d.* by 9 *Ann.* and 6 *d.* by 24 *Geo.* 3.—*total*, 1 *s.* 6 *d.*

And for every ounce in weight, 1 *s.* 4 *d.* by 9 *Ann.* and 8 *d.* by 24 *Geo.* 3.—*total*, 2 *s.*; and ſo in proportion for every packet of writs, deeds, or other things.

No letter (not paſſing through *London*) to or from *Glaſgow*, or the intermediate places by the way of *Carliſle*, ſhall pay an higher rate of poſtage than if the ſame had paſſed through *Edinburgh* to or from *Glaſgow*; and no letter, paſſing to or from *Edinburgh*, or any intermediate places in *England* and *Scotland*, north of *London*, ſhall be ſubject to an higher rate of poſtage than 7 *d.* for a ſingle letter, and ſo in proportion. 24 *Geo.* 3. *ſeſſ.* 2. *c.* 37. *ſ.* 2.

No letter, together with the contents thereof, ſhall be rated at an higher rate of poſtage, than as a treble letter, unleſs the ſame ſhall be one ounce in weight; and all letters of the weight of one ounce ſhall be rated as four ſingle letters; and ſo in proportion for every quarter of an ounce above the weight of one ounce, reckoning each quarter of an ounce as a ſingle letter. *ſ.* 3.

And by 9 *Ann. c.* 10. *ſ.* 6. for every ſingle letter, *&c.* from the general poſt-office in *London* to the city of *Dublin*, or from *Dublin* 6 *d.* *; for letters and packets directed on board, or fetched from on board, any ſhip in any port in her majeſty's dominions, 1 *d.* over the rates.

And for the port of all letters and packets paſſing by the the penny-poſt in *London*, *Weſtminſter*, *Southwark*, and parts within ten miles from the general letter-office, 1 *d.*

And for all letters, packets, and parcels of goods, conveyed to or from any of her majeſty's dominions to or from any other parts beyond the ſeas, according to the rates following, either by the letter or the ounce, *viz.*

Letters from France *to* London, *ſingle*, 10 d. *double*, 1 s. 8 d. *treble*, 2 s. 6 d. *ounce*, 3 s. 4 d.

From London *through* France *to* Spain *or* Portugal *(port paid to* Bayone), *and from* Spain *and* Portugal *through* France *to* London, *ſingle*, 1 s. 6 d. &c.

From London *through* France *to* Italy *or* Sicily *by way of* Lyons, *or to* Turkey *by way of* Marcelia, *and from thoſe parts through* France *to* London, *ſingle*, 1 s. 3 d. &c.

From the Spaniſh Netherlands *to* London, *ſingle*, 10 d. &c.

* See alſo 5 *Geo.* 3. *c.* 25. *ſ.* 7. poſt.

From

From London *through the* Spaniſh Netherlands *to* Italy *or* Sicily *(port paid to* Antwerp*), and from* Italy *or* Sicily, &c. *to* London, *ſingle*, 1 s. &c.

From London *through the* Spaniſh Netherlands *to* Germany, Switzerland, Denmark, Sweden, *and all parts of the north, and to* London, *ſingle*, 1 s. &c.

From London *through the* Spaniſh Netherlands *to* Spain *or* Portugal, *and to* London, *ſingle*, 1 s. 6 d. &c.

From the United Provinces *to* London, *ſingle*, 10 d. &c.

From London *through the* United Provinces *for* Italy *or* Sicily, *and to* London, *ſingle*, 1 s. &c.

From London *through the* United Provinces *to* Germany, Switzerland, Denmark, Sweden, *and all parts of the north, and from theſe parts to* London, *ſingle*, 1 s. &c.

From London *through the* United Provinces *to* Spain *or* Portugal, *and to* London, 1 s. 6 d. &c.

From London *through the* Spaniſh Netherlands, *or the* United Provinces, *to* Hamburgh *(port paid to* Antwerp *or* Amſterdam*), and from* Hamburgh *to* London, *ſingle*, 10 d. &c.

Between London, Spain, *or* Portugal, *by packet boats, ſingle*, 1 s. 6 d. &c.

From London *to* Jamaica, Barbadoes, Antegoa, Montſerrat, Nevis, *and* St. Chriſtopher's, *and to* London, *ſingle*, 1 s. 6 d. &c.

By 5 *Geo.* 3. *c.* 25. *ſ.* 2. It ſhall be lawful for his majeſty's poſtmaſter-general, and deputies, to take for the port and conveyance of letters, packets, and other things, carried to or from *London*, from or to any of the *Britiſh* dominions in *America*, and to or from any part of the ſaid dominions, from or to any other part thereof, according to the rates hereafter mentioned; the ſame being rated either by the letter, or by the ounce; *viz.*

For all letters from *London* to any port within the *Britiſh* dominions in *America*, and from any ſuch port unto *London*, for every ſingle letter 1 *s.*; double letter 2 *s.*; treble letter 3 *s.*; and for every ounce 4 *s.*; and ſo in proportion for every packet of deeds, writs, or other things.

For all letters conveyed by ſea from any port in the *Britiſh* dominions in *America*, to any other port within the ſaid dominions, for every ſingle letter 4 *d.*; double letter 8 *d.*; treble letter 1 *s.*; and for every ounce 1 *s.* 4 *d.*; and ſo in proportion for every packet of deeds, writs, or other things.

For the inland conveyance of all letters and packets to or from any chief or other poſt-office, within the *Britiſh* dominions in *America*, not exceeding 60 *Britiſh* miles diſtant from the office, for every ſingle letter 4 *d.*; double, 8 *d.*; treble, 1 *s.*; and for every ounce 1 *s.* 4 *d.*; and being upwards of 60 miles, and not exceeding 100, for every ſingle letter 6 *d.*; double, 1 *s.*; treble, 1 *s.* 6 *d.*; and for every ounce 2 *s.*; and being upwards of 100 ſuch miles, and not exceeding 200, for every ſingle letter 8 *d.*; double, 1 *s.* 4 *d.*; treble, 2 *s.*; and for every ounce 2 *s.* 8 *d.*; and for every diſtance not exceeding 100 ſuch miles beyond ſuch 200 miles, and for every ſuch further diſtance, for every ſingle letter 2 *d.*; double, 4 *d.*; treble, 6 *d.*; and for every ounce 8 *d.*; and ſo in proportion.—— *And the deputy may take for every letter delivered from any veſſel, other than packet boats*, 1 d. *over the rates.* *ſ.* 4.

By 27 *Geo.* 3. *c.* 9. The poſtmaſter-general and his deputy, for the uſe of his majeſty, may take, for the conveyance of letters and packets carried by packet boats, to or from the port of *Milford Haven*, or to or from any other convenient port in *Great Britain*, from or to *Waterford*, or from or to any other convenient port in *Ireland*, above all other rates payable for the conveyance of ſuch letters,

For every ſingle letter 6 *d.*
For every double letter 1 *s.*
For every treble letter 1 *s.* 6 *d.*
And for every ounce 2 *s.*

And ſo in proportion for every packet of deeds, *&c.*

No letter or packet, ſent by the poſt from or to *London*, to or from *Waterford*, by way of *Milford Haven*, ſhall be charged with an higher rate of poſtage than letters and packets ſent from or to *London*, to or from *Dublin*, by the way of *Holyhead*, are now rated. *ſ.* 2.

By 9 *Ann. c.* 10. There ſhall be one general poſt-office eſtabliſhed within the city of *London*, from whence all letters and packets may be ſent into any part of *Great Britain* and *Ireland*, or to *North-America*, the *Weſt-Indies*, or any other of her majeſty's dominions, or unto any other country beyond the ſeas; and one maſter of the poſt-office ſhall be appointed by the queen by letters patent, by the ſtile of her majeſty's poſtmaſter-general; which maſter and his deputies, and their ſervants and agents, and no other, ſhall have the receiving, carrying, and delivering, of all letters and packets to and from all places of *Great Britain* and *Ireland*, *North-America*, the *Weſt-Indies*, and other her majeſty's dominions, and alſo to and from all countries where he ſhall ſettle poſts or running meſſengers; except ſuch letters as ſhall concern goods ſent by common carriers of goods by carts, waggons, or pack-horſes, and ſhall be delivered with the goods without hire; and except letters of merchants, and maſters of ſhips or veſſels, of merchandize, or any lading therein, ſent on board ſuch ſhips, ſo as ſuch letters be delivered without hire; and except commiſſions, the return thereof, affidavits, writs, proceſs, or returns, iſſuing out of any court, and alſo letters ſent by private friends in their journey, or by meſſengers ſent on purpoſe. *ſ.* 2.

Nothing in the ſaid exception ſhall give authority to common carriers of goods, to receive or deliver any letters that do not concern goods in their carts, waggons, or on their pack-horſes, nor to any drivers of ſtage-coaches, nor to any owners of paſſage-boats ſailing between any part of *Great Britain* or *Ireland*, and any parts beyond the ſeas, nor to any paſſengers on board ſuch veſſels, nor to the owners of any veſſel paſſing on any river to and from any parts of *Great Britain* and *Ireland*, *North-America*, or the *Weſt-Indies*, or other her majeſty's dominions, although ſuch drivers, owners, *&c.* do not receive hire for the ſame. *ſ.* 3.

Such poſtmaſter-general ſhall be at liberty to keep one chief letter-office in the city of *Edinburgh*, and one other in the city of *Dublin*, and other chief offices in each of her majeſty's provinces in *America*, and in each of the *Leeward-Iſlands*. *ſ.* 4.

Such poſtmaſter-general ſhall take, according to the ſame rates, to or from any places beyond the ſeas, where poſts may hereafter be ſettled. *ſ.* 7.

All letters and packets directed to, or coming from, any of the foreign parts aforeſaid, and collected or delivered at any place between *London* and any of the ports from whence her majeſty's packet-boats ſhall ſail, or at which they may arrive with the foreign mails, ſhall pay the ſame rates as if they were conveyed in the mails to or from *London*. *ſ.* 8.

It ſhall be lawful for the poſtmaſter-general to ſet up croſs ſtages, and take for all letters which he ſhall convey in ſuch croſs ſtages, as alſo for all by or way-letters, the ſame rates, in proportion to the diſtances, as letters conveyed to and from *London*. *ſ.* 10.

It

It ſhall be lawful for ſuch perſons as the poſtmaſter-general ſhall appoint, to meaſure by the wheel, all roads, except ſuch roads where ſtages are already ſettled; and ſuch perſons ſhall cauſe ſurveys or books to be made for each of the kingdoms; one of each to be left with her majeſty's poſtmaſter-general in *London*, another of each to be left at the chief poſt-office in *Edinburgh*, another of each to be left at the chief poſt-office in *Dublin*. *ſ.* 11.

Such perſons authoriſed to meaſure the diſtances, ſhall be ſworn to perform the ſame to the beſt of their ſkill; which oath may be adminiſtered by any juſtice of peace, who ſhall make a certificate thereof, to be entered in the three general poſt-offices. *ſ.* 12.

Merchants accounts, not exceeding one ſheet, and bills of exchange, invoices, and bills of lading, ſhall be allowed without rate, and likewiſe the covers of letters, not exceeding one-fourth parth of a ſheet, ſent by way of *Vienna*, *Marſeilles*, *Venice*, or *Leghorn*, to or from *Turkey*. *ſ.* 13.

It ſhall be lawful for ſuch poſtmaſter-general and his deputies, to take of every perſon that they ſhall provide with horſes and furniture, or with horſes, furniture, and guide, to ride poſt, 3*d.* for each horſe-hire, for every mile, and 4*d.* for the guide for every ſtage; and the deputies ſhall not charge any perſon, riding poſt, for the carrying of any bundle carried along with them, ſo as any ſuch bundle do not exceed 80 lb. *averdupois*, to be laid on the horſe rid by the guide and no deputy ſhall be obliged to carry above that weight. *ſ.* 14.—Qu. *as to this clauſe*; *the excluſive power of poſtmaſters to furniſh horſes to travel poſt, being taken away by* 22 Geo. 2. c. 25. ſee page 352. poſt. *and alſo by* 25 Geo. 3. c. 51.—*See the Title* Post Horses, *ante*.

All letters and packets that by any ſhip ſhall be brought to any port within her majeſty's dominions (other than letters before excepted) ſhall be delivered to the deputies only of ſuch poſtmaſter-general, to be ſent poſt to the general poſt-office, upon pain of 5*l.* for every offence againſt this act. *ſ.* 15.

Every maſter, or other perſon, for every letter or packet he ſhall deliver unto ſuch deputies, ſhall receive 1*d.* he ſigning a certificate of the number of letters delivered, and by what veſſel they came, and of the time when he delivered the ſame, and giving a receipt for ſuch pence; which certificate and receipt ſhall be, by the next poſt, returned to the poſtmaſter-general, together with the letters. *ſ.* 16.

No perſon, *&c.* in *Great Britain* and *Ireland*, or her majeſty's plantations in the *Weſt Indies* and *America*, other than ſuch poſtmaſter-general and his deputies, ſhall receive, carry, or deliver, any letter or packet (other than as before excepted), or employ any foot-poſt, horſe-poſt, boat, or conveyance, for carrying letters or packets; on pain of 5*l.* for every offence, and 100*l.* for every week. *ſ.* 17.

If any deputy-poſtmaſter ſhall not duly account for all by or way-letters, or ſhall not on his poſt-bills mention all the by or way-letters he ſhall receive, or ſhall embezzle any ſuch by-letters or packets, ſuch perſon ſhall forfeit as the perſons herein prohibited ſetting up other poſts. *ſ.* 18.

The ſaid penalties ſhall be recovered in any of her majeſty's courts of record; the one moiety to her majeſty, and the other to ſuch perſons who ſhall ſue; and ſuch perſon informing ſhall have coſts. *ſ.* 19.

Nothing herein ſhall prohibit the carrying of letters to or from the next poſt ſtage, above ſix miles from the general poſt-office, or the chief offices of *Edinburgh* and *Dublin*. *ſ.* 22.

Nothing herein ſhall give licence to any perſon to make collection of letters in or near *London*, under pretence of conveying the ſame to any places in the ſaid city, or to the general office, without the licence of the poſtmaſter-general. *ſ.* 23.

If the mail ſhall be carried out of *Great Britain*, beyond the ſeas, in any ſhip which is not a free ſhip, and navigated as by law, the poſtmaſter-general ſhall forfeit 100*l.* one moiety to her majeſty, and the other moiety to him who ſhall ſue for the ſame in any court of record. *ſ.* 24.

Such poſtmaſter-general, and all officers under him, within *England*, receiving the ſacrament, and taking the teſt, and the oaths of allegiance and ſupremacy, and abjuration, as appointed by law, ſhall be qualified to execute their employments throughout all her majeſty's dominions; and all deputies acting under ſuch poſtmaſter-general within *Scotland*, taking the oaths of allegiance and abjuration, and ſubſcribing the ſame, with the aſſurance appointed by any laws of *Scotland* or of *Great Britain*, ſhall be qualified to exerciſe their employments throughout the whole united kingdom, and all other her majeſty's dominions. *ſ.* 25.

A poſt ſhall twice every week come by way of *Truro* and *Penryn* to *Penzance*, in *Cornwall*; and once a week to *Kendall*, by way of *Lancaſter*; and to *Penrith* in *Cumberland*, by way of *Newcaſtle* and *Carliſle*; and to *Lincoln* and *Grimſby*. *ſ.* 26.

The poſtmaſter-general and his deputies ſhall obſerve ſuch orders for the ſettlement of poſts and ſtages, as her majeſty ſhall make. *ſ.* 27.

No perſon ſhall have power to take any horſes for the ſervices mentioned in this act, without conſent of the owners. *ſ.* 28.

No deputy of ſuch poſtmaſter-general, travelling with any mail, ſhall pay for paſſing any ferry in *North America*, but ſuch ferryman ſhall, within one half hour after demand, convey ſuch deputies, on pain of forfeiting 5*l.*, to be recovered in any court of record in *North America*; one moiety to her majeſty towards the ſupport of the government of the provinces, and the other to the poſtmaſter-general, who ſhall ſue for the ſame, with coſts. *ſ.* 29.

All ſums not exceeding 5*l.* that ſhall be due for letters, or which ſhall be received for the port of letters, without paying the monies to the receiver-general of the ſaid revenues for her majeſty's uſe, ſhall be recovered before juſtices of peace, in the ſame manner as ſmall tithes are by the laws of *England*; and ſuch debt ſhall be preferable in payment before any debt to a private perſon. *ſ.* 30.

All inland letters, ſent by any packet-poſt, ſhall pay the rates before mentioned, at ſuch ſtages at which they are delivered, unleſs the party that doth put in the letters deſireth to pay elſewhere; and unleſs ſuch letters are directed on board any ſhip, or to any perſon in the army, or are ſent by the penny-poſt, and unleſs they be letters going out of *Great Britain*, which have uſually paid the rates in *England*. *ſ.* 31.

This act ſhall not be prejudicial to the privileges of the univerſities of *Oxford* and *Cambridge*. *ſ.* 32.

It ſhall be lawful for the poſtmaſter-general, *&c.* to continue by-bags for by-letters, accounting to the receiver-general. *ſ.* 33.

The weekly ſum of 700*l.* out of the duties ariſing by this act, ſhall be paid by the poſtmaſter-general, the receiver-general, or ſuch perſon who ſhall have the receipt of the

ſaid

ſaid duties, into the receipt of the exchequer, upon *Tueſday*, if not a holyday, *&c. ſ.* 35.

The poſtmaſter-general ſhall cauſe an account to be kept by an accountant-general, of the monies ariſing by this act, and the receiver-general ſhall, out of the monies ſo ariſing, make the ſaid weekly payments into the exchequer; and if the poſtmaſter-general neglect to keep ſuch accountant-general, or if ſuch accountant-general neglect to keep a juſt account, or if ſuch receiver-general neglect to make ſuch weekly payments, or if any of them, or any other officer of the ſaid duties, ſhall miſapply any of the monies which ſhould make good the ſaid weekly payments, contrary to this act, they ſhall forfeit their offices, and be incapable to ſerve the queen in any place of truſt or profit, and ſhall be liable to pay double the value of the money miſapplied, to any perſon who ſhall be grieved. *ſ.* 36.

There ſhall be kept in the office of the auditor of the receipt, one book, in which all the monies paid weekly out of the ſaid duties ſhall be entered. *ſ.* 37.

The ſaid weekly ſum of 700 *l.* ſhall be paid into the exchequer, with perference to all other payments; and the duties ariſing by this act (after deduction of the ſaid weekly payments) ſhall be ſubject to ſuch annuities and other incumbrances, which by any act of parliament were charged upon the revenues of the poſt-office, granted by the former acts hereby repealed. *ſ.* 38.

No perſon ſhall willingly open, detain, or delay, any letter or packet, after the ſame is delivered into the poſt-office, or into the hands of any perſon employed for receiving or carrying poſt-letters, and before delivery to the perſons to whom they are directed, or for their uſe, except by warrant from one of the principal ſecretaries of ſtate, for every ſuch opening, detaining, or delaying; or except where the party to whom ſuch letter, *&c.* ſhall be directed, ſhall refuſe to pay the ſame; and except letters returned for want of true directions, and where the party cannot be found; and every perſon offending in manner aforeſaid, or who ſhall embezzle any ſuch letters or packets, ſhall forfeit 20 *l.* the ſaid penalties for ſuch offence committed in *England*, *Wales*, or *Berwick*, to be recovered in her majeſty's courts of record at *Weſtminſter*; and for any offence in *Scotland*, to be recovered in the court of ſeſſions or exchequer there, by ſuch perſons as will ſue for the ſame, with coſts; and every perſon ſo offending ſhall be incapable of having any office, truſt, or employment, in the poſt-office. *ſ.* 40.

No perſon ſhall be capable of the office of poſtmaſter-general, or any part thereof, or any other employment relating to the poſt-office, unleſs ſuch perſon ſhall firſt have taken the following oath before ſome juſtice of the peace for the county where ſuch perſon reſides. *ſ.* 41.

I A. B. *do ſwear, that I will not wittingly, willingly, or knowingly, open, detain, or delay, or cauſe, procure, permit, or ſuffer, to be opened, detained, or delayed, any letter or letters, packet or packets, which ſhall come into my hands, power, or cuſtody, by reaſon of my employment in, or relating to the poſt-office; except by the conſent of the perſon or perſons to whom the ſame is or ſhall be directed, or by an expreſs warrant in writing, under the hand of one of the principal ſecretaries of ſtate, for that purpoſe; or, except in ſuch caſes where the party or parties, to whom ſuch letter or letters, packet or packets, ſhall be directed, or who is or are hereby chargeable with the payment of the port or ports thereof, ſhall refuſe or neglect to pay the ſame; and except ſuch letters or packets as ſhall be returned for want of true directions, or when the party or parties to whom the ſame is or ſhall be directed, cannot be found; and that I will not any way embezzle any ſuch letter or letters, packet or packets, as aforeſaid.*

One third part of the ſurplus of the yearly produce, ariſing by the poſt-office, over 111,461 *l.* 17 *s.* 10 *d.* which was the amount of the groſs receipt of the duties ariſing by virtue of the former acts, for one year ended the 29th of *September* 1710, and over the 700 *l. per* week, ſhall be reſerved to the diſpoſal of parliament for the uſe of the public. *ſ.* 42.

Such part of the ſaid duties which is hereby veſted in her majeſty, her heirs and ſucceſſors, undeterminable, ſhall not be chargeable or grantable for any eſtate to endure longer than the life of ſuch king as ſhall make ſuch charge or grant; and all grants contrary to this act ſhall be void. *ſ.* 43.

No poſtmaſter-general or his deputies, or any perſon employed under him in the revenue of the poſt-office, ſhall, by word, meſſage, or writing, or in any other manner, endeavour to perſuade any elector to give, or diſſuade any elector from giving, his vote for the choice of any knight of the ſhire, citizen, burgeſs or baron, to ſerve in parliament; and every officer offending therein ſhall forfeit 100*l.* one moiety to the informer, the other moiety to the poor of the pariſh; to be recovered in any of her majeſty's courts at *Weſtminſter*, or in the exchequer in *Scotland*, reſpectively; and every perſon convict on ſuch ſuit, ſhall become incapable of bearing any office or place of truſt under her majeſty. *ſ.* 44.

By 6 *Geo.* 1. *c.* 21. Bills of exchange, wrote on the ſame piece of paper with a letter, and alſo letters to ſeveral perſons wrote on the ſame piece of paper, ſhall be rated as ſo many diſtinct letters. *ſ.* 51.

The proviſo in 9 *Ann. c.* 10. *ſ.* 13. ſhall extend only to ſuch merchants accounts, bills of exchange, invoices, and bills of lading, as ſhall be ſent to or from the general poſt-office in *London*, to or from any parts beyond the ſeas, not within his majeſty's dominions; and all other merchants accounts, bills of exchange, invoices, and bills of lading, ſhall be rated as ſo many ſeveral letters. *ſ.* 52.

By 4 *Geo.* 2. *c.* 33. Nothing in the act 9 *Ann. c.* 10. ought to reſtrain any meſſenger of the penny-poſt, from taking for every letter originally ſent by the penny-poſt, which ſhall be delivered at any place out of *London*, &c. 1 *d.* over and above the 1 *d.* paid on putting ſuch letter into the office.

By 22 *Geo.* 2. *c.* 25. The 9 *Ann. c.* 10. ſhall not reſtrain the letting out for hire, chaiſes or calaſhes with horſes, or to the furniſhing horſes for drawing chaiſes, *&c.* at any ſtage on any poſt road; and it ſhall be lawful for all perſons to let out for hire, as well on the poſt roads as elſewhere, chaiſes duly licenſed, with horſes to draw the ſame, and to furniſh or exchange horſes for drawing any ſuch chaiſes or calaſhes. *ſ.* 1.

It ſhall be lawful for all perſons who let out chaiſes, *&c.* with horſes for hire, to let horſes and furniture for horſing any perſon attending any perſon, who ſhall travel in chaiſes, *&c.* and to change ſuch horſes and furniture, *ſ.* 2.

Nothing herein ſhall ſtay or defeat any judgment or verdict obtained by virtue of the 9 *Ann. c.* 10. before the 25th of *March* 1749, or the proceedings thereon. *ſ.* 3.

By 26 *Geo.* 2. *c.* 13. Every writ and proceeding at law incloſed in a letter, or written on the ſame piece of paper, with

with a letter, ſhall be paid for as a ſeveral and diſtinct letter, according to the rates mentioned in 9 *Ann.* *ſ.* 7.

For every ſingle letter or cover, containing one or more papers with patterns of cloth, ſilk, or ſtuff, or one or more ſamples or pieces of any other ſort of thing, if the ſame together do not weigh an ounce weight, the rates payable for a double letter ſhall be paid, and no more. *ſ.* 8.

By 4 *Geo.* 3. *c.* 24. No letters or packets ſent by the poſt, ſhall be exempted from poſtage, except all ſuch letters and packets as ſhall be ſent from or to the king; all letters and packets, not exceeding the weight of two ounces, ſent (within *Great Britain* or *Ireland*) during the ſitting of any ſeſſion of parliament, or within forty days before, or forty days after any ſummons or prorogation of the ſame, which ſhall be ſigned, on the outſide thereof, by any member of either of the two houſes of parliament of *Great Britain*, and whereof the whole ſuperſcription ſhall be of the hand-writing of ſuch member, or which ſhall be directed to any member, at his reſidence, or where he ſhall be at the time of the delivery thereof, or at the houſe of parliament, or the lobby of the houſe of parliament of which he is a member; all letters and packets directed to the lord high treaſurer or commiſſioners of the treaſury, or the ſecretaries to the treaſury; to the lord high admiral, or commiſſioners of the admiralty, or the ſecretaries of the admiralty; to his majeſty's principal ſecretaries of ſtate, or their under ſecretaries; to the commiſſioners for trade and plantations, or their ſecretary; to his majeſty's ſecretary at war, or the deputy ſecretary at war; or to his majeſty's lieutenant general, or other chief governor or governors of *Ireland*, and his or their chief ſecretary; his or their ſecretary for the provinces of *Ulſter* and *Munſter* in that kingdom, his or their ſecretary reſiding always in *Great Britain*; the under ſecretary and firſt clerk in the office in *Ireland* of the ſaid chief ſecretary, the firſt clerk in the office in *Ireland* of the ſaid ſecretary for the provinces of *Ulſter* and *Munſter*; or to his majeſty's poſtmaſter-general, or to the deputy of the poſtmaſter-general, for *Scotland*, for the kingdom of *Ireland*, or for his majeſty's dominions in *America* reſpectively; or to the ſecretary of ſuch poſtmaſter-general, or deputy of the poſtmaſter-general, or to the farmer of the bye and croſs road letters, or to any of the ſurveyors of the poſt-office; and all letters and packets ſent from any of the ſaid officers ſigned, on the outſide thereof, by ſuch officer, and whereof the whole ſuperſcription ſhall likewiſe be of the hand-writing of ſuch officer; and alſo except all letters and packets ſent from the treaſury, the admiralty-office, the office of his majeſty's principal ſecretaries of ſtate, the plantation-office, the war-office, or from the general poſt-office at *London*, or from any of the chief offices at *Edinburgh*, at *Dublin*, or in *America*, and which ſhall appear, by an indorſement made thereon, to be upon his majeſty's ſervice, and ſhall be ſealed with the ſeal of the office, or principal officer. *ſ.* 1. *But part of this act is repealed by* 24 Geo. 3. ſeſſ. 1. c. 6. *which ſee poſt.*

It ſhall be lawful for the lord high treaſurer, or commiſſioners of the treaſury, the lord high admiral, or commiſſioners of the admiralty, his majeſty's principal ſecretaries of ſtate, the commiſſioners for trade and plantations, his majeſty's ſecretary at war, his majeſty's poſtmaſter-general, and the deputies of the poſtmaſter-general herein before mentioned, to authoriſe certain perſons in each of their offices, a liſt of whoſe names ſhall be tranſmitted to the general poſt-office in *London*, to make and ſubſcribe an indorſement upon each letter or packet on the public buſineſs of their offices, ſignifying that ſuch letter or packet is upon his majeſty's ſervice, and to ſeal the ſame; all which perſons are forbid ſo to indorſe and ſeal any letter or packet, unleſs they receive ſpecial direction of their ſuperior officer, or know the ſame to concern the buſineſs of their reſpective offices; and if any perſon employed in any of the ſaid offices, ſhall knowingly indorſe any letter or packet which does not concern the buſineſs of the office, he ſhall, for the firſt offence, forfeit 5 *l.* to be recovered as by 9 *Ann.* and, for the ſecond offence, ſhall be diſmiſſed from his office. *ſ.* 2.

The number of perſons appointed to make ſuch indorſement, ſhall not exceed two in one office, except only in the admiralty and war-office; and the admiralty-office ſhall not exceed eight in time of peace, or twelve in war; and the war-office ſix in peace, or ten in war. *ſ.* 3.

In caſe any perſon intitled to ſend letters or packets free of poſtage, being, by bodily infirmity, diſabled from writing the whole ſuperſcription, ſhall chuſe to appoint ſome one perſon, on his behalf, to ſign his name upon, and write the ſuperſcription, and ſhall cauſe notice thereof in writing, under his hand and ſeal, to be tranſmitted to the poſtmaſter-general; all letters and packets, ſo ſigned and ſuperſcribed by the perſon appointed, ſhall paſs free of poſtage. *ſ.* 3.

Nothing herein ſhall charge with poſtage, any printed votes, or proceedings in parliament, or printed newſpapers, being ſent without covers, or in covers open at the ſides, ſigned, on the outſide, by any member of parliament as heretofore practiſed, or which ſhall be directed to any member, at any place whereof he ſhall have given notice in writing to the poſtmaſter-general, or to his deputy at *Edinburgh* or *Dublin* reſpectively. *ſ.* 5. *But by* 9 Geo. 3. c. 35. *ſuch votes, proceedings, and newſpapers, ſo ſent and directed, are to be ſent free of poſtage only during the ſitting of any ſeſſion of parliament, or within* 40 *days before, or* 40 *days after any ſummons or prorogation thereof.* *ſ.* 6.

In the offices of his majeſty's principal ſecretaries of ſtate, and of his majeſty's poſtmaſter-general, it ſhall be lawful for clerks and officers, being thereunto licenſed by the principal ſecretaries of ſtate, or poſtmaſter-general, to continue to frank printed votes, and proceedings in parliment, and printed newſpapers, as heretofore ſent without covers, or in covers open at the ſides. *ſ.* 6.

Poſtmaſter-general, or officers employed under him, may examine and ſearch any packet ſent without a cover, or in a cover open at the ſides, to diſcover whether any other paper or thing be incloſed in or with ſuch printed paper, permitted to be ſent free of poſtage; and in caſe any other paper or thing ſhall be found incloſed, or in caſe there ſhall be any writing other than the ſuperſcription, ſuch packet ſhall be charged with poſtage. *ſ.* 7.

If any perſon ſhall counterfeit the hand-writing of any perſon whatſoever, in the ſuperſcription, in order to avoid the payment of the poſtage, he ſhall be deemed guilty of felony, and tranſported for ſeven years. *ſ.* 8.

By 5 *Geo.* 3. *c.* 25. No veſſel ſhall break bulk, or make entry in any port in the *Britiſh* dominions, until all letters and packets brought by ſuch veſſel, or any company, or paſſenger on board, ſhall be delivered to the deputies or agents of the poſtmaſter-general, to be forwarded, according to their directions; except ſuch letters, commiſſions, and other matters and things, as are excepted in the act 9 *Ann.* *c.* 10.; and alſo, except all ſuch letters and packets brought in any veſſel liable to perform quarantine; all which letters laſt mentioned ſhall be delivered, to the perſon appointed to ſuperintend the quarantine, that all precautions may be by him taken before delivery; and when due care has been had therein, the ſaid letters ſhall be diſpatched, in the uſual manner, by the poſt; and all maſters, mariners, paſſengers, and other perſons, neglecting or refuſing to deliver the letters, ſhall forfeit 20 *l.* to be recovered in any court of re-

cord, where the offence ſhall be committed; one moiety to his majeſty, and the other to ſuch perſon who ſhall inform, with full coſts of ſuit. *ſ.* 3.

It ſhall be lawful for the poſtmaſter-general, and his deputy, to take for the port and conveyance of all letters and packets, paſſing and repaſſing by the poſt between *England* and *Ireland*, through *Carliſle*, *Dumfries*, *Port Patrick*, and *Donaghadee*, or other convenient ports in *Scotland* and *Ireland*, the ſame rates for *Engliſh* poſtage, according to the number of miles or ſtages ſuch letters are carried by the poſt in *England*, as alſo the ſame rates for *Scotch* poſtage, according to the number of miles ſuch letters are carried by poſt in *Scotland*, and moreover the ſame rates for packet poſtage between *Port Patrick* and *Donaghadee*, or other convenient ports in *Scotland* and *Ireland*, as likewiſe the ſame rates for *Iriſh* poſtage, according to the number of miles ſuch letters are carried by the poſt in *Ireland*, as are eſtabliſhed by the ſaid act 9 *Ann.* or this act. *ſ.* 7.

It ſhall be lawful for ſuch perſon as the poſtmaſter-general ſhall appoint, to meaſure by the wheel, all the poſt roads in *Great Britain* and *Ireland*, and other *Britiſh* dominions. *ſ.* 9.

Such perſons appointed to meaſure, ſhall be ſworn to perform the ſame according to the beſt of their ſkill and judgment; which oath ſhall be adminiſtered by any juſtice, who is to make certificates thereof in writing, to be entered, without fee, in the chief poſt offices in *Great Britain*, *Ireland*, and *America*; and moreover, ſuch perſon ſhall cauſe fair ſurveys or books to be made out: one of each whereof ſhall be left with the poſtmaſter-general in *London*, another at the chief poſt-office in *Edinburgh*, another at the chief poſt-office at *Dublin*, and another at each of the chief poſt-offices in *America*, to remain in the ſaid poſt-offices; each of which ſaid ſurveys or books ſhall be ſigned by the perſon making the ſame, who ſhall make oath of the truth of ſuch ſurveys, before any juſtice; and a certificate of his having ſworn to the truth thereof ſhall be ſigned by the poſtmaſter-general; which books ſhall determine the diſtances on all the poſt roads; and in caſe of any ſuſpicion of error or wrong admeaſurement, it ſhall be lawful for the ſaid poſtmaſter-general to cauſe new ſurveys to be made. *ſ.* 10.

It ſhall be lawful for the poſtmaſter-general and his deputy to eſtabliſh an office, to be called *The Penny Poſt-office*, in any city or town, and the ſuburbs thereof, and places adjacent, within the kingdoms of *Great Britain* and *Ireland*, and the *Britiſh* dominions in *America*, and to take the ſame rates for conveyance of letters and packets as may be taken by *The Penny Poſt*, within *London* and *Weſtminſter*, and *Southwark*. *ſ.* 11.

When ſuch penny poſt-offices ſhall be eſtabliſhed in ſuch cities or places, no perſon whatſoever ſhall make any collection of letters in or near ſuch city or places, without licence of the poſtmaſter-general, upon pain of incurring the forfeitures by 9 *Ann.* *ſ.* 12.

All letters brought by the inland or foreign poſt, to the general poſt-office in *London*, directed to any perſon beyond the delivery of the inland or foreign departments of the general poſt-office, and within the delivery of *The Penny Poſt-office*, ſhall be conveyed by the ſaid penny poſt-office; and it ſhall be lawful for any meſſenger carrying ſuch letters to take for the carriage and delivery, one penny, and no more, over the rates due to the general poſt-office. *ſ.* 13.

No letter, packet, or parcel, ſhall be conveyed by *The Penny Poſt*, if the weight ſhall exceed four ounces, other than ſuch letters as have firſt come to the general poſt-offices or ſhall be paſſing by *The Penny Poſt*, into the general. *ſ.* 14.

It ſhall be lawful for the poſtmaſter-general, and his deputy, to take for the port and conveyance of all letters and packets, ſent or conveyed from *London* to *Hamburgh*, or from *Hamburgh* to *London*, the ſame rates which by 9 *Ann.* are to be taken for letters paſſing from *London* to other parts of *Germany*. *ſ.* 15.

It ſhall be lawful for the ſaid poſtmaſter-general, and his deputy, if ſuch poſtmaſter-general ſhall deem it neceſſary, to cauſe the poſtage of all letters which are to be ſent out of the kingdom, to be paid upon their being put into any poſt-office. *ſ.* 16.

If any deputy, clerk, agent, letter carrier, or other officer, appointed and employed in the buſineſs of the poſt-office, ſhall ſecret, embezzle, or deſtroy any letter, packet, bag, or mail of letters, which he ſhall be entruſted with, or which ſhall have come to his poſſeſſion, containing any bank note, bank poſt-bill, bill of exchange, exchequer bill, *South Sea* or *Eaſt India* bond, dividend warrant of the bank, *South Sea*, *Eaſt India*, or any other company, ſociety, or corporation, navy or victualling bill, ſeaman's ticket, ſtate lottery ticket, goldſmith's note for the payment of money, or other bond or warrant, bill, or promiſſory note for the payment of money, or *American* provincial bill of credit; or ſhall ſteal and take out of any letter or packet that ſhall come to his poſſeſſion, any ſuch bank note, *&c.* with intent to ſecret, embezzle, or deſtroy the ſame; every ſuch offender ſhall be guilty of felony. *ſ.* 17.

If any perſon ſhall rob any of his majeſty's mails of any letter, or packet or bag, or mail of letters, ſuch offender ſhall be deemed guilty of felony, and ſuffer death as a felon. *ſ.* 18.

If any deputy, clerk, agent, letter carrier, or other ſervant, appointed and entruſted, to take in letters or packets, and receive the poſtage thereof, ſhall embezzle, or apply to his own uſe, any money by him received with ſuch letters for the poſtage thereof; or ſhall burn or otherwiſe deſtroy any letters or packets, by him received; or who, by virtue of their offices, ſhall advance the rates, and not account for the money received for ſuch advanced poſtage; every ſuch offender ſhall be deemed guilty of felony. *ſ.* 19.

If any poſt-boy or rider, having taken any of his majeſty's mails, or bags letters or packets, under his care, in order to convey the ſame to the next poſt town or ſtage, ſhall quit the ſame before his arrival at ſuch ſtage, or ſhall ſuffer any other perſon (the perſons employed to guard ſuch mail only excepted) to ride on the horſe or carriage along with the ſaid mails or bags; or ſhall loiter on the road, and wilfully miſpend his time, ſo as to retard the arrival of the ſaid mails or bags; or ſhall not, in all poſſible caſes, convey ſuch mails after the rate of ſix *Engliſh* miles an hour at the leaſt; every ſuch offender convicted, either by voluntary confeſſion, or the oath of one witneſs, before any juſtice, ſhall be ſent to the houſe of correction, and confined to hard labour for not exceeding one month, nor leſs than fourteen days. *ſ.* 20.

If any poſt-boy or rider ſhall, by himſelf, or in combination with others, unlawfully collect, or convey letters as aforeſaid, every ſuch offender ſhall, for every letter collected or delivered, forfeit 10*s.* to be paid to the informer; and if not paid upon conviction, it ſhall be lawful for ſuch juſtice to commit ſuch offender to the houſe of correction, to hard labour for not exceeding two months, nor leſs than one. *ſ.* 21.

"Clauſes in any other act, not hereby altered or repealed, "extended to this. *ſ.* 22."

All rates eſtabliſhed by this act, and all penalties and monies herein mentioned, ſhall be deemed to be ſterling money of *Great Britain*. *ſ.* 23.

The

The paymaſter-general of his majeſty's forces may ſend and receive letters, free of poſtage, in the ſame manner, and under ſuch reſtrictions, as other officers mentioned in 4 *Geo.* 3. *c.* 24.; and the clerk of the parliaments, and clerk of the houſe of commons of *Great Britain*, may ſend and receive letters, free of poſtage, as any member of parliament of *Great Britain*. *ſ.* 26.

Action againſt any perſon for any thing done in purſuance of this act, ſhall be commenced within ſix months; and the defendant may plead the general iſſue, and may recover treble coſts. *ſ.* 27.

By 7 *Geo.* 3. *c.* 50. If any deputy, clerk, agent, letter-carrier, poſt-boy, or rider, or other officer or perſon whatſoever, employed in receiving, ſtamping, ſorting, charging, carrying, or delivering, letters or packets, or in any other buſineſs relating to the poſt-office, ſhall ſecrete, embezzle, or deſtroy any letter or packet, bag or mail of letters, which he ſhall be intruſted with, or which ſhall have come to his poſſeſſion, containing any bank note, bank poſt bill, bill of exchange, exchequer bill, *South Sea* or *Eaſt India* bond, dividend warrant of the bank, *South Sea*, *Eaſt India*, or any other company, ſociety, or corporation, navy or victualling or tranſport bill, ordnance debenture, ſeaman's ticket, ſtate lottery ticket or certificate, bank receipt for payment on any loan, note of aſſignment of ſtock in the funds, letter of attorney for receiving annuities or dividends, or for ſelling ſtock in the funds, or belonging to any company, ſociety, or corporation, *American* provincial bill of credit, goldſmith's or banker's letter of credit or note for the payment of money, or other bond or warrant, draught, bill, or promiſſory note whatſoever, for the payment of money; or ſhall ſteal and take out of any letter or packet that ſhall come to his poſſeſſion, any ſuch bank note, *&c.*; every ſuch offender ſhall be deemed guilty of felony, without benefit of clergy. *ſ.* 1.

If any perſon ſhall rob any mail, in which letters are ſent by the poſt, of any letter or packet, bag or mail of letters; or ſhall ſteal and take from any ſuch mail, or from or out of any bag, or from or out of any poſt-office, or place for the receipt or delivery of letters, any letter or packet; ſuch offender ſhall be deemed guilty of felony, without benefit of clergy. *ſ.* 2.

If any deputy, clerk, agent, letter-carrier, officer, or other perſon whatſoever, employed in any buſineſs relating to the poſt-office, ſhall receive into his poſſeſſion any letter or packet, to be forwarded by the poſt, and receive any money therewith for the poſtage thereof, ſhall burn or otherwiſe deſtroy any letter, *&c.* by him ſo received; or if any ſuch deputy, or other perſon ſo employed, ſhall advance the rate of poſtage upon any letter, *&c.* ſent by the poſt, and ſhall ſecrete, and not duly account for, the money by him received for ſuch advanced poſtage; every ſuch offender ſhall be guilty of felony. *ſ.* 3.

It ſhall and may be lawful for his majeſty's poſtmaſter-general, and his deputy, to receive, for the poſt and conveyance of all letters and packets carried or conveyed by packet-boats to or from the port of *Whithaven*, or any other convenient port in *Great Britain*, from or to the port of *Douglas*, or any other convenient port in the *Iſle of Man* (above all other rates) according to the rates hereafter-mentioned (the ſame being rated either by the letter, or by the ounce), *viz.*

For every ſingle letter, two-pence.
Double, four-pence.
Treble letter, ſix-pence.
And for every ounce, eight-pence.

And ſo in proportion for every packet of deeds, writs, and other things. *ſ.* 4.

It ſhall be lawful for the poſtmaſter-general to eſtabliſh poſt offices and poſt roads within the *Iſle of Man*, wherever it ſhall appear to him neceſſary; and ſuch poſtmaſter-general, and his deputy, may take, for the inland conveyance of all letters and packets conveyed by the poſt within the ſaid iſle, ſuch rates of poſtage, in proportion to the number of miles ſuch letters are carried, as now are eſtabliſhed to be paid for the inland conveyance of letters within *England*. *ſ.* 5.

All the clauſes in act 9 *Ann.* not repealed or altered by any ſubſequent law; and in act 6 *Geo.* 1. and in act 26 *Geo.* 2. ſo far as the ſame relate to the poſt-office; alſo in act 4 *Geo.* 3. and act 5 *Geo.* 3. and alſo in this preſent, or any other act relatng to the poſt-office, ſhall extend to the *Iſle of Man*. *ſ.* 6.

"Monies ariſing by the poſtage there, after all charges de-"ducted, to be applied as the preſent rates ofpoſtage. *ſ.* 7."

Actions againſt perſons for any thing done in purſuance of this act, ſhall be commenced within ſix months; and the defendant may plead the general iſſue; and if the jury find for the defendant, *&c.* the defendant ſhall recover treble coſts. *ſ.* 8.

By 9 *Geo.* 3. *c.* 35. There ſhall be charged upon the revenues ariſing in the general letter-office or poſt-office, or office of poſtmaſter-general, 1500 *l. per annum*, which ſhall be payable thereout to his majeſty's principal ſecretaries of ſtate, in equal proportions, to be diſtributed by ſuch ſecretaries among the clerks in their offices quarterly. *ſ.* 5.

The clerk aſſiſtant, and the reading clerk of the houſe of peers, and alſo the clerk aſſiſtant and the chief clerk without doors of the houſe of commons of *Great Britain*, may ſend and receive letters free from poſtage in the ſame manner as any member of either houſe of parliament. *ſ.* 7.

By 22 *Geo.* 3. *c.* 70. The commander in chief of his majeſty's forces, and the ſecretary to the commander in chief, may ſend and receive letters and packets free of poſtage, in the ſame manner as other officers mentioned in 4 *Geo.* 3. are permitted. *ſ.* 1.

The ſaid commander in chief may authoriſe perſons, not exceeding two, in his office (a liſt of whoſe names ſhall be tranſmitted to the general poſt-office in *London*), to make and ſubſcribe an indorſement upon letters and packets, to be ſent by the poſt from his office, which ſhall concern the public buſineſs of his office, ſignifying that ſuch letters, *&c.* are upon his majeſty's ſervice; which letters, *&c.* ſo ſubſcribed, and ſealed with the ſeal of the commander in chief, or his ſecretary, may be ſent by the poſt free of poſtage.

If any perſon authoriſed to make and ſubſcribe ſuch indorſement, ſhall knowingly make the ſame, or procure the ſame to be made, upon any letter which does not really concern the buſineſs of the ſaid office, ſuch perſon ſhall, for the firſt offence, forfeit 5 *l.* to be recovered and applied according to 9 *Ann.*; and for the ſecond offence ſhall be diſmiſſed from his office. *ſ.* 3.

By 23 *Geo.* 3. *c.* 69. The adjutant-general of the forces, and the comptrollers of army accounts, may receive letters and packets free from the duty of poſtage, in the ſame manner, and under ſuch reſtrictions, as other officers mentioned in the ſaid act are thereby permitted, in reſpect of their offices, to ſend and receive the ſame in purſuance of the ſaid act.

By 24 *Geo.* 3. *ſeſſ.* 1. *c.* 6. After the eſtabliſhment of a general poſt-office in *Ireland*, ſo much of 4 *Geo.* 3. as relates to letters and packets, printed votes, proceedings in parliament, and printed newſpapers, paſſing by the poſt free

from poſtage, from *Great Britain* to *Ireland*, and from *Ireland* to *Great Britain*, ſhall be repealed. *ſ.* 1.

Nothing herein ſhall deprive the poſtmaſter-general, and his deputies, of the poſtage and conveyance of letters and packets from *Great Britain* to *Ireland*, and from *Ireland* to *Great Britain*, or prevent the ſaid poſtmaſter-general, *&c.* from demanding, and taking the rates by any act payable for the ſame. *ſ.* 2.

It ſhall be lawful for his majeſty's poſtmaſter-general, *&c.* to demand and receive, for the conveyance of all letters and packets for *Great Britain*, carried by the poſt within *Ireland*, in addition to the rates hereby reſerved, ſuch further rates as ſhall, upon the eſtabliſhment of a poſt-office in *Ireland*, be charged for conveyance of letters therein, by any act made by the parliament of that kingdom; and his majeſty's poſtmaſter-general ſhall account for and pay to the revenue of the poſt-office of *Ireland*, quarterly, ſuch poſtage ſo to accrue within *Ireland*, and to be received within *Great Britain*. *ſ.* 3.

Until the general poſt-office of *Ireland* ſhall have eſtabliſhed packet boats for the conveyance of letters, *&c.* from *Ireland* to *Great Britain*, there ſhall be allowed in account, from the general letter-office or poſt-office in *Great Britain* to the revenue of the poſt-office in *Ireland*, not exceeding 4000*l. per annum*, by quarterly payments, in lieu as well of the profits of the ſaid packets, as in compenſation for other purpoſes. *ſ.* 4.

The poſtmaſter-general of *Great Britain*, and all perſons in whom the buildings erected in *Dublin*, and known by the name of *The General Poſt-office* in *Ireland*, are veſted, ſhall, ſo ſoon as a poſt-office ſhall be eſtabliſhed in *Ireland*, by authority of the parliament of that kingdom, aſſign over and convey to the poſtmaſter-general of *Ireland*, for the uſe of his majeſty, without conſideration, all the ſaid buildings, and all right, *&c.* in and to the ſame. *ſ.* 5.

It ſhall be lawful for his majeſty's poſtmaſter-general to authoriſe perſons to ſend and receive printed votes, proceedings in parliament, and printed newſpapers, by the poſt, to and from *Great Britain* and *Ireland*, at one penny only for each printed vote and proceeding in parliament, and each printed newſpaper, over the printed price thereon, to be carried to the revenue of the poſt-office of *Great Britain*; and all printed votes and proceedings in parliament, and printed newſpapers, ſo ſent and received, ſhall be free from any other poſtage. *ſ.* 6.

Provided, that it ſhall be lawful for any perſon to ſend any printed votes, proceedings in parliament, and printed newſpapers, by the poſt, to and from *Great Britain* and *Ireland*, at one penny only for the carriage of each printed vote, *&c.*; ſuch printed votes, *&c.* when ſent, to be open at both ends; the penny required to be paid for the carriage of the ſame to be paid when put into the poſt-office; which printed votes, *&c.* ſhall be marked poſt paid, and the money received thereon ſhall be carried to the revenue of the poſt-office of *Great Britain*. *ſ.* 7.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 8. After the eſtabliſhment of a general poſt-office in *Ireland*, it ſhall be lawful for certain perſons who, by virtue of their reſpective offices in *Great Britain* and *Ireland*, ſend and receive letters, free of poſtage, under 4 *Geo.* 3. or under any other act paſſed ſince the ſaid act, and for his majeſty's poſtmaſter general of *Ireland*, the ſecretary of the general poſt-office of *Ireland*, and the ſurveyors of the general poſt-office, and for the under ſecretary and firſt clerk for the military department of the office of the chief ſecretary of the lieutenant-general, or other chief governor of the ſaid kingdom, to ſend and receive, by the poſt, letters from *Great Britain* to *Ireland*, and from *Ireland* to *Great Britain*, free of poſtage, on account of the poſt-office of *Great Britain*: provided all ſuch letters ſo ſent relate to the buſineſs of their reſpective offices, and there be certified, on the outſide of ſuch letters, under the hand-writing of ſuch officers, to be on his majeſty's ſervice; and ſuch letters ſhall be ſealed with the ſeal of the office or officer ſending the ſame: and in caſe ſuch officers ſhall receive, under cover to them, any letters intended for or directed to other perſons, ſuch officers are to ſend the ſame to the general poſt-office in *London* or *Dublin*, that ſuch letters may be charged with the poſtage; it being the meaning of this act, that the privilege of ſending and receiving letters by ſuch officers ſhall extend to ſuch letters only as relate to the buſineſs of their offices.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 37. Whenever any foreign letter or packet, containing any incloſure, ſhall be received at any of the offices of the general poſt-office, it ſhall be lawful for any of the officers employed in the ſaid office to carry ſuch letter, *&c.* to any juſtice or magiſtrate, and to make oath before ſuch magiſtrate, that he ſuſpects the ſame to contain goods prohibited to be imported, or on the importation of which a duty is payable; and it ſhall then be lawful for him, in the preſence of the magiſtrate, to cut with a penknife in and through the folds of the ſaid letter, *&c.* and its incloſure, one opening or ſlit not exceeding two inches in length; and if it ſhall then appear to the ſaid magiſtrate that ſuch goods are contained therein, he ſhall proceed forthwith to open the ſaid letter, and ſhall immediately, in preſence of the officer, deſtroy ſuch goods; and in ſuch caſe, the magiſtrate ſhall incloſe ſuch letter in a cover, in which ſhall be written an atteſtation ſigned by him, containing the name of the officer by whom ſuch letter, *&c.* ſhall have been brought to him, the time of its being brought, and the quantity and deſcription of the goods found therein, and atteſting that the ſame were then by him deſtroyed; and ſhall deliver the ſaid letter, *&c.* ſo incloſed, and alſo ſealed by him, to the ſaid officer, to be by him forwarded to the commiſſioners of cuſtoms, who ſhall, on receipt thereof, cauſe to be paid to the ſaid officer not exceeding five pounds, nor leſs ten ſhillings. *ſ.* 4.

If, on making ſuch opening in ſuch letter, no ſuch goods ſhall be found therein, the magiſtrate ſhall then incloſe the ſame in a cover, with an atteſtation ſigned by him, that the opening was made in his preſence, and ſhall deliver the ſame, ſealed up, to the ſaid officer, to be tranſmitted by the ordinary courſe of the poſt to the perſon to whom ſuch letter, *&c.* ſhall have been directed when it was received at the poſt-office: but no additional poſtage ſhall be charged on ſuch letter, *&c.* in conſequence of theſe proceedings, nor ſhall any letter, *&c.* be detained thereby beyond the regular courſe of the poſt, except in caſes of the moſt urgent neceſſity. *ſ.* 5.

Nothing herein ſhall extend to alter, or affect the rates for letters paſſing by *The Penny Poſt*. *ſ.* 6.

No letter or packet, ſent by the poſt from *Great Britain*, directed by any member of either of the two houſes of parliament of *Great Britain*, ſhall be exempted from poſtage, unleſs the whole ſuperſcription upon every letter ſhall be of the hand-writing of the member directing the ſame, and ſhall have indorſed thereon the name of ſuch member, together with the name of the poſt town from which the ſame is intended to be ſent, and the day, month, and year when the ſame ſhall be to be put into the poſt-office, the day of the month to be in words at length, and the whole to be of the hand-writing of the member; and alſo unleſs ſuch letter ſhall be put into the general, or other poſt-office,

or

or into any receiving houſe appointed by the poſtmaſter-general for the receipt of letters to be forwarded by the poſt, on the day of the date put upon ſuch letter; and no letters directed to any member of either of the two houſes of parliament of *Great Britain* ſhall be exempted from poſtage, unleſs ſuch letters as ſhall, during the ſitting of any ſeſſion of parliament, or within forty days before, or forty days after any ſummons or prorogation of the ſame, be directed to ſuch member at the place where he ſhall actually be at the time of the delivery thereof, or at his uſual place of reſidence in *London*, or at the houſe of parliament, or the lobby of the houſe of parliament, of which he is a member. *ſ.* 7.

The perſons who, by virtue of any act, are authoriſed, in right of their offices, to ſend and receive letters free from poſtage, may, during their continuance in ſuch offices, ſend and receive letters free from poſtage, in the ſame manner, and under ſuch reſtrictions, as any member of either houſe may ſend and receive the ſame in purſuance of this act; and may ſend and receive votes, proceedings in parliament, and printed newſpapers, free from poſtage, in the like manner as any member of either houſe may ſend and receive the ſame: provided nothing herein ſhall extend to the delivery of letters ſent by *The Penny Poſt*. *ſ.* 8.

If any perſon ſhall counterfeit the hand-writing of any perſon whatſoever, in the ſuperſcription of any letter to be ſent by the poſt, in order to avoid the payment of poſtage, or ſhall counterfeit or alter, or ſhall procure to be counterfeited or altered, the date upon the ſuperſcription of any ſuch letter, or ſhall write and ſend by the poſt, or cauſe to be written and ſent by the poſt, any letter, the ſuperſcription or cover whereof ſhall be forged, or the date upon ſuch ſuperſcription or cover altered, in order to avoid the payment of the poſtage, knowing the ſame to be counterfeited, or altered, ſuch perſon ſhall be guilty of felony, and be tranſported for ſeven years. *ſ.* 9.

The duties before granted ſhall be paid into the hands of the receiver-general of the poſt-office, who ſhall pay out of ſuch duties (the charges of collecting, paying, and accounting for the ſame being firſt deducted) the clear weekly ſum of 2300 *l.* into the exchequer, upon *Tueſday* in every week, if it be not an holiday, and if it be, then upon the next day that is not an holiday; the firſt of the ſaid weekly payments to begin on *Tueſday* the 30th *Nov.* 1784; and in caſe the duties hereby granted ſhall not be ſufficient to anſwer the ſaid weekly payments, the deficiency ſhall be ſupplied out of the whole receipt of the duties of poſtage; and in caſe the duties hereby granted ſhall be more than ſufficient to anſwer the ſaid weekly payments, the overplus ſhall be appropriated to ſuch uſes as the preſent duties of poſtage are. *ſ.* 10.

There ſhall be kept, in the office of the auditor of the exchequer, a book, in which all monies paid in weekly as aforeſaid, upon account of the ſaid duties, ſhall be entered ſeparate from all other monies payable to his majeſty; and the ſaid weekly payments ſhall be a fund for the payment of the ſeveral annuities and all ſuch other charges and expences as are directed to be paid and payable, purſuant to an act of this preſent ſeſſion of parliament, intituled, an act for raiſing a certain ſum of mony by way of annuities, and for eſtabliſhing a lottery. *ſ.* 11. See *general title* FUNDS.

Perſons proſecuted for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 12.

By 25 *Geo.* 3. *c.* 57. All carriages whatſoever, or horſes, employed in conveying from one part of this kingdom to another the mail or packet, ſhall be exempted from the payment of any tolls for the paſſage through any turnpike, toll-gate, or bar; and all turnpike keepers or toll collectors are to permit ſuch carriages and horſes to paſs, without demanding toll.

By 25 *Geo.* 3. *c.* 60. There ſhall be charged upon the revenues ariſing in the general letter-office or poſt-office, or office of poſtmaſter-general, 1000 *l. per annum*, which ſhall be payable thereout to his majeſty's principal ſecretaries of ſtate, in equal proportions, to be diſtributed by ſuch ſecretaries of ſtate among the clerks in their offices; which ſaid annual ſum ſhall be made in quarterly payments, to be computed from 5th *July* 1784; and the receiver-general of the poſt-office ſhall, upon any warrant under his majeſty's royal ſign manual, counterſigned by three of the commiſſioners of the treaſury, make ſuch quarterly payments to ſuch perſons as ſhall be appointed by ſuch ſecretaries of ſtate to receive their proportions of the ſaid ſum; ſuch perſons producing and delivering to ſuch receiver a receipt under the hands of of ſuch ſecretaries of ſtate, and which receipts ſhall be a full acquittance to ſuch receiver for the ſums mentioned therein. *ſ.* 28.

Poſthumous Children.

By 10 & 11 *Will.* 3. *c.* 16. Where any eſtate is by any marriage or other ſettlement limited in remainder to, or to the uſe of, the firſt or other ſons of the body of any perſon, with remainder over to, or to the uſe of, any other perſon, or in remainder to, or to the uſe of, daughters, with remainder to any other perſons: any ſon or daughter of ſuch perſon, born after the deceaſe of the father, may take ſuch eſtate, in the ſame manner as if born in the life-time of the father, although no eſtate be limited to truſtees to preſerve the contingent remainder. *ſ.* 1.

Prints and Engravings.

By 8 *Geo.* 2. *c.* 13. Every perſon who ſhall invent and deſign, engrave, etch, or work in *mezzotinto* or *chiaro oſcuro*, any hiſtorical or other prints, ſhall have the ſole right of printing the ſame for fourteen years, to commence from the day of the publiſhing, which ſhall be engraved with the name of the proprietor on each plate; and if any other perſon ſhall copy and ſell, in the whole or in part, by varying, adding to, or diminiſhing from the main deſign, or ſhall reprint, or import for ſale, any ſuch prints, without conſent of the proprietor in writing, ſigned in the preſence of two witneſſes, or, knowing the ſame to be ſo printed without conſent, ſhall ſell, or expoſe to ſale, ſuch prints without conſent as aforeſaid, ſuch offender ſhall forfeit the plates and all ſheets ſo printed, to the proprietors of ſuch original prints, who ſhall forthwith deſtroy and damaſk the ſame; and every ſuch offender ſhall forfeit 5 *s.* for every print found in his cuſtody, contrary to this act; one moiety to the king's majeſty, and the other moiety to any perſon that ſhall ſue for the ſame. *ſ.* 1.

It ſhall be lawful for any perſon, who ſhall purchaſe any plates for printing from the original proprietors, to reprint from the ſaid plates. *ſ.* 2.

If any action ſhall be brought for doing any thing in purſuance of this act, the ſame ſhall be brought within three months; and the defendant may plead the general iſſue. *ſ.* 3.

If any action ſhall be brought for any offence committed againſt

againſt this act, the ſame ſhall be brought within three months after the diſcovery of ſuch offence. *ſ.* 4.

Whereas *John Pine* doth purpoſe to engrave a ſet of prints copied from pieces of tapeſtry in the houſe of lords, and his majeſty's wardrobe, and other drawings, relating to the *Spaniſh* invaſion in 1588, the ſaid *John Pine* ſhall be intitled to the benefit of this act, in the ſame manner as if he had been the inventor of the ſaid prints. *ſ.* 5.

By 7 *Geo.* 3. *c.* 38. All perſons who ſhall invent or deſign, engrave, etch, or work in *mezzotinto* or *chiaro oſcuro*, or, from his own work, deſign, or invention, cauſe to be deſigned, engraved, etched, or worked in *mezzotinto* or *chiaro oſcuro*, any hiſtorical print, or any print of any portrait, converſation, landſcape, or architecture, map, chart, or plan, or any other print whatſoever, ſhall have the benefit of 8 *Geo.* 2. *c.* 13. under the limitations aftermentioned.

All perſons who ſhall engrave, etch, or work in *mezzotinto* or *chiaro oſcuro*, or cauſe to be engraved, etched, or worked, any print, taken from any picture, drawing, model, or ſculpture, either ancient or modern, ſhall have the benefit of the ſaid act, and this act, for the term herein after-mentioned; and if any perſon ſhall engrave, print, and publiſh, or import for ſale, any copy of any ſuch print, contrary to this and the former act, every ſuch perſon ſhall be liable to the penalties in the ſaid act. *ſ.* 2.

All the penalties inflicted by the ſaid act, and extended to the caſes compriſed in this, may be recovered as by the ſaid act is appointed, with full coſts of ſuit. *ſ.* 5.

Provided, the party ſhall commence proſecution within ſix months after offence committed. *ſ.* 6.

The ſole right and liberty of printing and reprinting, intended to be ſecured by the former, and this act, ſhall be extended and veſted in the reſpective proprietors for 28 years, to commence from the day of firſt publiſhing of any of the works herein, and in the former act mentioned. *ſ.* 7.

Action for doing any thing in purſuance of this act, ſhall be brought within ſix months; and the defendant may plead the general iſſue; and if a verdict ſhall be given for the defendant, he ſhall recover full coſts. *ſ.* 8.

By 17 *Geo.* 3. *c.* 57. If any engraver, etcher, printſeller, or other perſon, ſhall, within the time limited by the ſaid acts, or either of them, engrave, etch, or work, or cauſe to be engraved, *&c.* in mezzotinto or chiaro oſcuro, or otherwiſe, or in any manner copy in the whole, or in part, by varying, adding to, or diminiſhing from, the main deſign, or ſhall print, reprint, or import for ſale, or cauſe to be printed, *&c.* or ſhall publiſh, ſell, or otherwiſe diſpoſe of, or cauſe to be publiſhed, *&c.* any copy of any hiſtorical print, or any print of any portrait, converſation, landſcape, or architecture, map, chart, or plan, or any other print whatſoever, which ſhall be engraved, etched, drawn, or deſigned, in *Great Britain*, without the expreſs conſent of the proprietor thereof firſt had in writing, ſigned by him with his own hand, in the preſence of, and atteſted by, two witneſſes, then ſuch proprietor may, in a ſpecial action upon the caſe, to be brought againſt the perſon offending, recover ſuch damages as a jury on the trial of ſuch action, or on the execution of a writ of enquiry thereon, ſhall give, together with double coſts.

Priſons and pretended privileged Places.

Stat. Weſtm. 1. 3 *Edw.* 1. *c.* 3. Nothing ſhall be taken by the ſheriff or other for the eſcape of a felon, until it be judged an eſcape by the juſtices in *eyre*; and he that doth otherwiſe, ſhall reſtore as much to him that paid it, and as much to the king.

Stat. de frangen. priſon. 1 *Edw.* 2. *ſt.* 2. None ſhall have judgment of life or member for breaking of priſon only, except the cauſe for which he was impriſoned did require ſuch judgment, if he had been convicted thereupon.

By 1 *Edw.* 3. *ſt.* 1. *c.* 7. Of ſheriffs, *&c.* which have pained their priſoners, and compel them to become appealers, the juſtices of the one bench and of the other, and juſtices of aſſiſe and gaol-delivery, ſhall enquire of ſuch compulſion, puniſhments, and procurements, and hear the complaints of all that will complain in ſuch caſes by bill, and ſhall hear and determine ſuch plaints, as well at the ſuit of the party as the king's ſuit.

By 4 *Edw.* 3. *c.* 10. Sheriffs and gaolers ſhall receive thieves and felons, by the delivery of conſtables and townſhips, without taking any thing for the receipt; and the juſtices aſſigned to deliver the gaol ſhall hear complaints in ſuch caſe, and puniſh the ſheriffs and gaolers.

By 5 *Edw.* 3. *c.* 8. Perſons indicted of felonies, who have removed the indictment before the king, and there yielded themſelves, and all perſons appealed of felony, who after the *exigent* awarded have yielded themſelves before the king, ſhall be ſafely kept in priſon, according to the charge which the marſhals ſhall have of the juſtices: and if any marſhal do otherwiſe, at the complaint of every man, the juſtices ſhall do him right during terms; and in the end of the terms, the marſhals ſhall chooſe before the juſtices in what town they will keep ſuch priſoners at their peril; and in the ſame town they ſhall hire them houſes to keep ſuch priſoners at their own coſts; and there they ſhall keep them in priſon, and ſhall not ſuffer them to go wandering abroad, neither by bail nor without bail: and if any ſuch priſoner be found wandering out of priſon, and that be found at the king's ſuit, or at the ſuit of the party, the marſhals ſhall have half a year's impriſonment, and be ranſomed at the king's will: and the juſtices ſhall thereof make enquiry: and as to the marſhals, it ſhall be done within the verge that which reaſon will: and in caſe the marſhals ſuffer by aſſent ſuch priſoners to eſcape, they ſhall be at the law as before: and the king intendeth not by this ſtatute to loſe the eſcape, where he ought to have the ſame.

By 14 *Edw.* 3. *c.* 10. The gaols ſhall be rejoined to the ſheriffs, and the ſheriffs ſhall have the cuſtody of the ſame, as before; and they ſhall put in keepers, for whom they will anſwer. And if the keeper of the priſon, or under-keeper, by too great dureſs of impriſonment, and pain, make any priſoner to become an appellor againſt his will, and thereof be attainted, he ſhall have judgment of life and of member; and the king's juſtices before whom ſuch caſes ſhall happen ſhall enquire thereof.

By 1 *Ric.* 2. *c.* 12. No warden of the *Fleet* ſhall ſuffer any priſoner there being by judgment to go out of priſon by bail, nor by baſton, without making gree to the parties of that whereof they were judged, unleſs it be by writ or other command of the king; upon pain to loſe his office. And if ſuch warden be attainted, that he hath ſuffered ſuch priſoner to go at large, the plaintiffs ſhall have their recovery againſt the warden by writ of debt. And if any at the ſuit of the party judged to another priſon for debt, treſpaſs, or other quarrel, will confeſs himſelf by a fained cauſe debtor to the king, and by that means be judged to the priſon of the *Fleet*, the recognizance ſhall be received; and if he be not debtor to the king of record, his body ſhall be remanded to the priſon where he was before, till he hath made

made gree to the party, and then he ſhall be ſent again to the *Fleet* till he hath made gree to the king of his recognizance.

By 13 *Ric.* 2. *ſt.* 1. *c.* 15. The king's caſtles and gaols ſhall be rejoined to the counties.

By 5 *Hen.* 4. *c.* 10. None ſhall be impriſoned by any juſtice of peace, but in the common gaol; ſaving to the lords and other, which have gaols, their franchiſe.

By 19 *Hen.* 7. *c.* 10. Every ſheriff ſhall have the cuſtody of the king's common gaols in the county where he is ſheriff, except gaols whereof any perſons or body corporate have the keeping, of eſtate of inheritance. Provided, that no ſheriff have the cuſtody of the gaols of the king's bench and marſhalſea.

By 14 *Eliz.* *c.* 5. It ſhall be lawful for the juſtices of peace of every ſhire at their quarter-ſeſſions, to rate every pariſh within the ſhire, for relief of the priſoners in the common gaol of the ſhire; ſo that the rate do not exceed 6*s.* 8*d.* by the week out of every pariſh. *ſ.* 37.

The juſtices of peace within any county ſhall not enter into any city, borough, or town corporate, where be juſtices of peace for ſuch city, *&c.* for the execution of this act; but it ſhall be lawful to the juſtices of peace, mayor, and other head officers of thoſe cities, *&c.* to proceed to the execution of this act, within their liberties. *ſ.* 38. *See* 12 Geo. 2. c. 29. ſ. 22. *under title* "County rates."

By 43 *Eliz.* *c.* 2. The juſtices of peace of every county or place corporate, in their general ſeſſions next after *Eaſter*, yearly, ſhall rate every pariſh to ſuch weekly ſum as they ſhall think convenient, ſo as no pariſh be rated above 6*d.* nor under a halfpenny, and ſo as the total ſum of ſuch taxation in every county, amount not above the rate of 2*d.* for every pariſh. *ſ.* 12.

If any perſon neglect to pay ſuch money, it ſhall be lawful for the churchwardens and conſtables, or in their default, for any juſtice of peace, to levy the ſame by diſtreſs and ſale of goods, and in default of diſtreſs, to commit ſuch perſon to priſon till he have paid. *ſ.* 13.

The juſtices of peace for the quarter ſeſſions, ſhall ſet down what money ſhall be ſent quarterly out of every county or place corporate, for the relief of the poor priſoners of the king's bench and marſhalſea, and alſo of ſuch hoſpitals and alms-houſes as ſhall be in the county, ſo as there be ſent out of every county, yearly, 20*s.* at leaſt, to each of the priſons of the king's bench and marſhalſea; which ſums to be aſſeſſed upon every pariſh ſhall be paid to ſuch two treaſurers, or to one of them, as ſhall be by the juſtices elected; the ſaid treaſurers to continue for one year, and then to give up their account at the quarter-ſeſſions after *Eaſter*, to ſuch others as ſhall be elected treaſurers for the ſaid county, city, *&c.* which treaſurers ſhall pay over the ſame to the lord chief juſtices of *England*, and knight-marſhal, or in default of the chief juſtice, to the ancienteſt juſtice in the king's bench; and if any churchwarden, or high conſtable, or his executors, ſhall fail to make payment, every churchwarden, his executors, *&c.* ſhall forfeit 10*s.* and every high conſtable, *&c.* 20*s.* to be levied by the treaſurers, by diſtreſs and ſale of goods, and employed towards the charitable uſes in this act. *ſ.* 14.

The ſurpluſage money remaining in the ſtock of any county ſhall, by diſcretion of the juſtices in their quarter-ſeſſions, be diſtributed for relief of the poor hoſpitals of that county, and of thoſe that ſhall ſuſtain loſſes by fire, water, or other caſualties, and to ſuch other charitable purpoſes, for the relief of the poor, as to the juſtices ſhall ſeem convenient. *ſ.* 15.

If any treaſurer elected, ſhall refuſe to take upon him the office, or to diſtribute or account, as ſhall be appointed by the juſtices; it ſhall be lawful for the juſtices in their quarter-ſeſſions, or in their default, for the juſtices of aſſize, to fine the treaſurer, not under 3*l.* to be levied by ſale of his goods, and to be proſecuted by any two juſtices of peace whom they ſhall authoriſe. *ſ.* 16.

By 3 *Jac.* 1. *c.* 10. *Continued indefinitely by* 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. All perſons that ſhall be committed to the common gaol within any county or liberty, by any juſtice of peace, having ability thereunto, ſhall bear their own charges for conveying them to the gaol, and the charges of ſuch as ſhall be appointed to guard them. And if any ſuch perſon ſhall refuſe to defray the ſaid charges, ſuch juſtices ſhall give warrant to the conſtables of the hundred or townſhip, to ſell ſuch goods of the ſaid perſons, as by the diſcretion of the juſtice, ſhall ſatisfy the charges, the appraiſement to be made by four inhabitants of the pariſh where ſuch goods ſhall be. *ſ.* 1.

If any ſuit ſhall be brought for taking any diſtreſs, or any other act by authority of this act, the defendant may either plead not guilty, or make avowry, cognizance, or juſtification, for the taking of the ſaid diſtreſſes, *&c.* alledging that the ſaid diſtreſs, *&c.* was done by authority of this act, and according to the effect of this act, without expreſſing any other matter of circumſtance; to which avowry, *&c.* the plaintiff ſhall reply, that the defendant did take the ſaid diſtreſs, *&c.* of his own wrong, without any ſuch cauſe, *&c.* whereupon iſſue ſhall be joined; and after ſuch iſſue tried for the defendant, or nonſuit of the plaintiff, after appearance, the defendant to recover treble damages, with coſts to be aſſeſſed by the ſame jury, or writ to enquire. *ſ.* 3.

By 13 *Car.* 2. *ſt.* 2. *c.* 2. Every perſon who ſhall have cauſe of perſonal action againſt any priſoner in the *Fleet*, may ſue forth an original writ; and a *habeas corpus* ſhall be granted to ſuch plaintiff, directed to the warden of the ſame priſon, to have the body of ſuch priſoner before the juſtices of the common pleas, at ſome certain day in term, to anſwer the plaintiff; and if the plaintiff at the ſaid day put into court his declaration againſt the priſoner being preſent at the bar, the priſoner ſhall be bound to appear in perſon, or to put in attorney to appear for him; and unleſs the defendant plead upon a rule given to be out at eight days at leaſt after ſuch appearance, judgment, by *nihil dicit*, may be entered againſt ſuch defendant as appearing in perſon, and ſuch priſoner ſhall not be diſcharged without a *ſuperſedeas* or rule of court; and if the warden do otherwiſe, he ſhall be reſponſible to the court, and to the party grieved for damages, by action upon the caſe. *ſ.* 5.—*This act not to extend to popular actions*, &c. *See* ſ. 11. *under* ERROR.

By 19 *Car.* 2. *c.* 4. The juſtices of peace at their general ſeſſions may provide ſtock for ſetting poor priſoners on work, in ſuch manner as other county charges are raiſed; and provide perſons to overſee ſuch priſoners, and make orders concerning the premiſes, and for beſtowing the profit ariſing by the labour of the priſoners for their relief. Provided that no pariſh be rated above 6*d.* by the week. *ſ.* 1.

Any ſheriff, or perſons who have the cuſtody of the gaol, with the conſent of three juſtices of peace, whereof one of the *quorum*, may, upon emergent occaſions, provide other ſafe places, for the removal of ſick or other perſons from the ordinary gaols. Provided no place be made uſe of for the purpoſe aforeſaid againſt the will of the owners. *ſ.* 2.

The mayor, and other head officer, or any other person who hath the custody of the gaol, within any corporation, shall, with the advice of three justices within the corporation, whereof one of the *quorum*, in time of infection, have the like power for removing their prisoners to some other place within their jurisdiction, and also to raise a stock. *s.* 3.

The sum of 2000*l.*, provided for the purpose aforesaid, for the county of *Devon*, shall be laid out in lands, and an overseer therein placed, removeable by order of session, who shall have 50*l. per annum*, and 10*l.* for his deputy, but no fees of the prisoners; and the justices may, by approbation of the ordinary, appoint a minister to read divine service, and allow him 30*l. per annum*; any person charged with such offence only for which clergy is allowable, if needy, may, by the justice of peace, be committed to the work-house in order to his trial; and any person indigent may, by warrant of three justices, whereof one of the *quorum*, be removed from the common gaol to the said house; all which prisoners shall be in custody of the overseer, and conveyed to the gaol delivery, as the prisoners in other gaols. *s.* 4.

The prisoners, by order from the sessions or gaol delivery, may, in order to their trials, be removed to the common gaol. The overseer shall give security for the stock. *s.* 5.

Saving to the king, *&c.* all rights, *&c. s.* 6.

By 22 *&* 23 *Car.* 2. *c.* 20. If any under-sheriff, bailiff, serjeant at mace, or other officer, shall have in his custody any person by virtue of any writ, process, or other warrant, it shall not be lawful for such officer to carry the person to any tavern, ale-house, or public victualling or drinking-house, without the consent of the person, so as to charge such prisoner for any wine, beer, ale, victuals, tobacco, or other things, but what he shall call for of his own accord; and shall not demand or receive any greater sum than by law ought to be taken for such arrest, or waiting until such person have procured an appearance, found bail, agreed with his adversaries, or be sent to the proper gaol, nor take any other reward for keeping the person out of gaol, than what he shall freely give; nor take any other sum for each night's lodging, or other expences, than what is reasonable, or shall be so adjudged by the next justice of peace, or at the next quarter-sessions; and shall not cause the person to pay for other wine, beer, ale, victuals, tobacco, or other things, than what he shall freely call for. *s.* 9.

Every under-sheriff, gaoler, and every person to whose custody any person shall be committed, shall permit the said person to send for beer ale, victuals, and other food, where they please, as also to have such bedding, and other things, as they shall think fit, without detaining or paying for the same; nor shall receive of the said persons any other fees for their commitment or discharge, or for chamber-rent, than what is allowable by law; until the same be settled by three justices of peace, whereof one to be of the *quorum*, of each county, city, and town corporate; and for the city of *London* and counties of *Middlesex* and *Surrey*, the two lord chief justices, and the lord chief baron, or any two of them, and the justices of the same, in their several jurisdictions. *s.* 10.

The lord chief justices, lord chief baron, and justices of peace, and all commissioners for charitable uses, shall use their best endeavours to find out gifts and bequests given for the benefit of poor prisoners for debt; and send for any deeds, wills, writings, and books of accounts, and any persons concerned therein, and examine them upon oath, to make true discovery thereof, and the same so found out, to order in some way, that the prisoners may not be defrauded. *s.* 11.

These accounts of gifts and bequests bestowed upon the prisoners for debt, and the rates of fees, and the future government of prisons, shall be signed and confirmed by the lord chief justices and lord chief baron, or any two of them, and the justices of peace in *London*, *Middlesex*, and *Surrey*, and by the judges for the several circuits, and justices of peace in their precincts, and registered by every clerk of the peace; and no other fees than shall be so established shall be demanded. *s.* 12.

It shall not be lawful for any sheriff or gaoler, to lodge prisoners for debt and felons together in one room, but they shall be kept apart; upon pain that they that shall offend against this act shall forfeit their office, and treble damages to the party aggrieved. *s.* 13.

By 4 *&* 5 *Will. & Mar. c.* 21. If any defendant be taken or charged in custody at the suit of any person, upon any writ out of the courts at *Westminster*, and imprisoned for want of sureties, the plaintiff may, before the end of next term, after such process shall be returnable, declare against such prisoner in the court out of which the writ shall issue, and shall cause a copy thereof to be delivered to such prisoner, or to the gaoler in whose custody such prisoner shall be; and if such prisoner shall not appear and plead to the same, the plaintiff shall have judgment, as if the prisoner had appeared and refused to plead. *s.* 2.

In all declarations against any prisoner detained by virtue of any writ issued out of the court of king's bench, it shall be alledged in custody of what sheriff, bailiff, or steward of any franchise, or other person having the return and execution of writs, such prisoner shall be, by virtue of the process of the said court at the suit of the plaintiffs; which allegation shall be as good as if such prisoner were in the custody of the marshal. *s.* 3.

By 8 *&* 9 *Will.* 3. *c.* 27. All prisoners, either upon contempt or mesne process, or in execution, who shall be committed to the custody of the marshal of the king's bench prison, or warden of the *Fleet*, shall be detained within the said prisons, or the rules of the same, until they be discharged by course of law; and if the said marshal or warden, or any other keeper of any prison, shall suffer any prisoner to go at large out of the rules (except by *habeas corpus*, or rule of court, which rule shall not be granted, but by motion made, or petition read in court) every such being out of the rules shall be judged an escape. *s.* 1.

Every person obtaining judgment in any action of escape against the marshal or warden, or their deputies, shall have not only the remedies already by law allowed, but the judges of the courts where such judgment shall be obtained (upon oath made by the persons obtaining such judgment, that the same was obtained without fraud or covin, and that the debt of the prisoner making such escape, was a true and real debt and unsatisfied) shall, upon motion, sequester the profits of the office of marshal and warden, or so much thereof as they shall think fit, and apply the same towards the satisfaction of the debt due from the prisoner who escaped, together with all costs and damages recovered. *s.* 2.

If the marshal or warden, or their deputies, sue forth any writ of error in any action of escape, such marshal or warden, *&c.* shall put in special bail. *s.* 3.

If any marshal or warden, or any keeper of any other prison, shall take any reward or security to permit any escape,

eſcape, and ſhall be convicted, the ſaid marſhal or warden, *&c.* ſhall forfeit 300*l.* and his office, and be for ever incapable of executing ſuch office. *ſ.* 4.

Provided that this act ſhall not make void ſuch ſecurities as ſhall be given by any priſoners for their lodgings without the priſons within the rules, ſo as ſuch ſecurities be not taken for the enlargement of any priſoner beyond the rules. *ſ.* 5.

No retaking on freſh purſuit ſhall be given in evidence on the trial of any iſſue in any action of eſcape againſt the marſhal or warden, or any other keeper of any priſon, unleſs the ſame be ſpecially pleaded; nor ſhall any ſpecial plea be received, unleſs oath be made in writing by the marſhal, *&c.* and filed, that the priſoner did, without his conſent, privity, or knowledge, make ſuch eſcape; and if ſuch affidavit ſhall appear to be falſe, and the marſhal, *&c.* be convicted thereof, ſuch marſhal, *&c.* ſhall forfeit 500*l.* *ſ.* 6.

If any priſoner committed in execution to any of the priſons, ſhall eſcape, the creditors, at whoſe ſuit ſuch priſoner was charged in execution, may retake ſuch priſoner by any new *capias* or *capias ad ſatisfaciendum*, or ſue forth any other kind of execution, as if the body of ſuch priſoner had never been in execution. *ſ.* 7.

If the marſhal, *&c.* or keeper of any priſon, ſhall, after one day's notice in writing, refuſe to ſhew any priſoner in execution, to the creditor at whoſe ſuit the priſoner was charged, or his attorney, ſuch refuſal ſhall be judged an eſcape. *ſ.* 8.

If any perſon deſiring to charge any perſon with any action or execution, ſhall deſire to be informed by the marſhal or other keeper of any priſon, whether ſuch perſon be a priſoner in his cuſtody or not, the ſaid marſhal, *&c.* ſhall give a note thereof to the perſon requeſting, or his attorney, upon demand, at his office, or in default thereof ſhall forfeit 50*l.*; and if ſuch marſhal or other keeper give a note that ſuch perſon is an actual priſoner in his cuſtody, ſuch note ſhall be ſufficient evidence that ſuch perſon was a priſoner. *ſ.* 9.

All conveyances and mortgages of the inheritance of the priſons of king's bench and *Fleet*, and of the priſon houſes or other hereditaments to them belonging, and all leaſes thereof, and the titles of the marſhal and warden, or of them in whom the inheritance of the priſons are, and all truſts thereunto relating, ſhall be inrolled, *viz.* that of the marſhal of the king's bench in the king's bench court, and that of the warden of the *Fleet* in the court of common pleas; and all future conveyances, *&c.* thereof, ſhall be ſo inrolled within ſix months after the executing; and if any ſuch conveyances, *&c.* be not ſo inrolled, they ſhall be void. *ſ.* 10.

The ſaid offices of marſhal and warden ſhall be executed by the perſons to whom the inheritance of the priſons ſhall belong, or by their deputies (for which they ſhall be anſwerable), and the profits and inheritances of the ſaid offices ſhall be ſequeſtered or extended, to make ſatisfaction for forfeitures, eſcapes, and miſdemeanors, as if ſuffered or committed by the perſons themſelves. *ſ.* 11.

It ſhall be lawful for any perſon having cauſe of action againſt the warden of the *Fleet*, upon bill filed in the common pleas or exchequer, and a rule being given to plead, to be out eight days at moſt after filing ſuch bill, to ſign judgment againſt the warden, unleſs he plead within three days after ſuch rule is out. *ſ.* 12.

It ſhall be lawful for any perſon who ſhall have cauſe of action againſt any priſoner of the *Fleet*, after filing or entering a declaration to deliver a copy to ſuch defendant in any perſonal action, or to the turnkey or porter of the *Fleet* priſon, and after rule given to plead, to be out at eight days at moſt, after delivery of ſuch copy of declaration, and affidavit made of ſuch delivery, to ſign judgment againſt ſuch defendant, as if he had been charged at the bar of the common pleas or exchequer. *ſ.* 13.

No priſoner ſhall pay any chamber rent for any chamber within any of the ſaid priſons, for any longer time than he is in poſſeſſion of the chamber; ſuch priſoner ſhall not pay above 2*s.* 6*d.* *per* week for any chamber; and if the marſhal or keeper of any other priſon demand any greater ſum, he ſhall forfeit 20*l.* *ſ.* 14.

It ſhall be lawful for any perſon who hath any money owing to him from any perſon who ſhall be within the *Whitefriars*, *Savoy*, *Saliſbury-court*, *Ram-alley*, *Mitre-court*, *Fullers-rents*, *Baldwin's gardens*, *Montague-cloſe*, or the *Minories*, *Mint*, *Clink*, or *Deadman's-place*, upon proceſs taken out againſt ſuch perſon, to require the ſheriffs of *London* and *Middleſex*, head bailiff of the liberty of the duchy of *Lancaſter*, or high ſheriff of *Surrey*, or bailiff of the borough of *Southwark*, or their officers, to take the *poſſe comitatus*, or ſuch other power as ſhall ſeem requiſite, and enter the ſaid pretended privileged places, and arreſt, and in caſe of reſiſtance or refuſal, to open the doors, to break open any doors, to arreſt ſuch perſon upon meſne or other proceſs, or to ſeize the goods of ſuch perſon upon any execution or extent; and if the ſheriff, *&c.* ſhall neglect with ſuch force to uſe their beſt endeavours for the executing of ſuch proceſs, he ſhall forfeit to the plaintiff 100*l.*; and if, in the executing ſuch proceſs, any perſon ſhall oppoſe any officer, he ſhall forfeit 50*l.* and be by ſome juſtice of peace committed to the common gaol of ſuch county or place until the next aſſizes and gaol delivery, and ſuch offender being convicted ſhall ſuffer impriſonment, and be ſet in the pillory; and if any reſcous be made of any priſoner taken by ſuch officers, within the before-mentioned pretended privileged places, by any perſon, ſuch perſon making reſcous, or aſſiſting the ſame, and being convicted, ſhall forfeit to the plaintiff 500*l.*; and if the perſon againſt whom ſuch recovery ſhall be had, neglect to pay the ſum recovered, with coſts, within one month after judgment ſigned upon ſuch recovery, and demand made, upon producing a copy of the judgment, and oath made, that the money is not paid, he ſhall, by order of ſuch court wherein he was convicted of ſuch reſcous, be tranſported by the ſheriffs of the county or place where ſuch conviction ſhall be, to one of his majeſty's plantations for ſeven years; and if he return again within the ſeven years, he ſhall be guilty of felony, and ſhall not be allowed benefit of clergy: and if any perſon, inhabiting within any of the ſaid pretended privileged places, ſhall conceal any perſon who ſhall have made any reſcous, knowing that ſuch perſon had been guilty of ſuch offence, being thereof convicted, he ſhall be, by order of that court where ſuch conviction ſhall be, by the ſheriff, tranſported to his majeſty's plantations for ſeven years, unleſs ſuch perſon ſhall, within one month after conviction, pay to the plaintiff the debt for which ſuch action was brought, with coſts; and if he ſhall return within the ſeven years, he ſhall be guilty of felony, and not be allowed benefit of clergy. *ſ.* 15.

The penalties in this act, not particularly diſpoſed of, ſhall go, one half to his majeſty, and the other half to him that will ſue for the ſame. *ſ.* 16.

This act ſhall be a general law, and ſhall be conſtrued moſt beneficially for the preventing the miſchiefs provided againſt. And any perſon ſued for putting in execution any power given by this act, may plead the general iſſue;

and if the plaintiffs be nonſuit, &c. ſuch defendants ſhall have double coſts. ſ. 17.

Saving unto *Martha Johnſon*, *Thomas Johnſon*, *John Johnſon*, and *Frances*, all right to the houſes and ſhops belonging to the office of the warden of the *Fleet*, or to the priſon of the *Fleet*. ſ. 18.

Saving to *Anthony Smith*, mariner, all right to the office of warden of the *Fleet*, by virtue of two decrees in chancery of the 22d of *June* 1683, and the 26th of *January* 1685. ſ. 20.

Nothing in this act ſhall prejudice the right of *Thomas Norwood*, executor to *Henry Norwood*, concerning a debt of 2153 *l.* ſecured by mortgage of the office of warden of the *Fleet*, bearing date the 23d of *November*, 1676, nor prejudice the right of *John Clements*, concerning a debt of 2299 *l.* ſecured by mortgage of the office of warden, bearing date the 3d *May* 1678. ſ. 21.

By 11 & 12 *Will.* 3. *c.* 19. *Made perpetual by* 6 Geo. 1. *c.* 19. It ſhall be lawful for the juſtices of peace, upon preſentment of the grand jury at the aſſize, great ſeſſions, and gaol delivery, of the inſufficiency or inconveniency of their gaol, to agree upon ſuch ſums of money as upon examination of workmen ſhall be thought neceſſary for the building or repairing a gaol, and by warrant by equal proportion to charge the money upon the ſeveral hundreds or other diviſions of the county; and the juſtices are empowered at the quarter ſeſſions, held for the reſpective diviſion, to direct their warrants to high conſtables, petty conſtables, or other officers, for collecting the ſame. ſ. 1.

If any perſon neglect to pay his aſſeſſment four days after demand, or convey away his goods or eſtate, whereby the money cannot be levied, it ſhall be lawful for the collectors, by warrants from any one of the juſtices preſent at the ſaid quarter ſeſſions, to levy by diſtreſs and ſale of goods, and the diſtreſs to keep four days; and if the ſaid owner do not pay the money, then the diſtreſs to be appraiſed by two perſons, and ſold by the collector; and the juſtices are empowered to appoint a receiver of the money, giving ſecurity to account for all money received or diſburſed in purſuance of ſuch order of the juſtices: and if the receiver, conſtable, or other officers, ſhall, four days after demand, refuſe to account for all money received by them, it ſhall be lawful for the juſtices to commit them to priſon, until they have made account, or paid ſuch money; and the diſcharge of the juſtices at the aſſize, great ſeſſions, and gaol delivery, to their receivers, ſhall be ſufficient; and the juſtices are empowered to contract for the building or repairing of the gaols. ſ. 2.

All murderers and felons ſhall be impriſoned in the common gaol, and the ſheriff ſhall have the keeping of the gaols. ſ. 3.

Provided that this act be not prejudicial to any perſon having any common gaol by inheritance, for life, or years. ſ. 4.

This act ſhall not charge any perſon inhabiting in any liberty, city, or borough corporate, which have common gaols for felons, and commiſſions of aſſize, or gaol delivery of ſuch felons, for any aſſeſſment to the making the gaol of the county. ſ. 5.

If any action be commenced againſt any perſon for what he ſhall do in purſuance of this act, ſuch perſon may plead the general iſſue *not guilty*; and if the plaintiff become nonſuit, &c. the defendants ſhall recover treble coſts. ſ. 6.

Where any priſons belonging to any county of this realm, or *Wales*, are ſituate upon lands belonging to the king, the ſaid lands ſhall not be alienated from the crown, but remain for the public benefit of the county. ſ. 7.

It ſhall not be lawful for any officer to enter into the manſion-houſe of any peer or peereſs to diſtrain for the duties aforeſaid. ſ. 8.

By 1 *Ann. ſt.* 2. *c.* 6. If any perſon committed to the cuſtody of the marſhal of the queen's bench, or to the priſon of the *Fleet*, either in execution, or upon meſne proceſs, or upon any contempt in not performing any order or decree, by any of her majeſty's courts at *Weſtminſter*, ſhall, before he ſhall have made payment or ſatisfaction to the plaintiff or creditors, or ſhall have cleared ſuch contempts, eſcape from the cuſtody of the marſhal, or from the priſon of the *Fleet*, or go at large; it ſhall be lawful, upon oath made before any of the judges of that court where ſuch action was entered, or where the party was committed, for ſuch judge to grant unto any perſon warrants, reciting the actions, executions, or contempts, with which ſuch perſon eſcaping ſtood charged, at the ſuit of any perſon on whoſe behalf ſuch warrants ſhall be demanded, directed to all ſheriffs, mayors, bailiffs, conſtables, headboroughs, and tithingmen, commanding them in their reſpective counties and precincts to retake ſuch perſon eſcaped, and ſuch perſons to convey to the common gaol where they ſhall be retaken, there to remain until the judgments on which ſuch executions were ſued ſhall be reverſed, or until judgment in ſuch actions be given for ſuch perſons, or until the contempts for which ſuch perſons were committed be cleared; except ſuch perſons be charged with treaſon or felony, or any other matter on the behalf of the queen: and if he, for any ſuch cauſe on behalf of the queen, be removed to any other gaol, he ſhall be in ſuch gaol, charged with all the cauſes with which he ſhall be charged in the gaol from whence he ſhall be removed. And every mayor or other officer, after delivery of ſuch priſoner, together with ſuch warrant to the ſheriff, ſhall take a note from ſuch ſheriff, teſtifying the receipt of ſuch priſoner: and ſuch ſheriff, after the execution of ſuch warrant, ſhall make a return thereof to the court where the action ſhall be depending, or judgment or decree obtained, which ſhall be filed. ſ. 1.

If any perſon ſo retaken ſhall eſcape out of the gaol to which he ſhall be ſo conveyed, the ſheriff ſhall be liable, as in caſe of any other eſcape. ſ. 2.

It ſhall be lawful for any perſons that ſhall be bail in her majeſty's courts at *Weſtminſter*, for any perſon that ſhall be retaken by ſuch warrant, to proſecute out of ſuch courts where they ſhall be bail, a writ to the ſheriff where ſuch priſoner ſhall be committed, commanding ſuch ſheriff to detain ſuch priſoner in cuſtody in diſcharge of his bail; which writ, with an account whether he hath the priſoner in his cuſtody, ſhall be returned at a day therein mentioned. And the delivery of ſuch writ to the ſheriff ſhall be a render of ſuch priſoner in diſcharge of the bail. And in caſe ſuch ſheriff, or his officer, ſhall ſuffer the perſon to eſcape, they ſhall be liable to ſuch action as the marſhal of the queen's bench or warden of the *Fleet* are. ſ. 3.

All ſheriffs, upon requeſt of ſuch bail, who ſhall deliver ſuch writ for detaining ſuch priſoner, and for the uſual fees of return, ſhall return the receipt of ſuch writ, and the time, and whether the perſon was in his cuſtody, and in default thereof, ſhall forfeit 50 *l.*; and upon producing ſuch return, ſuch court ſhall cauſe a *reddidit ſe* to be entered upon the bail-piece. ſ. 4.

This act ſhall be a general law, and ſhall be conſtrued moſt beneficially for the preventing the miſchiefs provided againſt; and any perſon ſued for putting in execution any power given by this act, may plead the general iſſue; and

if

if the plaintiff be nonsuit, &c. shall have treble costs. *s.* 5.

By 5 *Ann.* *c.* 9. All persons taken by virtue of the act 1 *Ann. st.* 2. *c.* 6. shall, instead of being committed to the common gaol of the county, be committed to the prison where the sheriff keeps the debtors, to remain in custody of the sheriff, subject to the same rules as if they had been committed to the common gaol of the county; and if any person so committed shall escape, the sheriff shall be answerable as in case of any other escape. *s.* 1.

It shall be lawful for the judges to grant like warrants upon oath, in writing, made before any person commissionated to take affidavits in the country (the oath being filed), as upon like oath made before himself. *s.* 2.

It shall be lawful to take upon the Lord's day any person by virtue of any warrant granted in pursuance of this or the former act. *s.* 3.

If any person shall be in custody of any sheriff or other officer for not performing any decree in chancery, or exchequer, whereby money is decreed to be paid, and shall escape, the person to whom the money was to be paid shall have the same remedy against the sheriff as if such person had been in custody, upon an execution at law, and shall recover the money decreed against such sheriff, or other officer, with costs, in any action of debt or upon the case in her majesty's courts at *Westminster*. *s.* 4.

By 9 *Geo.* 1. *c.* 28. If any person shall, within the place called *Suffolk-place*, or the *Mint*, or the pretended limits thereof, knowingly oppose any person's serving any writ, rule, or order, or other legal process, or any escape-warrant, or any warrants of justices of peace, or shall assault or abuse any person serving such writ, &c. whereby such person shall receive any damage, every person being convicted thereof shall be guilty of felony, and shall be transported as felons. *s.* 1.

On complaint to any three justices of peace for *Surrey*, by any person who hath any debt owing from any person residing in the *Mint*, &c. (such creditor having legal process taken out for recovery of his debt, and making oath before such justices, that a debt exceeding 50 *l.* is justly due to him from the person against whom such complaint shall be made, and that he believes such person doth reside in that place), it shall be lawful for the justices to issue their warrant to the sheriff of *Surrey*, or the bailiffs of *Southwark*, requiring them to take the *posse comitatus*, or such other force as they shall think requisite, and enter the said *Mint*, and arrest, or in case of resistance or refusal, to break open any doors to arrest such person, upon mesne or other process, and to seize goods upon execution or extent. And the sheriff, &c. refusing on such warrant, with such force, to use his best endeavours for the executing such process, &c. shall forfeit to the plaintiff 200 *l.* And if any person shall resist any officer of justice, or any person aiding such officer, within the *Mint*, &c. or shall make rescous of any prisoner taken upon such writ, &c. within the said place, or shall there knowingly conceal any prisoner so taken, or any who rescued such prisoner, or shall be assisting in resisting such officer, or in rescuing such prisoner, or shall exercise any jurisdiction, or join in making any pretended rule or ordinance, for supporting any pretended privilege within the said place, or for opposing the execution of legal process, &c. every person so offending, and being thereof convicted on indictment or information brought within six months after the offence, shall be guilty of felony, and transported. *s.* 2.

If any person wearing a mask or disguised habit, or having his face or body disguised, shall, within the said place, &c. join in or abet any riot there, or shall in any disguise knowingly oppose the execution of any legal process, &c. or assault or abuse any person serving such process, &c. every such person being convicted shall be guilty of felony, and transported. *s.* 3.

Every person, who shall apprehend any one guilty of the offences aforesaid, and prosecute him till convicted, shall receive for every such offender 40 *l.* to be paid by the sheriff of *Surrey* without fee, in one month after such conviction, and demand thereof made by tendering a certificate to the sheriff of the judge before whom such offender was convicted, certifying his conviction, and that he was taken by the person claiming the reward; and in case of dispute touching the reward, the judge shall in the certificate direct the reward among the parties, in such shares as shall seem reasonable; and if such sheriff shall die or be removed, the succeeding sheriff shall pay it in one month; and if the sheriff make default, he shall forfeit to the person to whom such money shall be due, double the sum he ought to have paid, to be recovered with double costs. *s.* 4.

If any person shall be killed by such offender endeavouring to apprehend him, the executors, &c. of each person so killed (on certificate of the judge of assise, or the two next justices of peace) shall receive 40 *l.* from the sheriff of the county where the fact was committed; and on failure of payment, such sheriff shall forfeit double the sum, to be recovered with double costs. *s.* 5.

All sheriffs producing such certificates and the receipts may deduct, on accounting with his majesty, all monies (other than the forfeited sums and costs of suit) which they shall disburse as aforesaid. *s.* 6.

If on the account of any sheriff there shall not be sufficient in his hands to reimburse him, he shall be repaid by the treasury, or by record of surplusage on any other sheriff indebted to his majesty, on certificate from the clerk of the pipe. *s.* 7.

If any such apprehender or prosecutor is guilty of any the said offences, not being in prison for the same, and convicting two or more, he shall not only have the reward, but also be entitled to a pardon. *s.* 8.

The charge of raising the *posse comitatus*, or other power, for enforcing the execution of this act, or the act of 8 & 9 *Will.* 3. *c.* 27. shall be paid by the sheriff, and allowed in his accounts, or be repaid by the treasury out of the revenue, or by record of surplusage on any other sheriff, on certificate from the clerk of the pipe. *s.* 9.

Nothing in this act shall repeal the act 8 & 9 *Will.* 3. *c.* 27. or any other law in force against pretended privileged places, or for suppressing of riots; except in cases touching which other provision is made by this act. *s.* 10.

If any action be brought against any justice, sheriff, bailiff, officer, or other minister, for any thing done in pursuance of this act, he may plead the general issue, &c. and on judgment for the defendant, shall have treble costs. *s.* 11.

By 11 *Geo.* 1. *c.* 22. If any number of persons, not less than three, shall, within the hamlet of *Wapping-Stepney*, or any other place within the bills of mortality of the cities of *London* and *Westminster*, wherein persons shall unlawfully assemble for the sheltering themselves from their debts, of which complaint shall have been made by presentment of the grand jury at a quarter-sessions, knowingly obstruct any persons serving any writ, rule, or order of any court, or other legal process, and shall assault or abuse any person serving or executing such writ, &c. whereby such person shall receive bodily hurt, the offender being convicted shall be guilty of felony, and shall be transported for seven years. *s.* 1.

On complaint to a judge of any court out of which the

writs shall issue, of opposition within the said hamlet, or elsewhere within the bills of mortality, wherein persons shall unlawfully assemble, &c. by any persons who have debts due to them from any persons sheltering as aforesaid, the creditor having any legal writ or process, and making oath before such judge, that a debt exceeding 50*l.* is justly due to him from the person against whom complaint shall be made, and that such creditor verily believes that the person is sheltered within such place, such judge is authorised to issue his order to the sheriff, his deputy, or officers, enjoining him to take the *posse comitatus*, and enter the said hamlet, or any place elsewhere, &c. mentioned in the said oath, and to arrest such person on any mesne process, extent, or execution, and to seize the goods of such person upon any execution or extent. And if such sheriff, &c. shall wilfully neglect to use his best endeavours for the executing of such process, &c. he shall forfeit to the plaintiff 200*l.* And if any person shall knowingly resist any officers of justice in the execution of any writ, &c. in the said hamlet, &c. or shall make rescous of any prisoner taken upon such process, &c. or shall knowingly harbour or conceal any prisoner so taken, or any persons who rescued such prisoner, or shall be knowingly abetting in resisting any such officer, or in rescuing such prisoner, every person so offending, being convicted upon indictment or information, to be brought within six months after the offence, shall be adjudged guilty of felony, and be transported for seven years, &c. *s.* 2.

By 11 *Geo.* 2. *c.* 20. Every treasurer of every county within *England* and *Wales*, shall, on or before the first day of *Trinity-term* yearly, pay over to the lord chief justice of *England*, and knight marshal, or as they shall appoint, or, in default of the chief justice, to the next most ancient justice of the king's bench, the several sums of money which shall be due from such county, equally to be divided between the prisoners of the king's bench and *Marshalsea* prisons, for the charitable purposes in the act 43 *Eliz. c.* 2. *s.* 1.

If any such treasurer shall neglect to pay, then, upon report of the chief justice, or of the next ancient justice of the king's bench, or upon the certificate of the knight-marshal, or the certificate, on oath, of such as they shall appoint to receive the same, it shall be lawful for the court of king's bench to make a rule on every such treasurer, to pay the money reported or certified to be due. *s.* 2.

Every treasurer of any county shall, within 30 days after his election, transmit his name and place of abode to the clerk of the crown in his majesty's court of king's bench, to be entered in a book, for which entry no fee shall be taken; and in case any such treasurer neglect to transmit his name, &c. then, upon report of the clerk of the crown, such treasurer shall be proceeded against as aforesaid. *s.* 3.

The costs of such rules and all charges shall be paid by the treasurers whose default shall cause the making such rules. *s.* 4.

By 16 *Geo.* 2. *c.* 31. If any person be assisting to any prisoner to attempt to make his escape from any gaol, although no escape be made, in case such prisoner was then attainted or convicted of treason, or any felony, except petty larceny, or committed to or detained in gaol for treason, or any felony, except petty larceny, expressed in the warrant of commitment or detainer, every person so offending, and convicted, shall be deemed guilty of felony, and be transported to one of his majesty's colonies in *America* for seven years; and in case such prisoner then was convicted of, committed, or detained for petty larceny, or any other crime, not being treason or felony expressed in the warrant of commitment or detainer, or then was in gaol upon any process for debt, damages, costs, or sums of money, amounting to 100*l.* every person so offending and convicted, shall be deemed guilty of a misdemeanor, for which he shall be liable to a fine and imprisonment. *s.* 1.

If any person convey into any gaol any disguise, or instrument, or arms, proper to facilitate the escape of prisoners, and the same deliver, or cause to be delivered, to any prisoner, or for the use of any prisoner, without the privity of the keeper, or under-keeper of such gaol; every such person, although no escape or attempt to escape be made, shall be deemed to have delivered such disguise, instrument, or arms, with intent to assist such prisoner to escape; and in case such prisoner then was attainted or convicted of treason, or any felony, except petty larceny, or committed or detained for treason, or any felony, except petty larceny, expressed in the warrant of commitment or detainer, every person so offending and convicted, shall be deemed guilty of felony, and be transported to *America* for seven years; but in case the prisoner to whom, or for whose use such disguise, instrument, or arms, shall be so delivered, then was convicted, committed, or detained for petty larceny, or any other crime, not being treason or felony expressed in the warrant of commitment or detainer, or upon any process for debt, damages, costs, or sums of money, amounting to 100*l.*; every person so offending and convicted shall be deemed guilty of a misdemeanor, for which he shall be liable to a fine and imprisonment. *s.* 2.

If any person assist any prisoner to attempt to make his escape from the custody of any constable, headborough, tythingman, or other officer, who shall then have the lawful charge of such prisoner, in order to carry him to gaol, by warrant of commitment for treason, or any felony (except petty larceny) expressed in such warrant; or if any person be assisting to any felon, to attempt to make his escape from any boat or ship, carrying felons for transportation, or from any person to whom such felon is lawfully delivered in order for transportation; every person so offending and convicted shall be deemed guilty of felony, and be transported to *America* for seven years. *s.* 3.

There shall be no prosecution for any of the said offences, unless such prosecution be commenced within one year after such offence. *s.* 4.

If any person ordered for transportation in pursuance of this act, return, or be at large, in *Great Britain*, without lawful cause, before the expiration of the term for which he was ordered to be transported, such person shall be liable to the same punishment, and to the like methods of prosecution, trial, and conviction, as other felons transported or ordered to be transported. *s.* 5.

By 27 *Geo.* 2. *c.* 3. When any person, not having goods or money, within the county where he is taken, sufficient to bear the charges of himself, and of those who convey him, is committed to gaol or the house of correction, by warrant from any justice of peace, then, on application by the officer who conveyed him, any justice for the same county or place, shall, upon oath, examine into and ascertain the expences to be allowed such officer, and shall, without fee, by warrant, order the treasurer of the county, &c. to pay the same. *s.* 1.

So much of the 3 *Jac.* 1. *c.* 10. as relates to the taxing the parish where offenders are taken for defraying the charges of conveying them to gaol shall be repealed. *s.* 2.

When any poor person shall appear on recognizance in any court to give evidence against another accused of any grand

grand or petit larceny, or other felony, the court, at the prayer, and on the oath of ſuch perſon, and on conſideration of his circumſtances, may order the treaſurer of the county in which the offence was committed, to pay unto ſuch perſon ſuch ſum as to the court ſhall ſeem reaſonable, for his time, trouble, and expence; which order the proper officer is to make out, and deliver to ſuch perſon, upon being paid 6*d*. *ſ*. 3. *See alſo the general title* FELONS, &c.

Nothing in this act ſhall extend to empower any court or juſtice of peace to make orders on the treaſurer of the county of *Middleſex*, for the payment of the expences of the conſtable or other officer, in conveying any perſon to gaol; or for the payment of any perſon for his time, trouble, and expence, who ſhall appear on his recognizance to give evidence. But within the ſaid county of *Middleſex*, the expences of the officer in conveying any perſon to gaol by virtue of a warrant from any juſtice of peace, ſhall (after ſuch expences have been examined into upon oath, and allowed by ſuch juſtice, for which no fee ſhall be taken) be paid by the overſeers of the poor of the pariſh or place where the ſaid perſon was apprehended. *ſ*. 4.

By 27 *Geo*. 2. *c*. 17. Whereas king *James* I. by his letters patent granted to Sir *William Smith*, Knt. his heirs and aſſigns, the office of marſhal of the marſhalſea of the court of king's bench, to exerciſe the ſaid office by themſelves or deputies, and alſo granted to the ſaid Sir *William Smith*, his heirs and aſſigns, all profits belonging to the ſaid office, together with the cuſtody of the priſon; and the inheritance of the ſaid office, by ſeveral meſne conveyances, afterwards veſted in *William Lenthall*, late of *Great Hazeley* in the county of *Oxon*, Eſq. who by indenture dated the 24th of *February* 1684, in conſideration of 10,000 *l*. lent by Sir *John Cutler* of *Weſtminſter*, Knt. and Bart. covenanted, that he and his heirs ſhould ſtand ſeized of the inheritance of the ſaid office for ſecuring the payment of the ſaid 10,000 *l*. with intereſt; and whereas by 8 & 9 *Will*. 3. *c*. 27. *ſ*. 19. it was provided, that nothing in the ſaid act ſhould prejudice any ſecurity given out of the ſaid office by the ſaid *William Lenthall* to the ſaid Sir *John Cutler*, or to *Edmund Boulter*, Eſq. executor of the ſaid Sir *John Cutler*, or in truſt for either of them, or to ſubject the ſaid office to the forfeitures or penalties of the ſaid act until the money ſecured by the ſaid mortgage ſhould be paid; and it was enacted [*ſect*. 22.], that every deputation theretofore made by the ſaid *William Lenthall* of the ſaid office was void, and that every ſucceeding marſhal ſhould be appointed by the ſaid *William Lenthall*, his heirs and aſſigns, with the conſent under the hand and ſeal of the ſaid *Edmund Boulter*, his executors, adminiſtrators, and aſſigns, until the debt owing by the ſaid *William Lenthall* to the ſaid *Edmund Boulter*, as executor of the ſaid Sir *John Cutler*, ſhould be ſatisfied; and whereas, by an account ſigned by the ſaid *William Lenthall*, the 26th of *June* 1700, there appeared to be then due and ſecured by the ſaid mortgage 20438 *l*. 10 *s*. 6 *d*. ½. which debt was afterwards aſſigned to *Joſeph Studley*, late of *St. Nicholas Lane*, *London*, gent. and the inheritance of the office aforeſaid by ſeveral meſne conveyances, is now veſted in *Ebenezer Blackwell* of *Lombard Street*, *London*, goldſmith, in truſt for the ſaid heirs of the ſaid *William Lenthall*, and in truſt that he the ſaid *Ebenezer Blackwell*, and his heirs, ſhall, until the debt due on the ſaid mortgage be ſatisfied, with the conſent of the executors, adminiſtrators, and aſſigns of the ſaid *Joſeph Studley*, under their hands and ſeals, appoint ſome perſon to execute the ſaid office, and appoint other officers belonging to the ſame office; and whereas the debt due on the ſaid mortgage hath been ſince aſſigned to the perſons, and in the proportions after-mentioned, *viz*. to *Thomas Martin* of *Clapham* in *Surrey*, Eſq. eight-twentieth parts, to *John Martin* of *Overbury* in *Worceſterſhire*, Eſq. four-twentieths, to the ſaid *Thomas* and *John Martin*, as executors of *Edward Bowman*, late of *London*, citizen and goldſmith, four-twentieths, upon the truſts in his will, to *John Langmore* of *Bow Lane*, *London*, gent. as executor of the ſaid *Joſeph Studley*, one-twentieth, to the ſaid *John Langmore*, in his own right, one half of one-twentieth, to *Edward Birch*, of the pariſh of St. *Giles in the Fields* in *Middleſex*, cordwainer, and *Ann* his wife, one half of one-twentieth, and to the ſaid *Ebenezer Blackwell*, two-twentieth parts; and whereas, on the 1ſt of *February* 1753, there was due for principal and intereſt on the ſaid mortgage 30,397 *l*. 3 *s*. 3 *d*. and the proprietors of the ſaid debt have agreed to accept 10,500 *l*. in ſatisfaction for the ſame; and whereas the priſon of the marſhalſea of the ſaid court of king's bench is decayed and out of repair; and whereas the granting the ſaid office of marſhal in fee, and the mortgaging the ſame, has been an obſtruction to the due exerciſe thereof, and injurious to the ſuitors of the court of king's bench, who cannot have any benefit of the ſtatute of 8 & 9 *Will*. 3. *c*. 27. until the debt due on the ſaid mortgage be paid: be it enacted, that out of any ſupplies granted for the year 1754, any ſum not exceeding 10,500 *l*. ſhall be paid to the ſaid *Thomas Martin*, *John Martin*, *John Langmore*, *Edward Birch*, and *Ebenezer Blackwell*, their executors, adminiſtrators, or aſſigns, in ſatisfaction for the debt due to them on the ſaid mortgage of the office of marſhal as aforeſaid, upon their conveying and releaſing unto his majeſty, his heirs, and ſucceſſors, all their eſtate and intereſt in the ſaid office, and the ſaid debt. *ſ*. 1.

Immediately after payment of the ſaid 10,500 *l*. the priſon of the marſhalſea of the court of king's bench, and the ſite thereof, and the ground and appurtenances thereunto belonging, and the power of granting the cuſtody of the ſaid priſon, and the office of marſhal of the marſhalſea aforeſaid, ſhall be re-veſted in his majeſty, and ſhall for ever remain unalienable; ſubject to ſuch proviſo for redemption as herein after is mentioned, and ſubject to ſuch regulations with regard to the execution of the ſaid office and government of the priſon, as are herein-after provided. *ſ*. 2.

Provided, that if the heirs or aſſigns of the before-named *William Lenthall*, before the 29th of *September* 1756, exhibit a bill in the exchequer at *Weſtminſter*, obtain a decree for redemption of the ſaid office, and pay into the exchequer ſuch money as by the ſaid court they ſhall be decreed to pay in diſcharge of the ſaid mortgage; then they ſhall repoſſeſs and enjoy the ſaid office. *ſ*. 3.

Provided, nothing in this act ſhall give to the heirs or aſſigns of the ſaid *William Lenthall* any right of redemption of the ſaid office, which by reaſon of the length of time, or otherwiſe, they would not have been entitled to, if this act had not been made. *ſ*. 4.

After payment of the ſaid ſum, *John Aſhton*, Eſq. the preſent marſhal, ſhall continue to hold the ſaid office, and all fees and advantages thereto belonging (ſubject to the proviſo for redemption before-mentioned), for ſo long a time as he ſhall behave himſelf well in his ſaid office, and ſhall be reſident in the ſaid priſon, or within the rules thereof: and after the death, reſignation, or amoval of the ſaid *John Aſhton*, his majeſty ſhall have power (ſubject to the proviſo for redemption before-mentioned) to appoint by his letters patent, or ſign manual, ſuch perſon as his majeſty ſhall think fit, to be marſhal of the marſhalſea aforeſaid; and ſo from time to time to appoint the marſhal of the

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marſhalſea aforeſaid, as often as the ſaid office ſhall become vacant; and every perſon ſo appointed ſhall hold the ſaid office, and all fees and advantages thereto belonging, for ſo long time as ſuch marſhal ſhall behave himſelf well in his ſaid office, and ſhall be reſident in the ſaid priſon, or within the rules thereof: and all grants of the ſaid office ſhal be made accordingly, or otherwiſe ſhall be void. *ſ.* 5.

The marſhal aforeſaid, and all officers belonging to the ſaid office of marſhal, and the priſoners committed to the priſon aforeſaid, ſhall be governed by ſuch rules as have been or ſhall be made in purſuance of the directions of 2 *Geo.* 2. *c.* 22.; and the ſaid marſhal, and the officers aforeſaid, ſhall take ſuch fees only as have been or ſhall be ſettled in purſuance of the laſt-mentioned act. *ſ.* 6. *The* 2 Geo. 2. c. 22. *is expired, and the ſubſtance of it re-enacted by* 32 Geo. 2. cap. 28. *infra.*

After payment of the ſaid 10,500*l.* the marſhal aforeſaid ſhall have the nomination of all ſuch inferior officers as now belong or have uſually belonged to the office of marſhal; and all inferior officers appointed in purſuance of this act ſhall hold their offices during ſo long time as they ſhall reſpectively behave themſelves well therein, and all grants of the ſaid inferior offices ſhall be made accordingly, or otherwiſe be void. *ſ.* 7.

As well the marſhal aforeſaid, as the inferior officers to be nominated in purſuance of this act, ſhall be liable to be amoved by rule of the court of king's bench, in caſe of any ſuch non-reſidence or other neglect of duty, or any ſuch miſbehaviour as the ſaid court of king's bench ſhall think ſufficient cauſe for ſuch amoval, upon any complaint by motion or petition in a ſummary way. *ſ.* 8.

If any perſon after payment of the ſaid 10,500*l.* ſhall bargain or ſell the ſaid office of marſhal, or any inferior office thereto belonging, or any deputation of any ſuch office, or any part of them, or take any money or profit directly or indirectly, or any promiſe or aſſurance to receive any money, *&c.* for any ſuch office, *&c.* or to the intent that any perſon ſhould have any ſuch office, *&c.* every ſuch perſon who ſhall ſo bargain, *&c.* ſhall forfeit all his right, intereſt, and eſtate in any of the ſaid offices, *&c.* or in the gift or nomination of any of the ſaid offices, *&c.* for which he ſhall ſo bargain, *&c.*; and every perſon who ſhall give any money or reward, or make any promiſe or aſſurance to give any money, *&c.* for any of the ſaid offices, *&c.* ſhall immediately upon the ſame money, *&c.* being given, or promiſe, *&c.* made, be diſabled to have the ſaid office, *&c.* for which he ſhall ſo give any money, *&c.* or make any promiſe, *&c.* to give any money, *&c.* *ſ.* 9.

Nothing in this act ſhall prejudice any perſon who hath heretofore purchaſed any inferior office belonging to the office of marſhal aforeſaid, of any perſon claiming under the aforeſaid mortgage of the 24th of *February* 1684, and who is now in poſſeſſion of ſuch office; but ſuch perſon may hold the ſame, giving ſuch ſecurity for the due execution of his office to the marſhal as the court of king's bench ſhall direct; and ſhall have power to ſell ſuch office, ſo as ſuch ſale be by deed of aſſignment, or by words of aſſignment indorſed on the grant of the ſaid office, and be made with the approbation of the court of king's bench, if in term time, or with the approbation of the lord chief juſtice, or other of the juſtices of the ſaid court, during any vacation; and every ſuch purchaſer ſhall be poſſeſſed of the ſaid office for ſo long time as he ſhall well behave himſelf, but ſhall be amoveable in a ſummary way as aforeſaid, and be ſubject to the regulations before-mentioned, and have no power to ſell the ſame; and ſhall give ſuch ſecurity for the due execution of his office to the marſhal, as the lord chief juſtice, or any of the juſtices of the ſaid court ſhall direct. *ſ.* 10.

The ſaid *Ebenezer Blackwell*, as truſtee for the heirs and aſſigns of the ſaid *William Lenthall*, and *Thomas Martin* and *John Martin*, as executors of *Edward Bowman*, ſhall not be liable to any claim either at law or in equity, by the heirs or aſſigns of *William Lenthall*, or any perſon claiming under him, or by any perſon claiming under the will of *Edward Bowman*, for any ſuppoſed breach of truſt in accepting ſuch compoſition before-mentioned in ſatisfaction for the debt ſecured by the mortgage of the office of marſhall aforeſaid, or by aſſigning or releaſing all their eſtate and intereſt in the ſaid office in purſuance of this act. *ſ.* 11.

It ſhall be lawful for *Thomas Martin* and *John Martin*, to retain out of the truſt-monies which ſhall come to their hands by virtue of this act, a proportionable part of all ſuch expences as they have ſuſtained in relation to the ſaid mortgage. *ſ.* 12.

Immediately after payment of the ſaid 10,500*l.* the before recited clauſes of 8 & 9 *Will.* 3. *c.* 27. (viz. *ſ.* 19. & 22.) ſhall be repealed. *ſ.* 13.

The ſaid *John Aſhton*, his heirs, executors, adminiſtrators, and aſſigns, and all other perſons, ſhall be diſcharged from the payment of any money upon the account of holding the office of marſhal aforeſaid, after the 12th of *February* 1753, by virtue of any leaſe or agreement. *ſ.* 14.

Out of any ſupplies granted for the year 1754, there ſhall be applied any ſum not exceeding 7800*l.* for rebuilding the priſon of the marſhalſea of the court of king's bench, in ſuch manner, and at ſuch place, within the rules of the ſaid priſon, as the commiſſioners of the treaſury, or any three of them, ſhall direct by writing under their hands. *ſ.* 15.

It ſhall be lawful for all bodies politic, and all truſtees, mortgees, and feoffees in truſt, guardians of infants, and committees of lunatics and ideots, executors and adminiſtrators, and for all femes covert, and all other perſons intereſted in any lands within the rules of the ſaid priſon, to ſell the ſame to ſuch perſons as the commiſſioners of the treaſury ſhall appoint to contract for the purchaſe thereof, and ſuch lands and tenements ſhall be conveyed to his majeſty, his heirs, and ſucceſſors, by deed inrolled in the king's bench. And every ſum of money paid to the uſe of any ſuch body politic, or other perſon aforeſaid, for the purchaſe of lands for the purpoſes of this act, ſhall be laid out in the purchaſe of other lands to be ſettled and ſubject to ſuch titles, uſes, truſts, limitations, remainders, and contingencies, as the lands ſold; and until ſuch purchaſe-money be re-inveſted in lands, the ſame ſhall be laid out in the purchaſe of ſtocks, in ſome of the public funds, or placed out on government or real ſecurities at intereſt, and ſuch intereſt ſhall be paid to the uſe of ſuch perſon as would have been intitled to the rents of the lands ſold. *ſ.* 16.

When ſuch priſon ſhall be rebuilt, the marſhal for the time being, ſhall, at his own coſts, out of the profits of his office, keep in repair the ſaid priſon and all the appurtenances thereunto; and the ſaid priſon ſo rebuilt with the appurtenances ſhall remain unalienably veſted in his majeſty for ever. *ſ.* 17.

Nothing in this act ſhall affect any eſtate or intereſt of *Thomas* duke of *Leeds*, in thoſe two meſſuages with the appurtenances in *Southwark* in *Surrey*, whereof heretofore one was called the *Angel*, and is now or late was known by the name of the king's bench; and the other called the *Crane*; and all tenements and gardens to the ſaid meſſuages appertaining; and a piece of ground behind the ſaid garden; which ſaid two meſſuages and premiſes by letters patent under the

seal of the court of exchequer dated at *Westminster* the 11th of *March*, in the 24th year of his majesty's reign, were among other things granted by his majesty unto the said *Thomas* duke of *Leeds*, for 31 years from the date of the said patent. *s.* 18.

By 32 *Geo.* 2. *c.* 28. No sheriff, bailiff, or other officer, shall convey any person arrested by virtue of any process to any public victualling or drinking house, or to the house of such officer, or of any tenant or relation of his, without the consent of the person arrrested; nor charge him for wine, victuals, or any other liquor or things whatsoever, save what he shall call for; nor shall cause him to call or pay for such liquor or things, except what he shall particularly and freely ask for; nor shall take any greater sum than is by law allowed for any arrest, or for detaining, or waiting till the person arrested have given an appearance or bail, or agreed with the person at whose suit he is arrested, or until he be sent to the gaol belonging to the county or place where such arrest shall be; nor shall take any reward for keeping the person arrested out of gaol; nor shall carry any such person to gaol within 24 hours from the time of such arrest, unless such person refuse to be carried to some safe and convenient dwelling house of his own nomination within a city, borough, corporation, or market town, in case such person be there arrested; or within three miles from the place where such arrest shall be, if the same be made out of any city, *&c.* so as such dwelling house be not the house of the person arrested, and be within the county or liberty in which the person was arrested; and then it shall be lawful for such officer to convey the person arrested, and refusing to be carried to such safe and convenient dwelling house, to gaol. *s.* 1.

No sheriff, bailiff, or other officer, shall take any greater sum for one or more nights lodging, or for a day's diet, or other expences of any person under arrest on any process, other than shall be allowed by some order already made, or which shall be made, by the justices of peace at some general or quarter sessions for the county or place where such arrest shall be; who are with all convenient expedition to make some standing orders for ascertaining such charges within their respective counties and jurisdictions, if the same hath not already been there made; and if any such order hath been made, such justices at their general or quarter sessions are to alter the same from time to time as they see occasion; and are to cause a copy of every such order, and of every alteration thereof, signed by the clerk of the peace, to be put and kept in some conspicuous place in the sessions house, or some other proper place, of every such county, *&c.* as such justices shall order, so as the same may be there seen and examined as occasion may require. *s.* 2.

Every sheriff, under sheriff, and bailiff of any liberty, and the respective secondaries and clerk sitters in the compters in *London*, and all other persons intrusted with the execution of process, or who shall enter any actions, or make any warrant or any writ or process, in order to have he same executed, shall deliver a printed copy of the several clauses in this act relating to bailiffs, and other officers and persons employed under them to execute any process, or who shall arrest any person on any action entered, or otherwise, within their respective sheriffwicks or jurisdictions, to every such bailiff, *&c.* and shall make it part of the condition of every security given to any such sheriff or under sheriff, or bailiff of any liberty, by any bailiff or person employed to execute process, that every such bailiff, *&c.* shall shew and deliver a copy of the said clauses to every person he shall arrest and carry to any public or other house where any liquor shall be sold, and shall permit every such person arrested, or any friend of him or her, to read over the same clauses, before any liquor or victuals be called for or brought to such person under arrest; and in case any bailiff, *&c.* offend in the premises, every such offence, besides the breach of the condition of such security bond, shall be deemed a misdemeanor in the execution of the process on which such person was arrested, and shall be punishable as such by this act. *s.* 3.

Every sheriff, under sheriff, bailiff of any liberty, and keeper of any prison, and other person to whose custody any one hath been or shall be arrested, committed, or charged in execution, by virtue of any process, shall permit such person during his continuance in custody to send for or have brought to him at seasonable times in the day time any beer or victuals, from what place he thinks fit or can have the same; and to use such bedding, linen, and other necessary things, as he shall have occasion for or be supplied with, without purloining or detaining the same, or requiring him to pay for the using thereof, or putting any restraint upon him in the using thereof, or relating thereto; and no such prisoner shall pay any thing in respect thereof to any such sheriff, *&c.* *s.* 4.

The lord chief justice of the king's bench, the lord chief justice of the common pleas, and the lord chief baron of the exchequer, or any two of them, with the mayor and two aldermen, or with three aldermen of *London* without the mayor, for the prisons within the said city; and the said lord chief justices, and lord chief baron, or any two of them, with three justices of peace of the counties of *Middlesex* and *Surrey* respectively, for the prisons in the said counties respectively; are required with all convenient speed to meet from time to time at such place as they think fit, and to settle a table of fees to be taken by any gaoler in *London*, or in *Middlesex* and *Surrey*, where the same hath not been already established; and where the same hath been established, they are to meet and vary the same from time to time as they see occasion. And the justices of peace of every other county and place, for the prisons in each county, *&c.* are at any general or quarter session of peace with all convenient speed, to settle a table of the fees to be taken by any gaoler within their respective jurisdictions, where the same hath not been already settled; and where the same hath been settled, to alter the same from time to time as there shall be occasion. And the tables of such fees so made or altered for the several prisons within the city of *London*, and counties of *Middlesex* and *Surrey*, shall be signed by the said lords chief justices, and lord chief baron, or two of them, and the mayor and two aldermen of *London*, or by three aldermen without the mayor, and by three justices of the peace of the counties of *Middlesex* and *Surrey* respectively: and the tables of such fees made or altered for the rest of the prisons shall be signed by three or more justices of peace, who make or alter the same at any general or quarter session of the peace; and shall afterwards be confirmed, or moderated, within *England* by the justices of assize; and if within *Wales*, or the county palatine of *Chester*, by the justices of great sessions respectively; at the next assizes, or great sessions, in the respective counties within their several circuits next after the making or altering such table of fees; and the same shall be afterwards signed by the respective judges of assize, or justices of great sessions, who confirm or moderate the same, and three or more justices of peace of such county, *&c.* for the prisons within their respective circuits, counties, or jurisdictions. *s.* 5.

Rules for the better government of the prisons in *England*, and of the prisoners therein, where such rules have not

not already been made, ſhall with all convenient ſpeed be made by the ſeveral courts in *Weſtminſter-hall*, for the ſeveral priſons belonging to ſuch courts; and by the lords chief juſtices, and lord chief baron, or two of them, with the mayor and two aldermen of *London*, or three or more aldermen without the mayor, for the priſons within the ſaid city; and by the lords chief juſtices, and lord chief baron, or two of them, with three or more juſtices of peace, for the priſons within the counties of *Middleſex* and *Surrey*; and by three or more juſtices of peace of each county, *&c.* for the priſons within their reſpective counties, *&c.* at ſome general or quarter ſeſſions; and the ſame ſhall afterwards be reviewed, and may be altered if neceſſary, by the judge or judges of aſſize, or juſtice or juſtices of great ſeſſions reſpectively, at the next aſſizes or great ſeſſions within their ſeveral circuits, after the making or altering ſuch rules. And where any rules for regulating priſons have been or ſhall be made, the ſame may at all times hereafter be altered by the reſpective courts in *Weſtminſter-hall*, and other perſons authoriſed by this act: and after every making or altering, all ſuch rules ſo altered ſhall be ſigned by the judges of each reſpective court in *Weſtminſter-hall*, for the priſons and priſoners belonging to the ſaid court; and in reſpect to the other priſons or priſoners by the reſpective perſons authoriſed. And duplicates of every ſuch table of fees made or altered, and of all rules for regulating any priſon in purſuance of this act, belonging to the courts in *Weſtminſter-hall*, ſhall be inrolled on record in every ſuch reſpective court by the proper officer without fee: and a like duplicate of every ſuch table of fees or rules ſo made or altered, which relate to any other priſon or the priſoners therein in *England*, ſhall from time to time with all convenient ſpeed be tranſmitted to the reſpective clerks of the peace of the counties, *&c.* for which the ſame are made, and ſhall be by ſuch clerk of the peace entered on the rolls of the ſeſſions without fee: and ſuch clerks of the peace ſhall cauſe another copy to be hung up in the court where every aſſize, great ſeſſions, or quarter ſeſſions of the peace, for ſuch county, *&c.* in his juriſdiction, ſhall be held, there to be inſpected as occaſion ſhall require; and ſhall cauſe another copy to be tranſmitted to every gaoler within the juriſdiction of ſuch clerk of the peace: and ſuch gaoler ſhall forthwith, after the receipt of ſuch table of fees or rules, cauſe the ſame to be hung up in ſome public room or place, and in a conſpicuous manner, in his priſon; and it ſhall be incumbent on every ſuch gaoler to take care that the ſame be kept up there, ſo as the priſoners may have free reſort thereto, at ſeaſonable times in the day-time, without paying any thing for the ſame. *ſ.* 6.

The ſeveral courts of record in *Weſtminſter-hall* ſhall, in every *Michaelmas* term, appoint ſome day in ſuch term to inquire whether ſuch table of fees, and ſuch rules are hung up, and remain public, and eaſy to be reſorted to, in the priſons to the ſaid courts belonging, and whether the ſame be duly obſerved; and ſhall cauſe eight days notice to be given in every *Michaelmas* term, to the priſoners in the reſpective priſons of the time for ſuch inquiry, and ſhall inform themſelves touching the ſame in the beſt manner they can, and redreſs whatever they find neglected. *ſ.* 7.

The judges and juſtices of aſſize, gaol delivery, and great ſeſſions within their reſpective juriſdictions, ſhall at all aſſizes and ſeſſions of gaol delivery and great ſeſſions make inquiry whether ſuch table of fees and rules are hung up, and remain public to be reſorted to in the ſeveral priſons within their reſpective juriſdictions, and whether the ſame be duly obſerved; and ſhall inform themſelves touching the ſame in the beſt manner they can, and redreſs whatever they find neglected, and ſhall expreſsly give in charge to every grand jury ſworn before them reſpectively, to make inquiries concerning the ſame. *ſ.* 8.

The ſeveral courts of king's bench, common pleas, and exchequer, judges of aſſize, and juſtices of great ſeſſions, and juſtices of peace within their reſpective juriſdictions, and all commiſſioners for charitable uſes, ſhall from time to time uſe their beſt endeavours to diſcover the ſeveral gifts and legacies given for the benefit of the poor priſoners in the priſons within their reſpective juriſdictions; and they are hereby authoriſed to cauſe to be brought before them any deeds, wills, writings, books of account, and papers, as they ſhall receive information of and concern the premiſes; and may ſummon and cauſe to come before them any perſons who they apprehend may make diſcovery concerning the ſame; and examine ſuch perſons on oath, in order to get a true diſcovery thereof, and to ſettle the payment, recovery, and receipt of ſuch gifts or legacies. *ſ.* 9.

A table of ſuch gifts and legacies for the benefit of the priſoners in every priſon reſpectively, ſhall, after every ſettling thereof, be tranſmitted by the perſons authoriſed to ſettle the ſame, unto the clerks of the peace of the reſpective counties, *&c.* and ſhall be regiſtered by them in the manner tables of fees and orders are to be regiſtered, without fee. And a table of ſuch gifts and legacies ſhall be tranſmitted, by order of ſuch perſons as aforeſaid, to the keeper of every priſon to which the gifts therein contained relate; and forthwith ſhall be hung up by the gaoler in a conſpicuous manner in ſome public place in his priſon, and where the priſoners may have free reſort thereto, without fee: and it ſhall be the duty of every gaoler to take care that every ſuch table of gifts, or a copy thereof, be kept hung up in his priſon. *ſ.* 10.

Upon the petition in term time of any priſoner complaining of any extortion by any gaoler, bailiff, or other perſon employed in the keeping any priſon or other place where ſuch priſoner ſhall have been carried, or in reſpect of the arreſting any perſon, or of any other abuſe, unto any court of record at *Weſtminſter* from whence the proceſs iſſued, or under whoſe juriſdiction ſuch priſon or place is; or in vacation time, to any judge of any court at *Weſtminſter*, from whence ſuch proceſs iſſued; or to the judges of aſſize, or juſtices of great ſeſſions, in their reſpective circuits; or to the judge of any other court of record, where any priſoner was arreſted, or in cuſtody, by proceſs of ſuch court within *England*; and if within *Wales*, or the county palatine of *Cheſter*, then to the juſtices at ſome great ſeſſions for the county where ſuch priſoner was arreſted, or in cuſtody; every ſuch court, *&c.* are to hear and determine the ſame in a ſummary way, and to make order for redreſſing the abuſes complained of, and for puniſhing ſuch perſon complained againſt, and for making reparation to the party injured, with the coſts of ſuch complaint: and all orders thereupon made ſhall have the ſame effect, and obedienee thereto be enforced, as other orders of the ſaid reſpective courts, judges, juſtices of aſſize and great ſeſſions, or judges of inferior courts of record, may be enforced. *ſ.* 11.

No keeper of any priſon, or other perſon thereunto belonging, ſhall take directly or indirectly of any priſoner for debt, damages, coſts, or contempt, any greater fees for his commitment, chamber-rent, or diſcharge, than ſhall be allowed in the table of fees inrolled and regiſtered as aforeſaid; and every ſheriff and other officer who ſhall offend againſt this act, ſhall, for every ſuch offence (over and above ſuch penalties as he ſhall be liable unto by the

laws

laws now in force), forfeit to the party aggrieved 50 *l.* to be recovered, with treble costs, by action of debt, *&c.* in any court of record at *Westminster*; wherein no essoin, *&c.* shall be allowed. *s.* 12.

If any person charged in execution for any sum not exceeding 100 *l.* * or on which execution there remains due (as shall be made appear by oath) a sum not amounting to above 100 *l.* be minded to deliver up to his creditors, who shall so charge him in execution, all his effects; it shall be lawful for such prisoner, before the end of the first term next after he is charged in execution, to exhibit a petition to any court at law from whence the process issued, or to the court into which such prisoner is removed by *habeas corpus*, or charged in custody, and remains in the prison thereof, certifying the cause of his imprisonment; and not only setting forth an account of all the real and personal estate which he, or any person in trust for him, is entitled to at the time of his petitioning, and of all incumbrances affecting such estate, but also an account of all the real and personal estate which such prisoner, or any person in trust for him, was entitled to, at the time of his first imprisonment in the action in which he is charged in execution, either in possession or expectancy, to the best of his belief, and so far as his knowledge extends; and an account of all securities wherein any part of his estates consists, and of all the deeds and papers concerning the same; and the names and places of abode of the witnesses to all securities or notes, and where they are to be met with, so far as his knowledge extends. And before such petition be received, such prisoner shall cause to be given or left, for all creditors at whose suit he stands charged in execution, or their executors or administrators, and at their usual place of abode (or for their attorney last employed in such action, in case any creditor, *&c.* cannot be met with), 14 days at least before such petition be presented, a notice in writing, signed with the name or mark of such prisoner, importing that such prisoner intends to petition the court, and setting forth a copy of the schedule of his estate, which he intends to deliver into court, except the necessary wearing apparel and bedding of the prisoner and his family, and the tools of his trade, not exceedidg 10 *l.* in value. And an affidavit of the due service of such notice shall be delivered with such petition, and read in court. And if such court be satisfied of the regularity of such notice, such petition shall be received; and such court shall, by rule, cause the prisoner so petitioning to be brought up to such court, on some day in such rule specified; and the creditors at whose suit he stands charged in execution, or their executors or administrators, to be summoned to appear personally, or by attorney, at some day specified in such rule: and if any creditors so summoned, or their executors or administrators appear, or if they neglect to appear, upon affidavit of the service of such rule on them (or their attorney, if they cannot be met with), such court shall, in a summary way, examine into such petition, and hear what shall be alleged for or against the discharge of such prisoner; and administer to the prisoner an oath to the effect following, *viz.*

I A. B. *do swear in the presence of Almighty God, that the account by me set forth in my petition presented to this honourable court, doth contain a full and true account of the real and personal estate, debts, credits, and effects whatsoever, which I, or any in trust for me, at the time of my first imprisonment in this action, or at any time since, had, or was in any respect entitled to, in possession, reversion, or remainder (except the wearing apparel and bedding of or for me and my family, and the tools or instruments of my trade or calling, not exceeding 10 l. in value in the whole); and also an account how much of my real and personal estate, debts, credits, or effects, hath since been disposed of, released, or discharged, and how, to whom, and on what consideration, and for what purpose, and how much thereof I, or any person or persons in trust for me, have, or, at the time of my presenting my said petition to this honourable court, had, or which I am or was, or any person in trust for me, or for my use, is any ways interested in, or entitled to, in possession, reversion, remainder, or expectancy; and also a true account of all deeds, writings, books, papers, securities, bonds, and notes, relating thereto, and where the same respectively now are, to the best of my knowledge and belief, and what charges are now affecting the real estate I am now seised of, or entitled to* (if such prisoner be then seised of any real estate), *and that I have not, at any time before or since my imprisonment, directly or indirectly, sold, leased, assigned, mortgaged, pawned, or otherwise disposed of, or made over in trust for myself, or otherwise than is mentioned in such account, any part of my messuages, lands, tenements, estates, goods, stock, money, debts, or other real or personal estate, whereby to have or accept any benefit, advantage, or profit, to myself or my family, or with any view, design, or intent, to deceive, injure, or defraud, any of my creditors to whom I am indebted.*

So help me God.

And in case any prisoner as aforesaid in court take the said oath, such court may then order the lands and effects contained in such account, or so much as may satisfy the debts wherewith such prisoner stands charged in execution, and the fees due to the keeper of the prison, to be by a short indorsement signed by the prisoner, assigned to the creditors who have charged such prisoner in execution, their heirs, executors, administrators, and assigns, for the benefit of them who have so charged him in execution, subject to all prior incumbrances; and the estate belonging to any such prisoner shall, by such assignment, be vested in the persons to whom such assignment is made, according to the interest such prisoner had therein, and the creditors to whom such assignment is made, shall take possession of, and sue in their names for the recovery thereof, as assignees of commissioners of bankrupts may sue for the recovery of the effects of bankrupts; and no release of such prisoner, his executors, or administrators, or any trustee for him subsequent to such assignment, shall be pleadable in bar of any action commenced by such assignees of such prisoner: and upon every such assignment being executed by such prisoner, he shall be discharged out of custody by rule of court, and such rule being produced to, and a copy thereof left with such sheriff, or keeper of any prison, shall be a warrant to him to discharge such prisoner, if charged in execution, or detained for the causes mentioned in his petition, and no other. And every such sheriff or keeper is, on having such order produced to him, and a copy thereof left with him, to discharge forthwith every prisoner ordered to be so discharged, without taking any fee, or detaining him in respect of any demand of chamber-rent, or otherwise; or for any fees due to such sheriff, or keeper, or any employed under him. And no such sheriff or keeper shall be liable to any action of escape, or other suit or information, for what he shall do in pursuance of this act. And the persons to whom the effects of such prisoner shall be assigned, shall, with all convenient speed, sell the estates and effects of such prisoner, and divide the produce among the creditors who have charged such prisoner in execution, before the time of his petition, in proportion to their debts. But in case the persons at whose suit such prisoner stood charged in

* 200 *l.* by 26 *Geo.* 3. *c.* 44. which see post

execution be not ſatisfied with the truth of ſuch priſoner's oath, and, either perſonally, or by attorney (if they cannot perſonally attend, and proof be made thereof to the ſatisfaction of ſuch court), deſire further time to inform themſelves of the matters therein, ſuch court may remand ſuch priſoner, and direct him and the perſons diſſatisfied with ſuch oath to appear in perſon, or by attorney, on ſome other day appointed by ſuch court, at furtheſt within the firſt week of the term next following the time of ſuch examination, but ſooner if ſuch court think fit. And all objection to the inſufficiency in form againſt any priſoner's ſchedule of his effects, ſhall be only made the firſt time ſuch priſoner is brought up. And if at ſuch ſecond day the creditors diſſatisfied with ſuch oath make default in appearing; or appear and be unable to diſcover any effects of the priſoner omitted in the account ſet forth in his petition; then ſuch court ſhall by rule immediately cauſe the priſoner to be diſcharged, upon ſuch priſoner's executing ſuch aſſignment as is before directed; unleſs ſuch creditor who charged ſuch priſoner in execution, his executors or adminiſtrators, inſiſt upon ſuch priſoner being detained, and agree by writing ſigned with his name or mark (or under the hand of his attorney, in caſe ſuch creditor, *&c.* be out of *England)* to pay weekly a ſum not exceeding 2 *s.* 4 *d.* as ſuch court thinks fit, unto the ſaid priſoner, to be paid every *Monday* in every week, ſo long as ſuch priſoner continues in priſon in execution at the ſuit of ſuch creditor; and in ſuch caſe ſuch priſoner ſhall be remanded to priſon: but if any failure at any time be made in the payment of the weekly ſum, ſuch priſoner, upon application, in term time, to the court where the ſuit was commenced, or carried on, or in the priſon of which ſuch priſoner ſtands committed on *habeas corpus*, or in vacation time, to the judge of ſuch court, may, by order of ſuch court or judge be diſcharged, proof being made on oath of the nonpayment for any week of the ſum ordered; but every ſuch priſoner before he be diſcharged ſhall execute an aſſignment of his effects in manner before directed. And if any priſoner petitioning for his diſcharge under this act, refuſe to take the oath before directed, or be detected before ſuch court or judge of falſity therein, or refuſe to execute ſuch aſſignment of his effects, he ſhall be remanded and continue in execution. *ſ.* 13.

Where more creditors than one charge any priſoner in execution, and deſire to have ſuch priſoner detained, each creditor ſhall only pay ſuch weekly ſum not exceeding 1 *s.* 6 *d.* a week, on every *Monday*, as the court at the time of his being remanded ſhall direct. *ſ.* 14.

Where any priſoner is charged in execution in any county-gaol, or in any other priſon above 20 miles from *Weſtminſter Hall*, or the court out of which the execution iſſued; then, upon petition to the court from whence ſuch execution iſſued, or in the priſon of which ſuch priſoner ſtands charged in execution, in like form as the petitions before-mentioned, and on affidavit, to the purport before directed, made and left with ſuch petition, ſuch court (being ſatisfied with the truth of ſuch affidavit) is to make a rule, to cauſe the priſoner ſo petitioning to be brought to the next aſſizes for the county or place where he is impriſoned, if the ſame be within *England*; and if within the principality of *Wales*, or county palatine of *Cheſter*, then to the next great ſeſſions for the county in which ſuch priſoner is impriſoned. And the expence of bringing ſuch priſoner to ſuch aſſizes, not exceeding 1 *s.* a mile, ſhall be paid to the gaoler who brings ſuch priſoner, out of ſuch priſoner's effects, if ſufficient to pay ſuch expence; and if not, then ſuch expence ſhall be paid by the treaſurer of the county, *&c.* in which ſuch priſoner is impriſoned, out of the ſtock of the county, *&c.* as the ſame is allowed by ſuch court from which ſuch execution iſſued, or in the priſon of which ſuch priſoner is, by one of the judges of aſſize or juſtices of great ſeſſions. And the creditors, their executors or adminiſtrators, at whoſe ſuit ſuch priſoner ſtands charged in execution, ſhall, by rule of court from whence the proceſs iſſued, be ſummoned to appear at the ſaid next aſſizes or great ſeſſions, if ſuch creditors, *&c.* can be met with; and if not, then the attorney laſt employed for ſuch creditors ſhall be ſummoned; and a copy of ſuch rule ſhall be ſerved on ſuch creditors, *&c.* or left at their uſual place of abode, or with their attorney laſt employed, 14 days at leaſt before ſuch aſſizes or great ſeſſions. And on an affidavit of ſuch ſervice being laid before the judge of aſſize, or of great ſeſſions, ſuch judge being ſatisfied with the truth of ſuch affidavit, is to appoint a time for hearing ſuch petition, on ſome day on the crown ſide of ſuch court during ſuch aſſizes or great ſeſſions. And upon the appearance of the creditors, *&c.* ſummoned in purſuance of this act; or in default of their appearance in perſon, or by attorney, on proof of their being ſerved with the notice required, and a copy of the account of the eſtate of the priſoner being compriſed in ſuch notice, and of the rule of court for his appearance at ſuch aſſizes or great ſeſſions having been ſerved; the judge ſhall, in a ſummary way, examine into ſuch petition, and hear what ſhall be alleged for or againſt the diſcharge of the priſoner; and upon ſuch examination, ſuch judge is to adminiſter to ſuch priſoner the oath before appointed: and ſuch judge is to make ſuch order in the premiſes as ſeems meet, and proceed in the ſame manner concerning the diſcharge of any priſoner in any priſon within their reſpective juriſdictions, and give the ſame relief and directions, as any court out of which any proceſs iſſued againſt any priſoner as aforeſaid: and every order made in the premiſes by ſuch judge of aſſize or great ſeſſions ſhall be as effectual as if made in the court out of which the proceſs iſſued on which ſuch priſoner was charged in execution; and the ſame ſhall be made a record of the proceedings at ſuch aſſizes or great ſeſſions, and a copy thereof ſhall be tranſmitted to the court from whence the execution againſt the priſoner diſcharged iſſued, ſigned by the judge of aſſize or great ſeſſions, to be a record of the ſaid court. *ſ.* 15.

If any priſoner now charged in execution for any debt or damages not exceeding 100 *l.* beſides coſts, ſhall not before the 29th of *September* 1759, make ſatisfaction to the creditors at whoſe ſuit he is charged in execution; or if any priſoner after the 15th of *June* 1759, charged in execution for any debt or damages not exceeding 100 *l.* beſides coſts, ſhall not within three months after he is charged in execution make ſatisfaction to his creditors who charge him in execution, then ſuch creditors, their executors or adminiſtrators, are empowered to require ſuch priſoner, on giving 20 days notice in writing to him, that they deſign to compel him to give in to the court from which the proceſs iſſued, on which he is charged in execution, or into the court in the priſon of which he hath been removed by *habeas corpus*, or remains charged in execution, within the firſt ſeven days of the term next enſuing the expiration of the ſaid 20 days, in reſpect to any priſoner charged in any priſon belonging to the courts in *Weſtminſter Hall*; and at the ſecond court held by any other court of record after the expiration of the ſaid 20 days, in reſpect to any priſoner charged in any priſon belonging to ſuch other court; and where any ſuch priſoner is charged in execution in any priſon above 20 miles from *Weſtminſter Hall*, or the court

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out of which the proceſs, on which he is charged in execution, iſſued, then to give in upon oath, at the aſſizes or great ſeſſions as aforeſaid, and on the crown ſide thereof, for the county or place in the priſon of which ſuch priſoner is, next after the expiration of ſuch 20 days, an account in writing, ſigned with his name or mark, of his real and perſonal eſtate, and of all incumbrances affecting the ſame, to the beſt of his knowledge and belief, in order that his effects may be diveſted out of him, and may by the court or judge as aforeſaid, be ordered to be aſſigned in manner and for the purpoſes herein after declared: and every creditor requiring any priſoner to be brought up as aforeſaid, ſhall alſo give 20 days notice in writing of his intention to all other creditors of ſuch priſoner, at whoſe ſuit he is detained, if he be detained or charged in execution at the ſuit of any other creditors beſides thoſe giving ſuch notice, if ſuch other creditors can be found, and if not, then to the ſeveral attornies laſt employed in the reſpective actions in which ſuch priſoner is ſo detained; and ſhall give a like notice in writing to the ſheriff or keeper of the priſon in which ſuch priſoner is detained, of his intention to have ſuch priſoner brought up, and to require ſuch ſheriff or gaoler to bring up ſuch priſoner. And ſuch notice to any ſheriff or gaoler ſhall be ſo given 20 days at leaſt before the time appointed for ſuch priſoner to be brought up: and thereupon every ſuch ſheriff or gaoler to whom ſuch notice is ſo given, ſhall, at the coſts of ſuch creditor, cauſe ſuch priſoner to be brought, as by ſuch notice is required, to ſuch court, aſſizes, or great ſeſſions, as aforeſaid, together with a copy of the cauſes of his detainer: and if ſuch ſheriff or gaoler, on ſuch notice in writing being given him, and tender, on behalf of ſuch creditor, of reaſonable charges, not exceeding 1 *s.* a mile, to bring up the priſoner required, neglect to bring him there at the time required, with a copy of his detainer, ſuch ſheriff or keeper ſhall, for every ſuch offence, forfeit 20 *l.* to be recovered by the party aggrieved by action of debt, *&c.* in any court of record at *Weſtminſter*, if ſuch offence be committed out of *Wales*, or the county palatine of *Cheſter*; and if in the principality of *Wales*, or county palatine of *Cheſter*, then in ſome court of record in the ſaid principality or county palatine within the juriſdiction of which ſuch offence is committed, with treble coſts. *ſ.* 16.

Every priſoner charged in execution, who in the purſuance of this act ſhall, at the deſire of any creditor, be brought up to any ſuch court, ſhall, on proof there firſt made of ſuch notices as before directed having been given, deliver in court upon oath, within the time before preſcribed, an account in writing of his real and perſonal eſtate, and of all writings and ſecurities relating thereto, and of all incumbrances then affecting the ſame, and the reſpective times when made, to the beſt of his knowledge and belief, except neceſſary wearing apparel and bedding of ſuch priſoner and his family, and the neceſſary tools of his trade, not exceeding the value of 10 *l.* which account ſhall be ſubſcribed with the name or mark of the priſoner: and on the delivering in of ſuch account, the effects of ſuch priſoner ſhall be aſſigned by ſuch priſoner, by a ſhort indorſement on ſuch account, to ſuch perſons as the court or judge, in which, or to whom ſuch account ſhall be ſo given in, ſhall order, in truſt for the creditor who required ſuch priſoner to be brought up, and of ſuch other creditors (if any) at whoſe ſuit ſuch priſoner is charged in cuſtody or in execution, and who by writing, ſigned by them reſpectively, before ſuch aſſignment, conſent to ſuch priſoner's being diſcharged at their ſuits, and agree to take a proportionable dividend of his effects, with the creditors who required him to be brought up; and if there be no other creditors, or there being ſuch they do not agree in writing to diſcharge ſuch priſoner, and accept ſuch proportionable dividend, then in truſt for the creditors only who ſhall require ſuch priſoner to be brought up; and by ſuch aſſignment all the priſoner's effects ſhall be veſted in the creditors to whom the ſame are aſſigned, in truſt as aforeſaid; and if any overplus remain after payment of the debt, or damages, and coſts, due to any creditors, at whoſe ſuit ſuch priſoner is diſcharged, and all charges of getting in ſuch effects, the ſame ſhall be paid to ſuch priſoner, his executors, adminiſtrators, or aſſigns. And upon every ſuch aſſignment by ſuch priſoner, to the ſatisfaction of the court, judge of aſſize, or juſtice of great ſeſſions, before whom the ſame is made, ſuch priſoner ſhall by ſuch court or judge be diſcharged in the actions of the creditors who require ſuch priſoner to be brought up, and in the actions of every other creditor ſigning ſuch conſent as aforeſaid, with the ſame benefit of making uſe of ſuch diſcharge, as is before provided for priſoners ſeeking and obtaining their diſcharge under the proviſions in the former part of this act; and no greater fee than 2 *s.* 6 *d.* ſhall be taken for ſuch diſcharge by all or any officers of any ſuch courts, aſſizes, or great ſeſſions; and no ſtamp ſhall be neceſſary on ſuch aſſignment, or any rule made for ſuch diſcharge. But all the future effects of ſuch priſoner (except the neceſſary wearing apparel and bedding of ſuch priſoner and his family, and the tools of his trade) ſhall be liable to his debts, if not fully paid from his eſtate aſſigned as aforeſaid. And no advantage ſhall be taken in any action hereafter commenced againſt ſuch priſoner, his heirs, executors, or adminiſtrators, for that the cauſe of action did not accrue within ſix years next before the commencing of ſuch action, unleſs ſuch priſoner was entitled to ſuch advantage before he ſtood charged by the original action; and in ſuch caſe the ſame may be pleaded by ſuch priſoner, his heirs, *&c.* And if any priſoner charged in execution, and required to be brought up as aforeſaid, neglect to deliver in and ſubſcribe ſuch account of his effects in ſuch court, *&c.* within the time before appointed, or within 60 days then next following, without making appear ſome juſt excuſe to be allowed of by the court, *&c.* or refuſe to aſſign his effects, he ſo offending and convicted upon indictment, ſhall be tranſported to ſome of the plantations in *America*, for ſeven years. And if ſuch priſoner deliver in a falſe account of his effects, or deſignedly conceal, and not inſert in the account, any ſecurities or writings relating to his effects, with intent to defraud his creditors, and be convicted on indictment, he ſhall ſuffer the pains and penalties by law inflicted on perſons convicted of wilful perjury. *ſ.* 17.

If any perſon taking any oath by this act required, upon any indictment for perjury, be convicted by confeſſion or verdict, he ſhall ſuffer the pains and forfeitures by law inflicted on perſons convicted of wilful perjury, and ſhall be liable to be taken on any proceſs *de novo*, and charged in execution for the ſaid debt, as if he had not been diſcharged, or not charged in execution before, and ſhall never after have the benefit of this act. *ſ.* 18.

If the effects of any priſoner aſſigned in purſuance of this act, extend not to ſatisfy the whole debt, and the fees to the gaoler, ſuch gaoler ſhall only receive a proportionable dividend in reſpect of ſuch fees *pro rata* with the other creditors. *ſ.* 19.

The priſoner ſo diſcharged ſhall never after be arreſted for the ſame debts; nor ſhall any action of debt be brought againſt him on any ſuch judgment, unleſs he be under this act convicted of wilful perjury. But notwithſtanding any

diſcharge by this act for the perſon of ſuch priſoner, the judgment againſt him ſhall continue in force, and execution may at any time be taken out thereon againſt the lands or goods of ſuch priſoner, except the neceſſary wearing apparel and bedding for himſelf and family, and the tools for his trade, not exceeding 10 *l.* in value. *ſ.* 20.

Any aſſignee to whom by virtue of this act the effects of any priſoner diſcharged by this act ſhall be aſſigned, is empowered to make compoſition with any debtors or accountants to ſuch priſoner, where the ſame appears reaſonable, and to take ſuch part of any debt as can be gotten in full diſcharge of ſuch debt or account; and alſo to ſubmit any difference concerning ſuch priſoner's effects, or in reſpect of any debt to ſuch priſoner, to the determination of arbitrators choſen by the aſſignees, and the parties with whom ſuch difference is; and if ſuch arbitrators cannot agree, then to the determination of any umpire choſen by them, or otherwiſe to ſettle the matter in difference between them, as ſuch aſſignees think fit; and the ſame ſhall be binding, as well to all other of the priſoner's creditors who have charged him in cuſtody or execution, as to ſuch priſoner: and every ſuch aſſignee is indemnified for what he fairly does in the premiſes according to this act. *ſ.* 21.

It ſhall be lawful for the reſpective courts at *Weſtminſter*, from whence any proceſs iſſued, upon which ſuch priſoner was charged in execution, whoſe effects are aſſigned; or where ſuch priſoner is charged in execution by proceſs iſſued out of any other court, it ſhall be lawful for the judges of the king's bench, common pleas, and exchequer, or any one of them, on the petition of any creditor having charged ſuch priſoner in execution, or of ſuch priſoner, complaining of any fraud or miſbehaviour of any ſuch aſſignee, to order the parties concerned to attend ſuch court or judge at ſome certain time in ſuch order mentioned; and every ſuch court at *Weſtminſter*, and every judge thereof, is hereby authoriſed to make ſuch order in the premiſes, either for diſplacing ſuch aſſignee, and appointing a new aſſignee, or for the prudent management of the ſaid effects, for the benefit of the creditors, as any of the ſaid courts or judges think fit; and in caſe of the diſplacing of an aſſignee, and the appointing of a new aſſignee, the effects of ſuch priſoner ſhall from thenceforth be diveſted out of the aſſignee ſo removed, and be veſted in, and delivered over to the new aſſignee, in the ſame manner, and for the like purpoſes, as the ſame were before veſted in the former aſſignee. *ſ.* 22.

Where mutual credit ſhall have been given between any priſoner diſcharged under this act, and any other perſon before the delivery of any ſchedule of the effects of ſuch priſoner upon oath; the aſſignees of ſuch priſoner ſhall ſtate an account between them; and nothing more ſhall be veſted by any aſſignment made in purſuance of this act, as effects of ſuch priſoner, than what appears due to him for the balance of ſuch account. *ſ.* 23.

No perſon who hath taken or ſhall take the benefit of any act for the relief of inſolvent debtors, ſhall have any benefit under this act, or be deemed within the meaning hereof, ſo as to gain any diſcharge, unleſs compelled by any creditor to deliver up his effects. *ſ.* 24.

This ſhall not extend to *Scotland*. *ſ.* 25. *See* "ARRESTS, DEBT."

By 13 *Geo.* 3. *c.* 58. It ſhall be lawful for the juſtices at quarter ſeſſions within *England* and *Wales*, to aſcertain how many clergymen ſhall by them be deemed neceſſary to be employed in performing religious duties, according to the rights of the church of *England*, in the ſeveral gaols within their juriſdictions, and to aſcertain what duty ſhall be performed, and what ſalary ſhall be paid to every clergyman, not exceeding 50 *l.* yearly. *ſ.* 1.

The treaſurers of ſuch counties, *&c.* receiving a certificate, ſigned by the chairman of ſuch quarter ſeſſions, of the number of clergymen, and the ſalary to be reſpectively paid to them, ſhall pay out of the rates of ſuch county, *&c.* the ſums in the certificate mentioned; and the ſaid ſums ſo paid ſhall be allowed to the treaſurers by the juſtices before whom their accounts ſhall be paſſed. *ſ.* 2.

When the number of ſuch clergymen, and the ſalary to be reſpectively paid to them, ſhall have been ſettled by ſuch juſtices, it ſhall be lawful for juſtices, at the quarter ſeſſions, to nominate, in every county, *&c.* where the juſtices ſhall have aſcertained the number of the clergymen and the ſalary to be paid to them, ſo many clergymen to perform divine ſervice, according to the rites of the church of *England*, in the ſeveral gaols within ſuch county, *&c.* as ſhall have been ſo aſcertained by ſuch juſtices; and in caſe ſuch clergymen ſhall die, or be thought unworthy, at the quarter ſeſſions, to be continued in office, then it ſhall be lawful for ſuch quarter ſeſſions to nominate, from time to time, any other clergyman to officiate in the room of ſuch clergyman dying, or deemed unworthy to continue in office. *ſ.* 3.

By 14 *Geo.* 3. *c.* 20. Every priſoner charged with felony, or other crime, or as an acceſſary thereto, before any court holding criminal juriſdiction, within *England* and *Wales*, againſt whom no bill of indictment ſhall be found by the grand jury, or who, on his trial, ſhall be acquitted, or who ſhall be diſcharged by proclamation, for want of proſecution, ſhall be immediately ſet at large in open court, without payment of any fee to the ſheriff, gaoler, or keeper of the gaol, from whence he ſhall be diſcharged. *ſ.* 1.

All fees uſually paid to the ſheriff, gaolers, and keepers of priſons, in *England* and *Wales*, in any of the caſes aforeſaid, ſhall ceaſe; and no gaoler ſhall demand or receive any money from any of the ſaid priſoners, as fees for his diſcharge. *ſ.* 2.

In lieu of ſuch fees aboliſhed, the treaſurers, or other officers of the counties, *&c.* not uſually aſſeſſed to the county at large, and of ſuch cities, *&c.* as do not pay to the rates of the ſeveral counties in which they are ſituated, ſhall, on receiving a certificate, ſigned by one judge or juſtice, before whom ſuch priſoner ſhall have been diſcharged (which certificate the judge is to give), pay out of the rates of ſuch county, or of ſuch diſtrict, *&c.* or out of the public ſtock of ſuch city, *&c.* ſuch ſum as has been uſually paid upon that occaſion, not exceeding 13 *s.* 4 *d.* for every priſoner diſcharged, to the ſheriff, gaoler, or keeper of the priſon, which ſums ſo paid ſhall be allowed to the ſaid treaſurers and officers by the juſtices before whom their accounts ſhall be paſſed. *ſ.* 3.

By 14 *Geo.* 3. 59. The juſtices in *England* and *Wales*, in their quarter ſeſſions aſſembled, are to order the walls and cielings of the cells and wards, both of the debtors and the felons, and alſo of any other rooms uſed by the priſoners in their gaols and priſons, where felons are uſually confined, to be ſcraped and white-waſhed, once in the year at leaſt; to be regularly waſhed and kept clean, and conſtantly ſupplied with freſh air, by hand ventilators, or otherwiſe; to order two rooms in each gaol or priſon, one for the men, and the other for the women, to be ſet apart for the ſick priſoners, directing them to be removed into ſuch rooms as ſoon as they ſhall be ſeized with any diſorder, and kept ſeparate from thoſe who ſhall be in health; to order a warm and cold bath, or bathing tubs, to be provided in each gaol or priſon, and direct the priſoners to be

waſhed in ſuch baths or tubs, according to the condition in which they ſhall be at the time, before they are ſuffered to go out of ſuch priſons upon any occaſion whatever; to order this act to be painted in large and legible characters, upon a board, and hung up in ſome conſpicuous part of each priſon; and to appoint an experienced ſurgeon or apothecary, at a ſtated ſalary, to attend each priſon, who ſhall report to the juſtices by whom he is appointed, at each quarter ſeſſions, a ſtate of the health of the priſoners under his care. *ſ.* 1.

The juſtices in quarter ſeſſions, are to direct the courts of juſtice within their juriſdiction to be ventilated; to order cloaths for the priſoners when they ſee occaſion; to prevent the priſoners from being kept under ground, whenever they can do it conveniently; and to make ſuch other orders for reſtoring or preſerving health as they ſhall think neceſſary. *ſ.* 2.

The expences attending the execution of the orders of the juſtices, ſo far as the ſame ſhall reſpect county gaols, *&c.* and courts of juſtice belonging to counties, ſhall be defrayed out of the county rates; and ſo far as the ſame ſhall reſpect the gaols, and courts of juſtice, of particular cities, *&c.* that do not contribute to the rates of the counties, *&c.* ſuch expences ſhall be defrayed out of the public ſtock or rates of ſuch cities, *&c.*: and if any gaoler ſhall neglect or diſobey the orders of ſuch juſtices, he may be proceeded againſt in a ſummary way, by complaint made to the judges of aſſize, or to the juſtices in quarter ſeſſions; and if found guilty, he ſhall pay ſuch fine as the judges or juſtices ſhall impoſe, and ſhall be committed in caſe of non-payment. *ſ.* 3.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 54. It ſhall be lawful for the juſtices for every county, *&c.* within *England* and *Wales*, at their general quarter ſeſſions, the ſaid juſtices there aſſembled, not being leſs than ſeven, upon preſentment made by the grand jury, at the aſſizes, great ſeſſions, or general gaol delivery, held for every ſuch county, *&c.* of the inſufficiency, inconveniency, or want of repair, of any gaol belonging to ſuch county, *&c.* to contract with any perſon, for the building, rebuilding, finiſhing, repairing, or enlarging ſuch gaol, and the yards, courts, and outlets thereof, and adding ſuch other buildings, and making ſuch conveniencies as ſhall be adjudged requiſite, by the juſtices, at a certain ſum; or for erecting any new gaol, upon any ſcite, or ground within any diſtance not exceeding two miles from the ſcite of the old gaol, and in that caſe for ſelling the old gaol and the ſcite thereof, and land thereto belonging, or any part thereof, and alſo the materials of the old gaol, for the beſt price; ſuch contractors giving ſecurity for the performance of their contracts, to the clerks of the peace for ſuch county, *&c.* *ſ.* 1.

The ſaid juſtices, after ſuch preſentment made ſhall, at the next general quarter ſeſſions, give notice, three times at leaſt, in ſome public paper, circulating in ſuch county, *&c.* of ſuch preſentment having been made, and of their intention to take the ſame into conſideration at the next, or ſome following general quarter ſeſſions; and after ſuch conſideration ſhall have been had, the juſtices ſhall give notice in ſuch public paper, of their intention of contracting with any perſon for building, rebuilding, finiſhing, repairing, or enlarging ſuch gaol, and of every other matter intended to be done in conſequence of ſuch preſentment; and ſuch contract ſhall be made at the moſt reaſonable rates, and with the moſt reſponſible perſons; and every contractor ſhall give ſecurity for the performance of his contract to the clerk of the peace; and all contracts when made, and all orders relating thereto, ſhall be entered in a book to be kept by the clerk of the peace, who is to keep the ſame, among the records of ſuch county, *&c.* to be inſpected at all ſeaſonable times, by any of the juſtices or other perſons contributing to the rates of ſuch county, *&c.* without fee. *ſ.* 2.

It ſhall be lawful for the juſtices to build any new gaol, in any part of the county, *&c.* in caſe, (in the preſentment made of the inconvenience of ſuch old gaol) it be expreſsly preſented, that the place wherein the old gaol is ſituate is improper, and that the ſaid gaol ought to be removed to ſome other part of the county, *&c.*; and in caſe three-fourths in number of the juſtices, at two ſucceſſive quarter ſeſſions (notice having been given three times in ſome public newſpaper, of the time of the holding, and of the place to which ſuch gaol is to be removed), ſhall approve of ſuch removal, but not otherwiſe. *ſ.* 3.

The juſtices, as well in the choice of the ground, as in determining upon the plans for building, rebuilding, enlarging, or altering ſuch gaols, and the yards thereof, ſhall, as far as may be, purſue ſuch meaſures, and adopt ſuch plans, as ſhall provide ſeparate places of confinement, and dry and airy cells, in which the priſoners may be confined, as well by day as by night: priſoners convicted of felony; priſoners committed on charge or ſuſpicion of felony; priſoners committed for, or adjudged guilty of, miſdemeanors only; and debtors, the males of each claſs to be ſeparated from the females; and a ſeparate place of confinement to be provided for ſuch priſoners as are intended to be examined as witneſſes on behalf of any proſecution of any indictment for felony; and alſo ſeparate infirmaries or ſick wards, for the men and the women; and alſo a chapel, and convenient warm and cold baths, or bathing tubs, for the uſe of the priſoners, in ſuch manner as is directed by 14 *Geo.* 3. *c.* 59. and care to be taken that the priſoners ſhall not be kept in any apartments under ground. *ſ.* 4.

The ſaid juſtices (after preſentment made) ſhall have full power to purchaſe any houſes, buildings, lands, tenements, hereditaments, ways, waters, and watercourſes, for building, enlarging, and accommodating ſuch gaols; and to direct the houſes, *&c.* ſo purchaſed, to be conveyed to ſuch perſon the juſtices think fit, in truſt for the purpoſes aforeſaid; and ſuch houſes, *&c.* when incloſed and added thereto, ſhall be deemed to be a part of ſuch gaols, and to be part of ſuch county, *&c.* where ſuch gaol is ſituated. *ſ.* 5.

Whenever the juſtices, in their ſaid general quarter ſeſſions, ſhall deem it neceſſary, that the felons, debtors, and other priſoners, ſhall be removed, either for repairing their old gaol, or uſing the materials thereof in building a new gaol, on giving notice to the ſheriff of ſuch county, *&c.* it ſhall be lawful for the ſaid ſheriff to remove ſuch felons, debtors, and other priſoners, to the houſe of correction belonging to ſuch county, *&c.* or ſuch other places of confinement as the ſaid juſtices, with the conſent of the ſheriff, ſhall approve of, and to confine them there during the time ſuch new gaol ſhall be building, or old gaol repairing or enlarging; and when ſuch gaol ſhall be made fit for the reception of ſuch priſoners, then it ſhall be lawful for the ſaid ſheriff to remove thither all ſuch priſoners then in his cuſtody; and the expence of ſuch removal, and on account of the ſafe cuſtody of ſuch priſoners, ſhall be paid by ſuch county, *&c.*; and ſuch removal ſhall not be deemed an eſcape: provided nothing herein ſhall diſcharge the ſheriff or gaoler from being anſwerable for the actual eſcape of any priſoner. *ſ.* 6.

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The juſtices in their general quarter ſeſſions, are to nominate one or more juſtices, to viſit and ſuperintend the gaols, and from time to time to make a report of the ſtate thereof to the general quarter ſeſſions, which is authoriſed, upon ſuch report, to order any money, not exceeding 200*l.* in one year, to be laid out upon the repair of ſuch gaols, as they ſhall deem requiſite (notwithſtanding ſuch want of repair ſhall not have been preſented by the grand jury as aforeſaid); and if it ſhall happen that the ſaid gaols, by any breach made in the ſame, from attempts of priſoners to eſcape, or other caſualties, ſhall be rendered unſafe for the cuſtody of priſoners, between the holding the general quarter ſeſſions, it ſhall be lawful for one juſtice to order the damages occaſioned thereby to be immediately ſo far repaired as may be neceſſary for the ſafe cuſtody of ſuch priſoners; and ſuch juſtice ſhall report the ſame to the next general quarter ſeſſions, which is to order the payment of ſuch money as ſhall have been expended in ſuch reparation. *ſ.* 7.

Where ſuch gaols are repaired at the expence of the county, *&c.* to which the ſame belong, the juſtices, at their general quarter ſeſſions, may cauſe ſuch money to be raiſed as directed by 12 *Geo.* 2. *c.* 29. & 13 *Geo.* 2. *c.* 18. (*See* COUNTY RATES, *in* PART I.) *ſ.* 8.

When it ſhall appear, that the amount of any eſtimate, approved by the juſtices, for building, rebuilding, enlarging, or removing and fitting up any gaol, under this act, ſhall exceed one half of the amount of the ordinary annual aſſeſſment for the county rate, to be taken in a proportion of the rate for the laſt five years, then it ſhall be lawful for the juſtices, within the limits of their commiſſions, ſo aſſembled in quarter ſeſſions, to borrow on mortgage of the rates, by inſtruments in the form contained in the ſchedule, or to that effect, any ſums not leſs than 50*l.* nor exceeding 100*l.* each, at legal or lower intereſt, as to the major part (not leſs than five) ſhall appear neceſſary; and to ſecure ſuch money borrowed upon the credit of the rates to be raiſed upon ſuch county; and the ſaid juſtices, ſo aſſembled, are to treat with any perſon for the loan of any money, and by their order to confirm ſuch agreement; and ſuch agreement eſtabliſhed by ſuch order, and ſigned by the chairman, and two juſtices preſent at the making ſuch order, ſhall be effectual for ſecuring to the perſon advancing any money, all ſuch money, with intereſt for the ſame, on ſuch terms as in ſuch agreement ſhall be ſtipulated; and copies of all ſuch agreements or ſecurities ſhall be kept with the clerk of the peace, or other officer having the cuſtody of the records of the quarter ſeſſions; and every perſon to whom ſuch ſecurity ſhall be made, or who ſhall be entitled to the money thereby ſecured, is empowered (by indorſing his name on the back of ſuch ſecurity) to transfer the ſame unto any perſon, and ſuch aſſignee may in like manner transfer the ſame again, and ſo *toties quoties*; and the perſons to whom ſuch ſecurities or ſuch aſſignment thereof ſhall be made, ſhall be creditors upon the rates in an equal degree, and ſhall not have any priority. *ſ.* 9.

The ſaid juſtices are not only to charge the rates to be raiſed upon ſuch county, with the intereſt of the money borrowed, but alſo with the payment of a farther ſum, equal at leaſt to the intereſt of ſuch ſecurities; which ſums ſhall be aſſeſſed on ſuch county, *&c.* in ſuch manner as county rates are aſſeſſed and paid, under the direction of the ſaid juſtices, in diſcharge of the intereſt, and of ſo many of the principal ſums on the ſaid ſecurities as ſuch money will extend to diſcharge in each year, until the whole, and the intereſt thereof, ſhall be fully paid; and the ſaid juſtices are to fix one or more days in each year, on which ſuch payment ſhall be made, and ſhall make orders for aſſeſſments in due time, ſo as to provide for the regular payment thereof; and they are to appoint a proper perſon to keep an account of all the receipts and payments under this act, in a book ſeparate from all other accounts, and the ſame to adjuſt in ſuch manner that it may eaſily be ſeen what intereſt is growing due, and what principal money has been diſcharged, and what remains due; and the ſaid books, ſo ſettled, to deliver into court at every general or quarter ſeſſions; and the ſaid juſtices are, at ſuch ſeſſions, carefully to inſpect all ſuch accounts, and make orders for carrying this act into execution; and if it ſhall appear to the juſtices, that the perſon appointed has neglected the order, and has not duly applied the money in his hands to the purpoſes hereby directed, ſuch perſon ſhall forfeit double the amount of the money not applied; and the ſaid juſtices, aſſembled in ſeſſion, ſhall direct in what order ſuch ſecurities ſhall be diſcharged, by drawing lots, or otherwiſe, as they think fit, firſt diſcharging all ſecurities which bear the higheſt intereſt. *ſ.* 10.

The juſtices in their quarter ſeſſions ſhall make proviſion, by means of the rates and by their orders, in ſuch manner, that the whole money borrowed under this act ſhall be fully paid within a time to be limited, not exceeding 14 years from the time of borrowing the ſame. *ſ.* 11.

It ſhall be lawful for the king, for all bodies politic and corporate, and alſo for all guardians, committees, huſbands, truſtees, and attornies, of any perſon being infants, lunatics, idiots, under coverture, or any other diſability, and alſo for all other perſons, to contract for, and to ſell, convey, and aſſure houſes, buildings, lands, tenements, hereditaments, eaſements, and privileges, unto ſuch perſons as ſhall be named by the juſtices, in truſt, and for the purpoſe of erecting new gaols, *&c.*; and all ſuch contracts, *&c.* ſhall be valid. *ſ.* 12.

All money agreed to be paid to any corporation, *&c.* whoſe houſes, *&c.* ſhall be limited in ſtrict ſettlement, for the purchaſe of ſuch lands, *&c.* ſhall, in caſe ſuch money ſhall exceed 100*l.* be laid out by ſuch corporations, *&c.* as ſoon as may be, in the purchaſe of lands, *&c.* in fee ſimple, to be conveyed to or to the uſe of ſuch corporations, *&c.* for ſuch eſtate, and upon ſuch uſes, *&c.* as the houſes, *&c.* in reſpect whereof ſuch purchaſe money ſhall be paid as aforeſaid, ſhall be limited, *&c.*; the charges of ſuch conveyances and ſettlements to be paid in the ſame manner as other expences relating to the gaol; and till ſuch purchaſe ſhall be made, ſuch money, whether the ſame ſhall or ſhall not exceed 100*l.* ſhall be laid out by ſuch corporations, *&c.* in ſome government ſecurities, in the names of two perſons, one to be nominated by the party intereſted therein, and the other by the juſtices; and the intereſt ariſing from ſuch ſecurities ſhall be paid to ſuch perſon as would have been entitled to the rents and profits of ſuch lands, *&c.* in caſe the ſame had not been ſold. *ſ.* 13.

If ſuch corporations, guardians, committees, huſbands, truſtees, and attornies, or any perſons intereſted in ſuch houſes, *&c.* deemed neceſſary for the purpoſes of this act, upon notice in writing to them given, or left at the houſes of abode of ſuch perſons, or of the principal officer of ſuch corporation, ſhall, for 21 days after ſuch notice, neglect, or refuſe to treat, or ſhall refuſe to accept ſuch price as ſhall be offered by the juſtices or their agent, or ſhall otherwiſe not agree for the ſale of ſuch houſes, *&c.* or if by abſence or incapacity, they ſhall be prevented from treating for ſuch ſale, then the juſtices, at their general or quarter ſeſſions, or two of them appointed for that purpoſe, ſhall cauſe

cause the value of such houses, &c. to be ascertained by a jury of indifferent men of the county, &c. and to that end shall summon before such jury, and examine upon oath (which one of such justices is to administer) any persons whomsoever; and such justices, or two of them, shall, by ordering a view or otherwise, use all ways for the information of themselves and of such jury in the premises; and when such jury shall have ascertained the value of such houses, &c. the said justices shall thereupon order that the sums which shall appear to be the value of such houses, &c. shall be paid in such manner as is before directed, touching the money to be paid for such houses, &c. whereof the person interested shall contract in manner aforesaid; which verdict and order shall be filed of record by the clerk of the peace or officer having the custody of the records, and shall be final and conclusive against all parties whomsoever. *s.* 14.

Such justices, or two of them, may issue their warrants to the sheriff or bailiff of any particular county, or precinct, within the limits of which the houses, &c. shall be situated, requiring him to return a jury of 24 persons, qualified to serve on juries, to appear before the justices, or two of them, at such time as in such warrants shall be appointed; and such sheriff or bailiff is to impannel, summon, and return such persons, and out of the persons returned, or out of such as shall appear upon such summons, the justices, or two of them, shall draw by ballot, and swear, or cause to be sworn, 12 men, who shall be the jury for the purposes aforesaid, and in default of a sufficient number returned, the sheriff or bailiff shall take such other men of the by-standers, or that can speedily be procured to attend that service, to make up 12; and all persons concerned shall have their lawful challenges against any of the jurymen when they come to be sworn: and the justices, or two of them, shall have power to impose a fine on such sheriff or bailiff, or his deputy, making default in the premises, and on any of the persons summoned and returned on such jury, and who shall not appear, or appearing, shall refuse to be sworn on the jury, or being sworn, shall refuse to give, or shall not give a verdict, or shall in any other manner wilfully neglect his duty, and also on any person who, being summoned and required to give evidence before the jury, shall refuse or neglect to appear, or appearing, shall refuse to be sworn or to give evidence, so that no such fine be more than 10 *l.* nor less than 20 *s.* on one person. *s.* 15.

In case any jury shall give in a verdict for more money, as the value of such houses, &c. than what shall have been offered for the purchase thereof by the justices, or their agent, the costs of summoning and maintaining the jury and witnesses shall be paid out of the same fund as the expences of the buildings; but if such jury shall give in a verdict for no more, or for less money, than the money which shall have been offered by such justices, then the costs of summoning and maintaining the said jury, shall be paid by the person with whom such controversy shall arise. *s.* 16.

Upon payment of the money ordered to be paid for the purchase of such houses, &c. or (upon refusal or inability to receive the same) leaving the same in the hands of such person as the justices in quarter sessions shall appoint, for the use of the party entitled thereto; or in case of the said party not being to be found, then, upon notice to be published in some paper circulating in the said county, &c. where such gaol is to be built or enlarged, of the payment of such purchase-money, the said lands, &c. so purchased, shall vest in the person authorised to take the same by this act; and it shall be lawful for the justices, or two of them, their workmen, or agents, to take possession of such houses, &c.; and thereupon all such persons who were the owners or occupiers thereof, shall be divested of all right to the same. *s.* 17.

'As in several counties in *England*, there are several 'commissions of justices for the several ridings into which 'such counties are divided, and several courts of sessions are 'holden for each of such ridings, and in such counties there 'are not any courts of general or quarter sessions;' therefore in all such counties it shall be lawful for the justices for such ridings, at the general quarter sessions, holden next after such presentment of the gaol, to appoint three justices for such riding for which such general quarter sessions shall be holden, which said justices so appointed by each of such ridings, are, within one month after such appointment (due notice thereof having been previously given to such justices by the clerk of the peace), to meet at such gaol which shall have been presented; and the said justices, or the major part of them there assembled (not being less than five), shall hold a special sessions at the gaol, for receiving plans, and contracting for the building, rebuilding, repairing, enlarging, or altering such gaol, and the yards thereto belonging, subject to the like regulations as are before provided for counties not divided into such ridings as aforesaid; and the last-mentioned justices shall make their report to the general quarter sessions of such ridings, of the several plans, estimates, and contracts, made and entered into as aforesaid, and also a report of the money necessary to be raised on each riding, as their quota of the expence to be incurred on the accounts aforesaid; which money shall be raised on each riding as county rates are now raised. *s.* 18.

No justice who shall, under this act, do any matter in the execution thereof, shall be capable of having any beneficial interest or concern whatsoever, either in his own name, or in the name of any other in trust for him, in any contract made under this act, or shall, for any design or plan he may deliver or produce, receive any benefit whatsoever. *s.* 19.

'As preventing gaolers from selling liquors or deriving 'any profit from the sale of liquors, may prevent drunken-'ness in gaols, &c., and it may be proper to give autho-'rity to the justices in sessions, to allow salaries to gaolers in 'lieu of the profits now derived from the sale of liquors;' therefore it shall be lawful for the justices, within *England* or *Wales*, at the general quarter sessions, to appoint such salaries or allowances, to such gaolers and their assistants, in the several gaols within their jurisdictions, and to vary the same as to them shall seem meet; and to order the said salaries to be paid out of the county rate, by the treasurer of such county, on a certificate, signed by the chairman of such quarter sessions, specifying the salaries directed to be made. *s.* 20.

It shall not be lawful for any chairman of any quarter sessions, to sign such certificate, unless such salaries shall have been settled at some general quarter sessions, or adjournment thereof, and notice shall have been given 14 days at least before such general quarter sessions, or adjournment, by two advertisements inserted in some newspaper printed and circulated in the county, of an intended application for granting such salaries; which advertisements shall be signed by the clerk of the peace, or his deputy. *s.* 21.

No gaoler, or person employed by such gaoler, shall suffer tipling or gaming in such prison, or shall sell, or permit to be sold, or be capable of being licensed to sell, any wine, beer, ale, or other liquors; or have any beneficial interest

intereſt or concern whatſoever in the ſale of any liquors of any kind, or in any tap-houſe, tap-room, or tap, under the penalty of 10 *l.* for every offence, to be recovered by diſtreſs and ſale of the offender's goods, by warrant under the hands and ſeals of two juſtices (which ſuch juſtices are to grant), upon the confeſſion of the party, or upon the information of any witneſs upon oath; and the ſaid penalty, after charges of recovering ſhall be deducted, ſhall be paid, one moiety to the informer, and the other to the uſe of the priſoners confined within ſuch gaol; and in caſe ſufficient diſtreſs cannot be found, then it ſhall be lawful for ſuch juſtices to commit ſuch offenders to the houſe of correction, for not exceeding three months, unleſs ſuch penalty and charges be ſooner paid. *ſ.* 22.

All juſtices before whom any perſon ſhall be convicted of any offence againſt this act, ſhall cauſe the conviction to be drawn up in the following form. *ſ.* 23.

County, *&c.* of { *BE it remembered, that on the* ——— *day of* ——— *in the* ——— *year of the reign of his majeſty* ——— A. B. *is convicted before* ——— *of his majeſty's juſtices of the peace for the ſaid county*, or *riding*, *diviſion*, *city*, *town*, *liberty*, *or precinct* [as the caſe ſhall be], *by virtue of an act of parliament, made in the* 24th *year of the reign of his majeſty king* GEORGE III. *intituled*, [here ſet forth the title of the act, and ſpecify the offence, and the time and place when and where the ſame was committed.]

Given under our hands and ſeals, the day and year aforeſaid.

Actions for any thing done in purſuance of this act ſhall be brought within ſix months, and ſhall be laid in the county where the cauſe ſhall ariſe, and the defendant may plead the general iſſue, and if the plaintiff become nonſuit, *&c.* the defendant ſhall have treble coſts. *ſ.* 24.

SCHEDULE.

FORM of Mortgage and Charge upon the County Rates for ſecuring the money borrowed.

WE A. B. *one of his majeſty's juſtices of the peace, and chairman of the court of quarter ſeſſions of the peace for the county*, &c. *of* ——— (as the caſe ſhall be) *holden at* ——— *the* ——— *day of* ——— C. D. *and* E. F. *eſquires, two other of his majeſty's juſtices of the peace acting for the ſaid county*, &c. *and aſſembled in the ſaid court, in purſuance of the powers to us given by an act paſſed in the* 24th *year of the reign of his majeſty king* GEORGE *the third, intituled*, &c. [inſert the title of the act], *do hereby, in open court, mortgage and charge all the rates to be raiſed within the ſaid county*, &c. (as the caſe ſhall be), *under the deſcription of county rates, by the laws now in being, with the payment of the ſum of* —— *which* G. H. *of* —— *hath propoſed to lend, and hath now actually advanced and paid towards defraying the expences of building, repairing*, &c. (as the caſe ſhall be) *the gaol for the ſaid county*, &c. *And we do hereby confirm and eſtabliſh the ſame unto the ſaid* G. H. *his executors, adminiſtrators, and aſſigns, for ſecuring the repayment of the ſaid ſum of* ——— *and intereſt for the ſame, after the rate of* ——— per centum per annum; *and do order the treaſurer for ſuch county*, &c. *or other perſon* (as the caſe ſhall be), *to pay the intereſt of the ſaid ſum of* ——— *half-yearly, as the ſame ſhall become due, until the principal ſhall be diſcharged, purſuant to the directions of the ſaid act.*

By 26 *Geo.* 3. *c.* 44. Every perſon in execution for any money, not exceeding 200 *l.* ſhall be entitled to ſuch relief as by 32 *Geo.* 2. *c.* 28. is granted to perſons charged in execution for any money not exceeding 100 *l.* *ſ.* 1.

Every creditor at whoſe ſuit any debtor ſhall be charged in execution for any ſum not exceeding 200 *l.* ſhall have ſuch remedy, by compelling ſuch debtor to deliver up his eſtate and effects for the benefit of his creditors, as is provided by the ſaid act, where the ſum does not exceed 100 *l.* *ſ.* 2.

'As many perſons are often committed on attachments, 'for not paying money awarded to be paid under ſubmiſ- 'ſions to arbitration by rules of court, or under ſubmiſſions 'to arbitration bonds, and which ſubmiſſions have been 'made rules of the court, in purſuance of 9 & 10 *Gul.* 3. '*c.* 15. and likewiſe for not paying of coſts, taxed and 'allowed by the proper officer, after demand made for that 'purpoſe, and alſo upon any writ of *excommunicato capi-* 'endo, or other proceſs for non-payment of coſts or ex- 'pences in any eccleſiaſtical court;' it is hereby declared that ſuch perſons ſhall be entitled to the benefit of this act, and ſubject to the ſame terms as are herein expreſſed with reſpect to priſoners for debt only. *ſ.* 3.

All gaolers are to give notice of this act to all perſons in their cuſtody for debt, within three days after ſuch perſons ſhall have been charged in execution, ſo as to make the ſame clearly underſtood; and if any gaoler ſhall neglect to give ſuch notice according to this act, he ſhall forfeit to any perſon who ſhall ſue for the ſame, 50 *l.* to be recovered by him by action of debt, in any court of record at *Weſtminſter*; and in every ſuch action the proof ſhall lie on the perſon againſt whom the ſame ſhall be brought: provided ſuch action ſhall be brought within ſix months. *ſ.* 4.

Where any debtor ſhall have neglected to take the benefit of the ſaid act, within the time limited by the ſaid act, and ſhall have remained in priſon one year, and ſhall make it appear to the court out of which execution iſſued, that ſuch neglect aroſe from ignorance or miſtake, ſuch debtor ſhall then be entitled to take the benefit of the ſaid act, as if he had taken the ſame within the time by the ſaid act limited. *ſ.* 5.

It ſhall be lawful for any creditor, at whoſe ſuit any debtor ſhall be in execution, to file interrogatories for the examination of ſuch priſoner, before his being admitted to take the benefit of this or the recited act. *ſ.* 6.

This act ſhall not extend to any debt owing to the crown, nor ſhall it affect any proceeding under any commiſſion of bankrupt. *ſ.* 7.

This act ſhall not extend to *Scotland*. *ſ.* 8.

This act ſhall continue for five years, and from thence to the end of the then next ſeſſion, and no longer. *ſ.* 9.

By 29 *Geo.* 3. *c.* 67. At the general quarter ſeſſion of the peace throughout *England* and *Wales*, to be next holden after the end of the next ſeſſion of parliament, and at the firſt ſeſſion of the peace to be holden after *Michaelmas*, in every ſucceeding year, the gaoler, or officer having the care of any gaol, within the juriſdiction of ſuch ſeſſion, ſhall deliver to the chairman or other magiſtrate preſiding in ſuch court, a certificate according to the form annexed, ſubſcribed by himſelf and verified by him, to the beſt of his knowledge and belief, on oath, to be taken either

ther before such court, or in case of sickness, or inability from any other cause to attend, then before some justice for the county, and such certificate shall express, after each of the provisions therein enumerated, whether such provision is complied with or observed within such gaol; and such certificate shall be read publicly in open court, in the presence of the grand jury, and entered upon record as part of the minutes of the session. *s.* 1.

The said quarter session shall thereupon take the said certificate into consideration, and summon any person named therein to appear before them, and shall give directions, and make orders relative to any of the matters contained in such certificate, and shall take security from any person whom the same may concern for his compliance therewith. *s.* 2.

If any gaoler of any gaol, being a county gaol, shall neglect to deliver such certificate, he shall forfeit 50*l.* and, not being a county gaol, 20*l.* to be recovered by any person in any court of record at *Westminster*, or court of great session in *Wales*, or the county palatine of *Chester*, by action of debt, *&c.* *s.* 3.

CERTIFICATE referred to in the Body of this Act.

——— } *AT the general quarter sessions of the peace, for the*
to wit. } ——— *holden at* ——— *this* ——— *day of* ———
in the year of our Lord ——— *the certificate of* ———
in pursuance of the statute in this case made and provided, respecting the gaol of ———

22 & 23 *C.* 2. *c.* 20. Enacts, that felons and debtors shall be kept separate, under penalties upon the sheriff or gaoler.

24 *G.* 2. *c.* 40. Enacts, that 1st. No gaoler shall sell, lend, use, give away, or suffer spirituous liquors within any gaol, under a penalty.

2dly. Copy of the clause last mentioned, as also of two other clauses respecting the same, shall be hung up in the gaol, under a penalty.

32 *G.* 2. *c.* 28. Enacts, that the clerk of the peace shall cause a list of the fees payable by debtors, and the rules and orders for the government of gaols and prisons, to be hung up in the court where the assizes or sessions shall be held, and send another copy to the gaol; and the gaoler shall cause the same to be hung up in a conspicuous place in the said gaol.

13 *G.* 3. *c.* 58. Enacts, that clergymen may be provided to officiate in gaols.

14 *G.* 3. *c.* 20. Enacts, that persons acquitted, or discharged upon proclamation for want of prosecution, shall be discharged immediately, in open court, and without fee.

14 *G.* 3. *c.* 59. Enacts, that 1st. The walls and ceilings of cells in gaols shall be scraped and white-washed once in the year at least.

2dly. That the cells shall be kept clean; and

3dly. That they shall be supplied with fresh air, by ventilators or otherwise.

4thly. That there shall be two rooms set apart for the sick.

5thly. That a warm and cold bath or bathing tubs, shall be provided.

6thly. That this act shall be hung up in the gaol.

7thly. That a surgeon or apothecary shall be appointed, with a salary.

Probate of Wills.

By 31 *Edw.* 3. *st.* 1. *c.* 4. Whereas the ministers of bishops and other ordinaries take of the people grevious fines for the probate of testaments; the archbishop of *Canterbury* and the other bishops shall thereof make amendment; and if they do not, the king shall cause to be inquired by his justices of such oppressions and extortions, and to hear and determine them, as well at the king's suit, as at the suit of the party, as in old time hath been used.

By 21 *Hen.* 8. *c.* 5. Nothing shall be taken by any bishop, archdeacon, chancellor, or other person which have power to take probation of testaments, by themselves, nor by their registers, praises or other ministers, for the probation, insinuation and approbation, of any testament, or for writing, sealing, praising, registering, fines, making of inventories, and giving of acquittances, or for any other cause concerning the same, where the goods of the testator do not amount above the value of 100*s.* except only to the scribe for writing the probate 6*d.* and for the commission of ministration of the goods of any man deceasing intestate, not being above like value 100*s.* clear, 6*d.* And the bishop, *&c.* shall not refuse to approve such testament, being lawfully tendered, whereof the goods of the testator amount not above 100*s.* so that the testament be exhibited in writing with wax affixed ready to be sealed, and be lawfully proved to be the true whole and last testament of the testator. *s.* 2.

When the goods of the testator amount above the value of 100*s.* and do not exceed 40*l.* no bishop, *&c.* shall take but only 3*s.* 6*d.* whereof to be to the bishop, *&c.* for him or his ministers, 2*s.* 6*d.* and 12*d.* residue of the 3*s.* 6*d.* to be to the scribe for registering; and where the goods amount above the value of 40*l.* the bishop, *&c.* shall take but 5*s.* whereof to be to the bishop, *&c.* for him and his ministers, 2*s.* 6*d.* and 2*s.* 6*d.* residue to the scribe for registering, or the scribe to be at liberty to have for writing every ten lines, whereof every line to contain in length ten inches, 1*d.* and such bishop, *&c.* shall approve, insinuate, seal and register the said testaments, and deliver the same sealed with the seal of their office to the executors without any frustratory delay. *s.* 3.

The executors, or such persons to whom administration shall be committed, taking to them two at least, to whom the person dying was indebted or made any legacy, and upon their absence two other persons being next of kin to the person dying, and in their absence two other honest persons, shall make a true inventory of all goods, as well moveable as not moveable, that were of the person deceased; and the same shall cause to be indented, whereof the one part shall be by the executors or administrators, upon oath to be taken before the bishops, *&c.* delivered into the keeping of the bishop, *&c.* and the other part to remain with the executors or administrators; and no bishop, *&c.* shall refuse to take any such inventory. *s.* 4.

If the perſon deceaſed will by his teſtament any lands to be ſold, the money thereof, or the profits of the lands, ſhall not be accounted as any of the goods of the perſon deceaſed: and the biſhop, *&c.* upon delivery of the ſign and ſeal of the teſtator, ſhall cauſe the ſame to be defaced, and redeliver the ſame to the executors: and in caſe any perſon require a copy of the teſtaments ſo proved, or of the inventory, the ordinary, *&c.* ſhall with convenient ſpeed deliver a copy, taking for the ſearch and for the copy, ſuch fee as for the regiſtering of the teſtament, or for every ten lines, 1 *d.* *ſ.* 5.

Provided that where any have uſed to take leſs, they ſhall take ſuch ſums of money as they have uſed to take, and not above. *ſ.* 6.

Every biſhop, *&c.* that ſhall do or attempt againſt this act in any thing, ſhall forfeit to the party grieved ſo much as any ſuch perſon ſhall take contrary to this act; and ſhall forfeit 10 *l.* whereof one moiety ſhall be to the king, and the other moiety to the party grieved, that will ſue, *&c.* and every biſhop, *&c.* which ſhall incur ſuch penalty, ſhall be charged only for himſelf, and none of them for other's offence. *ſ.* 7.

Provided that this act be not prejudicial to any ordinary, *&c.* but that every of them may convent before them executors, to prove or refuſe the teſtament, and to bring in inventories, *&c.* as before. *ſ.* 8.

By 4 & 5 *Ann. c.* 16. The power of granting probates of wills, and letters of adminiſtration of the goods of perſons intitled to wages for work done in her majeſty's yards and docks, is declared to be in the ordinary of the dioceſe, or ſuch other perſons to whom the ordinary power of probate of wills or granting of adminiſtration do belong, where ſuch perſons ſhall die; and the wages due to ſuch perſons ſhall not be taken to be *bona notabilia*, to found the juriſdiction of the prerogative court. *ſ.* 26.—*See titles*, ADMINISTRATORS, EXECUTORS, STAMPS, and WILLS.

Proceſs.

Stat. Weſtm. 1. 3 *Edw.* 1. *c.* 45. If the tenant or defendant, after the firſt attachments returned, make default, the great diſtreſs ſhall be awarded; and if the ſheriff do not make ſufficient return by a certain day, he ſhall be grievouſly amerced; and if he return that he hath done execution in due manner, and the iſſues delivered to the ſureties, the ſheriff ſhall be commanded, that he return iſſues at another day before the juſtices. And if the party being attached come in at his day to ſave his defaults, he ſhall have his iſſues; and if he come not, the king ſhall have them, and the juſtices ſhall cauſe them to be delivered in the wardrobe. And the juſtices of the bench at *Weſtminſter* ſhall deliver them in the exchequer, and the juſtices in eyre unto the ſheriff, and they ſhall be charged therewith in ſummons by the rolls of the juſtices.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 15. In ſummons and attachments in plea of land, the writs ſhall contain fifteen days at leaſt, according to the common law, if it be not in attachment of aſſizes taken in the king's preſence, or of pleas before juſtices in eyre.

By 6 *Hen.* 6. *c.* 1. Before any exigend be awarded againſt perſons indicted of felony and treaſon before the king in his bench, writs of *capias* ſhall be directed as well to the ſheriff of the county in which they be indicted, as to the ſheriff of the county whereof they be named in the indictments, the ſame *capias* having ſix weeks at leaſt before the return of the ſame; which writs returned, the juſtices ſhall proceed as they have done before; and if any exigend be awarded or any outlawry pronounced againſt ſuch perſons indicted, before the return of the ſaid writs, the ſame ſhall be void; and this ordinance ſhall endure ſo long as ſhall pleaſe the king.

By 8 *Hen.* 6. *c.* 10. Upon every indictment or appeal, by which any of the lieges dwelling in other counties, than there where ſuch indictment or appeal is taken, of treaſon, felony or treſpaſs, before any exigend awarded, after the firſt *capias* returned another *capias* ſhall be awarded, directed to the ſheriff of the county whereof he which is ſo indicted is ſuppoſed to be converſant, containing three months from the date of the writ, where the counties be holden from month to month, and where the counties be holden from ſix weeks to ſix weeks, he ſhall have four months until the day of the return of the writ; by which ſecond *capias* it ſhall be commanded to the ſheriff to take him by his body, if he may be found within his bailiwick, and if he may not be found, that the ſheriff make proclamation in two counties before the return, that he which is ſo indicted or appealed appear before the juſtices or commiſſioners where he is indicted or appealed, *&c.* to anſwer to the king, or to the party, of the felony, treaſon or treſpaſs, whereof he is indicted or appealed; after which ſecond *capias* returned, if he which is indicted or appealed come not at the day, the exigent ſhall be awarded. *ſ.* 2.

If any exigent be awarded in ſuch indictment or appeal againſt the form aforeſaid, or any outlawry pronounced, they ſhall be void. *ſ.* 3.

Provided that the ſtatute 6 *Hen.* 6. *cap.* 1. ſtand in force. And every perſon indicted or appealed in form aforeſaid, after he be acquit by verdict, ſhall have a writ and action upon his caſe againſt every procurer of ſuch indictments or appeals, and like proceſs ſhall be in the ſame as in a writ of treſpaſs with force and arms; and if ſuch procurer be attainted, the plaintiff ſhall recover treble damages. *ſ.* 4.

This ordinance ſhall not extend to indictments or appeals taken without the county of *Cheſter*. *ſ.* 5.

Provided that if any of the lieges be appealed or indicted of felony or treaſon, and at the ſame time of the felony or treaſon ſuppoſed he was converſant in the county whereof the indictment or appeal maketh mention, the like proceſs be made againſt ſuch indicted perſon or appealed as hath been uſed before. *ſ.* 6.

By 10 *Hen.* 6. *c.* 6. If any ſuch indictments taken before juſtices of peace, or any other, ſhall be removed before the king in his bench, or elſewhere by *certiorari* or otherwiſe, then before any exigent awarded, after the firſt writ of *capias* returned, another *capias* ſhall be awarded, directed to the ſheriff of the county whereof he that is indicted or appealed is ſuppoſed to be converſant, returnable before the king in his bench, at a day containing three months or four, of the date of the laſt writ of *capias*, according to the manner that the juſtices of peace and other in the ſaid ſtatute 8 *Hen.* 6. *cap.* 10. ought to have done; and if any ſuch exigent be awarded upon ſuch indictment or appeal after ſuch removing againſt the form aforeſaid, or any outlawry thereupon pronounced, the ſame ſhall be void.

By 19 *Hen.* 7. *c.* 9. Like proceſs ſhall be had in actions upon the caſe in the king's bench and common place, as in actions of treſpaſs or debt.

By 23 *Hen.* 8. *c.* 14. Like proceſs ſhall be had in every writ of annuity and covenant, as in action of debt.

By 31 *Eliz. c.* 3. After every ſummons upon the land

land in any real action, 14 days at leaſt before the return thereof, proclamations of the ſummons ſhall be made on a *Sunday* at or near the moſt uſual door of the church or chapel of that town or pariſh where the land doth lie, and that proclamation ſhall be returned together with the names of the ſummoners; and if ſuch ſummons ſhall not be proclaimed and returned according to this act, no *grand cape* to be awarded, but an *alias* and *pluries* ſummons, until a ſummons and proclamation ſhall be duly made and returned. *ſ.* 2. *See the reſt of this act in* OUTLAWRY.

By 13 *Car.* 2. *ſtat.* 2. *c.* 2. In actions of debt and other perſonal actions, and in actions of *ejectione firmæ* by original writ, in either of his majeſty's courts of king's bench and common pleas, after iſſue joined, and after judgment obtained, there ſhall not need to be fifteen days between the *teſte* and the return of any writ of *venire facias*, *habeas corpora juratorum*, or *diſtringas juratores*, *fieri facias*, or *capias ad ſatisfaciendum*. *ſ.* 6.

This act ſhall not extend to any writ of *capias ad ſatisfaciendum*, whereon a writ of exigent after judgment is to be awarded, nor to *capias ad ſatisfaciendum* againſt the defendant, in order to make any bail liable. *This act not to extend to actions popular*, *indictments*, &c. *ſ.* 7. *See* ARRESTS, OUTLAWRY, ERROR.

Prohibition.

Stat. circumſpecte agatis, 13 *Edw.* 1. *ſt.* 4. The clergy ſhall not be puniſhed if they hold plea in court chriſtian of ſuch things as be meer ſpiritual, *viz.* of penance enjoined by prelates for deadly ſin, as fornication, adultery and ſuch like, for which ſometimes corporal penance, and ſometimes pecuniary, is enjoined, ſpecially if a freeman. Alſo if the prelates puniſh for leaving the church-yard uncloſed, or for that the church is uncovered, or not conveniently decked, in which caſes none other penance can be enjoined but pecuniary. *ſ.* 1.

If a parſon demand of his pariſhioners oblations or tithes due and accuſtomed, or if a parſon ſue againſt another parſon for tithes greater or ſmaller, ſo that the fourth part of the value of the benefice be not demanded. *ſ.* 2.

If a parſon demand mortuaries where a mortuary hath been uſed. *ſ.* 3.

If a prelate or patron demand of a parſon a penſion due to him; all ſuch demands are to be made in a ſpiritual court. And for laying violent hands on a clerk, and cauſe of defamation, it hath been granted, that it ſhall be tried in a ſpiritual court, when money is not demanded, but a thing done for puniſhment of ſin; and likewiſe for breaking an oath. In all caſes afore rehearſed the ſpiritual judge ſhall have power to take knowledge, notwithſtanding the king's prohibition. *ſ.* 4.

Stat. of conſultation, 24 *Edw.* 1. Where eccleſiaſtical judges ſurceaſe to proceed by force of the king's prohibition, in caſes where remedy could not be given in the king's court by any writ out of chancery, the chancellor, or the chief juſtice, upon ſight of the libel, at the inſtance of the plaintiff (if they ſee that the caſe cannot be redreſſed by writ out of chancery, but that the ſpiritual court ought to determine the matter) ſhall write to the eccleſiaſtical judges, that they proceed therein notwithſtanding the king's prohibition.

Artic. cler. 9 *Edw.* 2. *c.* 1. In tithes, oblations, obventions, mortuaries (when they are propounded under theſe names) the king's prohibition ſhall hold no place. But if a clerk ſell his tithes being gathered, if the money be demanded before a ſpiritual judge, the king's prohibition ſhall lie.

Artic. cler. 9 *Edw.* 2. *c.* 2. If debate ariſe upon the right of tithes, having original from the right of patronage, and the quantity of the tithes come to the fourth part of the goods of the church, the king's prohibition ſhall hold place, if the cauſe come before a judge ſpiritual. Alſo if a prelate enjoin a penance pecuniary, and it be demanded, the king's prohibition ſhall hold place: but if prelates enjoin a penance corporal, and they which be puniſhed will redeem ſuch penances by money; if the money be demanded before a judge ſpiritual, the king's prohibition ſhall hold no place.

Artic. cler. 9 *Edw.* 2. *c.* 4. In defamations prelates ſhall correct in manner aboveſaid, the king's prohibition notwithſtanding.

Artic. cler. 9 *Edw.* 2. *c.* 5. If any do erect a mill of new, and the parſon demandeth tithe for the ſame, the king's prohibition ſhall not lie. *See title* ECCLESIASTICAL PERSONS.

By 1 *Edw.* 3. *ſt.* 2. *c.* 11. When clerks or others have been indicted in the turn, and after their deliverance do ſue in the ſpiritual court againſt the indictors, ſurmiſing that they defamed them; in ſuch caſe every man grieved ſhall have a prohibition formed in the chancery upon his caſe.

By 18 *Edw.* 3. *ſt.* 3. *c.* 5. No prohibition ſhall go out of chancery, but where the king hath cognizance, and ought to have it.

By 50 *Edw.* 3. *c.* 4. Where a conſultation is once duly granted upon a prohibition to the judge of holy church, the judge may proceed notwithſtanding any other prohibition, provided the matter in the libel be not changed.

By 2 *Hen.* 5. *ſt.* 1. *c.* 3. At what time the libel is grantable by law, it ſhall be delivered to the party without difficulty. *See title* LIMITATIONS *and* TITHES.

Prophecies.

By 5 *Eliz. c.* 15. If any perſon do adviſedly and directly publiſh by writing, printing, ſigning, or any other open ſpeech or deed, any fond, fantaſtical or falſe propheſy, upon any arms, fields, beaſts, badges, or ſuch things accuſtomed in arms, cognizances or ſignets, or upon any time, year or day, name bloodſhed or war, to the intent to make any rebellion, inſurrection, diſſenſion, loſs of life or diſturbance within the queen's dominions, every ſuch perſon being convicted ſhall ſuffer impriſonment one year, and forfeit 10 *l.* *ſ.* 2.

If any ſuch offender do after ſuch conviction offend in the premiſes and be convicted, he ſhall for his ſecond offence ſuffer impriſonment during life, and forfeit all his goods reals and perſonals; the moieties of every which forfeitures ſhall be to the queen, and the other moiety to him that will ſue for the ſame in any of the queen's courts of record. *ſ.* 3.

Every juſtice of aſſiſe, juſtice of *oyer* and *terminer*, and juſtice of peace, ſhall have power to inquire, hear and determine, all offences aboveſaid. *ſ.* 4.

Provided that no perſon be impeached for any offence contrary to this act, unleſs he be accuſed within ſix months enſuing ſuch offence committed. *ſ.* 5.

Protections.

By 33 *Edw.* 1. *ſt.* 1. Foraſmuch as many purchaſe the protection of the king, affirming that they were out of the realm in the king's ſervice, if the adverſary will challenge the protection, and aver that they were within the four ſeas, and out of the king's ſervice, in a place certain, ſo that they might have conveniently appeared, their challenge ſhall be entered, and the matter ſhall remain without delay according to the protections; and when it ſhall be reſummoned, the party ſhall demand judgment and hearing of the proceſs, and ſhall offer to aver his challenge, if his adverſary will abide it; and if the country paſs againſt him that caſt it, the protection ſhall return as a default, if he be tenant; and if he be demandant he ſhall loſe his writ, and ſhall be amerced.

By 25 *Edw.* 3. *ſt.* 5. *c.* 19. Foraſmuch as the king hath made divers protections to the people which were bound to him in ſome debt, that they ſhould not be impleaded of the debts which they owed to other till they have made gree to the king; notwithſtanding ſuch protections, the parties which have actions againſt their debtors ſhall be anſwered in the king's court; and if judgment be given for the plaintiff or demandant, the execution ſhall be put in ſuſpenſe till gree be made to the king of his debt; and if the creditors will undertake for the king's debt, they ſhall be received, and ſhall have execution againſt the debtors of the debt due to them, and alſo ſhall recover as much as they ſhall pay to the king for them.

By 1 *Ric.* 2. *c.* 8. No protection with the clauſe of *volumus* ſhall be allowed for victuals taken upon the voyage whereof the protection maketh mention, nor in pleas of treſpaſs, or other contract, made or perpetrate after the date of the protection.

By 13 *Ric.* 2. *c.* 16. No protection with clauſe *profecturus* ſhall be allowed in any plea whereof the ſuit is commenced before the date of the protection, if he be not in the voyage that the king himſelf goeth, or other voyages royal, or in the king's meſſages for buſineſs of the realm; but they ſhall make their attornies in ſuch pleas, or elſe let them tarry themſelves, but the protection with clauſe *quia moraturus* ſhall be allowed as before; and if any tarry in the country without going to the ſervice for which he is retained, over a convenient time after that he hath any protection, or repair from the ſervice, if the chancellor be informed, he ſhall repeal ſuch protections, as it hath been uſed before.

By 7 *Hen.* 4. *c.* 4. Where the wardens of priſons let debtors go at large, and purchaſe the king's protections, whereby the creditors be delayed; no protection ſhall be available, nor allowed in ſuch caſe.

Purveyance.

By 14 *Edw.* 3. *c.* 2. Takings ſhall not be made by other than the purveyors of the king, of the queen, and of the prince their eldeſt ſon; and if any other man's purveyors make ſuch takings, it ſhall be done of them as of thoſe which do without warrant, and their deed judged as a thing done againſt the peace and the law of the land.

By 12 *Car.* 2. *c.* 24. No money or other thing ſhall be taken for any proviſion, carriages or purveyance, for his majeſty. *ſ.* 12.

No perſon by any authority, by colour of buying or making purveyance for his majeſty, or any queen, or the children of any king or queen, or for their houſhold, ſhall take any timber, fewel, cattle, corn, hay, ſtraw, victual, carriage or other thing, of any ſubjects, without the full conſent of the owner obtained without menace or force; nor ſhall ſummon or require any ſubjects to find any horſes or other cattle, carts, ploughs, wains or other carriages, for the uſe of his majeſty, or of any queen, or of any child of any king or queen, for the carrying their goods, without free conſent. *ſ.* 3.

No pre-emption ſhall be claimed in behalf of his majeſty, or of any queen, or of any the children of the royal family. And if any perſon ſhall make purveyance for his majeſty, *&c.* or take away carriages or other things aforeſaid, it ſhall be lawful for two juſtices of peace, and the conſtables of ſuch pariſh or village, at the requeſt of the party grieved, to commit the parties offending to gaol till the next ſeſſions; and the officers and inhabitants of the village or pariſh ſhall be aſſiſtant; and the party grieved ſhall recover his treble damages, and treble coſts. And if any perſon ſhall cauſe any action grounded on this ſtatute to be ſtaid before judgment, by any authority, ſave only of the court where ſuch action ſhall be depending; or after judgment ſhall cauſe execution to be ſtaid, ſave only by writ of error or attaint, or order of ſuch court where ſuch writ of error or attaint ſhall be depending; the perſon offending ſhall incur the penalties of *præmunire*, 16 *Ric.* 2. *cap.* 5. Provided that this act extend not to prejudice his majeſty's duties of tin in the ſtannaries of *Devon* and *Cornwall*, nor the ancient duties of butlerage and prizage of wines. *ſ.* 14.

Quo Warranto.

Stat. quo warranto, 6 *Edw.* 1.

THE prelates, earls, barons and other, ſhall uſe their liberties after the form of the writ following: *ſ.* 1.

The king to the ſheriff greeting. Whereas lately in our parliament at Weſtminſter *it was provided and proclaimed by us and our council, that the prelates, earls, barons and others of our realm, who claim to have divers liberties by charters of our progenitors kings of* England, *for the examining and judging whereof we had prefixed a day in the ſame parliament, ſhould uſe thoſe liberties in ſuch manner, that they ſhould increaſe nothing to themſelves by uſurpation or occupation, nor ſhould occupy ought upon us; we command you,*

you, that you permit all thoſe of your county to uſe and enjoy their liberties which they have hitherto reaſonably uſed in form aforeſaid, until our next coming by the county aforeſaid, or until the next coming of our juſtices itinerant for all pleas in the county, or until we ſhall give other command therein; ſaving always our right, when we will implead thereof; witneſs, &c. *ſ.* 2.

In the ſame form writs ſhall be directed to ſheriffs, *&c.* for every demandant, and the form ſhall be changed after the diverſity of the liberty in this wiſe: *ſ.* 3.

The King to the ſheriff greeting: We command you, that through all your bailiwick, viz. *as well in cities as in boroughs, and other market towns and elſewhere, you cauſe publicly to proclaim, that all they who claim to have any liberties by charters of our progenitors kings of* England, *or in other manner, be before our juſtices at the firſt aſſiſe, to ſhew what kind of liberties they claim to have, and by what warrant; and that yourſelf be there perſonally with your bailiffs and miniſters, to certify the juſtices upon theſe and other buſineſſes touching the ſame. ſ.* 4.

The clauſe of publicly proclaiming is put in the writ of common ſummons of the juſtices in eyre, and ſhall have a warning of forty days as the common ſummons hath. And if the party do not come, the liberties ſhall be taken into the king's hands in name of diſtreſs by the ſheriff, ſo that they ſhall not uſe them until they come to anſwer before the juſtices. And when they come in, their liberties ſhall be replevied: and if they challenge, that they are not bound to anſwer in the original writ, if it appear that they have uſurped any liberties, they ſhall be commanded to anſwer without writ: and if they will ſay that their anceſtors died ſeiſed, they ſhall be heard, and the truth ſhall be inquired. And if it appear that their anceſtors died ſeiſed, the king ſhall have a writ out of chancery in this form: *The king to the ſheriff greeting: Summon by good ſummoners* ſuch a one, *that he be before us at* ſuch a place, *in our next coming in the county aforeſaid, or before our juſtices at the next aſſiſe, when they ſhall come into thoſe parts, to ſhew by what warrant he holds the view of frankpledge in his manor of* N. Or thus: *by what warrant he holds the hundred of* S. *in the county aforeſaid.* Or, *by what warrant he claims to have toll for him and his heirs through our whole realm: and have there this writ*; *witneſs*, &c. And they ſhall be adjourned unto ſhort days, and have reaſonable delays, according to the diſcretion of the juſtices, as in perſonal actions. And the clauſe under-written ſhall be put in a writ of common ſummons in the circuit of the juſtices aſſigned to common pleas: *viz. The king to the ſheriff greeting: We command you that you cauſe publicly to proclaim, that all who complain, or will complain, as well of our miniſters and other bailiffs whomſoever, as of the miniſters and bailiffs of any other whomſoever, and others, that they come before our juſtices at the firſt aſſiſe, there to ſhew all their complaints, to receive competent amends thereof, according to the law and cuſtom of our realm, and according to the ordinance thereupon by us made, and according to the tenor of the ſtatutes, and according to the articles thereupon delivered to our ſame juſtices, as the aforeſaid juſtices ſhall do you to know on our part*; *witneſs ourſelf*, &c. *ſ.* 5.

Stat. quo warranto, 18 *Edw.* 1. *ſt.* 2. All which can verify by the county or otherwiſe, that they and their anceſtors or predeceſſors have uſed any liberties before the time of king *Richard*, or in all his time, and have continued hitherto (ſo that they have not miſuſed ſuch liberties), ſhall in a *quo warranto* be adjourned unto a certain day before the juſtices, within the which they may go to the king with the record of the juſtices and return; and the king by letters patent ſhall confirm their eſtate; and they that cannot prove the ſeiſin of their anceſtors or predeceſſors in ſuch manner, ſhall be judged after the law. *ſ.* 1.

All judgments that are to be given in pleas of *quo warranto* by the juſtices at *Weſtminſter* for the king, if the parties grieved will come again before the king, he of his grace ſhall give them ſuch remedy as before; alſo pleas of *quo warranto* ſhall be pleaded and determined in the circuit of the juſtices. *ſ.* 2.

Stat. quo warranto, 18 *Edw.* 1. All thoſe which claim to have quiet poſſeſſion of any franchiſe before the time of king *Richard*, without interruption, and can ſhew the ſame by a lawful enqueſt, ſhall enjoy their poſſeſſion; and in caſe ſuch poſſeſſion be demanded for cauſe reaſonable, the king ſhall confirm it by title; and thoſe who have old charters of franchiſe, ſhall have the ſame charters adjudged according to the tenor of them. *ſ.* 3.

Receipt.

By 20 *Edw.* 1. *ſt.* 3.

IF any before judgment in caſe of the ſtatute *Weſtm.* 2. *c.* 3. (ſee title *cui in vita*), cometh in and deſireth to be received, he ſhall find ſurety to ſatisfy the demandant of the value of iſſues of the lands from the day that he is received until final judgment be given upon the petition of the demandant; and if the demandant recover, the defender ſhall be greviouſly amerced, if he have whereof; and if he have not, he ſhall be impriſoned at the king's pleaſure; and if he can prove his right, he ſhall go quit.

By 13 *Ric.* 2. *c.* 17. If any tenant for life, in dower, *&c.* be impleaded, and he in the reverſion come and prayeth to be received at the day that the tenant pleaded to the action, or before, he ſhall be received to plead in chief, without taking delay by voucher, aid prayer, nonage or other delay, ſo that after ſuch receipt he ſhall have no delay by protection, eſſoin of the king's ſervice, common eſſoin, or any other delay, and days of grace ſhall be given by the diſcretion of the judges without giving the common day in plea of land. *ſ.* 1.

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Provided that they in the reverſion, which pray to be received, ſhall find ſurety of the iſſues of the tenements demanded for the time that the demandants be delayed, after the plea determined between the demandants and tenants, if the judgment paſs for the demandant, as well where the receipt is counterpleaded as where it is granted. *ſ.* 2.

Receivers.

By 34 & 35 *Hen.* 8. *c.* 2. Every high collector of fifteen, ſubſidy or other tax, and all other the king's particular and general receivers of money and other duties belonging to the king, ſhall, within three months after ſuch money or yearly profits ſhall be due and gathered, pay the ſame to the king's uſe, as ſhall be appointed, upon pain to forfeit for every pound 4 *s.* for every month, and alſo loſe his office; and the king ſhall charge the collector or receiver, upon his accounts, with the forfeiture, or recover the ſame by action. *ſ.* 1.

Provided that if any collector or receiver tender ſuch money to the king's uſe within the four months unto ſuch perſons as be charged with the receipt of the ſame, he ſhall not incur any penalty. *ſ.* 2.

The heirs of any collector ſhall not be charged by this act, but only for lands which they have by deſcent in fee-ſimple or fee-tail, or by gift or other aſſurance by covin, from the ſaid collector or receiver, or other aſſigns; and the king ſhall have execution only of ſuch lands until his majeſty be paid. *ſ.* 3.

The executors or adminiſtrators of ſuch collector or receiver ſhall not be charged by this act but as executors, *&c.* *ſ.* 4.

Where the heirs of any the king's receivers or debtors ſhall be charged for his anceſtors debts, whereby the land deſcended or given to him by covin is put in execution, ſuch heirs may have their action of debt againſt the executors or adminiſtrators of the anceſtor. *ſ.* 5.

This act ſhall not extend to the collectors of the cuſtom of tonnage and poundage, which be accountable yearly in the exchequer. *ſ.* 6.

This act ſhall not extend to any receivers for the payments of any penſions or other allowances paid according to order or decree. *ſ.* 7.

By 7 *Edw.* 6. *c.* 1. Every perſon appointed treaſurer, receiver, collector, bailiff or miniſter accountant of the king, ſhall, before their executing their offices, with ſureties make bonds to the king in ſuch court of record where the officer ſhall be accountable, that they, their heirs, executors, *&c.* ſhall truly account and pay all ſuch money as ſhall come to their hands concerning their offices, to the king's uſe, upon pain of forfeiture of their offices. *ſ.* 3.

Every receiver of the king's honours, lands and revenues, ſhall yearly make his precepts to all collectors, miniſters and bailiffs accountant, within the circuit of his office, charging them on the king's behalf to appear before them within the county where the offices, bailiwick or collections lie, at a certain day and place, and to pay to the king's uſe ſuch money as they ought by reaſon of their offices, being due to the king, at or before *Eaſter*, which they may receive by reaſon of their offices; and the precepts ſhall be delivered to the ſaid officers, *&c.* or left at their houſes, or at the place where their receipt ought to be, 12 days before the day prefixed. *ſ.* 4.

If any of the ſaid collectors or bailiffs accountants make default at the day appointed, the collector, *&c.* being convicted in the court where the revenue ſhall be anſwered, ſhall for the firſt offence forfeit his fee for that year, and ſhall forfeit for the firſt offence of non-payment 6 *d.* of the pound for every month. *ſ.* 5.

After the firſt default of appearance, the officer making again default, and being convict for the ſecond offence of non-appearance, ſhall forfeit his office, and for the ſaid ſecond offence in non-payment of money ſhall forfeit 12 *d.* of every pound for every month. *ſ.* 6.

Every auditor of the king of his honours, lands and revenues, ſhall have power yearly to make their precepts to all collectors and bailiffs accountant, to appear and account before them within the county where the lands lie, at the king's audit to be holden there yearly between the feaſt of *St. Michael* and the nativity of our Lord, for all rents and profits payable within their bailiwicks, at or before the feaſt of *St. Michael*, the precepts to be delivered to the collectors or bailiffs, or left at their houſes, or at the place where their receipts are, twelve days before the day prefixed; and if any collector or bailiff accountant do not appear before the auditor, or refuſe to account, he ſhall for his firſt offence forfeit his whole fee for that year; and for non-payment of money ſhall forfeit 6 *d.* of every pound, in the name of a pain for every month; and the ſaid officer that ſhall make again default of appearance, for the ſecond offence ſhall forfeit his office. *ſ.* 7.

And for the ſecond offence in non-payment of money ſhall forfeit 12 *d.* of every pound, in the name of a pain, for every month. *ſ.* 8.

Every receiver ſhall make payment yearly to the treaſurer, or general receiver of the court where the revenue ſhall be anſwerable, or otherwiſe as he ſhall be appointed, of all money due at or before *Eaſter*, by the 20th of *June* following; and ſhall make like payment yearly of all rents due at or before the feaſt of *St. Michael*, by the 20th of *January* following, upon pain of forfeiture for every default 2 *d.* of every pound for every day. *ſ.* 9.

The ſaid receivers ſhall enter into their account yearly in the term of *St. Hilary*, and finiſh the ſame before the tenth of *March*, and make payment of the money that ſhall be due upon the foot of the account before the 20th of *March*, upon pain of forfeiture of the offices, and 4 *d.* of the pound for every day that they ſhall detain the money. *ſ.* 10.

All receivers, collectors and bailiffs, of the king's manors or revenues, for lack of payment and levying of their rents within their offices, ſhall have power to diſtrain for the ſame, and to uſe the diſtreſs in ſuch ſort as any officer of the exchequer for levying of the king's revenues anſwerable in the ſame court. *ſ.* 11.

The head officer of every of the king's courts of revenues of record, ſhall have power to aſſeſs fines and amerciaments upon any ſheriff, for not returning or miſreturning of any writ delivered out of the ſame courts, touching the levying of any iſſues, rents or revenues, or of any debts due to the king, in ſuch ſort as hath been lawfully uſed in like caſes in the exchequer. *ſ.* 12.

All treaſurers and chamberlains, and receivers of any of the king's courts of revenue, and all cuſtomers and collectors of cuſtoms, or certain ſubſidies within any port, within ten days after notice from the king or ſix of his privy council in writing, ſhall declare in writing, what ſums of money then due to the king be in their hands, and ſhall make payment in ſuch ſort as ſhall be commanded, upon pain of forfeiture of their offices. *ſ.* 13.

The ſame treaſurers, chamberlains and receivers, ſhall yearly before the 20th of *June* make account of all ſuch money or treaſure as hath come to their hands before the

20th of *March*, and ſhall make declaration in writing of the money remaining in their hands to the king or his privy council yearly before the laſt of *June*, and make payment of the ſame as they ſhall be commanded, upon pain of forfeiture of their offices. *ſ.* 14.

If any treaſurer, receiver or miniſter accountant, take of any perſon any money or other profit for payment of any fees, penſions or warrants, more than they may lawfully do, they ſhall forfeit for every penny or pennyworth, 6*s.* 8*d.* to the party grieved. *ſ.* 15.

If any auditor which ought to take the account of any treaſurer, chamberlain, receiver or other officer, refuſe or willingly protract the taking of the ſame, in ſuch wiſe as it cannot be finiſhed within the time limited by this act, ſuch auditor being convict in the court where the charge of the ſame account is anſwerable, ſhall forfeit as the treaſurer, chamberlain, receiver or other officer, ought to do for not accounting, and thereby the ſame treaſurer, *&c.* ſhall be diſcharged. *ſ.* 16.

The duplicate of every account that ſhall be made by any treaſurer or receiver, at the requeſt and coſts of ſuch accountant ſhall be delivered to them, ſubſcribed with the hands of the auditor that ſhall take the ſame; upon pain that the auditor ſhall forfeit to the king 10*l.* *ſ.* 17.

This act ſhall not charge any ſheriff, eſcheator, or collector of diſmes, quindiſmes, benevolences, or ſubſidies, tonnage and poundage only except. *ſ.* 20.

By 13 *Eliz. c.* 4. All lands and hereditaments which any treaſurer or receiver in the queen's court of exchequer or duchy of *Lancaſter*, treaſurer of the chamber, cofferer of the houſhold, treaſurer for the wars, treaſurer of any town or caſtle where any garriſon is kept, treaſurer of the admiralty or navy, treaſurer or other perſon accountable of the mint, treaſurer or receiver of any money impreſt, or otherwiſe, for the uſe of the queen, or for proviſions of victual for the fortifications or works, or for any other proviſions to be uſed in the offices of ordnance, armory, wardrobe, tents and pavilions, or revels, cuſtomer, collector, farmer of cuſtoms or other duties within any port, collector of the tenths, collector of any ſubſidy or fifteen, receiver general of the revenues of any county anſwerable in the receipt of the exchequer or the duchy of *Lancaſter*, clerk of the hamper, ſhall have, whilſt they remain accountable, ſhall, for ſatisfaction to the queen of their arrearages determined upon their account, be liable to the payment thereof, and be put in execution for ſuch arrearages or debts, in as large manner as if the ſame treaſurer, *&c.* had the day he became officer or accountant, ſtood bound by writing obligatory, having the effect of a ſtatute ſtaple, to her majeſty for the ſame arrearages or debts. *ſ.* 1.

If any treaſurer or other accountant before-mentioned, chargeable with money or treaſure of the queen, ſhall, upon his account, or by reaſon of any farm as aforeſaid, be found in arrearages unto the queen, and ſhall not within ſix months after his accounts finiſhed or debt known, pay ſuch money, it ſhall be lawful to the queen to make ſale by letters patent of ſo much of the lands of ſuch accountant or debtor as may ſuffice for their debt or arrearages, all due petitions being allowed. *ſ.* 2.

If any overplus be had upon ſuch ſale, the ſame ſhall be paid to the accountant or his heirs, by the officer that ſhall receive the money. *ſ.* 3.

The ſales made by the queen ſhall be good againſt the party, and againſt the queen, notwithſtanding any former charge or incumbrance to her majeſty. *ſ.* 4.

If any perſon accountant or indebted as aforeſaid, purchaſe lands, and cauſe the aſſurance to be made in the name of any other, where the ſame is intended to the uſe or behoof of ſuch perſon accountant or indebted, or of any other, and the manner of purchaſing and ſecret uſes ſhall be found by office or inquiſition, all lands ſo purchaſed ſhall be taken for ſatisfaction of the arrearages and debt, as though the perſon indebted were thereof ſeiſed. *ſ.* 5.

No biſhop having the collection of any ſubſidy or tenths, or his lands in right of his biſhoprick, ſhall be charged in any other manner than he might lawfully have been before. *ſ.* 9.

This act ſhall not charge any treaſurer, receiver, teller, cuſtomer, collector, or accountant aforeſaid, having any yearly receipt, nor their lands, whoſe yearly receipt, or whoſe whole receipt from the beginning of his charge, ſhall not be above 300*l.* otherwiſe than he might lawfully have been charged before. *ſ.* 10.

Foraſmuch as ſundry accountants are by order of their offices, after their accounts ended, to diſburſe the debt remaining, in ſuch charges as are neceſſarily to be provided in their offices; this act ſhall not extend to give power to make ſale of any lands for any ſuch debt, unleſs the queen upon the ending of their accounts require preſent payment, or require a new account of the ſame debt, and that the debt be found owing and unexpended, and remain unpaid ſix months after ſuch requeſt. *ſ.* 11 & 12.

This act ſhall not charge any ſheriff, eſcheator, or bailiff of liberties, for any thing touching their office, otherwiſe than they might have been charged before. *ſ.* 13.

It ſhall be lawful to every perſon, whoſe lands ſhall by any office or inquiſition be found to be fraudulently conveyed as aboveſaid, to have his traverſe to ſuch office or inquiſition; and if it be found with the party that tendereth the traverſe, he ſhall have the lands out of the prince's hands, without any petition, livery, or *ouſter le main*, or any other ſuit. *ſ.* 14.

If the queen ſhall by ſale of lands be ſatisfied of the debt or arrearages of ſuch accountant or debtor, the ſureties of ſuch accountant or debtor ſhall be diſcharged of ſo much. *ſ.* 15.

By 14 *Eliz. c.* 7. *revived by* 1 Jac. 1. c. 25. *ſ.* 31. The ſtatute 13 *Eliz. c.* 4. ſhall extend to all under-collectors of tenths and ſubſidies of the clergy, and to their lands, of what yearly ſum ſoever the charge of their collection ſhall be. *ſ.* 1.

Every ſuch under-collector ſhall, upon proceſs out of the exchequer, be chargeable to account for his receipt of ſuch tenths and ſubſidies, as any receiver immediately accountant to her majeſty ought to be: and every archbiſhop and biſhop, and dean and chapter *(ſede vacante)*, to whoſe charge the collection of ſuch tenths or ſubſidies ſhall appertain, ſhall be diſcharged of ſo much as ſhall be ſatisfied by the lands or goods of ſuch under-collector, without any other warrant. *ſ.* 2.

By 27 *Eliz. c.* 3. *revived by* 1 Jac. 1. c. 25. The act 13 *Eliz. c.* 4. touching the power to make ſale of lands, ſhall be expounded as well in caſe where the ſale is made after the death of ſuch accountant or debtor, as where it is made in his life-time; and alſo as well where the account is made, or the debt known, within eight years after the death of ſuch accountant or debtor, as where the ſame account is made, or the debt known, in the life-time. *ſ.* 2.

Provided, that after the death of ſuch accountant and debtor, and before any lands deſcended unto the heir ſhall be ſold, a *ſcire facias* ſhall be awarded out of her majeſty's exchequer unto the ſheriff of the county where ſuch lands lie, to garniſh the heir, to ſhew cauſe why the lands ſhould not be put to ſale; whereupon, if the heir do not within a convenient time, upon a garniſhment or two *nichils* returned,

ed, ſhew that the executors or adminiſtrators of ſuch accountant or debtor have ſufficient which ought to anſwer for the debt or farm, after ten months the lands ſhall be ſold by her majeſty. *ſ.* 3.

The ſaid recited act, and this ſtatute of explanation alſo, ſhall not extend to any lands, which any perſon before any *ſcire facias* awarded ſhall purchaſe *bona fide*, and upon good conſideration. *ſ.* 4.

This act of explanation ſhall extend only unto tellers, receivers, treaſurers, cuſtomers, cofferers of the houſhold, farmers of impoſt, collectors, bailiffs, victuallers, and other officers of receipts and accounts to the queen. *ſ.* 5.

In caſes where any account ought to be made, or any debt ſhall be owing, in the court of the duchy of *Lancaſter*, after the death of ſuch accountant or debtor, and before any of the lands deſcended unto the heir be ſold, proceſs ſhall be awarded, *viz.* firſt a privy ſeal commanding the heir to make perſonal appearance, to ſhew cauſe as in the writ of *ſcire facias* to be awarded out of the exchequer is appointed; and if the heir ſhall make default at the return of the privy ſeal, upon affidavit that the privy ſeal was duly ſerved, either upon the perſon of the heir, or left at the place of his abode, an attachment with proclamation ſhall be awarded, and ſhall be proclaimed in ſome market-town in the county where the heir was laſt dwelling 20 days before the return; and if upon return the heir make default, all things ſhall be done for ſale of the lands, as is appointed where default is made upon a garniſhment, or two *nichils*, returned upon a *ſcire facias* out of the exchequer. *ſ.* 6.

If the heir of any accountant or debtor before-mentioned ſhall be within the age of 21 years when ſuch proceſs ſhall be awarded, then during his nonage this act ſhall not be executed, as touching the ſelling of the lands: and after ſuch heir ſhall accompliſh the age of 21 years, the lands ſhall, during eight years then next enſuing, be liable to be ſold for the payment of her majeſty. *ſ.* 7.

This act ſhall not extend to the ſale of the lands of any ſuch heir for any account, debt, or farm, whereof ſuch debtor or accountant ſhall have a *quietus eſt* or diſcharge in his life-time. *ſ.* 8.

By 20 *Car.* 2. *c.* 2. Receivers, reeves, bailiffs, collectors, and other officers, receiving monies for his majeſty's uſe, ſhall uſe all diligence to gather the monies due to his majeſty within the receipts, and to pay the ſame according to their duties. *ſ.* 1.

All perſons, who having received any monies due to the king, ſhall not account for, and pay the ſame, according to the courſe of the exchequer, into the receipt there, or to ſuch perſons to whom the ſame ought to be paid, within two months after the ſame ſhall have been received, ſhall anſwer damages after the rate of twelve *per cent.* by the year, by the judgment of the court of exchequer, without any power of abatement or inſtalment, and the proceſs of the court ſhall be awarded againſt the ſaid perſons. *ſ.* 2.

Nothing herein contained ſhall alter the time or way of accounting of any ſheriff. *ſ.* 3.

By 3 *Geo.* 1. *c.* 4. The lords commiſſioners of the treaſury are empowered to cauſe ſuch ſums of money, as they ſhall judge reaſonable, to be paid or allowed to receivers out of the arrears in their hands, and the auditors are to allow the ſame. *ſ.* 3.

By 7 *Geo.* 1. *c.* 20. The lords commiſſioners of the treaſury are empowered to cauſe ſuch ſums of money, as they ſhall judge reaſonable, to be paid or allowed to receivers, out of any overplus monies to ariſe by any land-tax, after diſcharging all payments charged thereupon by parliament. *ſ.* 36.

By 25 *Geo.* 3. *c.* 35. It ſhall be lawful for the court of exchequer, on the application of the attorney general in a ſummary way, by motion to the ſame court, to order that the right and title, eſtate and intereſt, of any debtor to his majeſty, and the right, title, eſtate, and intereſt of the heirs and aſſigns of ſuch debtor, in any lands, tenements, or hereditaments which ſhall be extended under a writ of extent, or *diem clauſit extremum*, or ſo much thereof as ſhall be ſufficient to ſatisfy the debt for which the ſame ſhall have been extended, ſhall be ſold in ſuch manner as the court ſhall direct; and when a purchaſer ſhall be found, the conveyance of the lands, *&c.* decreed to be ſold, ſhall be made to the purchaſer, by the remembrancer in the court of exchequer, or his deputy, under the direction of the court, by a deed of bargain and ſale, to be inrolled in the ſame court; and after ſuch conveyance, and the inrollment thereof, the bargainee ſhall have and enjoy the lands, *&c.* therein compriſed, for his own uſe, not only againſt the extent of the crown, but alſo againſt ſuch debtor of the crown, or the ſureties for ſuch debtor, and all perſons claiming under ſuch debtor, or the ſureties, unleſs by a title paramount to, and available in law againſt ſuch extent; and all monies payable from ſuch purchaſer, ſhall be paid, accounted for, and applied towards the diſcharge of the debt due to the crown, and of all coſts incurred by the crown in enforcing the payment of ſuch debt, in ſuch manner as the exchequer ſhall order: and if, after payment of the whole debt to the crown, and of all coſts, there ſhall be any ſurplus of the monies ariſing from ſuch ſale, the ſaid ſurplus ſhall belong to the ſame perſon as would be entitled to the lands, if there had not been a ſale thereof, and ſhall accordingly be paid to ſuch perſon, under the order of the court of exchequer, upon motion or petition to the ſaid court, to be made upon ſuch notice to the crown, and to be ſupported by ſuch affidavits or proofs, as to the ſaid court ſhall ſeem reaſonable. *ſ.* 1.

It ſhall be lawful for the court of exchequer to make order touching the production, delivery, and cuſtody of title deeds and writings, in the ſame manner as if a decree had been made by the ſaid court for a ſale of the lands of a crown debtor, in execution of a truſt created for payment of debts by ſuch crown debtor himſelf. *ſ.* 2. *See* DEBT *to the* KING.

Recognizances.

Stat. of Acton-burnal, 11 *Edw.* 1. Every merchant which will be ſure of his debt, ſhall cauſe his debtor to come before the mayor of *London*, *York*, or *Briſtol*, or before the mayor and a clerk which the king ſhall appoint, to acknowledge the debt and the day of payment, and the acknowledgment ſhall be entered in a roll by the clerk; moreover the clerk ſhall make a bill obligatory, whereunto the ſeal of the debtor ſhall be put with the king's ſeal, which ſeal ſhall remain in the keeping of the mayor and clerk; and if the debtor do not pay at the day, the creditor ſhall come before the mayor and clerk with his bill; and the mayor ſhall cauſe the moveables of the debtor and his burgages deviſable to be ſold as far as the debt doth amount; and if the mayor can find no buyer, he ſhall cauſe the moveables to be delivered to the creditor at a reaſonable price, as much as doth amount to the debt, and the king's ſeal ſhall be put unto the ſale and deliverance of the burgages deviſable; and if the debtor have no moveables within the juriſdiction of the mayor, but hath ſome other where, then ſhall the mayor ſend the recognizance unto the chancellor, and the chancellor ſhall direct a writ unto the ſheriff in whoſe bailiwick the moveables be, that the ſheriff cauſe the creditor

to be ſatisfied; and if the praiſers ſet an over price, then ſhall the thing praiſed be delivered unto themſelves at ſuch price; and if the debtor have no moveables, then ſhall his body be taken and kept in priſon until he have made agreement; and if he have not wherewith he may ſuſtain himſelf in priſon, the creditor ſhall find him bread and water, which coſts the debtor ſhall recompenſe him with his debt. And if the creditor be a merchant ſtranger, he ſhall remain at the coſts of the debtor ſo long as he tarrieth about the ſuit of his debt, and until goods of the debtor be ſold or delivered unto him. And if pledges or mainpernors come before the mayor and clerk, and bind themſelves by recognizance in like manner as the principal debtor, if the debt be not paid at the day, ſuch execution ſhall be awarded againſt the pledges, as is appointed for the debtor. *ſ.* 1.

As long as the debt may be fully levied of the goods of the debtor, the pledges ſhall be without damage. *ſ.* 2.

Stat. of merchants, 13 *Edw.* 1. *ſt.* 3. A merchant which will be ſure of his debt, ſhall cauſe his debtor to come before the mayor of *London*, or before ſome chief warden of the city or other town where the king ſhall appoint, and before the mayor or chief warden, or other diſcreet men ſworn thereto, when the mayor or chief warden cannot attend, and before one of the clerks that the king ſhall aſſign, when both cannot be attendant, and acknowledge the debt and day of payment; and the recognizance ſhall be inrolled by one of the clerks, and the roll ſhall be double, whereof one part ſhall remain with the mayor or chief warden, and the other with the clerks; and one of the clerks ſhall write an obligation whereunto the ſeal of the debtor ſhall be put with the king's ſeal, which ſeal ſhall be of two pieces, whereof the great piece ſhall remain with the mayor or chief warden, and the other in the keeping of the clerks; and if the debtor do not pay the debt at the day, then ſhall the merchant come before the mayors and clerk with his obligation, and the mayor or chief warden ſhall cauſe the body of the debtor to be taken (if he be lay), and ſhall commit him to the priſon of the town, if there be any, and he ſhall remain there at his own coſts until he hath agreed for the debt; and if the keeper of the town-priſon will not receive him, he ſhall be anſwerable for the debt; and if he have not whereof, he that committed the priſon to his keeping ſhall anſwer it; and if the debtor cannot be found by the mayor or chief warden, then ſhall the mayor or chief warden ſend to the chancery the recognizance, and the chancellor ſhall direct a writ to the ſheriff, in whoſe ſhire the debtor ſhall be, to take his body (if he be lay), and ſafely to keep him in priſon until he hath agreed for the debt; and within a quarter of a year after he is taken, his goods and lands ſhall be delivered: and it ſhall be lawful to him, during the ſame quarter, to ſell his lands for the diſcharge of his debt; and if he do not ſatisfy it within the quarter, all the lands and goods of the debtor ſhall be delivered unto the merchant by a reaſonable extent, to hold them until the debt is levied; and his body ſhall remain in priſon, and the merchant ſhall find him bread and water: and the merchant or his aſſigns ſhall have ſuch ſeiſin in the lands delivered, that he may maintain a writ of *novel diſſeiſin*, and a rediſſeiſin, as of freehold to hold to him and his aſſigns, until the debt be paid; and as ſoon as the debt is levied, the body of the debtor ſhall be delivered with his lands. And in the writs which the chancellor ſhall award, mention ſhall be made, that the ſheriff ſhall certify the juſtices of the one bench or of the other, how he hath performed the king's command at a certain day; at which day the merchant ſhall ſue before the juſtices, if they be not ſatisfied; and if the ſheriff do not return the writ, or return that the writ came too late, or that he hath directed it to the bailiff of ſome franchiſe, the juſtices ſhall do as is contained in the ſtatute *Weſtm.* 2. *c.* 39. *See* "Sheriffs." And if the ſheriff return that the debtor cannot be found, or that he is clerk, the merchant ſhall have writs to all the ſheriffs where he ſhall have any land, that they deliver all the goods and lands of the debtor by a reaſonable extent, to hold unto him and his aſſigns: and he ſhall have a writ to what ſheriff he will, to take his body, (if he be lay,) and the keeper of the priſon muſt anſwer the body or the debt; and after that the debtor's lands be delivered to the merchant, the debtor may ſell his land, ſo as the merchant have no damage by the approvements; and the merchants ſhall be allowed their damages and coſts. And if the debtor find ſureties, which ſhall acknowledge themſelves as principal debtors, the ſureties ſhall be ordered as the principal debtor. And the merchant ſhall have ſeiſin of all the lands that were in the hand of the debtor the day of the recognizance made; and after the debt paid, the lands and iſſues thereof ſhall return again, as well to the feoffees as the other lands unto the debtor: and if the debtor or his ſureties die, the merchant ſhall have none authority to take the body of his heir, but he ſhall have his lands if he be of age, or when he ſhall be of age, until he hath levied the debt. And there ſhall be alſo another ſeal provided that ſhall ſerve for fairs, and the ſame ſhall be ſent unto every fair under the king's ſeal by a clerk ſworn, or by a keeper of the fair. And of the commonalty of *London* two merchants ſhall be choſen that ſhall be ſworn, and the ſeal ſhall be opened before them, and one piece ſhall be delivered to the merchants, and the other ſhall remain with the clerk; and before them or one of the merchants (if both cannot attend) the recognizances ſhall be taken; and before the recognizances be inrolled, the pain of the ſtatute ſhall be read before the debtor. And to maintain the coſts of the clerk, the king ſhall take of every pound a penny, in every town where the ſeal is, except fairs, where he ſhall take 1 *d. ob.* of the pound. This act to be obſerved throughout *England* and *Ireland*, between any that will make ſuch recognizances, except *Jews*; and by this ſtatute the writ of debt ſhall not be abated; and the chancellor, juſtices of either bench, and juſtices errants, ſhall not be by this precluded to take recognizances, but the execution of recognizances made before them ſhall not be made in the form aboveſaid, but by the law before uſed.

A like ſtatute have the mayor and citizens of Exeter.

By 14 *Edw.* 3. *ſt.* 1. *c.* 11. Every clerk deputed to receive recognizances in cities and boroughs, ſhall abide in perſon to do his office, and ſhall have lands ſufficient in the county, whereof he may anſwer.

By 27 *Edw.* 3. *ſt.* 2. *c.* 9. Every mayor of the ſtaples ſhall have power to take recognizances of debts in preſence of the conſtables of the ſtaple, or one of them. And in every of the ſtaples ſhall be a ſeal remaining in cuſtody of the mayor, under the ſeals of the conſtables; and all obligations made upon ſuch recognizances ſhall be ſealed with the ſaid ſeal, paying for every obligation of 100 *l.* and within, of every pound a halfpenny, and of every obligation above 100 *l.* a farthing; and the mayor of the ſtaple may take and hold in priſon the bodies of the debtors after the term incurred, if they be found within the ſtaple, till they have made gree; and alſo arreſt the goods found within the ſtaple, and deliver them to the creditors, or ſell them at the beſt, and deliver the money to the creditors; and in caſe the debtors be not found within the ſtaple, nor their goods to the value of the debt, the ſame ſhall be certified in the chancery under the ſaid ſeal, by which certification a

writ ſhall be ſent to take the bodies, and to ſeize the lands and goods; and the writ ſhall be returned into the chancery, with the certificate of the value of the lands and goods; and thereupon execution ſhall be made from day to day, in manner as in the ſtatute-merchant; ſo that he to whom the debt is due, ſhall have eſtate of freehold in the lands, and recovery by writ of *novel diſſeiſin*, if he be outed. And the debtor ſhall have no advantage of the quarter of a year in the ſaid ſtatute-merchant. And in caſe a creditor ſhall not have letters of the ſeal, but will ſtand to the faith of the debtor, if after the term incurred he demand the debt, the debtor ſhall be believed upon his faith.

By 5 *Hen.* 4. *c.* 12. When any ſtatute-merchant is certified into the chancery, and a writ awarded to the ſheriff, and returned into the common place, and the ſtatute there once ſhewed, howſoever the proceſs after be diſcontinued, the juſtices of the bench may upon the ſame record award execution of the ſtatute, without ſhewing thereof at any other time.

By 11 *Hen.* 6. *c.* 10. Where perſons taken for execution of recognizances of the ſtaple come in by writs of *corpus cum cauſa* in chancery, ſhewing forth divers indentures and other things in defeaſance, deſiring writs of *ſcire facias* to warn the parties at whoſe ſuit they be taken, and by ſurety found to the king have been delivered; from henceforth ſuch ſureties ſhall be made ſeverally, as well to the king as to the party.

By 23 *Hen.* 8. *c.* 6. The chief juſtice of the king's bench, and the chief juſtice of the common pleas, every of them by himſelf, and in their abſence out of term, the mayor of the ſtaple at *Weſtminſter*, and the recorder of *London* together, ſhall have power to take recognizances for debts, according to ſuch form as enſueth: *ſ.* 2.

Know all men by theſe preſents, us A. B. *and* C. D. *to be held and firmly bound to* J. S. *in* 100 *l. ſterling, to be paid to the ſame* J. *or his certain attorney ſhewing this writing, his heirs or executors, in* ſuch a feaſt, &c. *next enſuing after the date of theſe preſents; and if we fail in payment of the ſaid debt, we will and grant, that there ſhall then run upon us the pain ordained and provided in the ſtatute of the ſtaple, for the recovering of debts for merchandize bought in the ſame. Dated ſuch a day,* &c.

Every obligation made according to this act ſhall be ſealed with the ſeal of the party, and alſo with ſuch ſeal as the king ſhall appoint, with the ſeal of one of the ſaid juſtices, or with the ſeals of the mayor and recorder, and with their names ſubſcribed, that ſhall take the recognizance; and the juſtices, mayor, and recorder, ſhall have the cuſtody of one ſuch ſeal, which ſhall ſeverally remain with them. *ſ.* 3.

Such perſon as ſhall be aſſigned by the king ſhall write all ſuch obligations, and cauſe the ſame to be inrolled in two rolls indented, whereof one ſhall remain with the juſtices, or with the ſaid mayor and recorder, that ſhall take the recognizance, and the other with the writer; and the perſon appointed for writing and inrolling ſuch obligations, or his deputy, ſhall dwell in *London*, upon pain to forfeit for every time that he ſhall be abſent two days, 10 *l.* *ſ.* 4.

The perſon aſſigned to write and inrol ſuch obligations, at the requeſt of the creditors, ſhall certify ſuch obligations into the chancery, under the ſeal of the ſaid perſon. *ſ.* 5.

Every perſon to whom ſuch obligation ſhall be made for default of payment, ſhall have like proceſs and execution as hath been uſed upon any obligation of ſtatute-ſtaple. *ſ.* 6.

Every perſon, that ſhall have proceſs for execution by reaſon of any ſuch obligation, ſhall pay to the king at the time of the ſealing of the proceſs, one halfpenny for every pound contained in the obligation. *ſ.* 8.

Every of the ſaid juſtices, and the ſaid mayor and recorder, before whom ſuch obligation ſhall be recognized, ſhall take for knowledge of every ſuch recognizance, 3 *s.* 4 *d.*; and the clerk that ſhall write and inrol the ſame, 3 *s.* 4 *d.*; and for the certificate of every ſuch obligation, 20 *d.* And if any of the ſaid juſtices, mayor, recorder, or clerk, take above the ſums limited, they ſhall forfeit 40 *l.* *ſ.* 10.

No mayor or conſtable of the ſtaple for the payment of money ſhall take any recognizance of the ſtatute-ſtaple, upon pain to forfeit 40 *l.* the one moiety of the ſaid penalties to be to the king, and the other moiety to the party that will ſue for the ſame; provided, that this act be not hurtful to any mayor and conſtables of the ſtaple, for any bond of ſtatute-ſtaple taken between merchants being free of the ſtaple, for merchandize of the ſtaple between them bought and ſold. *ſ.* 11.

By 29 *Car.* 2. *c.* 3. The day of the month, and year of the inrolment of recognizances ſhall be ſet down in the margin of the roll; and no recognizance ſhall bind any lands in the hands of any purchaſer *bona fide*, and for valuable conſideration, but from the time of ſuch inrolment. *ſ.* 18.

By 8 *Geo.* 1. *c.* 25. The rolls appointed by 23 *Hen.* 8. *c.* 6. to be made of recognizances in nature of a ſtatute-ſtaple ſhall be made in manner following, *viz.* the clerk of the recognizances, or his deputy, ſhall yearly prepare three parchment rolls, and ſhall, at the times of acknowledging every recognizance, ingroſs the full tenor of ſuch recognizance; and one of the rolls ſhall contain all the recognizances taken before the chief juſtice of the king's bench; and one other of them, all the recognizances taken before the chief juſtice of the common pleas; and the other, all the recognizances before the mayor of the ſtaple at *Weſtminſter*, and recorder of *London*; and at the time of ſuch acknowledgment, the perſons before whom ſuch recognizances ſhall be taken, and alſo the party acknowledging, ſhall ſign their names to the roll, as well as ſign and ſeal the recognizance; and all the three rolls ſhall, at the end of every year, be fixed together and made one roll, and remain in the cuſtody of the clerk of the recognizances, in his public office in *London* or *Middleſex*, who ſhall keep a docket to refer to the rolls; to which docket ſhall be added the day, month, and year, of every acknowledgment. *ſ.* 1.

In caſe any loſs ſhall happen to any ſuch recognizance, the ſame ſhall, from any of the rolls, be by the clerk, by certificate under his ſeal, certified into chancery; and to ſuch certificate, and all certificates of ſuch recognizances, ſhall be annexed a tranſcript of the entry from the rolls; and a like certificate with ſuch tranſcript annexed ſhall be made, and remain with the clerk of the petty bag; and ſhall be as effectual, as if the recognizance under ſeal had been left in the office; and in caſe of loſs, a copy from the rolls, ſigned by the clerk, and duly proved, ſhall be evidence of ſuch recognizances. *ſ.* 2.

The proſecutor of every ſuch recognizance ſhall, at the time of ſuing out the firſt writ of extent, deliver into the office a note, teſtifying the ſum of the damages intended to be levied, which ſum the officer ſhall inſert in the writ; and the poundage of one halfpenny ſhall be taken only for every pound, according to the ſum ſo inſerted. *ſ.* 3.

In caſe it ſhall at any time before or after the filing or returning of any *liberate*, be made appear to the chancery, that

that ſufficient has not been levied to ſatisfy the recognizance, or that any omiſſion or error has happened in ſuing out, executing, or returning, any of the ſaid writs, or any proceſs thereon; or that any lands ſhall be evicted from any perſon who ſhall have extended the ſame by virtue of ſuch proceſs; the chancery ſhall award re-extents for ſatisfying the ſame, and writs of *liberate* may be ſued out thereupon. *ſ.* 4.

No ſheriff ſhall take for the extent and *liberate*, and *habere facias poſſeſſionem* or *ſeiſinam* on the real eſtate, and levy on the perſonal eſtate, by virtue of ſuch extent, any more than the fees appointed by 3 *Geo.* 1. *c.* 15. for executing a writ of *elegit*, and *habere facias poſſeſſionem* or *ſeiſinam*, under the like penalties. *ſ.* 5. *See* SHERIFF *and* FRAUDS.

Records.

By 9 *Edw.* 3. *ſt.* 1. *c.* 5. Juſtices of aſſiſe, gaol-delivery, and of *oyer* and *terminer*, ſhall ſend all their records and proceſſes, determined and put in execution, to the exchequer at *Michaelmas* every year: and the treaſurer and chamberlains, having ſight of the commiſſions of ſuch juſtices, ſhall receive records under their ſeals, and keep them in the treaſury; ſo always that the juſtices do firſt take out the eſtreats of the records, and proceſs to ſend them to the exchequer.

By 8 *Ric.* 2. *c.* 4. Of falſe entering of pleas, razing of rolls, and changing of verdicts, if any judge or clerk be of ſuch default (ſo that by the ſame there enſueth diſheriſon of any parties), ſufficiently convict before the king and his council, by the manner and form as to the king and his council ſhall ſeem reaſonable, and within two years after ſuch default made, if the party grieved be of full age; and if he be within age, then within two years after he ſhall come to his full age, he ſhall be puniſhed by fine and ranſom at the king's will, and ſatisfy the party; and as to the reſtitution of the inheritance, the party grieved ſhall ſue by writ or otherwiſe according to law.

By 11 *Hen.* 4. *c.* 3. The juſtices aſſigned to take aſſiſes ſhall cauſe to be delivered in the king's treaſury, all the records of aſſiſes of *novel diſſeiſin*, of *mortdanceſtor*, and of certifications, before them determined, every ſecond year; and the records and proceſs of pleas real and perſonal, and of aſſiſes of *novel diſſeiſin*, or *mortdanceſtor*, and certifications, and of other, whereof judgment is given and inrolled, ſhall in no wiſe be amended nor impaired by new entering of the clerks, or by the record or thing certified in commandment of any juſtice, in no term after ſuch judgment given and inrolled.

Recoveries.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 4. Where the huſband being impleaded giveth up the land demanded, and where the huſband loſeth land by default, in both caſes the woman demanding her dower ſhall be heard; and if it be alledged againſt her, that her huſband loſt the land by judgment, and it be enquired by what judgment, and it be found that it was by default, whereunto the tenant muſt anſwer; then the tenant ſhall anſwer further, and ſhew that he had right in the land according to the form of the writ purchaſed againſt the huſband; and if he can ſhew that the huſband had no right in the lands, nor any other but he that holdeth them, the tenant ſhall go quit, and the wife ſhall recover nothing of her dower; which if he cannot ſhew, the wife ſhall recover her dower. And ſo in theſe caſes, and in other, *viz.* when the wife being endowed loſeth her dower by default, and tenants in free marriage, by the law of *England*, or for term of life, or in fee tail, divers actions concur for ſuch tenants when they demand their land loſt by default; for when it is come to that, that ſuch tenants muſt be compelled to ſhew their right, and they cannot anſwer without them to whom the reverſion belongeth, therefore it is granted unto them to vouch to warranty, as if they were tenants, if they have a warranty; and when the warrantor hath warranted, the plea ſhall paſs between him that is ſeiſed and the warrantor, according to the tenor of the writ that the tenant purchaſed before, and by which he recovered by default. And if the action of ſuch a tenant, which is compelled to ſhew his right, be moved by a writ of right, though the great aſſiſe or battail cannot be joined by the words accuſtomed, yet it ſhall be joined by words convenient. And where ſometime a woman not having right to demand dower, the heir being within age, doth purchaſe a writ of dower againſt a guardian, and the guardian endoweth the woman by favour, or maketh default, or by colluſion defendeth the plea faintly, whereby the woman is awarded her dower; the heir, when he cometh to age, ſhall have an action to demand the ſeiſin of his anceſtor againſt ſuch woman, like as againſt any other deforceor; yet ſo that the woman ſhall have her exception ſaved againſt the demandant, to ſhew that ſhe had right to her dower; which if ſhe can ſhew, ſhe ſhall go quit and retain her dower, and the heir ſhall be grievouſly amerced according to the diſcretion of the juſtices; and if not, the heir ſhall recover his demand. In like manner the woman ſhall be aided, if the heir, or any other, do implead her for her dower, or if ſhe loſe her dower by default; in which caſe the default ſhall not be ſo prejudicial to her but that ſhe ſhall recover her dower, if ſhe have right thereto; and ſhe ſhall have this writ: *ſ.* 1.

Command A. *that juſtly*, &c. *he render to* B. *who was the wife of* F. *ſo much land with the appurtenances in* C. *which ſhe claimeth to be her reaſonable dower, and which the aforeſaid* A. *to her deforceth*, &c. And if a man loſe his land by default, he may recover by another writ. For land in free marriage loſt by default, this writ ſhall be made: *Command* A. *that juſtly*, &c. *he render to* B. *the manor of* D. *with the appurtenances, which he claimeth to be his right in marriage, and which* A. *to him unjuſtly deforceth.* Likewiſe of land for term of life loſt by default, this writ ſhall be made: *Command* A. *that juſtly and without delay*, &c. *he render to* B. *the manor of* D. *with the appurtenances, which he claimeth to hold to the term of his life, and which the aforeſaid* A. *to him deforceth*, &c. Likewiſe: *which he claimeth to hold to him and the heirs of his body lawfully begotten, and which the aforeſaid* A. *to him deforceth*, &c. *ſ.* 2.

By 7 *Hen.* 8. *c.* 4. Recoverers in recoveries, their heirs and aſſigns, may diſtrain for rents, ſervices, and cuſtoms, and make avowry, or juſtify, as thoſe againſt whom the recovery is; and alſo have *quare impedit* for the advowſon, if any diſturbance be made. *ſ.* 2. *See* AVOWRY.

By 21 *Hen.* 8. *c.* 15. A termor may falſify for his term recoveries, in ſuch wiſe as a tenant of freehold may. *ſ.* 2.

The termors, notwithſtanding ſuch recovery, ſhall enjoy their terms according to their leaſes againſt all ſuch recoverers. And ſuch recoverers, their heirs and aſſigns, ſhall have like remedy againſt the termors, their executors and

aſſigns, by avowry, or action of debt, for the rents and ſervices reſerved, and alſo like actions for waſte done after the recoveries had, as the leſſors might. *ſ.* 3.

No ſtatute ſtaple, ſtatute merchant, nor execution by *elegit*, ſhall be avoided by any fained recovery; but all perſons having lands by execution ſhall have like remedy to falſify recoveries, as is provided for the leaſe for years. *ſ.* 4.

By 14 *Eliz. c.* 8. Where perſons are ſeiſed of lands, as tenants by the curteſy, tenants in tail after poſſibility of iſſue extinct, or otherwiſe for term of life, or of eſtates determinable upon life, all recoveries by agreement of parties, or by covin, againſt any ſuch particular tenant, or againſt any other with voucher over of ſuch particular tenant, ſhall, as againſt ſuch perſons to whom any reverſion or remainder ſhall appertain, be void. *ſ.* 2.

This act ſhall not be prejudicial to any perſon that ſhall, by good title, recover lands by reaſon of any former right. *ſ.* 3.

All recoveries of lands by aſſent of any perſon to whom any reverſion or remainder thereof ſhall appertain (ſo that the ſame aſſent appear of record in any court of the queen) ſhall be in like force againſt ſuch perſons that ſhall aſſent, as before this act. *ſ.* 4.

By 14 *Geo.* 2. *c.* 20. All common recoveries in the court of common pleas at *Weſtminſter*, or in any court of record in *Wales*, or in any counties palatine, or in any other court having juriſdiction of any honors, caſtles, manors, lands, tenements, or hereditaments, without any ſurrender of a leaſe for one or more lives, under particular rents reſerved, or without the concurrence of or any conveyance from ſuch leſſee, or other perſon claiming under ſuch leſſee, in order to make good tenants to the writs of entry, ſhall be as effectual in law as if ſuch leſſee had conveyed or joined in conveying a good eſtate of freehold to the tenant to the writ of entry. *ſ.* 1.

Nothing in this act ſhall make any common recoveries valid, unleſs the perſon entitled to the firſt eſtate for life, or other greater eſtate (in caſe there be no ſuch eſtate for life in reverſion, or remainder next after the expiration of ſuch leaſes), has by ſome lawful act conveyed or joined in conveying an eſtate for life to the tenant to the writ of entry, or other writs whereupon ſuch common recoveries are ſuffered. *ſ.* 2.

Nothing in this act ſhall prejudice the eſtate of ſuch leſſee, or any perſon claiming under ſuch leſſee. *ſ.* 3.

Where any perſon hath purchaſed, for a valuable conſideration, any eſtate in lands or hereditaments, whereof a recovery is neceſſary to be ſuffered, to complete the title, ſuch perſon, and all claiming under him, having been in poſſeſſion from the time of ſuch purchaſe, may, after the end of 20 years, produce in evidence the deed making a tenant to the writ of entry or other writ for ſuffering a common recovery, and declaring the uſes of a recovery; and the deed ſo produced (the execution thereof being proved) ſhall be deemed good evidence for ſuch purchaſer and thoſe claiming under him, that ſuch recovery was ſuffered according to ſuch deed, in caſe no record can be found of ſuch recovery, or the ſame ſhall appear not to be regularly entered on record; provided the perſon making ſuch deed and declaring the uſes of a common recovery had a ſufficient eſtate and power to make a tenant to ſuch writ and to ſuffer ſuch common recovery. *ſ.* 4.

Every common recovery ſhall after 20 years from the ſuffering thereof be deemed valid, if it appears upon the face of ſuch recovery, that there was a tenant to the writ; and if the perſons joining in ſuch recovery, had a ſufficient eſtate and power to ſuffer the ſame, notwithſtanding the deed or deeds making the tenant to ſuch writ ſhould be loſt or not appear. *ſ.* 5.

Every recovery ſhall be deemed valid, notwithſtanding the fine, or deed making the tenant to ſuch writ, ſhould be levied or executed after the time of the judgment given in ſuch recovery, and the award of the writ of ſeiſin, provided the ſame appear to be levied or executed before the end of the term, great ſeſſion, ſeſſion, or aſſizes, in which ſuch recovery was ſuffered, and the perſons joining in ſuch recovery had a ſufficient eſtate and power to ſuffer the ſame. *ſ.* 6.

Nothing in this act ſhall make any common recovery heretofore ſuffered valid, which has been avoided by any lawful act, or which ſhall be avoided by entry before the 16th of *January* 1740, or by judgment or decree upon ſome ſuit at law or in equity, commenced before the ſaid 16th of *January*, but every ſuch common recovery ſhall be of ſuch force only as the ſame would have been if this act had never been made. *ſ.* 7.

Nothing in this act ſhall prejudice any queſtion of law which may ariſe upon common recoveries not remedied by this act; but all ſuch common recoveries ſhall be of ſuch force as the ſame would have been if this act had never been made. *ſ.* 8.

Rectories and Vicarages.

By 29 *Car.* 2. *c.* 8. Every augmentation reſerved or agreed to be made payable ſince the 1ſt of *June* in the 12th year of his majeſty's reign, or which ſhall be made payable to any vicar or curate, or reſerved by way of increaſe of rent to the leſſors, but intended for the benefit of any vicar or curate, by any archbiſhop, biſhop, or other eccleſiaſtical perſons, out of any rectory impropriate, or portion of tithes, ſhall continue for ever, as well during the continuance of the eſtate upon which the augmentations were reſerved, as afterwards; and the ſaid rectories or portion of tithes ſhall be chargeable therewith, whether the ſame be reſerved again or not; and the ſaid vicars and curates are hereby adjudged to be in the actual poſſeſſion thereof, for the uſe of themſelves and their ſucceſſors; and ſhall have remedy for the ſame, either by diſtreſs upon the rectories impropriate, or portions of tithes, or by action of debt againſt that perſon who ought to have paid the ſame. *ſ.* 2.

Provided that no future augmentation be confirmed by this act which ſhall exceed one moiety of the yearly value of the rectory impropriate. *ſ.* 3.

Every archbiſhop, biſhop, dean and chapter, ſhall cauſe every leaſe or grant whereon ſuch augmentation is made, to be entered in a book of parchment to be kept by their regiſters. And every dean, or other eccleſiaſtical perſon, ſhall cauſe every leaſe or grant, whereon any ſuch augmentation hath been made by himſelf or his predeceſſors, to be entered in the ſaid book; which entry being examined by the archbiſhop, biſhop, or dean, and atteſted in the book to be a true copy of the original leaſe or grant, and that the augmentation in the ſame was intended for ſuch uſe, ſhall be as a record, a copy whereof proved by witneſſes ſhall be evidence in law, whereupon the vicars and curates may recover the benefit of ſuch augmentation. *ſ.* 4.

Where any archbiſhop, biſhop, or other eccleſiaſtical perſon, upon the renewing or granting any leaſe, have made any agreement for an augmentation for the vicar or curate, and ſuch augmentation hath for any time been paid, although the agreement is not mentioned in the leaſe, ſuch

eccleſiaſtical perſon ſhall cauſe the ſubſtance of ſuch agreement to be entered in a book. ſ. 5.

Such augmentation ſo entered ſhall likewiſe continue for ever, in the ſame manner as if the ſame had been reſerved by the leaſe. ſ. 6.

If any queſtion ariſe concerning any thing in this act, ſuch favourable conſtructions, and ſuch further remedy, ſhall be had for the benefit of the vicars and curates, as may be had upon the ſtatutes for charitable uſes. ſ. 7.

If upon the ſurrender or determination of any leaſe wherein any ſuch augmentation hath been granted, any new leaſe of the premiſes ſhall be made without expreſs continuance of the augmentation, ſuch new leaſe ſhall be void. ſ. 8.

By 17 *Geo.* 3. *c.* 53. Whenever the parſon, vicar, or other incumbent, of any eccleſiaſtical living, parochial benefice, chapelry, or perpetual curacy, under the juriſdiction of the biſhop or other eccleſiaſtical ordinary, whereon there is no houſe of habitation, or ſuch houſe is become ſo ruinous, or is ſo mean, that one year's neat income and produce of ſuch living will not be ſufficient to build, rebuild, or put the ſame, with the offices, in ſufficient repair, ſhall think fit to apply for the aid given by this act; it ſhall be lawful for ſuch parſon, *&c.* after having procured, from ſome workman, a certificate, containing a ſtate of the condition of the buildings on their glebes, and of the value of the timber and other materials thereupon, fit to be employed in ſuch buildings or repairs, or to be ſold, and alſo a plan and eſtimate of the work propoſed to be done, (ſuch ſtate to be verified upon oath before ſome juſtice, or maſter in chancery) and laid the ſame, together with a particular account in writing, ſigned by him, and verified upon oath, of the annual profits of ſuch living, before the ordinary and patron, and obtained their conſent to ſuch propoſed new buildings or repairs, by writing, under their hands, in the form in the ſchedule, to borrow ſuch money as the eſtimate ſhall amount unto, after deducting the value of timber or materials proper to be ſold, not exceeding two years neat income and produce of ſuch living, after deducting all rents, ſtipends, tares, and other out-goings, excepting only the ſalaries to the aſſiſtant curate, where ſuch a curate is neceſſary; and as a ſecurity for the money borrowed, to mortgage the glebe, tithes, rents, and other profits and emoluments, ariſing from ſuch living, to ſuch perſon who ſhall advance the ſame, by deeds, for 25 years, or until the money borrowed, with intereſt for the ſame, and ſuch coſts as may attend the recovery thereof, ſhall be fully paid, according to this act; which mortgage deed ſhall be made in the forms in the ſchedule, and ſhall bind every ſucceeding parſon, *&c.* until the principal, intereſt, and coſts, *&c.* ſhall be paid off. ſ. 1.

Such mortgagee ſhall execute a counterpart of ſuch mortgage, to be kept by the incumbent, and a copy of every mortgage ſhall be regiſtered in the office of the regiſtrar of the biſhop of the dioceſe, or other ordinary having epiſcopal juriſdiction, after having been firſt examined by him with the original; which officer ſhall regiſter the ſame, and be entitled to demand and receive 5*s.* for ſuch regiſter; and ſuch deed ſhall be referred to upon all occaſions, the perſon inſpecting the ſame paying one ſhilling for every ſearch; and the ſaid deed, or a copy thereof, certified under the hand of the regiſtrar, ſhall be allowed as evidence, in caſe ſuch mortgage deed ſhall be loſt or deſtroyed. ſ. 2.

Whenever the principal and intereſt, directed to be paid to the mortgagee under this act, ſhall be in arrear forty days after due, it ſhall be lawful for ſuch mortgagee to recover the ſame, and coſts, by diſtreſs and ſale, in ſuch manner as rents may be recovered by landlords from their tenants. ſ. 3.

The money borrowed ſhall be paid to ſuch perſon as ſhall be nominated to receive and apply the ſame for the purpoſes aforeſaid, by the ordinary, patron, and incumbent, by writing under their hands, in the form in the ſchedule, after ſuch nominee ſhall have given a bond to the ordinary, with ſurety, in double the ſum borrowed, with condition for his duly applying and accounting for the ſame according to this act; and the receipt of the perſon nominated ſhall be a diſcharge to the perſon who ſhall advance the money: and the perſon nominated ſhall enter into contracts with proper perſons for ſuch buildings or repairs as ſhall be approved by the ordinary, patron, and incumbent, and ſhall be ſpecified in an inſtrument written upon parchment, and ſigned by them, in the form in the ſchedule; and ſhall inſpect and have the care of the execution of ſuch contracts, and ſhall pay the money for ſuch buildings and repairs according to ſuch agreements, and ſhall take proper receipts and vouchers for the ſame; and as ſoon as ſuch buildings or repairs ſhall be completed, and the money paid, ſhall make out an account of his receipts and payments, together with the vouchers for the ſame, and enter them in a book, fairly written, which ſhall be ſigned by him, and laid before the ordinary, patron, and incumbent, and examined by them; and when allowed, by writing under their hands, in the form in the ſchedule, ſuch allowance ſhall be a diſcharge to the perſon nominated, in reſpect to the ſaid accounts; but if any balance ſhall remain in the hands of ſuch nominee, the ſame ſhall be laid out in ſome further laſting improvements in building upon ſuch glebe, or ſhall be paid in diſcharge of the principal debt, at the diſcretion of the ordinary, patron, and incumbent, or two of them, of which the ordinary to be one, by order ſigned by them, in the form in the ſchedule; and an account ſhall alſo be kept, made out, and allowed, of ſuch further diſburſements, in manner aforeſaid: all which accounts, when made out and allowed, ſhall be depoſited with the vouchers, in the hands of the regiſtrar, and kept by him for the uſe of the incumbents, who may inſpect the ſame, paying to ſuch regiſtrar or deputy one ſhilling for every inſpection. ſ. 4.

Every ordinary, before he ſignify his conſent as aforeſaid, ſhall cauſe an inquiry to be made, and certified to him by the archdeacon, chancellor of the dioceſe, or other proper perſons, living in or near the pariſh where ſuch buildings are to be made, in the forms in the ſchedule, of the ſtate and condition of ſuch buildings at the time the incumbent entered upon ſuch living; how long ſuch incumbent had enjoyed ſuch living; what money he had received, or may be entitled to for dilapidations, and how he had laid out what he received; and if it appear that ſuch incumbent had, by wilful negligence, ſuffered ſuch buildings to go out of repair, then to certify the ſame to the ordinary, and alſo the amount of the damage which ſuch buildings had ſuſtained by the wilful neglect of ſuch incumbent; and ſuch incumbent, if the ordinary require it, ſhall pay the ſame into the hands of the nominee towards defraying the expences of building and repairs, before the ordinary ſhall give his conſent. ſ. 5.

The incumbent of every ſuch living, where ſuch mortgage ſhall be made, and his ſucceſſors, ſhall pay the intereſt ariſing upon every ſuch mortgage yearly, as the ſame ſhall become due, or within one month after, and alſo 5 *l. per cent.*

per

per ann. of the principal remaining due, by yearly payments; and ſuch incumbent, who ſhall not reſide 20 weeks in each year upon ſuch living, computing from the date of the mortgage, ſhall, inſtead of the 5 *l. per cent. per ann.* pay 10 *l. per cent. per ann.* of the principal by yearly payments, ſuch payments to be made at the ſame time ſuch intereſt ſhall be paid, until the whole principal and intereſt ſhall be fully paid; and every incumbent who ſhall pay only 5 *l. per cent. per ann.* of ſuch principal money, ſhall, at the time he pays the ſame, produce and deliver to the mortgagee, a certificate under the hands of two rectors, vicars, or officiating miniſters, of ſome pariſhes near adjoining, ſignifying that he had reſided 20 weeks upon the ſaid living, within the year for which ſuch payment became due; which certificate ſhall be in the form in the ſchedule; and ſuch incumbent ſhall annually, at his own expence, from the time ſuch buildings ſhall be completed, inſure, at one of the public offices, eſtabliſhed in *London* or *Weſtminſter*, for inſurance of houſes, the houſe and other buildings upon ſuch glebe, againſt accidents by fire, at ſuch money as ſhall be agreed upon by the ordinary, patron, and incumbent; and in default of payment of either the principal or intereſt, or neglect of inſurance, the ordinary may ſequeſter the profits of the living, till ſuch payment or inſurance be made. *ſ.* 6.

That the payment of ſuch year may be juſtly aſcertained, between the ſucceſſor and the incumbent, avoiding ſuch living, *&c.* in caſe any difference ſhall ariſe in adjuſting the proportions, the ſame ſhall be determined by two indifferent perſons, the one to be named by the ſucceſſor, and the other by the perſon making avoidance, or his repreſentatives, in caſe of his death; and in caſe ſuch nominees ſhall not be appointed within two months after ſuch death or avoidance, or if they cannot agree in adjuſting ſuch proportions within one month after appointed, the ſame ſhall be determined by ſome neighbouring clergyman, to be nominated by the ordinary, whoſe determination ſhall be concluſive between the parties; which nominations and determinations ſhall be made according to the forms in the ſchedule. *ſ.* 7.

Where there ſhall be no houſe of habitation upon any eccleſiaſtical living, exceeding clear 100 *l. per annum*, or being one, the ſame ſhall be ſo mean, or in a ſtate of decay, and the incumbent ſhall not reſide in the pariſh 20 weeks within any year, computing from 1ſt *Jan.* it ſhall be lawful for the ordinary, with the conſent of the patron (in caſe the incumbent ſhall not think fit to lay out one year's income, where the ſame may be ſufficient, to put the houſe in proper repair, or to make ſuch application as aforeſaid, for building, repairing, or re-building ſuch parſonage houſe), to procure ſuch plan, eſtimate, and certificate, as herein directed, and at any time, within the ſucceeding year, to proceed in the execution of this act, in ſuch manner as the incumbent is authoriſed to proceed, and to make ſuch mortgage as aforeſaid, which ſhall be binding upon the incumbent and his ſucceſſors, and he ſhall be liable to the payment of the intereſt, principal, and coſts; and ſuch incumbent and his repreſentatives ſhall be liable to the proportion of the payments for the year which ſhall be growing at the time of the death, or avoidance, which intereſt, principal, and coſts, and proportion of payments, ſhall be recovered againſt ſuch incumbent, by action of debt, in any court of record. *ſ.* 8.

All money recovered or received, by ſuit or compoſitions, from the repreſentatives of any former incumbent, and not laid out in the repairs of buildings, ſhall go in part of the payments under ſuch eſtimate; and all money thereafter to be recovered or received, in caſe the ſame cannot be had before ſuch buildings are completed, and the money paid for the ſame, ſhall be applied, as ſoon as received, in payment of the principal then due, as far as the ſame will extend; or in caſe the ſaid mortgage money ſhall have been diſcharged, ſuch money ariſing from dilapidations, ſhall be paid into the hands of the nominee appointed as aforeſaid, or of ſome other perſon nominated by the ordinary, patron, or incumbent, in caſe ſuch nominee ſhall be dead, or ſhall decline to act therein, to be laid out in making ſome additional buildings or improvements upon the glebe, to be approved by the ordinary, patron, and incumbent; and in the mean time, or in caſe ſuch buildings ſhall not be neceſſary, then in truſt, to lay out the ſame in government or other good ſecurities, and pay the intereſt thereof to the incumbent. *ſ.* 9.

Where new buildings are neceſſary to be provided for the habitation of the rector, vicar, or other incumbent, purſuant to the authority hereby given, it ſhall be lawful for the ordinary, patron and incumbent, to contract, or to authoriſe, if they ſhall think fit, the perſon nominated by them to contract for the abſolute purchaſe of any houſe, in a ſituation convenient for the reſidence of the rector, or vicar, and not at a greater diſtance than one mile from the church; and alſo to contract for any land adjoining to ſuch houſe, or to the houſe belonging to any parochial living, having no glebe lying near to the ſame, not exceeding two acres, if the annual value of ſuch living, aſcertained as aforeſaid, be leſs than 100 *l. per annum*, nor two acres for every 100 *l. per annum*, if of greater value, and to cauſe the purchaſe money for ſuch houſe to be paid out of the money to ariſe under this act; in all which caſes the ſaid buildings and lands ſhall be conveyed to the patron, and his heirs, in truſt, for the ſole uſe of the incumbent, and ſhall be annexed to ſuch church or chapel, and go in ſucceſſion with the ſame for ever; but no contract ſo made by the nominee ſhall be valid, until confirmed by the ordinary, patron, and incumbent, by writing under their hands; and ſuch purchaſe deed ſhall be in the form in the ſchedule, and ſhall be regiſtered as the other deeds are hereby directed to be regiſtered. *ſ.* 10.

When ſuch land lying near to the parſonage houſe belonging to ſuch living, or to be ſo purchaſed or exchanged, ſhall be thought fit to be taken as a convenience for the ſame, the purchaſe money or equivalent ſhall be raiſed by ſale or exchange of ſome part of the glebe or tithes of ſuch living which ſhall appear to the ſaid ordinary, patron, and incumbent, moſt convenient; and ſuch ſale or exchange ſhall be by deed, in the form in the ſchedule, and regiſtered as before directed. *ſ.* 11.

It ſhall be lawful for the governors authoriſed to regulate the bounty given by queen *Anne*, to advance, not exceeding 100 *l.* in reſpect of each living, out of the money which ſhall ariſe from that bounty, for promoting the purpoſes of this act, as to any livings, as ſhall not exceed the clear annual improved value of 50 *l.*; and ſuch mortgage ſhall be made for the re-payment of the principal ſums advanced, as before mentioned, but no intereſt ſhall be paid for the ſame; and where the annual value ſhall exceed 50 *l.* it ſhall be lawful for the ſaid governors to advance, not exceeding two years income of ſuch living, upon ſuch mortgage as aforeſaid, and ſubject to the regulations of this act, and to receive intereſt for the ſame, not exceeding 4 *l. per cent. ſ.* 12.

It ſhall be lawful for any college or hall, within the univerſities of *Oxford* and *Cambridge*, or for any other corporate

porate bodies poſſeſſed of the patronage of eccleſiaſtical livings, to advance any money, of which they have the power of diſpoſing, to aid the purpoſes of this act, for the building, rebuilding, repairing, or purchaſing, of any houſes upon livings, under the patronage of ſuch college or hall, upon the mortgage directed by this act for the re-payment of the principal, without taking intereſt for the ſame. *ſ.* 13.

Whenever the patron of any living ſhall be a minor, idiot, lunatic, or feme-covert, it ſhall be lawful for the guardian, committee, or huſband of ſuch patron, to tranſact the matters for ſuch patron, who ſhall be bound thereby. *ſ.* 14.

All acts required to be done by the ordinary and patron ſhall be done by the ordinary alone, when ſuch ordinary ſhall be the patron; and no deed, *&c.* made under this act, ſhall be charged with any ſtamp-duty, or fee of office, except as herein mentioned. *ſ.* 15.

Where any act is required to be done by the ordinary, and ſuch ordinary ſhall be a body corporate aggregate, ſuch act ſhall be done under the ſeal of ſuch body corporate. *ſ.* 16.

Where the incumbent of any chapelry or perpetual cure, ſhall be nominated by the rector or vicar, in ſuch caſe, the conſent of ſuch rector or vicar, together with the conſent of the patron of ſuch rectory, ſhall be neceſſary in all matters wherein the conſent of the patron is required. *ſ.* 17.

Whenever any controverſy ſhall ariſe, touching the reſidence of the incumbent, the ſame ſhall be determined by the ordinary of the dioceſe. *ſ.* 18.

It ſhall be lawful for the patron, ordinary, and incumbent, or two of them, of which the ordinary to be one, by writing, under their hands, to make ſuch allowance to the perſon nominated by them, for applying the money raiſed as they think fit, not exceeding 5 *l.* for every 100 *l.* laid out. *ſ.* 19.

Where the patronage of any living ſhall be in the crown, and ſuch living ſhall be above the yearly value of 20 *l.* in the king's books, the conſent of the crown to the proceedings hereby authoriſed reſpecting ſuch living ſhall be ſignified by the firſt commiſſioner of the treaſury; but if ſuch living ſhall not exceed 20 *l.* in the king's books, ſuch conſent ſhall be ſignified by the lord high chancellor, *&c*; or if ſuch living ſhall be within the patronage of the crown in right of the duchy of *Lancaſter*, then ſuch conſent ſhall be ſignified by the chancellor of ſuch duchy, by writing, under their reſpective hands, in the form in the ſchedule; and in all ſuch caſes where ſuch deed is required to be executed by the patron as well as the ordinary and incumbent, ſuch deed ſhall be valid, if executed by the ordinary and incumbent only, after ſuch conſent ſhall have been obtained from the firſt commiſſioner of the treaſury, lord chancellor, *&c.* or chancellor of the duchy of *Lancaſter:* provided ſuch conſent ſhall be regiſtered at the regiſter office. *ſ.* 20.

It ſhall be lawful for any archbiſhop or biſhop of any dioceſe, and alſo for any eccleſiaſtical corporation, ſole or aggregate, being lord of any manor within which there ſhall be any waſte or common lands, parcel of the demeſnes of ſuch manor, lying convenient for the houſe, and other purpoſes of this act, to grant a part of ſuch waſte or common lands in perpetuity for the purpoſes of this act, leaving ſufficient common for the perſons having right of common upon ſuch waſtes or commons, and obtaining the conſent of the leſſee of ſuch lands, if the ſame be in leaſe. *ſ.* 21.

SCHEDULE.

FORM of the CONSENT of the Ordinary and Patron, (to be written on Parchment.)

A. B. *rector, vicar,* &c. (as the caſe ſhall be) *of the pariſh, chapelry,* or *perpetual curacy* (as the caſe ſhall be), *of* ——— *in the county of* ——— *under the juriſdiction of the ordinary, having produced to us the ſaid ordinary, and* ——— *patron of the ſaid church and living, a certificate under the hand of* ——— *a ſkilful and experienced workman, or ſurveyor, of the ſtate and condition of the buildings upon the glebe belonging to the ſaid church, chapelry,* or *perpetual curacy* (as the caſe ſhall be), *and of the value of the timber, and other materials thereupon, fit to be ſold, or employed about ſuch buildings; and alſo a plan, made by the ſaid* ——— *of the work propoſed to be done by new buildings and repairs upon the ſaid glebe, and an eſtimate of the expence attending the ſame, after applying the ſaid materials, or the money to ariſe from the ſale thereof, in ſuch buildings and repairs; and alſo a particular account in writing, ſigned by the ſaid* A. B. *of the annual profits of ſuch living, and of the rents, ſtipends, taxes, and other outgoings, annually iſſuing thereout, verified upon oath, purſuant to the directions of an act, paſſed in the* 17th *year of the reign of his majeſty king* GEORGE III. to promote the reſidence of the parochial clergy, by making proviſion for the more ſpeedy and effectual building, rebuilding, repairing, or purchaſing houſes, and other neceſſary buildings and tenements, for the uſe of their benefices; *and having conſidered ſuch certificate, plan, and account: now, we do approve thereof, and do conſent, that ſuch buildings and repairs ſhall be made as therein ſpecified; and that the ſaid* A. B. *do borrow and take up at intereſt the ſum of* ——— *being the eſtimate of the expences, after deducting the value of the timber and other materials, thought proper to be ſold, and which appears to us, from the ſaid account, a ſum not exceeding two years net income and produce of the ſaid living; which money is to be paid to* ——— *(a perſon nominated by us and the ſaid* A. B.) *and applied according to the direction of the ſaid act.*

FORM of the MORTGAGE.

THIS indenture, made the ——— *day of* ——— *in the* ——— *year of the reign of his majeſty* ——— *and in the year of our Lord* ——— *between the reverend* ——— *rector* or *vicar,* &c. *of the pariſh church, curacy,* or *chapelry, of* ——— *in the county of* ——— *and the dioceſe of the biſhop of* ——— *of the one part; and* ——— *of* ——— *of the other part. Whereas the ſaid* ——— *purſuant to the directions of an act, paſſed in the* 17th *year of the reign of his majeſty king* GEORGE III. *intituled,* An act to promote the reſidence of the parochial clergy, by making proviſion for the more ſpeedy and effectual building, rebuilding, repairing, or purchaſing, houſes, and other neceſſary buildings and tenements, for the uſe of their benefices, *hath obtained the conſent of the ordinary of the ſaid dioceſe, and the patron of the ſaid church and living, to borrow and take up at intereſt the ſum of* ——— *to be laid out and expended in building, rebuilding,* or *repairing* (as the caſe ſhall be) *the parſonage houſe, and other neceſſary offices, upon the glebe belonging to the ſaid church, chapel,* or *curacy, as appears by an inſtrument ſigned by the ſaid ordinary and patron, hereunto annexed: And whereas*

the

the ſaid ——— *hath agreed to lend and advance the ſum of* ——— *upon a mortgage of the glebe, tithes, rents, and other profits and emoluments of the ſaid living, purſuant to the direction and the true intent and meaning of the ſaid act: Now this indenture witneſſeth, that the ſaid* ——— *in conſideration of the ſum of* 5 s. *to him in hand paid, and of the ſum of* ——— *paid at or before the ſealing and delivery hereof into the hands of* ——— (*a perſon* or *perſons* (as the caſe ſhall be) *nominated by the ſaid ordinary, patron, and incumbent, to receive the ſame, purſuant to the direction of the ſaid act, (which nomination is alſo hereunto annexed,) and which receipt of the ſaid ſum of* ——— *the ſaid* ——— *have* or *hath acknowledged, by an indorſement on the back of this deed, hath granted, bargained, ſold, and demiſed, and by theſe preſents doth grant, bargain, ſell, and demiſe, unto the ſaid* ——— *his executors, adminiſtrators, and aſſigns, all the glebe lands, tithes, rents, moduſes, compoſitions for tithes, ſalaries, ſtipends, fees, gratuities, and other emoluments and profits whatſoever, ariſing, coming, growing, renewing, or payable to the rector, vicar, or incumbent* (as the caſe ſhall be), *of the ſaid living in reſpect thereof, with all and every their rights, privileges, and appurtenances, thereunto belonging, to have, hold, receive, take, and enjoy the ſaid premiſes, with their and every of their appurtenances, unto the ſaid* ——— *his executors, adminiſtrators, and aſſigns, from henceforth, for and during the term of* ——— *years, fully to be complete and ended, in as full, ample, and beneficial manner, and with ſuch remedies and powers for obtaining and recovering the ſame, and every part thereof, to all intents and purpoſes, as the ſaid* ——— *his ſucceſſors, rectors, vicars,* &c. (as the caſe ſhall be) *of the ſaid church, could or might, or ought to have held, enjoyed, received, taken, or recovered the ſame, if theſe preſents had not been made:*

In caſes where the mortgage by this act directed is to be made by the ordinary and patron alone, without the incumbent, this covenant and proviſo are to be omitted, and the form is to be varied in ſuch other reſpects as ſhall be neceſſary.

And the ſaid A. B. *for himſelf, his heirs, executors, and adminiſtrators, doth hereby covenant, promiſe, and agreee, to and with the ſaid* ——— *his executors, adminiſtrators, and aſſigns, that he the ſaid* A. B. *during the time he ſhall continue rector, vicar,* &c. *of the ſaid pariſh and pariſh church, ſhall and will well and truly pay or cauſe to be paid unto the ſaid* ——— *his executors, adminiſtrators, or aſſigns, intereſt for the ſaid ſum of* ——— *or ſo much thereof as ſhall remain due at the end of every year, to be computed from the day of the date of theſe preſents, after the rate of* ——— per cent. per ann. *by yearly payments, the firſt of the ſaid payments to begin and be made on the* ——— *day of* ——— *next; and alſo at the ſeveral times before mentioned for payment of the intereſt as aforeſaid, ſhall and will well and truly pay, or cauſe to be paid, the ſum of* 5 *l.* per cent. per ann. *of the principal which remained due at the beginning of the year in which every ſuch payment is to be paid, in caſe the ſaid* A. B. *ſhall be reſident upon the ſaid living for the time mentioned in, and according to the true intent and meaning of the ſaid act; and in caſe the ſaid* A. B. *ſhall not reſide upon the ſaid living during the time mentioned in, and according to the true intent and meaning of the ſaid act, he ſhall pay, or cauſe to be paid, the ſum of* 10 *l.* per cent. per ann. *of the ſaid principal money, by ſuch yearly payments as aforeſaid, inſtead of the ſaid ſum of* 5 *l.* per cent. per ann. *and ſhall and will continue ſuch reſpective payments of the ſaid intereſt, and on account of the ſaid principal money, ſo long as he ſhall continue rector, vicar,* &c. (as the caſe ſhall be), *of the ſaid pariſh and pariſh church, unleſs all the ſaid principal money and intereſt for the ſame, ſhall be ſooner paid and diſcharged. Provided always, and theſe preſents are upon this condition, that if the ſaid* A. B. *and his ſucceſſors, ſhall well and truly pay, or cauſe to be paid, the ſaid principal money, and intereſt for the ſame, in manner and at the times aforeſaid, according to the true intent and meaning of the ſaid act, and of theſe preſents, and alſo all coſts and charges which ſhall have been occaſioned by the nonpayment thereof, theſe preſents, and every thing herein contained ſhall ceaſe and be void. Provided alſo, that it ſhall and may be lawful for the ſaid* A. B. *and his ſucceſſors, peaceably and quietly to hold, occupy, poſſeſs, and enjoy, all and ſingular the ſaid glebe lands, tithes, rents, moduſes, compoſitions for tithes, ſtipends, fees, gratuities, and other emoluments and profits whatſoever, ariſing, or to ariſe, from or in reſpect of the ſaid living, until default ſhall be made by him or them reſpectively, in the payment of the intereſt and principal, or ſome part thereof, at the times and in the manner aforeſaid. In witneſs,* &c.

Nomination of a Clergyman by the Biſhop, to ſettle any Diſpute about the Proportion of the Payments within the Year in which any Avoidance ſhall happen.

I THE right reverend ——— *biſhop of* ——— *purſuant to the authority of an act, paſſed in the* 17th *year of the reign of his majeſty king* George III. *intituled,* An act to promote the reſidence of the parochial clergy, by making proviſion for the more ſpeedy and effectual building, rebuilding, repairing, or purchaſing houſes, and other neceſſary buildings and tenements, for the uſe of their benefices, *do hereby nominate the reverend* ——— *being a clergyman within my ſaid dioceſe, to adjuſt and determine the matter in diſpute between the reverend* ——— *clerk, the preſent incumbent of the rectory, vicarage,* &c. *of* ——— *within my dioceſe, and* ——— *the repreſentatives of the* ——— *the laſt incumbent* (in caſe of his death), *or the ſaid* ——— (in caſe of his reſignation or promotion), *concerning the due proportion to be paid by each of the ſaid parties, of the principal and intereſt which accrued due within the year in which ſuch other death or other avoidance happened, according to the direction, true intent, and meaning of the ſaid act. Given under my hand this* ——— *day of* ———

Award and Determination of the Clergyman nominated by the Biſhop.

I THE reverend A. B. *of* ——— *in the county of* ——— *and dioceſe of the biſhop of* ——— *clerk, having been nominated by the ſaid biſhop, purſuant to the power given by an act, paſſed in the* 17th *year of the reign of his majeſty king* George III. *intituled,* An act to promote the reſidence of the parochial clergy, by making proviſion for the more ſpeedy and effectual building, rebuilding, repairing, or purchaſing houſes, and other neceſſary buildings and tenements, for the uſe of their benefices, *to adjuſt and determine the matter in diſpute between the reverend* ——— *clerk, the preſent incumbent of the rectory, vicarage,* &c. *of* ——— *within the ſaid dioceſe, and* ——— *the repreſentatives of the laſt incumbent* (in caſe of his death), *or the ſaid* ——— (in caſe of his reſignation or promotion)

tion) *concerning the due proportion to be paid by each of the ſaid parties, of the principal and intereſt which accrued due within the year in which ſuch death or avoidance happened, according to the direction and true intent and meaning of the ſaid act; and having heard and duly conſidered the ſaid matters ſo referred to me as aforeſaid, do award, adjudge, and determine, that the ſaid* ——— *ſhall pay, in reſpect of the intereſt and principal which became due within the year aforeſaid, the ſum of* ——— *and that the ſaid* ——— *ſhall pay, in reſpect of the ſame, the ſum of* ——— *being the remainder thereof, according to the proviſion and direction of the ſaid act. Given under my hand, this* ——— *day of* ———

APPOINTMENT of the NOMINEE (to be written on Parchment).

WE whoſe names are ſubſcribed, being the ordinary, patron, and incumbent, of the rectory, vicarage, &c. *of* ——— *within the county of* ——— *and dioceſe of the biſhop of* ——— *do hereby nominate and appoint* ——— *of* ——— *to receive the money authoriſed to be raiſed by an act, paſſed in the* 17th *year of the reign of his majeſty king* GEORGE III. *intituled,* An act to promote the reſidence of the parochial clergy, by making proviſion for the more ſpeedy and effectual building, rebuilding, repairing, or purchaſing houſes, and other neceſſary buildings and tenements, for the uſe of their benefices, *for the purpoſe of building, rebuilding, repairing,* or *purchaſing the parſonage houſe,* &c. (as the caſe ſhall be) *to the ſaid rectory, vicarage,* &c. *belonging, and to pay and apply the ſame, and to enter into contracts with proper perſons for ſuch buildings or repairs, and to inſpect and take care of the execution of ſuch contracts, and to take ſuch receipts and vouchers, keep ſuch accounts, and do and perform all ſuch other matters and things, which nominees are authoriſed and required to do and perform in and by the ſaid act, the ſaid* ——— *having given ſecurity for the due application thereof, according to the direction of the ſaid act. Given under our hands, this* ——— *day of* ———

FORM of ORDER of the Ordinary, Patron, and Incumbent, for laying out or applying the Surplus Money.

WE whoſe names are ſubſcribed, being the ordinary, patron, and incumbent, of the rectory, vicarage, &c. *of* ——— *in the county of* ——— *and dioceſe of the biſhop of* ——— *do hereby order, that the ſum of* ——— *now remaining in the hands of* ——— *the perſon nominated and appointed to receive and apply the money raiſed for building, repairing,* &c. *the parſonage houſe,* &c. *belonging to the ſaid rectory, vicarage,* &c. *under the act of parliament, paſſed in the* 17th *year of the reign of his majeſty king* GEORGE III. *intituled,* An act to promote the reſidence of the parochial clergy, by making proviſion for the more ſpeedy and effectual building, rebuilding, repairing, or purchaſing houſes, and other neceſſary buildings and tenements, for the uſe of their benefices, *ſhall be* [*paid to* ——— *being the perſon entitled to receive the money now remaining due on the mortgage made of the glebe lands, tythes, and other profits and emoluments of the ſaid living, and applied in part of payment thereof, purſuant to the direction of the ſaid act*] or [*applied in building or repairing,* &c. (deſcribing the ſame) *upon the glebe belonging to the ſaid living*]. *Given under our hands, this* ——— *day of* ———

FORM of CERTIFICATE from the two Clergymen.

WE, the reverend A. B. *of* ——— *in the county of* ——— *clerk, and* C. D. *of* ——— *clerk, being two clergymen within the dioceſe of the biſhop of* ——— *do hereby certify to the ſaid biſhop, purſuant to the directions and inſtructions ſent by him to us, that we have made enquiry into the ſtate and condition of the buildings upon the glebe belonging to the rectory, vicarage,* &c. *of* ——— *within the ſaid dioceſe, at the time the reverend* ——— *clerk, the preſent incumbent thereof, entered upon the ſaid living, which was in or about the year of our Lord* ——— *and do find* [*that the ſame have been kept in due and common repair, without any wilful neglect* (if the caſe is ſo)] or [*that the ſame have, by wilful negligence, been ſuffered to go to decay, and that they have ſuſtained damage, from a want of common and ordinary repair, to the amount of* ——— *pounds*]; *and we have alſo enquired into the money received by the ſaid* ——— *for dilapidations, from the repreſentatives of the former incumbent, and do find, that he hath received the ſum of* ——— *for ſuch dilapidations; and* [*that he hath expended the whole,* or ——— *thereof,* (as the caſe may be), *in the neceſſary repairs of the buildings*], or [*that the ſame hath not been laid out or expended in repairing the buildings*] *upon the glebe belonging to the ſaid living. Given under our hands, this* ——— *day of* ———

FORM of the DEED of Sale, or Exchange, of Lands or Tythes belonging to the Living or Benefice.

THIS indenture, made the ——— *day of* ——— *in the* ——— *year of the reign of his majeſty king* GEORGE *the* ——— *and in the year of our Lord* ——— *between* A. B. *ordinary of the rectory* (*vicarage, chapelry,* or *perpetual cure,* as the caſe ſhall be) *of* ——— *in the county of* ——— C. D. *of* ——— *patron of the ſaid rectory,* &c. *and the reverend* E. F. *clerk, incumbent of the ſaid rectory,* &c. *of the one part, and* G. H. *of* ——— *of the other part. Whereas, in the execution of an act, paſſed in the* 17th *year of the reign of his majeſty king* GEORGE III. *intituled,* An act, *&c.* (here ſet forth the title of the act), *it hath been found convenient to purchaſe* (or *exchange,* as the caſe ſhall be) *certain lands,* &c. (deſcribe particularly the lands purchaſed) *lying near and convenient to the parſonage houſe belonging to the ſaid rectory,* &c. (or, if the houſe be lately purchaſed) [*lying near a certain meſſuage, houſe, or tenement, and buildings, lately purchaſed for the habitation of the miniſter of the ſaid rectory,* &c. *under the powers of the ſaid act*] *and it hath been found moſt convenient, and agreed by the ſaid ordinary, patron, and incumbent, that the glebe lands* (or *tythes,* as the caſe ſhall be) *herein after deſcribed, belonging to the ſaid rectory,* &c. *ſhall be ſold, to raiſe the ſum of* ——— *being the purchaſe-money for the ſaid lands herein before deſcribed,* (or *exchanged,* if the ſame is to be done by exchange, *in order to make an equivalent for ſuch lands;*) *and a contract hath been made with the ſaid* G. H. *for the abſolute ſale, at the price or ſum of* ——— (or *exchange,* as the caſe ſhall be) *of part of the glebe land* (or *of the tythes,* as the caſe ſhall be) *belonging to the ſaid rectory,* &c. *herein after mentioned; that is to ſay,* (here deſcribe the particulars of the land or tythes propoſed to be ſold or exchanged;) *which contract is hereby ratified and confirmed by the ſaid ordinary, patron, and incumbent: now this indenture witneſſeth, that the ſaid* A. B. C. D. *and* E. F. *in order to carry the ſaid contract into execution, and to fulfil the purpoſes of the ſaid recited*

act, in pursuance of the powers thereby to them given, and in consideration of the sum of ——— *the receipt whereof is acknowledged on the back of this deed; which sum hath been paid and applied in the purchase of the lands herein before described; have, and each of them hath granted, bargained, and sold, (and exchanged,* if the same be by exchange,) *and by these presents do, and each of them doth grant, bargain, sell, (and exchange,* if by exchange,) *unto the said* G. H. *and his heirs and assigns, all,* &c. (here describe the lands or tythes, as the case shall be), *with their and every of their rights, privileges, and appurtenances, to hold to and to the use of the said* G. H. *his heirs and assigns for ever.* (If done by exchange, add the following words), [*in exchange for certain lands which belonged to the said* G. H. *and are, by indentures of equal date herewith, exchanged and conveyed to the said* C. D. *in trust, for the sole use and benefit of the said* E. F. *and his successors, rectors, vicars,* &c. (as the case shall be), *of the said living or benefice, for the time being, for ever*]. *And the said* A. B. C. D. *and* E. F. *do hereby severally covenant for themselves, their several executors and administrators, to and with the said* G. H. *his heirs and assigns, that they, nor any of them, have or hath done any act whereby the said lands* (or *tythes,* as the case shall be) *can or may be incumbered; and that the said* G. H. *his heirs and assigns, shall and may, from time to time, for ever hereafter, peaceably and quietly hold and enjoy the said glebe lands* or *tythes,* (as the case shall be,) *according to the true intent and meaning of the said act, without any lett, hindrance, or interruption, of or from them, or any of them.*

In witness, &c.

Form of the Deed of Purchase or Exchange of Buildings or Lands to be annexed to the Living or Benefice.

THIS indenture, made the ——— *day of* ——— *in the* ——— *year of the reign of his majesty king* ——— *and in the year of our Lord* ——— *between* A. B. *of* ——— *of the one part;* C. D. *ordinary of the rectory, vicarage, chapelry,* or *perpetual cure,* (as the case shall be,) *of* ——— *in the county of* ——— E. F. *of* ——— *patron of the said rectory,* &c. *and the reverend* G. H. *clerk, incumbent of the said rectory,* &c. *of the other part. Whereas there is no parsonage house belonging to the said rectory,* &c. (or) [*the parsonage house belonging to the said rectory,* &c. *is become so ruinous and decayed* (or *so mean*) *that it is not fit for the habitation of the minister of the said rectory,* &c.] *and one year's net income or produce of the said living or benefice will not be sufficient to rebuild or repair the said house, with the necessary offices belonging thereto: and whereas a certain messuage, house, or tenement, with the buildings thereunto belonging, situate in* ——— *the property of the said* A. B. *and lying within the distance of* ——— *yards from the church* (or *chapel,* as the case shall be) *of the said rectory,* &c. *appears to the said ordinary, patron, and incumbent, proper and convenient for the habitation and use of the minister of the said rectory,* &c. [*and more commodious than the present house and buildings upon the glebe of the said rectory,* &c.] (in cases where there are any); *and a contract hath been made, by the direction, and with the approbation and consent of the said ordinary, patron, and incumbent, with the said* A. B. *which is hereby ratified and confirmed by the said ordinary, patron, and incumbent, for the absolute purchase of the said messuage, house, or tenement, and buildings, for the price or sum of* ——— *pursuant to the directions of an act, passed in the 17th year of the reign of his majesty king* George III. *intituled,* An act, &c. (set forth the title of the act):

This to be inserted when the lands are purchased from the same person who sells the house and buildings.

[*And whereas a contract has likewise been made with the said* A. B. *by the like direction, approbation, and consent, which is hereby likewise ratified and confirmed by the said ordinary, patron, and incumbent, for the absolute purchase of the inheritance of a certain yard, garden, orchard, and piece or parcel of land* (describing them particularly, as the case shall be) *lying near or convenient to the said messuage, house, tenement, and buildings, containing, by admeasurement,* ——— *for the price or sum of* ——— *which have been agreed by the said ordinary patron, and incumbent, to be raised by the sale* (or *exchange*) *of certain lands,* or *tythes* (as the case shall be) *belonging to the said rectory,* &c. *herein after described, pursuant to the powers given by the said act*; viz. (here give a full description of the lands so agreed to be sold); (if the equivalent is to be by exchange, then after the word *incumbent,* last mentioned, insert [*and the said* A. B. *to be exchanged for* [*certain lands* or *tithes,* &c. (as above)]. *Now this indenture witnesseth, that the said* A. B. *for and in consideration of the said several sums of* ——— *and* ——— *to him in hand paid for the purchases aforesaid* (if both the buildings and lands are purchased for money); (but if the equivalent for the land is to be by exchange, then) *in consideration of the said sum of* ——— *for the purchase of the said messuage, house, or tenement, and buildings, and in consideration of the land* (or *tythes,* as the case shall be) *so agreed to be exchanged as aforesaid, and intended to be conveyed to him the said* A. B. *by the said ordinary, patron, and incumbent, by indenture of equal date herewith*] *the receipt of which said sum* (or *sums of money,* as the case shall be) [*and acknowledgment of the said exchange*] (if the equivalent for the land is to be by exchange) *the said* A. B. *hath admitted, by an indorsement on the back of this deed, hath granted, bargained, and sold, and by these presents doth grant, bargain, and sell,* (if by exchange), [*hath granted, bargained, sold, and exchanged, with, and*] *unto the said* E. F. *and his heirs, all,* &c. (here insert a full description of the buildings or lands so intended to be conveyed, with their and every of their rights, privileges, and appurtenances) *to hold to the said* E. F. *and his heirs, in trust, for the sole use and benefit of the said* G. H. *and his successors, rectors, vicars,* &c. (as the case shall be) *of the said living or benefice for the time being, for ever: and the said* A. B. *for himself, his heirs, executors, and administrators, doth covenant and agree to and with the said* E. F. *and his heirs, that he hath good right to convey the said messuage, house, or tenement, and buildings, lands,* &c. (as the case shall be), *and that he will warrant the same, for the uses and purposes aforesaid, for ever, free from all claims, charges, and incumbrances whatsoever, by, from, or under him, or any of his ancestors. In witness,* &c.

Form of Certificate of Residence.

WE, A. B. *rector, vicar,* or *officiating minister* (as the case shall be) *of the parish of* ——— *in the diocese of* ——— *clerk, and* C. D. *rector, vicar,* or *officiating minister* (as the case shall be) *of the parish of* ——— *within*

within the ſaid dioceſe, clerk, which ſaid pariſhes of ——— *and* ——— *are near adjoining to the pariſh of* ——— *within the ſaid dioceſe, do hereby certify, that* E. F. *rector, vicar,* or *incumbent* (as the caſe ſhall be) *of the ſaid pariſh and pariſh church of* ——— *aforeſaid, hath reſided upon his living or benefice, within that pariſh, for the ſpace of* 20 *weeks, between the* ——— *day of* ——— *and the* ——— *day of* ——— *laſt. Given under our hands, this* ——— *day of* ———

FORM of CONSENT where the Living or Benefice ſhall be in the Patronage of the Crown, or within the Duchy of *Lancaſter*.

WHEREAS the living or benefice of ——— *within the dioceſe of* ——— *is in the patronage of* | *the crown, and rated above* or *under* (as the caſe ſhall be) 20*l.* per annum *in the king's books* | or *of the chancellor of the duchy of* Lancaſter (as the caſe ſhall be); *and application hath been made for building (rebuilding, repairing, or purchaſing,* or *exchanging,* as the caſe ſhall be) *the parſonage houſe* or other *buildings* or *land* (as the caſe ſhall be), *for the uſe of the ſaid living or benefice, in purſuance of the powers given for that purpoſe, by an act paſſed in the* 17*th year of the reign of his majeſty king* GEORGE III. *intituled,* An act to promote the reſidence of the parochial clergy, by making proviſion for the more ſpeedy and effectual building, rebuilding, repairing, or purchaſing houſes, and other neceſſary buildings and tenements, for the uſe of their benefices; *now, I the right honourable* ——— *firſt lord commiſſioner of the treaſury,* | *lord high chancellor of* Great Britain, | or *chancellor of the duchy of* Lancaſter, (as the caſe ſhall be), *being ſatisfied that ſuch building, rebuilding, repairing, purchaſing,* or *exchanging,* &c. (as the caſe ſhall be), *will be an improvement and advantage to the ſaid living or benefice, do hereby conſent, that ſuch buildings, repairs, purchaſes,* or *exchanges* (as the caſe ſhall be), *ſhall be made, according to the directions, and the true intent and meaning of the ſaid act. Given under my hand, this* ——— *day of* ———

By 21 *Geo.* 3. *c.* 66. The incumbent of every living of which the glebes, tythes, rents, and profits, ſhall be mortgaged for the purpoſes of 17 *Geo.* 3. ſhall pay to ſuch mortgagee, over the intereſt of the principal money due upon ſuch mortgage, 5 *l. per cent.* if reſident, or 10 *l. per cent. per ann.* if non-reſident, of the money originally advanced upon ſuch mortgage, until the whole principal money ſhall be diſcharged. *ſ.* 1.

The forms contained in the ſchedule reſpecting the allowance of accounts, and the bond and receipt to be given by the nominee, as directed by the ſaid act, or forms to the like effect, ſhall be obſerved in the execution of this and the ſaid act. *ſ.* 2.

STATE of Account of the Money advanced and paid by *A. B.* (Rector *or* Vicar, *&c. as the Caſe ſhall be)* of the Living of ——— in the County of ——— for the building (rebuilding, *or* repairing) the Parſonage Houſe and Buildings belonging to the ſaid Living, according to the Direction of a Statute made in the ſeventeenth Year of the Reign of his Majeſty King GEORGE the Third.

C. D. *Ordinary.*
E. F. *Patron.*
G. H. *Incumbent.*

FORM of Allowance of the Nominee's Account of the Money received and expended by him purſuant to the Direction of the ſaid Statute of the ſeventeenth of GEORGE the Third, to be written at the Foot of ſuch Account.

WE have examined, and do hereby approve and allow the above account. Given under our hands, this ——— *day of* ———

A. B. *Ordinary.*
C. D. *Patron.*
E. F. *Incumbent.*

RECEIPT to be ſigned by the Nominee for the Money which ſhall be borrowed and paid into his Hands, purſuant to the Direction of the ſaid Act.

I A. B. *being the perſon nominated by the ordinary, patron, and incumbent, of the rectory (vicarage,* &c. as the caſe ſhall be*) of* ——— *in the county of* ——— *and dioceſe of the biſhop of* ——— *to receive and apply the money authoriſed to be borrowed by mortgage of the glebe, tythes, rents, and other profits and emoluments, of the ſaid* ——— *for the purpoſe of building (rebuilding,* or *repairing,* as the caſe ſhall be) *the parſonage houſe* (or *out-buildings,* &c. as the caſe ſhall be) *belonging to ſuch living or benefice, do hereby acknowledge to have received from the hands of* C. D. *being the perſon to whom ſuch mortgage is intended to be made, the ſum of* ——— *being the ſum for which ſuch mortgage or ſecurity is to be made: and I do hereby promiſe to apply the ſame in ſuch manner, and for ſuch purpoſes, as are directed by the ſaid act.*

FORM of BOND to be given by the Nominee and his Surety, purſuant to the Direction of the ſaid Act.

OBLIGATION of the bond (in the common form of obligation) *from* A. B. (deſcribing him as in the laſt form of receipt) *and* C. D. *of,* &c. (deſcribing the ſurety), *to* ——— (deſcribing the ordinary) *in the penal ſum of* ——— (to be double the ſum for which the ſecurity is to be given, *&c. &c.*)

FORM of the CONDITION of the ſaid BOND.

THE condition of the above obligation is ſuch, that if the ſaid A. B. (naming the nominee as before mentioned) *ſhall, and do juſtly and truly pay and account for the ſum of* ——— *received by him this day from* C. D. *being the perſon to whom a mortgage hath been this day made and executed of the glebe, tythes, rents, and other profits and emoluments, of the rectory (vicarage,* &c. as the caſe ſhall be) *of* ——— *for the purpoſe of building, (rebuilding* or *repairing) of the ſaid rectory,* &c. as the caſe ſhall be) *according to the true intent and meaning of two ſeveral acts of parliament, paſſed in* 17*th and* 21*ſt years of the reign of his majeſty king* GEORGE III. *for thoſe purpoſes; then this obligation to be void, or otherwiſe to remain in force.*

A. B.
C. D.

Recuſants.

By 23 *Eliz. c.* 1. Every perſon which ſhall ſay or ſing maſs, being thereof convicted, ſhall forfeit two hundred marks, and be committed to the next gaol by the ſpace of one year, and till he have paid the ſum; and every perſon which ſhall willingly hear maſs, ſhall forfeit one hundred marks, and ſuffer impriſonment a year. *ſ.* 4.

Every perſon above the age of ſixteen years, which ſhall not repair to ſome church, chapel, or uſual place of common prayer, but forbear the ſame, contrary to the ſtatute 1 *Eliz. c.* 2. for uniformity, being thereof convicted, ſhall forfeit for every month 20*l.* and every perſon ſo forbearing twelve months, ſhall for his obſtinacy, after certificate made into the king's bench by the ordinary, a juſtice of aſſiſe and gaol delivery, or a juſtice of peace, be bound with two ſureties in 200*l.* at leaſt to the good behaviour, and ſo continue bound until they conform themſelves, and come to church, according to the ſaid ſtatute. *ſ.* 5.

If any perſon ſhall keep any ſchool-maſter which ſhall not repair to church, or be allowed by the ordinary, he ſhall forfeit for every month 10*l.* *ſ.* 6.

Provided that no ordinary, or their miniſters, ſhall take any thing for the allowance. And ſuch ſchool-maſter preſuming to teach contrary to this act, and being thereof convict, ſhall be diſabled to be a teacher of youth, and ſhall ſuffer impriſonment one year. *ſ.* 7.

All offences againſt this act, or againſt 1 *Eliz. cap.* 1. 5 *Eliz. cap.* 1. or 13 *Eliz. cap.* 2. touching acknowledging of her majeſty's ſupreme government in cauſes eccleſiaſtical, or touching the ſervice of God, or coming to church, or eſtabliſhment of true religion, ſhall be inquirable, as well before juſtices of peace as other juſtices, within one year and a day after ſuch offence committed. *ſ.* 8.

Juſtices of *oyer* and *terminer*, of aſſiſe, and gaol delivery, ſhall have power to inquire, hear and determine, of all offences againſt this ſtatute; and juſtices of peace in their quarter ſeſſions ſhall have power to inquire, hear, and determine, of all offences againſt this act, except treaſon and miſpriſion of treaſon. *ſ.* 9.

Every perſon guilty of any offence againſt this ſtatute, other than treaſon and miſpriſion of treaſon, which ſhall before he be indicted, or at his arraignment or trial before judgment, ſubmit and conform himſelf before the biſhop of the dioceſe, or before the juſtices where he ſhall be arraigned (having not before made like ſubmiſſion being indicted for his firſt like offence) ſhall upon his recognition of ſuch ſubmiſſion in open aſſiſes or ſeſſions be diſcharged. *ſ.* 10.

All forfeitures of money limited by this act ſhall be divided in three parts, whereof one ſhall be to the queen to her own uſe, one other third to the queen for relief of the poor in the pariſh, to be delivered by warrant of the principal officers in the receipt of the exchequer, and the other third part to ſuch perſon as will ſue for the ſame in any court of record; and every perſon which ſhall forfeit any money by this act, and ſhall not pay the ſame within three months after judgment given, ſhall be committed to priſon until he have paid the ſums, or conform himſelf to go to church. *ſ.* 11.

Every perſon which uſually on the *Sunday* ſhall have in his houſe divine ſervice eſtabliſhed by law, and be thereat uſually preſent, and ſhall not obſtinately refuſe to come to church, and ſhall alſo four times in the year be preſent at divine ſervice in the church of the pariſh, or in ſome other church or chapel of eaſe, ſhall not incur any penalty by this act for not repairing to church. *ſ.* 12.

Every conveyance and judgment to be had of covenous purpoſe to defraud any intereſt that may grow to the queen, or any other perſon, by any conviction by this ſtatute, or 13 *Eliz. cap.* 2. ſhall be void. *ſ.* 13.

This act ſhall not abridge the juriſdiction of eccleſiaſtical cenſures. *ſ.* 15.

By 28 *or* 29 *Eliz. c.* 6. Every conveyance of lands made by any perſon who ſhall not repair to church contrary to the ſtatute 23 *Eliz. cap.* 1. and which ſhall be revokable at the pleaſure of ſuch offender, or intended for the behoof or diſpoſition of ſuch offender, or whereby ſuch offender or his family ſhall be maintained, ſhall be void, as againſt the queen, for levying of ſuch ſums as ſuch perſon ought to forfeit, and ſhall alſo be ſeiſed for his majeſty's uſe. *ſ.* 1.

Every convicton for any offence before mentioned ſhall be in the king's bench, or at the aſſiſes or general gaol delivery, and ſhall be eſtreated into the exchequer before the end of the term next enſuing. *ſ.* 2.

Every ſuch offender, in not repairing to divine ſervice, as ſhall be once convicted, ſhall, in ſuch of the terms of *Eaſter* or *Michaelmas* as ſhall be next after ſuch conviction, pay into the receipt of the exchequer 20*l.* for every month contained in the indictment; and ſhall alſo for every month after ſuch conviction, without any other indictment or conviction, pay into the exchequer in every *Eaſter* term and *Michaelmas* term 20*l.* for every month; and if default be made in any payment aforeſaid, the queen may by proceſs out of the exchequer ſeiſe all the goods, and two parts of the lands, liable to the penalties aforeſaid, leaving the third part of the lands, leaſes, and farms, for the maintenance of the offender and his family. *ſ.* 4.

The indictment mentioning the not coming of ſuch offender to the church of the pariſh where ſuch perſon at any time before ſuch indictment did keep reſidence, nor to any other church, chapel, or uſual place, of common prayer, ſhall be ſufficient; and it ſhall not be needful to mention that the offender was inhabiting within the queen's dominions: but if ſuch offender was not within her majeſty's dominions, he ſhall be relieved by plea, and not otherwiſe. And upon the indictment a proclamation ſhall be made at the ſame aſſiſes or gaol delivery (if the ſame be taken at any aſſiſe, *&c.*) by which it ſhall be commanded, that the body of ſuch offender be rendered to the ſheriff before the next aſſiſes, *&c.* and if at the next aſſiſes, *&c.* the offender ſhall not make appearance, upon ſuch default recorded the ſame ſhall be a ſufficient conviction. *ſ.* 5.

Provided that whenſoever any ſuch offender ſhall make ſubmiſſion, and become conformable, or ſhall die, no forfeiture or ſeiſure of the lands after ſuch ſubmiſſion or conformity, or death, and ſatisfaction of all arrearages of 20*l.* monthly, ſhall enſue. *ſ.* 6.

It ſhall be lawful for the lord treaſurer, chancellor, and chief baron of the exchequer, or two of them, to diſpoſe of the third part of the 20*l.* for every month, for the maintenance as well of the poor, and of the houſes of correction, as of impotent and maimed ſoldiers. *ſ.* 7.

This act ſhall not make void any grant or leaſe to be made without covin, whereupon the accuſtomed yearly rent is reſerved, otherwiſe than to give title to her majeſty to have ſuch rents. *ſ.* 8.

This act ſhall not continue any ſeizure of any lands of ſuch offender in her majeſty's hands after the offender's death, which lands he ſhall be ſeiſed of only for his life, or in right of his wife. *ſ.* 9.

By 35 *Eliz. c.* 1. If any perſon above the age of ſixteen years ſhall obſtinately refuſe to repair to ſome church, or uſual place of common prayer eſtabliſhed by law, and

ſhall

ſhall forbear to do the ſame by the ſpace of a month, without any lawful cauſe, or ſhall, by printing, writing, or expreſs words, adviſedly practiſe, or go about to perſuade any other, to deny and impugn her majeſty's authority in caſes eccleſiaſtical annexed to the imperial crown of this realm, or to that end ſhall adviſedly and maliciouſly move any other perſon to forbear coming to church to hear divine ſervice, or to receive the communion according to her majeſty's laws, or to be preſent at any unlawful conventicles or meetings under colour of any exerciſe of religion contrary to law; or if any perſon which ſhall obſtinately refuſe to repair to ſome church or uſual place of common prayer, and ſhall forbear by the ſpace of a month to hear divine ſervice, ſhall willingly be preſent at any ſuch conventicles or meetings, under colour of ſuch exerciſe of religion, contrary to law; every perſon ſo offending, and being thereof convicted, ſhall be committed to priſon until they conform and yield themſelves to come to ſome church, or uſual place of common prayer, and hear divine ſervice according to law, and make ſuch open ſubmiſſion and declaration of their conformity as in this act is appointed. *ſ.* 1.

If any ſuch perſons ſhall not within three months after they ſhall be convicted, conform themſelves to the obedience of the laws in coming to church to hear divine ſervice, and in making ſuch public confeſſion and ſubmiſſion as hereafter is appointed, being required by the biſhop of the dioceſe, or any juſtice of peace, or by the miniſter or curate of the pariſh; ſuch offender being thereunto required by any juſtice of peace, ſhall, upon oath before the juſtices in the quarter ſeſſions, or at the aſſiſes and gaol delivery, abjure this realm and all the queen's dominions for ever, unleſs her majeſty ſhall licence the party to return; and thereupon ſhall depart out of this realm at ſuch port as ſhall be aſſigned by the ſaid juſtices, unleſs he be ſtaid by ſuch lawful means as by common law are allowed in caſes of abjuration for felony; and in ſuch caſes, then within ſuch time after as the common law requireth in caſe of abjuration for felony; and the juſtices of peace, before whom any ſuch abjuration ſhall be made, ſhall cauſe the ſame to be entered of record, and certify the ſame at the next aſſiſes or gaol delivery. *ſ.* 2.

If any ſuch offender refuſe to make abjuration, or ſhall not go to ſuch haven as is appointed, and from thence depart out of this realm, or ſhall return into her majeſty's dominions without her majeſty's licence, he ſhall be adjudged a felon without benefit of clergy. *ſ.* 3.

If any perſon that ſhall offend againſt this act ſhall, before he be required to make abjuration, repair to ſome pariſh church on ſome *Sunday* or feſtival, and hear divine ſervice, and at ſervice time, before the ſermon or reading of the goſpel, make public ſubmiſſion and declaration of his conformity to her majeſty's laws, the ſame offender ſhall be diſcharged of all penalties; the ſubmiſſion to be as followeth. *ſ.* 4.

I A. B. *do humbly confeſs and acknowledge, that I have grievouſly offended God, in contemning her majeſty's godly and lawful government and authority, by abſenting myſelf from church, and from hearing divine ſervice, contrary to the godly laws and ſtatutes of this realm, and in uſing and frequenting diſordered and unlawful conventicles and aſſemblies, under pretence and colour of exerciſe of religion. And I am heartily ſorry for the ſame, and do acknowledge and teſtify in my conſcience, that no other perſon hath or ought to have, any power or authority over her majeſty. And I do promiſe and proteſt without any diſſimulation, or any colour or means of any diſpenſation, that from henceforth I will from time to time obey and perform her majeſty's laws and ſtatutes, in repairing to the church, and hearing divine ſervice, and do my uttermoſt endeavour to maintain and defend the ſame.*

Every miniſter or curate of every pariſh where ſuch ſubmiſſion ſhall be made, ſhall enter the ſame in a book, and within ten days certify the ſame to the biſhop. *ſ.* 5.

Provided that if any offender, after ſuch ſubmiſſion made, fall into relapſe, or obſtinately refuſe to repair to church, *&c.* or ſhall be preſent at any ſuch conventicles or meetings, under pretence of exerciſe of religion, contrary to law, ſuch offender ſhall loſe all benefit of the ſubmiſſion. *ſ.* 6.

The ſaid forfeitures may be recovered to her majeſty's uſe in the king's bench, common pleas, or exchequer, as any other debt may be. *ſ.* 9.

The third part of the penalties ſhall be employed to ſuch charitable uſes as is appointed in the ſtatute 28 *or* 29 *Eliz. c.* 6. *ſ.* 10.

Provided that no popiſh recuſant or feme covert be compelled to abjure by this act. *ſ.* 11.

Every perſon that ſhall abjure by force of this act, or refuſe to abjure, ſhall forfeit to her majeſty all his goods, and ſhall loſe all his lands during the life of ſuch offender; and the wife of any offender ſhall not loſe her dower, nor any corruption of blood be by reaſon of any offence mentioned in this act. This act to continue to the end of the next ſeſſion of parliament. *ſ.* 12.

Continued indefinitely by 3 Car. 1. c. 4. *and* 16 Car. 1. c. 4. *and enforced by* 16 Car. 2. c. 4.

By 35 *Eliz. c.* 2. Every perſon above the age of ſixteen years, born within her majeſty's dominions, or made denizen, and having any certain place of abode within this realm, which being a popiſh recuſant ſhall be convicted for not repairing to church, *&c.* and being within this realm, ſhall within forty days after conviction (if they be not reſtrained by impriſonment, or by her majeſty's command, or by order of ſix of the privy council, or by ſickneſs, and in ſuch caſes within twenty days after they ſhall be enlarged, and ſhall be able to travel) repair to their place of abode, and ſhall not at any time after remove above five miles from thence, upon pain to forfeit all their goods, and alſo forfeit to the queen all the lands of every ſuch perſon during the life of the offender. *ſ.* 3.

Every ſuch offender which ſhall have any lands by copy of court roll, or other cuſtomary tenure at the will of the lord, according to the cuſtom of any manor, ſhall forfeit all his lands holden by copy of court roll, *&c.* during the life of ſuch offender (if his eſtate ſo long continue) to the lords of whom the ſame be holden, if the lord be not a popiſh recuſant convict, nor ſeiſed upon truſt to the uſe of any ſuch recuſant, and in ſuch caſe the forfeiture to be to the queen. *ſ.* 5.

Such perſons, as by this act are to repair to their place of abode, ſhall within 20 days after their coming to the ſaid places notify their coming thither, and preſent themſelves, and deliver their names, in writing, to the miniſter or curate of the pariſh, and to the conſtable, headborough, or tythingman, of the town, and thereupon the miniſter ſhall enter the ſame in a book. *ſ.* 6.

The miniſter and conſtable, *&c.* ſhall certify the ſame to the juſtices of peace at the next ſeſſions, and the juſtices ſhall cauſe the ſame to be entered by the clerk of the peace. *ſ.* 7.

If any ſuch popiſh recuſant (not being a feme covert, and not having lands or annuities, of an abſolute eſtate of freehold, of the yearly value of twenty marks, or goods above the value of 40*l.*) ſhall not within the time in this act

act limited, repair to their place of abode, and notify their coming to the miniſter and conſtable as aforeſaid, or ſhall paſs above five miles from the ſame, and ſhall not, within three months after ſuch perſon ſhall be apprehended, conform to the obedience of the laws in coming to church and making public ſubmiſſion, being required by the biſhop, or any juſtice of peace, or by the miniſter of the pariſh; ſuch offender, being required by two juſtices of peace or coroner of the county, ſhall upon oath abjure this realm and all the queen's dominions for ever, and ſhall depart out of this realm at ſuch port, and within ſuch time, as ſhall be aſſigned by the juſtices or coroner; unleſs they be ſtayed by ſuch cauſes as are allowed in caſes of abjuration for felony; and in ſuch caſes within ſuch time after, as the law requireth in caſe of abjuration for felony. *ſ.* 8.

Every juſtice of peace and coroner, before whom ſuch abjuration ſhall be made, ſhall cauſe the ſame to be entered of record, and certify the ſame at the next aſſiſes or gaol delivery. *ſ.* 9.

If ſuch offender ſhall refuſe to make abjuration, or ſhall not go to ſuch haven, and depart out of this realm, or ſhall return into any her majeſty's dominions without her majeſty's licence, he ſhall be adjudged a felon without benefit of clergy. *ſ.* 10.

If any perſon ſuſpected to be a jeſuit, ſeminary, or maſſing prieſt, being examined by any perſon having lawful authority, ſhall refuſe to anſwer whether he be a jeſuit, or a ſeminary, or maſſing prieſt, he ſhall be committed to priſon until he anſwer the ſaid queſtions. *ſ.* 11.

If any perſon ſo reſtrained ſhall be urged by proceſs, or be bound without fraud, to make appearance in any of her majeſty's courts, or ſhall be required by three of her majeſty's privy council, or by any four commiſſioners aſſigned by her majeſty, to make appearance before her majeſty's council or commiſſioners, ſuch perſon ſhall not incur any forfeiture for travelling to make appearance accordingly. *ſ.* 13.

If any perſon ſo reſtrained ſhall be bound to yield their bodies to the ſheriff upon proclamation, he ſhall not incur any forfeiture for travelling for that purpoſe. *ſ.* 14.

If any perſon that ſhall offend againſt this act, ſhall, before he be convicted, come to ſome pariſh church on ſome *Sunday* or other feſtival, and hear divine ſervice, and at ſervice time, before the ſermon or reading of the goſpel, make public ſubmiſſion and declaration of his conformity to her majeſty's laws, he ſhall be diſcharged of all forfeitures; the ſubmiſſion to be made as followeth: *ſ.* 15.

I A. B. *do humbly confeſs and acknowledge, that I have grievouſly offended God, in contemning her majeſty's godly and lawful government and authority, by abſenting myſelf from church, and from hearing divine ſervice, contrary to the godly laws and ſtatutes of this realm, and I am heartily ſorry for the ſame, and do acknowledge and teſtify in my conſcience, that the biſhop or ſee of* Rome *hath not, nor ought to have, any power or authority over her majeſty, or within any her majeſty's realms or dominions. And I do promiſe and proteſt without any diſſimulation, or any colour or means of any diſpenſation, that from henceforth I will from time to time obey and perform her majeſty's laws and ſtatutes, in repairing to the church and hearing divine ſervice, and do my uttermoſt endeavour to maintain and defend the ſame.*

Every miniſter of every pariſh where ſuch ſubmiſſion ſhall be ſo made, ſhall enter the ſame in a book, and within ten days certify the ſame to the biſhop. *ſ.* 16.

If any offender, after ſuch ſubmiſſion made, ſhall fall into relapſe, or become a recuſant, ſuch offenders ſhall loſe all benefit of their ſubmiſſion. *ſ.* 17.

Every woman married ſhall be bound by every article in this ſtatute, other than the article of abjuration; and no woman married ſhall be compelled to abjure. *ſ.* 18.

By 1 *Jac.* 1. *c.* 4. The ſtatutes made in the reign of queen *Elizabeth*, as well againſt jeſuits, ſeminary prieſts and other prieſts, deacons and eccleſiaſtical perſons, ordained or profeſſed by any authority from the ſee of *Rome*, as thoſe which concern the withdrawing the king's ſubjects from their due obedience, and the religion now profeſſed, and the taking of the oath of obedience to the king, together with thoſe made againſt recuſants, ſhall be put in execution. *ſ.* 1.

If any recuſant ſhall ſubmit to reform himſelf, and become obedient to the laws of *England*, and repair to church, ſuch perſon ſhall be freed from the penalties of recuſancy. *ſ.* 2.

If any recuſant die, his heir being no recuſant, ſuch heir ſhall be diſcharged of all penalties in reſpect of his anceſtor's recuſancy. And if the heir be a recuſant, and after ſhall become conformable and repair to church, and ſhall take the oath of ſupremacy before the archbiſhop or biſhop, ſuch heir ſhall be diſcharged of all penalties. *ſ.* 3.

If the heir of any recuſant ſhall be within the age of ſixteen years at the deceaſe of his anceſtor, and ſhall after his age of ſixteen years be a recuſant, ſuch heir ſhall not be diſcharged of the penalties, until he ſubmit or reform himſelf, and repair to church and take the oath of ſupremacy. *ſ.* 4.

Where any ſeiſure ſhall be had of the two parts of any lands, leaſes or farms, for the non-payment of the 20 *l. per* month, ſuch two parts ſhall according to the extent go towards ſatisfaction of the 20 *l. per* month; and the third part ſhall not be extended or ſeiſed; and where ſuch ſeiſure ſhall be had of the two parts, and ſuch recuſant ſhall die, the two parts ſhall continue in his majeſty's poſſeſſion until the debt be paid; and his majeſty ſhall not ſeiſe or extend any third part deſcending to heirs, either by reaſon of the recuſancy of his anceſtors, or the recuſancy of ſuch heir. *ſ.* 5.

All perſons under the king's obedience, which ſhall go or ſend any child or other perſon under their government beyond the ſeas, out of the king's obedience, to the intent to be reſident in any college, ſeminary, or houſe of jeſuits, prieſts, or other popiſh order, to be inſtructed in the popiſh religion; every perſon ſo ſending any child or other perſon, ſhall forfeit 100 *l.* and every perſon ſo paſſing beyond the ſeas ſhall, as in reſpect of himſelf only, and not in reſpect of his heirs or poſterity, be diſabled to inherit, purchaſe or enjoy, any lands, goods, debts, legacies, or ſums of money, within his majeſty's dominions; and all eſtates made upon any truſt for the benefit of any ſuch perſon ſhall be void. *ſ.* 6.

Provided that if any perſon or child, ſo paſſing or ſent beyond the ſeas, ſhall after become conformable and repair to church, ſuch perſon and child, for ſuch time as he ſhall continue in conformity, ſhall be diſcharged of ſuch diſability. *ſ.* 7.

No woman, nor any child under the age of 21 years, (except ſailors or ſhip-boys, or the apprentice or factor of ſome merchant,) ſhall be permitted to paſs the ſeas, (except the ſame be by licence of the king, or of ſix of the privy council,) upon pain that the officer of the port that ſhall ſuffer any ſuch to paſs, or ſhall not enter the names of ſuch paſſengers licenced, ſhall forfeit his office and all his goods, and

and upon pain that the owner of any ſhip that ſhall wittingly carry any ſuch over the ſeas, ſhall forfeit his ſhip; and every maſter or mariner in any ſhip offending as aforeſaid, ſhall forfeit all their goods, and ſuffer impriſonment twelve months. *ſ.* 8.

No perſon ſhall keep ſchool, or be a ſchool-maſter, out of the univerſities or colleges, except it be in ſome public or free-grammar ſchool, or in ſome ſuch gentleman's or gentlewoman's houſe as are not recuſants, or where the ſchool-maſter ſhall be licenced by the biſhop; upon pain that as well the ſchool-maſter as the party that ſhall maintain ſuch ſchool-maſter, ſhall forfeit for every day 40 *s.* the one half of all penalties beforementioned to be to the king, the other to him that ſhall ſue for the ſame in any of the courts in *Weſtminſter*. *ſ.* 9.

By 3 *Jac.* 1. *c.* 4. Every popiſh recuſant convict, which ſhall conform and repair to church, ſhall, within the firſt year after he ſhall ſo conform himſelf, and once in every year following, receive the ſacrament of the Lord's ſupper in the church of that pariſh where he ſhall moſt uſually abide. *ſ.* 2.

And if there be no ſuch pariſh church, then in the church next adjoining to the place of his abode. And if any recuſant ſo conformed ſhall not receive the ſacrament, he ſhall forfeit for the firſt year 20 *l.* and for the ſecond year 40 *l.* and for every year after 60 *l.* until he ſhall have received the ſacrament; and if, after he ſhall have received the ſacrament, he ſhall eftſoons offend in not receiving the ſacrament by one whole year, he ſhall forfeit 60 *l.* one moiety to the king, and the other moiety to him that will ſue in any of the courts at *Weſtminſter*, or before juſtices of aſſiſe or gaol delivery, or before juſtices of peace at their quarter ſeſſions, by action of debt, *&c.* *ſ.* 3.

The church-wardens and conſtables of every town, *&c.* or if there be none, then the chief conſtables of the hundred, ſhall once every year preſent the monthly abſence from church of all popiſh recuſants, and the names of the children of the ſaid recuſants, being of the age of nine years and upwards, abiding with their parents, and the age of the children, and the names of the ſervants, of ſuch recuſants, at the quarter ſeſſions. *ſ.* 4.

Such preſentments ſhall be recorded by the clerk of the peace, or town clerk, without fee. And in default of ſuch preſentment, the churchwardens, conſtables, or high conſtables, ſhall forfeit 20 *s.* and in default of recording, the clerk of the peace or town clerk ſhall forfeit 40 *s.* *ſ.* 5.

Upon every preſentment of ſuch monthly abſence, whereupon ſuch party ſhall be indicted or convicted, the churchwardens, *&c.* making ſuch preſentments, ſhall have a reward of 40 *s.* to be levied out of the recuſants goods and eſtate, as by the juſtices ſhall be by warrant appointed. *ſ.* 6.

Juſtices of aſſiſe and gaol delivery, and juſtices of peace at their ſeſſions, ſhall have power to inquire, hear, and determine, of all recuſants and offences, as well for not receiving the ſacrament according to this law, as for not repairing to church according to former laws; and ſhall have power at their aſſiſes and ſeſſions (in which any indictment for not repairing to church, or not receiving the ſacrament, ſhall be taken) to make proclamation, by which it ſhall be commanded, that the body of every ſuch offender ſhall be rendered to the ſheriff of the county, or bailiff, or other keeper of the gaol of the liberty, before the next aſſiſes or the next quarter ſeſſions; and if at the next aſſiſes or ſeſſions the offender ſhall not make appearance, ſuch default recorded ſhall be a conviction in law of the offence. *ſ.* 7.

Every offender in not repairing to divine ſervice, that ſhall be once convicted, ſhall in ſuch of the terms of *Eaſter* and *Michaelmas* as ſhall be next after ſuch conviction, pay into the receipt of the exchequer 20 *l.* for every month contained in the indictment, and for every month after ſuch conviction, without any other indictment or conviction, 20 *l.* except where the king ſhall refuſe the ſame, and take two parts of the lands and leaſes of ſuch offender, till he conform himſelf and come to church. *ſ.* 8.

Every conviction recorded for any offence beforementioned, ſhall be certified into the exchequer before the end of the term following; and if default be made in any payment aforeſaid, the king may by proceſs of the exchequer ſeiſe the goods and two parts of the lands and leaſes of ſuch offender, leaving the third part for the maintenance of the offender and his family. *ſ.* 9.

The king ſhall have power to refuſe the penalty of 20 *l.* a month, and take two parts in three of the lands and leaſes that ſhall be or come to the offenders, till every ſuch offender conform himſelf, in lieu of the 20 *l.* monthly; ſaving to all perſons (other than the offender, and all claiming in truſt for him) all rights had before ſuch ſeiſure. *ſ.* 11.

The king ſhall leave to ſuch offender his chief manſion-houſe, as part of his third part, and ſhall not leaſe the two parts to or for the uſe of any recuſant; and whoſoever ſhall take the ſame of his majeſty, ſhall give ſecurity not to commit nor ſuffer waſte, as by the court of exchequer ſhall be allowed. *ſ.* 12.

It ſhall be lawful for any biſhop in his dioceſe, or any two juſtices of peace, whereof one of the *quorum*, to require any perſon of the age of eighteen years or above, being convict or indicted of recuſancy (other than noblemen or noblewomen) or which ſhall not have received the ſacrament twice within the year, or any perſon paſſing through the country and unknown, that being examined upon oath ſhall not deny himſelf to be a recuſant, or that he had not received the ſacrament twice within the year, to take the oath of allegiance in the act; which biſhop or juſtices ſhall certify at the next quarter ſeſſions, the name and place of abode of every perſon who ſhall take the oath, which certificate ſhall be recorded by the clerk of the peace or town clerk. *ſ.* 13.

This oath of allegiance is aboliſhed by 1 Will. & Mar. ſt. 1. c. 8. *and another appointed.* *See* OATHS.

If any perſon refuſe to anſwer upon oath to ſuch biſhop or juſtices, or to take the oath, the biſhop or juſtices may commit the perſon to the common gaol till the next aſſiſe or quarter ſeſſions, where the oath ſhall be again required of ſuch perſon; and if the ſaid perſon, or any other perſon (other than noblemen or noblewomen) of the age of eighteen years, ſhall refuſe to take the oath, being tendered by the juſtices of aſſiſe or the juſtices of peace in their general ſeſſions, every perſon ſo refuſing ſhall incur the penalty of *præmunire*, 16 *Ric.* 2. *cap.* 5. except women covert, who ſhall be by the juſtices committed to the common gaol till they take the oath. *ſ.* 14.

No indictment for not repairing to church but abſenting himſelf one month, or for not receiving the ſacrament, nor any proclamation of outlawry, or other proceeding thereupon, ſhall be avoided or reverſed by any default in form or other defect, other than by traverſe to the point of not coming to church, or not receiving the ſacrament. *ſ.* 16.

Provided that if any perſon ſo indicted ſhall ſubmit and conform himſelf, and repair to the pariſh church, and if there be none ſuch, then to the church next adjoining to his dwelling, *&c.* and receive the ſacrament according to the

the laws of *England*, ſuch perſon ſhall be admitted to avoid and reverſe the ſaid indictment, and all proceedings thereupon. *ſ.* 17.

Every ſubject of this realm, that ſhall go out of this realm to ſerve any foreign prince or ſtate, or ſhall paſs over the ſeas, and ſerve any foreign prince, *&c.* not having taken the oath aforeſaid, ſhall be a felon. *ſ.* 18.

If any gentleman or perſon of higher degree, or any perſon which hath born any office of captain, lieutenant, or any other office in camp, army, or company of ſoldiers, ſhall paſs out of this realm, to ſerve any foreign prince, *&c.* or ſhall voluntarily ſerve any ſuch prince *&c.* before he ſhall become bound by obligation with two ſureties unto the king, in 20*l.* at leaſt, with condition to the effect following, he ſhall be a felon. *ſ.* 19.

The condition is, *That if the within bounden*, &c. *ſhall not at any time then after be reconciled to the pope or ſee of* Rome, *nor ſhall enter into, or conſent unto, any practice, plot or conſpiracy whatſoever, againſt the king's majeſty, his heirs and ſucceſſors, or any his and their eſtate and eſtates, realms or dominions; but ſhall within convenient time after knowledge thereof had, reveal and diſcloſe to the king's majeſty, his heirs and ſucceſſors, or ſome of the lords of his or their honourable privy council, all ſuch practices, plots and conſpiracies; that then the ſaid obligation to be void.* *ſ.* 20.

It ſhall be lawful for the cuſtomer and controller of every port, and none other, to receive ſuch bond, and to give the oath, taking for ſuch bond 6*d.* and for the oath no fee; which cuſtomer and controller ſhall regiſter and certify every ſuch bond and oath into the exchequer once every year, upon pain of 5*l.* for every bond not certified, and 20*s.* for every oath. *ſ.* 21.

If any perſon ſhall either upon the ſeas, or beyond the ſeas, or in any other place within the dominions of the king, put in practice to abſolve, perſuade, or withdraw, any of the ſubjects from their natural obedience to his majeſty, or to reconcile them to the pope or ſee of *Rome*, or to move them to promiſe obedience to the ſee of *Rome*, or to any other prince or ſtate, every ſuch perſon, their procurers, counſellors, aiders and maintainers, ſhall be adjudged traitors, as in caſes of high treaſon. *ſ.* 22.

If any ſuch perſon ſhall be either upon the ſeas, or beyond the ſeas, or in any other place within the dominions of the king, willingly abſolved, or withdrawn, or reconciled, or ſhall promiſe obedience to any ſuch pretended authority, prince or ſtate, ſuch perſons, their procurers and counſellors and maintainers, ſhall be adjudged traitors, as in caſes of high treaſon. *ſ.* 23.

This branch ſhall not extend to any perſon which ſhall be reconciled to the pope or ſee of *Rome* (for ſo being reconciled only) that ſhall return into this realm, and within ſix days after ſuch return before the biſhop of the dioceſe or two juſtices of peace (jointly or ſeverally) ſubmit himſelf to his majeſty, and take the oath of ſupremacy [*See* Oaths] as alſo the oath in this act; and the ſaid oaths ſo taken, the biſhop and juſtices ſhall certify at the next general ſeſſions, upon pain of 40*l.* *ſ.* 24.

Every perſon that ſhall offend contrary to this branch, ſhall be indicted, tried and proceeded againſt, before the juſtices of aſſiſe and gaol delivery, or before the court of king's bench, as if the offence had been committed in the county where ſuch perſons ſhall be taken. *ſ.* 25.

Provided that any peer, indicted of any offence made treaſon by this act, ſhall have his trial by his peers. *ſ.* 26.

If any ſubject of this realm ſhall not reſort every *Sunday* to ſome church, or other place appointed for common prayer, and there hear divine ſervice, it ſhall be lawful for any one juſtice of peace, upon proof of ſuch default, by confeſſion or oath of witneſs, to call the party before him, and if he ſhall not make a ſufficient excuſe, it ſhall be lawful for the juſtice to give warrant to the church-warden of the pariſh wherein the party ſhall dwell, to levy 12*d.* for every default, by diſtreſs and ſale of goods; and in default of diſtreſs, it ſhall be lawful for the juſtice to commit ſuch offender to priſon until payment; which forfeiture ſhall be for the uſe of the poor. *ſ.* 27.

Provided that no man be impeached upon this clauſe, except he be called in queſtion within one month after the default. *ſ.* 28.

No man being puniſhed according to this branch, ſhall, for the ſame offence, be puniſhed by the forfeiture of 12*d.* upon the law 1 *Eliz. c.* 2. *See* Service, *&c.* *ſ.* 29.

Every perſon which ſhall willingly keep or harbour in his houſe, any ſervant, ſojourner or ſtranger, who ſhall not repair to ſome church or uſual place of common prayer, but ſhall forbear the ſame one month, not having a reaſonable excuſe, ſhall forfeit for every month 10*l.* *ſ.* 32.

Every perſon which ſhall keep in his ſervice or livery, any perſon which ſhall not repair to ſome church, or uſual place of common prayer, but ſhall forbear the ſame one month, ſhall forfeit for every month 10*l.* *ſ.* 33.

This act ſhall not extend to any perſon maintaining or harbouring his father or mother wanting ſufficient maintenance, or the ward of ſuch perſon, or any perſon that ſhall be committed by authority to the cuſtody of any by whom they ſhall be kept. *ſ.* 34.

Upon any lawful writ or proceſs for the apprehending of any popiſh recuſant ſtanding excommunicated for recuſancy, it ſhall be lawful for the officer, if need be, to break open any houſe wherein ſuch perſon ſhall be, or to raiſe the power of the county for the apprehending of ſuch perſon. *ſ.* 35.

Every offence againſt this act ſhall be inquired of, heard and determined, before the juſtices of the king's bench, juſtices of aſſiſe and gaol delivery; and all offences, other than treaſon, ſhall be inquired, heard, and determined, before the juſtices of peace in their quarter ſeſſions. *ſ.* 36.

Any attainder of felony made by this act, ſhall not take away the dower of the wife, nor work corruption of blood, or diſheriſon of the heir. *ſ.* 37.

If any action be brought againſt any perſon doing any thing concerning the execution of this ſtatute, every defendant in ſuch action may plead the general iſſue. *ſ.* 38.

Provided that this act ſhall not abridge the juriſdiction of the eccleſiaſtical cenſures. *ſ.* 39.

No perſon ſhall be charged with any forfeiture by this act for his wife's offence in not receiving the ſacrament during her marriage, nor ſhall any woman be charged with any penalty by this act for ſuch offence which ſhall happen during her marriage. *ſ.* 40.

Where any biſhop or juſtices of peace may, by this act, require of any ſubject the oath above mentioned, the lords of the privy council, or any ſix of them, whereof the lord chancellor, lord treaſurer, or the principal ſecretary to be one, ſhall have power to require the ſaid oaths of any nobleman or noblewoman; and if ſuch nobleman, *&c.* (other than woman married) ſhall refuſe to take ſuch oaths, they ſhall incur the penalty of a *premunire*. *ſ.* 41.

Where any perſon ſhall paſs out of the cinque ports, or any member thereof, to any parts beyond the ſeas, to

ſerve

ſerve any foreign prince, &c. the lord warden, or any perſon by him appointed, ſhall have power to take the bond and miniſter the oath. ſ. 42.

By 3 *Jac.* 1. *c.* 5. Such perſon as ſhall firſt diſcover to any juſtice of peace any recuſant, or other perſon, which ſhall entertain or relieve any jeſuit, ſeminary, or popiſh prieſt, or ſhall diſcover any maſs to have been ſaid, and the perſons that were preſent, and the prieſt that ſaid the ſame, within three days after the offence committed, and by ſuch diſcovery any of the offenders be taken and convicted, the perſon which hath made ſuch diſcovery, ſhall not only be freed from the penalty of ſuch offence, but alſo ſhall have the third part of the forfeiture (ſo as the total forfeiture exceed not 150 *l.*, and if it exceed, the ſaid perſon ſhall have 50 *l.*); and ſuch perſon, after conviction of the offender, ſhall have a certificate from the judges, or juſtices of peace, directed to the ſheriff or other officer that ſhall ſeize the goods or levy the forfeiture, commanding the ſheriff, &c. to pay the ſame to him. ſ. 1.

No popiſh recuſant, convicted, ſhall come into the houſe where the king or his heir apparent ſhall be, unleſs he be commanded by the king, or by warrant from the privy council, upon pain to forfeit 100 *l.*, the one moiety to the king, and the other moiety to him that will ſue for the ſame in any of his majeſty's courts of record. ſ. 2.

All popiſh recuſants which ſhall dwell within *London*, or within 10 miles of the ſaid city, which ſhall be indicted or convicted of recuſancy, or which ſhall not repair to ſome church or chapel and hear divine ſervice, but ſhall forbear the ſame three months, ſhall, within 10 days after ſuch indictment or conviction, depart from *London*, and 10 miles compaſs of the ſame, and ſhall deliver their names to the lord mayor, in caſe ſuch recuſant ſhall dwell in *London*; and in caſe he ſhall dwell in any other county within 10 miles of the ſaid city, then to the next juſtice of peace within 10 days after ſuch indictment or conviction, upon pain to forfeit 100 *l.* the one moiety to the king, and the other to him that will ſue for the ſame in any of the king's courts of record. ſ. 4.

It ſhall be lawful for the king, or for three of his privy council, to give licence to a recuſant to go out of the compaſs of the five miles from his place of abode. And if any of the perſons confined by the ſtatute 35 *Eliz. c.* 2. ſhall have neceſſary occaſion to go out of the compaſs of the ſaid five miles, upon licence of four juſtices of peace, with the aſſent of the biſhop, or of the lieutenant or any deputy lieutenant of the county, reſiding within the county (in which licence ſhall be ſpecified the cauſe of the licence, and the time how long the party ſhall be abſent), it ſhall be lawful for ſuch perſon to go about ſuch his buſineſs, he firſt taking his oath before the juſtices, that he had truly informed them of the cauſe of his journey, and that he ſhall not make any cauſeleſs ſtays; and every licence in this behalf, contrary to this ſtatute ſhall be void. And every perſon ſo confined, which ſhall go above five miles from the place whereunto he ſhall be confined, not having ſuch licence, and having taken ſuch oath, ſhall forfeit as a recuſant convict, and paſſing above five miles from the place, where he is confined, by the ſtatute 35 *Eliz. c.* 2. ſ. 7.

No recuſant convict ſhall practiſe the common law as a counſellor, clerk, attorney, or ſolicitor, nor ſhall practiſe the civil law as advocate or proctor, nor practiſe phyſic, nor uſe the trade of an apothecary, nor ſhall be judge, miniſter, or clerk, or ſteward, of any court, or keep any court, nor ſhall be regiſter or town clerk, or other officer in any court, nor ſhall bear any office, as captain, lieutenant, corporal, ſerjeant, ancient-bearer, or other office in camp, troop, or company of ſoldiers, nor ſhall be captain, maſter, governor, or bear any office, of any ſhip, caſtle, or fortreſs, of the king; and every perſon offending herein ſhall forfeit 100 *l.* one moiety to the king, and the other moiety to him that will ſue for the ſame in any of the king's courts of record. ſ. 8.

No popiſh recuſant convict, nor any having a wife being a popiſh recuſant convict, ſhall exerciſe any public office in the commonwealth, except ſuch huſband and his children, above the age of nine years, abiding with him, and his ſervants in houſehold, ſhall once every month, not having reaſonable excuſe, repair to ſome church or chapel for divine ſervice; and the ſaid huſband, and ſuch his children and ſervants as are of meet age, receive the ſacrament at ſuch times as are limited by law, and bring up his ſaid children in the true religion. ſ. 9.

Every married woman, being a popiſh recuſant convict, (her huſband not ſtanding convicted of popiſh recuſancy) which ſhall not conform herſelf, but ſhall forbear to repair to ſome church or uſual place of common prayer, and within the year receive the ſacrament by the ſpace of one year next before the death of her huſband, ſhall forfeit the profits of two parts of her jointure, and two parts of her dower, and be diſabled to be executrix or adminiſtratrix of her huſband, and to have any part of her huſband's goods. ſ. 10.

Every popiſh recuſant convict ſhall be diſabled as a perſon excommunicated, until he ſhall conform himſelf, and come to church and receive the ſacrament, and take the oath of allegiance; and every perſon ſued by ſuch perſon diſabled, may plead the ſame in diſabling of ſuch plaintiff. ſ. 11.

Provided that it ſhall be lawful for any ſuch perſon diſabled, to ſue any action concerning ſuch of his lands which are not to be ſeiſed into the king's hands for his recuſancy. ſ. 12.

Every man being a popiſh recuſant convict, and who ſhall be married otherwiſe than in ſome open church or chapel, and according to the orders of the church of *England*, by a miniſter lawfully authoriſed, ſhall be diſabled to have any eſtate of freehold in the lands of his wife as tenant by the curteſy; and every woman, being a popiſh recuſant convict, and who ſhall be married in other form than as aforeſaid, ſhall be diſabled, not only to claim any dower, or in any jointure of the lands of her huſband, but alſo her widow's eſtate and frank-bank in any cuſtomary lands, and likewiſe to have any part of the goods of her huſband, by virtue of any cuſtom. And if any man ſhall be married with any woman contrary to this act, which woman ſhall have no lands whereof he may be tenant by the curteſy, ſuch man ſhall forfeit 100 *l.* the one half to the king, and the other to ſuch as ſhall ſue for the ſame in any of the king's courts of record. ſ. 13.

Every popiſh recuſant which ſhall have any child born, ſhall, within one month after the birth, cauſe the child to be baptized by a lawful miniſter, according to the laws of this realm, in the open church of the pariſh where the child ſhall be born, or in ſome other church near adjoining, or chapel where baptiſm is uſually adminiſtered; or if by infirmity of the child it cannot be brought to ſuch place, the ſame ſhall within the time aforeſaid be baptized by the miniſter of any of the ſaid places, upon pain that the father, if he be living one month after the birth of ſuch child, or if he be dead within the ſaid month, then the mother of ſuch child, ſhall forfeit 100 *l.*, one third part to the king, one other third to the informer, and the other third to the poor

of the pariſh, to be recovered in any of the king's courts of record. *ſ.* 14.

If any popiſh recuſant, not being excommunicate, ſhall be buried in any place other than in the church or churchyard, or not according to the eccleſiaſtical laws of this realm, the executors or adminiſtrators of ſuch perſon, knowing the ſame, or the party that cauſeth him to be ſo buried, ſhall forfeit 20*l.* one third part to the king, one third to the informer, and the other third to the poor of the pariſh where ſuch perſon died, to be recovered in any of the king's courts of record. *ſ.* 15.

If the children of any ſubject (the ſaid children not being ſoldiers, mariners, merchants, or their apprentices, or factors) ſhall be ſent or go beyond ſeas without licence of the king, or ſix of his privy council, (whereof the principal ſecretary to be one,) ſuch children ſhall take no benefit by any gift, deſcent, deviſe, or otherwiſe, of any lands, leaſes, or goods, until they being of the age of 18 years take the oath of allegiance before ſome juſtice of peace, where ſuch parent of ſuch children as ſhall be ſo ſent did inhabit; and in the mean time, the next of kin, which ſhall be no popiſh recuſant, ſhall have the lands and goods ſo given, deſcended or deviſed, until the perſon ſo ſent or gone beyond the ſeas ſhall conform, and take the oath, and receive the ſacrament; and after ſuch oath taken, and conforming, they which have received the profits of the lands and goods ſhall make account and payment thereof to ſuch perſon as ſhall ſo conform; and all ſuch perſons as ſhall ſend children over ſeas without licence as aforeſaid, ſhall forfeit 100*l.* to be divided in three equal parts, one third to the king, one third to ſuch as ſhall ſue for the ſame, and the other third to the poor of ſuch pariſh where ſuch offender doth inhabit. *ſ.* 16.

Every popiſh recuſant convict, during the time that he ſhall remain a recuſant, ſhall be diſabled to preſent to any benefice or eccleſiaſtical living, or to nominate to any free-ſchool, hoſpital, or donative, and ſhall likewiſe be diſabled to grant any avoidance to any benefice. *ſ.* 18.

The chancellor and ſcholars of the univerſity of *Oxford* ſhall have the preſentation, *&c.* to every ſuch benefice, ſchool, hoſpital, and donative, in the counties of *Oxford*, *Kent*, *Middleſex*, *Suſſex*, *Surrey*, *Hampſhire*, *Berkſhire*, *Buckinghamſhire*, *Glouceſterſhire*, *Worceſterſhire*, *Staffordſhire*, *Warwickſhire*, *Wiltſhire*, *Somerſetſhire*, *Devonſhire*, *Cornwall*, *Dorſetſhire*, *Herefordſhire*, *Northamptonſhire*, *Pembrokeſhire*, *Carmarthenſhire*, *Brecknockſhire*, *Monmouthſhire*, *Cardiganſhire*, *Montgomeryſhire*, the city of *London*, and in every city and town being a county of itſelf, within the limits of the counties aforeſaid. *ſ.* 19.

The chancellor and ſcholars of the univerſity of *Cambridge*, ſhall have the preſentation, *&c.* to every ſuch benefice, ſchool, hoſpital, and donative, in the counties of *Hertfordſhire*, *Bedfordſhire*, *Cambridgeſhire*, *Huntingdonſhire*, *Suffolk*, *Norfolk*, *Lincolnſhire*, *Rutlandſhire*, *Leiceſterſhire*, *Derbyſhire*, *Nottinghamſhire*, *Shropſhire*, *Cheſhire*, *Lancaſhire*, *Yorkſhire*, *Durham*, *Northumberland*, *Cumberland*, *Weſtmorland*, *Radnorſhire*, *Denbyſhire*, *Flintſhire*, *Carnarvonſhire*, *Angleſey*, *Merioneth*, *Glamorganſhire*, and in every city and town being a county of itſelf, lying within the limits of the counties laſt mentioned. *ſ.* 20.

Provided that neither of the univerſities ſhall preſent to any benefice any ſuch perſon as ſhall then have any other benefice with cure, and ſuch preſentation ſhall be void. *ſ.* 21. *See* 1 Will. & Mar. c. 26. 12 Ann. ſt. 2. c. 14. & 11 Geo. 2. c. 17. ſ. 5. *under the general title* PAPISTS.

Recuſants convict ſhall be diſabled to be executor or adminiſtrator, nor ſhall have the charge of any child as guardian in ſocage, or guardian in nurture, of any lands freehold or copyhold. *ſ.* 22.

The next of kin to ſuch children to whom the lands cannot deſcend, who ſhall uſually reſort to church, and receive the ſacrament thrice in the year next before, ſhall have the cuſtody of the child, and of his lands, as a guardian in ſocage, and of the lands holden by copy, ſo long as the cuſtom of the manor ſhall permit. *ſ.* 23.

No perſon ſhall bring from beyond the ſeas, nor ſhall print, ſell, or buy, any popiſh primers, ladies pſalters, manuals, roſaries, popiſh catechiſms, miſſals, breviaries, portals, legends, and lives of ſaints, containing ſuperſtitious matter, upon pain of 40*s.* for every book; one third part to the king, one third to him that will ſue for the ſame, and the other to the poor of the pariſh where ſuch books ſhall be found. *ſ.* 25.

It ſhall be lawful for any two juſtices of the peace, and to all mayors, bailiffs, and chief officers, of cities and towns corporate, to ſearch the houſes of every popiſh recuſant convict, or of every perſon whoſe wife ſhall be a popiſh recuſant convict, for popiſh books and relics; and if any altar, pix, beads, pictures, or ſuch like popiſh relics, or any popiſh books, ſhall be found in their cuſtody, as in the opinion of the juſtices, *&c.* ſhall be unmeet for ſuch recuſant to have, the ſame ſhall be burnt; and if it be a crucifix, or other relic of any price, the ſame to be defaced at the quarter ſeſſions, and reſtored to the owner. *ſ.* 26.

All ſuch armour, gunpowder, and munition, as any popiſh recuſant convict ſhall have, ſhall be taken from ſuch recuſants, by warrant of four juſtices of peace, at their quarter ſeſſions (other than ſuch neceſſary weapons as ſhall be thought fit by the juſtices for the defence of the perſon of ſuch recuſant, or of his houſe); and the ſaid armour and munition ſhall be kept at the coſts of ſuch recuſants, as the juſtices ſhall appoint. *ſ.* 27.

If any ſuch recuſant, or any other perſon, which ſhall have any armour, gunpowder, and munition, to the uſe of any recuſant, ſhall refuſe to declare to the juſtices, what armour they have, or ſhall hinder the delivery thereof, ſuch perſon ſhall forfeit their ſaid armour, gunpowder, and munition, and ſhall alſo be impriſoned by warrant of any juſtices of peace three months. *ſ.* 28.

Notwithſtanding the taking away of ſuch armour and munition, the ſaid recuſant ſhall be charged with the maintaining of the ſame, and with the providing of horſe, and other armour and munition, in ſuch ſort as other his majeſty's ſubjects; and the ſaid armour and munition, at the charge of ſuch popiſh recuſant, ſhall be ſhewed at every muſter within the county. *ſ.* 29.

This act ſhall not abridge the authority of the eccleſiaſtical cenſure. *ſ.* 30.

By 7 *Jac.* 1. *c.* 6. If any married woman, convicted as a popiſh recuſant for not coming to church, ſhall not within three months after conviction, conform herſelf, and repair to church and receive the ſacrament, ſhe ſhall be committed to priſon by one of the privy council, or by the biſhop, if ſhe be a baroneſs, or if ſhe be under that degree, by two juſtices of peace, one of the *quorum*, until ſhe ſhall conform herſelf, unleſs the huſband of ſuch wife ſhall pay to the king for every month 10*l.* or the third part of all his lands, at the choice of the huſband, ſo long as ſhe remaining a recuſant ſhall continue out of priſon. *ſ.* 28.

By 25 *Car. c.* 2. Every perſon that ſhall bear any office, civil or military, or ſhall receive any ſalary, fee, or wages, by reaſon of any grant from his majeſty, or have com-

command or place of truſt under his majeſty, or by his authority, or by authority derived from him, within *England*, *Wales*, or *Berwick*, or in his majeſty's navy, or in the iſlands of *Jerſey* and *Guernſey*, or be of the houſehold, or in the ſervice of his majeſty, and reſide within the cities of *London* or *Weſtminſter*, or within 30 miles of the ſame, ſhall take the oaths of ſupremacy and allegiance in the court of chancery or king's bench, in the next term after their admittance into the offices or employments aforeſaid, between the hours of 9 and 12 in the forenoon; and proceedings to ceaſe: and every ſuch perſon not having taken the oaths in the ſaid courts, ſhall at the quarter ſeſſions for that county or place where he ſhall reſide, next after his admittance into the ſaid office or employment, take the ſaid oaths; and every ſuch perſon ſhall alſo receive the ſacrament of the Lord's ſupper, according to the uſage of the church of *England*, within three months after his admittance, in ſome public church, upon ſome Lord's day, immediately after divine ſervice and ſermon; and every of the ſaid perſons, in the court where he takes the oaths, ſhall firſt deliver a certificate of his receiving the ſacrament under the hands of the miniſter and churchwarden, and make proof of the truth thereof by two witneſſes, all which ſhall be put upon record. *ſ.* 1 & 2.

The time is enlarged to ſix months by 16 Geo. 2. c. 30. *ſ.* 3.

All the perſons aforeſaid, that ſhall neglect to take the oaths and ſacrament, ſhall be diſabled to enjoy the ſaid offices or employments, or any thing aforeſaid, or any profit appertaining to them; and ſuch office, *&c.* ſhall be void. *ſ* 3.

Every ſuch perſon that ſhall neglect to take the oaths or the ſacrament as aforeſaid, and after ſuch neglect ſhall execute any of the ſaid offices or employments, and being thereupon convicted upon information, preſentment, or indictment, in any of the king's courts at *Weſtminſter* or at the aſſizes, ſuch perſon ſhall be diſabled to ſue any action or information in courſe of law, or to proſecute any ſuit in equity, or to be guardian of any child, or executor or adminiſtrator of any perſon, or capable of any legacy or deed of gift, or to bear any office within *England*, *Wales*, or *Berwick*, and ſhall forfeit 500 *l.* to be recovered by him that ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*. *ſ.* 4.

The names of all ſuch perſons that take the oaths ſhall be inrolled, with the time of their taking the ſame, in rolls kept only for that purpoſe; which rolls for the court of chancery ſhall be publicly hung up in the office of the petty bag, and the roll for the king's bench in the crown office, and in ſome public place in every quarter ſeſſions, and there remain during the whole term and the whole ſeſſions. And none of the perſons aforeſaid ſhall pay to any officer belonging to the courts above 12 *d.* for entry of his taking the oaths. *ſ.* 5.

Upon the tender of any perſon to take the oaths, the courts are required to adminiſter the ſame. *ſ.* 6.

If any perſons not bred up by their parents from their infancy in the popiſh religion, and profeſſing themſelves popiſh recuſants, ſhall educate their children, or ſuffer them to be inſtructed or educated, in the popiſh religion; ſuch perſon being thereof convicted ſhall be diſabled of bearing any office or place of truſt or profit in church or ſtate; and ſuch children ſhall be diſabled of bearing any ſuch office or place of truſt or profit, until they be reconciled to the church of *England*, and take the oaths before the juſtices of peace in quarter ſeſſions where they ſhall inhabit, and thereupon receive the ſacrament, and obtain a certificate thereof under the hands of two juſtices of peace. *ſ.* 7.

At the time when the perſons concerned in this act ſhall take the oaths, they ſhall likewiſe make and ſubſcribe this declaration following:

I A. B. *do declare, that I do believe, that there is not any tranſubſtantiation in the ſacrament of the Lord's ſupper, or in the elements of bread and wine, at or after the conſecration thereof by any perſon whatſoever.*

Of which ſubſcription there ſhall be the like regiſter kept, as of the taking the oaths. *ſ.* 8.

This act ſhall not prejudice the peerage of any peer, or take away any privilege or profit which any peer ought to enjoy by reaſon of his peerage, or take away creation-money, or bills of impoſt, nor make void any penſion granted by his majeſty to any perſon for valuable conſideration for life or years, other than ſuch as relate to any office or place of truſt under his majeſty, and other than penſions of bounty; nor make void any eſtate of inheritance granted by his majeſty, or his predeceſſors, in any lands or hereditaments, not being offices; nor take away any penſion granted by his majeſty to any perſon who was inſtrumental in the preſervation of his majeſty after the battle of *Worceſter*, until his arrival beyond the ſeas: nor make void the grant of any office of inheritance, or any fee thereto belonging, enjoyed by any perſon who ſhall neglect to take the oaths, *&c.* ſo as ſuch perſon appoint his deputy, until ſuch time as the perſon having ſuch office ſhall, in the court of chancery, before the lord chancellor, or in the king's bench, take the oaths and receive the ſacrament according to law, and ſubſcribe the declaration; and ſo as the deputy take the oaths, receive the ſacrament, and ſubſcribe the declaration; and ſo as ſuch deputies be approved of by the king under his privy ſignet. *ſ.* 9.

Peers may take the oaths, and make the ſubſcription, and deliver the certificates, before the peers ſitting in parliament, if the parliament be ſitting within the time limited, and in the intervals of parliament in chancery, in which courts the ſaid proceedings are to be recorded. *ſ.* 10.

Provided that any perſon, who by neglect according to this act ſhall forfeit any office, may be capable by a new grant of the ſaid office, or of any other, ſuch perſon taking the oaths, and doing all other things required by this act, ſo as ſuch office be not enjoyed by ſome other perſon at the time of the regranting thereof. *ſ.* 12.

Nothing in this act ſhall make any forfeiture or incapacity in any non-commiſſion officer in his majeſty's navy, if ſuch officer ſhall only ſubſcribe the declaration. *ſ.* 13.

This act ſhall not extend to the office of any high conſtable, petty conſtable, tithingman, headborough, overſeer of the poor, churchwardens, ſurveyor of the highways, or any like inferior civil office, or to any office of foreſter, or keeper of any park, chace, warren, or game, or of bailiff of any manor or lands, or to any like private offices. *ſ.* 14.

By 16 *Geo.* 2. *c.* 30. Whereas, by 25 *Car.* 2. *c.* 2. it is enacted, that all perſons that ſhall be admitted into any office, or ſhall receive any pay, *&c.* by reaſon of any grant of his majeſty, or have command or place of truſt under his majeſty, in *England*, *Wales*, *Berwick*, or in the navy, or in *Jerſey* or *Guernſey*, ſhall receive the ſacrament of the Lord's ſupper within three months after their admittance,

mittance, in ſome public church upon ſome Lord's day immediately after divine ſervice and ſermon; which time is found to be too ſhort; be it enacted, that all ſuch perſons ſhall receive the ſacrament of the Lord's ſupper according to the uſage of the church of *England* within ſix months after their admittance in, or receiving, their ſaid employment, in ſome public church, upon ſome Lord's day, immediately after divine ſervice and ſermon. *ſ.* 3.

All perſons that neglect to receive the ſacrament according to the direction of this act, ſhall be liable to all ſuch diſabilities and forfeitures, as by the ſaid act of 25 *Car.* 2. *c.* 2. *ſ.* 4.

This act ſhall not reſtore any perſon to any office already avoided by judgment of any court of record, or already filled up by another perſon. *ſ.* 15. *See* KING, OATHS, PAPISTS, ROME, SERVICE, AND SACRAMENTS.

Rediſſeiſin.

Stat. Merton, 20 *Hen.* 3. *c.* 3. If any be diſſeiſed of his freehold, and before the juſtice in eyre hath recovered ſeiſin by aſſiſe, or by confeſſion of them which did the diſſeiſin, and the diſſeiſee hath had ſeiſin delivered him by the ſheriff, if the ſame diſſeiſors ſhall again diſſeiſe the ſame plaintiff of the ſame freehold, and thereof be convict, they ſhall be taken and kept in priſon until the king diſcharge them by ranſom or other mean. And this is the form how ſuch convict perſons ſhall be puniſhed, *viz.* when the plaintiffs come to the court, they ſhall have the king's writ directed to the ſheriff, in which ſhall be contained the declaration of the diſſeiſin done upon diſſeiſin; and it ſhall be commanded to the ſheriff, that he, taking with him the keepers of the pleas of the crown, and other lawful knights, in his proper perſon ſhall go unto the land or paſture of which the plaint hath been made; and that before them he make by the jurors and other lawful men diligent inquiſition thereof; and if they find him diſſeiſed again, that they do according to the proviſion afore mentioned; and if it be found otherwiſe, the plaintiff ſhall be amerced, and the other go quit. Neither ſhall the ſheriff proſecute any ſuch plaint without command of the king. In the ſame manner ſhall be done for them that have recovered their ſeiſin by aſſiſe of *mordanceſtor*; and ſo it ſhall be of all lands recovered in the king's court by inqueſts, if they be diſſeiſed after by the firſt deforceors.

Stat. Marleber. 52 *Hen.* 3. *c.* 8. They which be impriſoned for rediſſeiſin ſhall not be delivered without the ſpecial command of the king, and ſhall make fine with the king for their treſpaſs; and if it be found that the ſheriff delivereth any contrary to this ordinance, he ſhall be grievouſly amerced; and nevertheleſs they which are ſo delivered ſhall be grievouſly puniſhed.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 26. In writs of rediſſeiſin double damages ſhall be awarded, and the rediſſeiſors ſhall not be repleviable by the common writ; and the ſame writ ſhall hold place for them that ſhall recover by default, reddition, or otherwiſe, without recognition of aſſiſes or juries.

Regiſter.

By 2 *Ann. c.* 4. A memorial of all deeds and conveyances which, after the 29th of *September* 1704, ſhall be made, and of all wills in writing, where the deviſor ſhall die after the ſaid day, concerning any lands or hereditaments in the weſt riding of the county of *York*, may at the election of the parties concerned be regiſtered; and every deed or conveyance, that ſhall after any memorial is ſo regiſtered, be made of the lands comprized in ſuch memorial, ſhall be adjudged fraudulent and void againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs ſuch memorial thereof be regiſtered before the regiſtering the memorial of the deed or conveyance under which ſuch ſubſequent purchaſer or mortgagee ſhall claim; and every deviſe by will of lands contained in any memorial ſo regiſtered, that ſhall be made after the regiſtering of ſuch memorial, ſhall be adjudged fraudulent and void againſt any ſubſequent purchaſer or mortgagee, *&c.* unleſs a memorial of ſuch will be regiſtered. *ſ.* 1.

One public office for regiſtering ſuch memorials ſhall be kept in *Wakefield*, to be executed by a fit perſon elected, or his ſufficient deputy, to continue in the ſaid office ſo long as he ſhall well demean himſelf therein. *ſ.* 2.

All elections of a regiſter ſhall be by balloting, *viz.* all the freeholders that have freehold within the weſt-riding, of the yearly value of 100 *l.* (to be determined by the oath of the elector before the ſcrutators) ſhall be electors of the regiſter; and the juſtices of peace for the weſt-riding, or any five ſuch juſtices appointed by them, ſhall be ſcrutators of the ballot; who ſhall, in the preſence of the electors, place glaſs veſſels, into which each elector ſhall put one open paper, containing the name of ſuch perſon as he approves of to be regiſter; which papers ſhall be taken out in the preſence of the ſcrutators, and the names of every perſon therein ſhall be tranſcribed in columns, with the number of their electors, and the ſame ſhall be read over in the hearing, and fixed up in the view, of the electors; and the perſon upon whom the majority ſhall fall, ſhall be regiſter. *ſ.* 3.

As often as the office ſhall become vacant, the juſtices of peace, at the quarter-ſeſſions next after ſuch vacancy, ſhall declare the vacancy, and by order of ſeſſions appoint a time within one calendar month, and above three weeks, enſuing the end of ſuch ſeſſions, for the electors to aſſemble at *Wakefield*, to chuſe a perſon to ſupply the vacancy; and the clerk of the peace ſhall cauſe copies of ſuch order to be delivered to the chief conſtables of the ſeveral wapentakes, who ſhall publiſh the ſame in full market, in every market-town, on the next market-day, and affix the ſame in the moſt public place there. *ſ.* 5.

Upon the death of any ſuch regiſter, and until another election, the executors and adminiſtrators of the regiſter deceaſed, together with the ſureties for the ſaid regiſter, ſhall appoint a perſon to execute the office, for whoſe demeanor the ſecurity ſhall be anſwerable. *ſ.* 6.

All memorials ſhall be in writing on vellum or parchment, and directed to the regiſter; and in caſe of deeds and conveyances, ſhall be under the hand and ſeal of one of the grantors or grantees, their guardians or truſtees, atteſted by two witneſſes, one whereof to be one of the witneſſes to the execution of ſuch deed; which witneſs ſhall, upon oath, before the regiſter prove the ſigning and ſealing of the memorial, and the execution of the deed mentioned in ſuch memorial; and in caſe of wills, the memorials ſhall be under the hand and ſeal of one of the deviſees, his guardians or truſtees, atteſted by two witneſſes, one whereof ſhall prove the ſigning and ſealing of ſuch memorial. *ſ.* 7.

Every memorial of any deed or will ſhall contain the day of the month and year when ſuch deed or will bears

date, and the names and additions of all the parties to ſuch deed, and of the deviſor of ſuch will, and of all the witneſſes, and the places of their abode, and ſhall mention the lands and hereditaments contained in ſuch deed or will; and the names of all the pariſhes, townſhips, hamlets, precincts, or extraparochial places, where ſuch lands are, in ſuch manner as the ſame are mentioned in ſuch deed or will, and every ſuch deed and will, or probate of the ſame, of which ſuch memorial is to be regiſtered, ſhall be produced to the regiſter at the time of entering ſuch memorial, who ſhall endorſe a certificate on ſuch deed and will, or probate thereof, and mention the day, hour, and time, on which ſuch memorial is entered, expreſſing alſo in what book, page, and number, the ſame is entered; and the regiſter ſhall ſign the certificate ſo endorſed; which ſhall be allowed as evidence of ſuch regiſtries in all courts of record; and every page of ſuch regiſter-books, and every memorial that ſhall be entered, ſhall be numbered, and the day of the month, and the year, and hour, or time of the day, ſhall be entered in the margins of the regiſter-books, and of the memorial; and ſuch regiſter ſhall keep an alphabetical calendar of all pariſhes, extraparochial places and townſhips, within the weſt-riding, with reference to the number of every memorial that concerns lands in ſuch pariſh, *&c.* and of the names of the parties; and ſuch regiſter ſhall duly file every ſuch memorial in order as the ſame is brought to the office, and enter the memorials in the order that they ſhall come to his hand. *ſ.* 8.

Such regiſter, before he enter upon the office, ſhall be ſworn before the juſtices of peace, or three of them, that ſhall be preſent at his election, in theſe words: *ſ.* 9.

You ſhall truly and faithfully perform and execute the office and duty that is directed and required by act of parliament, in regiſtering memorials of deeds, conveyances, and wills, within the weſt-riding of the county of York, *ſo long as you ſhall continue in the ſaid office; and that you have not given nor promiſed, directly nor indirectly, nor authorized any perſon to give or promiſe, any money, gratuity, or reward whatſoever, for procuring or obtaining the ſaid office for you:*

So help you God.

When the regiſter ſhall appoint any deputy, ſuch deputy ſhall take the oath before two juſtices of peace; and every regiſter, at the time of his being ſworn, ſhall enter into a recognizance with two ſureties, to be approved of by five juſtices of peace preſent at his election, by writing, to be regiſtered at the next quarter-ſeſſions, of the penalty of 2000 *l.* to her majeſty, to be taken by the ſame juſtices that approved of his ſecurity, conditioned for his true and faithful performance of his duty in the execution of his office; the ſame to be tranſmitted by the juſtices within one month into the office of her majeſty's remembrancer of the exchequer. *ſ.* 10.

When any regiſter ſhall die or ſurrender, and within three years from ſuch death or ſurrender no miſbehaviour appear to have been committed by ſuch regiſter, the recognizance ſhall become void. *ſ.* 11.

Such regiſter, or his deputy, ſhall give due attendance at his office every day (except *Sundays* and holy-days), between nine and twelve in the forenoon, and two and five in the afternoon, for the diſpatch of buſineſs, and ſhall make ſearches concerning all memorials regiſtered as aforeſaid, and give certificates concerning the ſame, if required. *ſ.* 12.

Such regiſter ſhall be allowed for the entry of every memorial, 1 *s.* in caſe the ſame do not exceed 200 words; but if ſuch memorial exceed, then after the rate of 6 *d.* an hundred for all the words above the firſt 200; and the like fees for the like number of words contained in every certificate or copy; and for every ſearch, 1 *s.* *ſ.* 13.

If any ſuch regiſter, or his deputy, neglect his duty, or commit or ſuffer any undue or fraudulent practice in the office, and be thereof convict, ſuch regiſter ſhall forfeit his office, and pay treble damages with coſts, to every perſon injured thereby, to be recovered in any of her majeſty's courts at *Weſtminſter*. *ſ.* 14.

The perſon nominated upon the death of any regiſter to execute the office during the time the ſame ſhall be vacant, ſhall take the oath appointed to be taken by ſuch regiſter and his deputy, before two juſtices of peace; and if ſuch perſon be convicted of any neglect, miſdemeanor, or fraudulent practice, he ſhall pay treble damages with full coſts, to every perſon injured, to be recovered as aforeſaid. *ſ.* 15.

This act ſhall not extend to any copyhold eſtates, or to any leaſes at a rack rent, or to any leaſe not exceeding 21 years, where the actual poſſeſſion goeth along with the leaſe. *ſ.* 16.

Where there are more writings than one for perfecting any conveyance which concern the ſame lands, it ſhall be a ſufficient memorial and regiſter thereof, if all the lands, and the pariſhes, townſhips, hamlets, or extraparochial places, where the ſame lie, be once named in the memorial, regiſter, and certificate, of any one of the deeds; and the dates of the reſt of the deeds relating to the ſaid conveyance, with the names and additions of the parties and witneſſes, and the places of their abodes, be ſet down in the memorials, regiſters, and certificates of the ſame, with a reference to the deed whereof the memorial expreſſes the parcels, and directions to find the regiſtering the ſame. *ſ.* 17.

A memorial of ſuch deeds and wills, as ſhall be made or publiſhed in *London*, or in any other place not within 40 miles of the weſt-riding, which may affect lands in the weſt-riding, ſhall be regiſtered, in caſe an affidavit ſworn before any one of the judges at *Weſtminſter*, or a maſter in chancery, be brought with the memorial to the regiſter, wherein one of the witneſſes to ſuch deeds ſhall ſwear he ſaw the ſame executed, and the memorial ſigned and ſealed, or wherein one of the witneſſes to the memorial of any will ſhall ſwear he ſaw ſuch memorial ſigned and ſealed, and the ſame ſhall be a ſufficient authority to the regiſter to give a certificate of the regiſtering ſuch memorial; which certificate ſigned by the regiſter ſhall be evidence of the regiſtries. *ſ.* 18.

If any perſon ſhall forge or counterfeit any ſuch memorial or certificate, and be thereof convicted, ſuch perſon ſhall incur ſuch penalties as by 5 *Eliz. c.* 14. are impoſed upon perſons for forging or publiſhing of falſe deeds, whereby the freehold of any perſon may be moleſted; and if any perſon ſhall forſwear himſelf before the regiſter, or before any judge or maſter in chancery, in the caſes aforeſaid, and be thereof convicted, ſuch perſon ſhall incur the ſame penalties as if the oath had been made in any of the courts at *Weſtminſter*. *ſ.* 19.

Memorials of wills regiſtered within ſix months after the death of the deviſor dying within *England*, *Wales*, and *Berwick*, or within three years after the death of every deviſor dying upon or beyond the ſeas, ſhall be effectual. *ſ.* 20.

In caſe the perſons intereſted in the lands deviſed by reaſon of the conteſting ſuch will or other inevitable difficulty, without their wilful neglect, ſhall be diſabled to exhibit a memorial within the times limited, in ſuch caſe the regiſtry of the memorial, within ſix months after their attainment

attainment of ſuch will, or a probate thereof, or removal of the impediment, ſhall be ſufficient. *ſ.* 21.

No member of parliament ſhall be capable of being choſen regiſter, or of executing the office, nor ſhall any regiſter or his deputy be capable of being choſen a member. *ſ.* 22.

By 5 *Ann. c.* 18. All bargains and ſales of lands within the ſaid weſt-riding, inrolled before the regiſter in the public office at *Wakefield*, ſhall be effectual, according to the act 27 *Hen.* 8. *c.* 16.; and the regiſter, or his deputy, (together with one juſtice of peace), ſhall have power to take the acknowledgment of the bargainers; and ſhall inrol ſuch bargains and ſales; and indorſe a certificate on ſuch bargains and ſales, of the times of inrolling, and ſign the ſame; and the rolls thereof ſhall keep in the public office upon record amongſt the memorials of deeds. *ſ.* 1.

Deeds of bargain and ſale ſo inrolled, and copies of the inrolments thereof, ſhall be allowed in all courts as ſufficient evidence, as bargains and ſales inrolled in the courts at *Weſtminſter*. *ſ.*

Such inrolment of ſuch deed in the regiſter-office ſhall be deemed the entering of a memorial thereof. *ſ.* 3.

No judgment, ſtatute, or recognizance, (other than ſuch as ſhall be entered into in the name, and upon the proper account of his majeſty,) ſhall affect any lands in the weſt-riding, but only from the time that a memorial of ſuch judgment, *&c.* ſhall be entered at the regiſter-office, expreſſing, in caſe of ſuch judgment, the names of the plaintiffs, and the names and additions therein of the defendants, the ſums recovered and the time of ſigning; and in caſe of ſtatutes and recognizances, expreſſing the date of ſuch ſtatute or recognizance, the names and additions of the cognizors and cognizees, and for what ſums, and before whom the ſame was acknowledged; and the party ſhall produce and leave with the regiſter to be filed, a memorial of ſuch judgment, ſtatute, or recognizance, ſigned by the proper officer, together with an affidavit ſworn before one of the judges at *Weſtminſter*, or a maſter in chancery, that ſuch memorial was duly ſigned; which memorial ſuch officer is required to give ſuch plaintiffs or cognizees, or their executors or adminiſtrators, or attorney; they paying 1 *s.* *ſ.* 4.

The regiſter ſhall make an entry, and if required give a certificate under his hand, teſtified by two witneſſes, of ſuch memorial of any judgment, ſtatute, or recognizance, and therein mention the day on which ſuch memorial is regiſtered, expreſſing in what book, page, and number. *ſ.* 5.

The recognizance entered into by the regiſter for the faithful performance of his duty, ſhall ſtand a ſecurity, as well for the due inrolment and ſafe keeping of the inrolments of all bargains and ſales inrolled before the regiſter, as for the faithful performance of his duty in the execution of his office of regiſter. *ſ.* 6.

The regiſter ſhall be allowed for inrolling every ſuch bargain and ſale, and memorial, and for certificates, copies, and ſearches, like fees as for the entering memorials of deeds and wills, *&c.* *ſ.* 7.

If any perſon ſhall forge or counterfeit any entry of the acknowledgment of any bargainer in ſuch bargain or ſale, or any ſuch memorial, certificate, or indorſement, as herein mentioned, and be thereof convicted, ſuch perſon ſhall incur ſuch penalties as in an act 5 *Eliz. c.* 14. are impoſed for forging or publiſhing of falſe deeds, whereby the freehold of any perſon may be moleſted; and if any perſon ſhall forſwear himſelf before the regiſter, or before any judge or maſter in chancery, in the caſes herein mentioned, and be thereof convicted, ſuch perſon ſhall incur the ſame penalties, as if the oath had been made in any of the courts at *Weſtminſter*. *ſ.* 8.

All certificates required by this act, or by the act 2 *Ann. c.* 4. to be given by the regiſter in caſe of ſearches, ſhall be ſigned by the regiſter, or his deputy, in the preſence of two perſons, who ſhall ſet their names as witneſſes. *ſ.* 9.

In caſe of mortgages, judgments, ſtatutes, and recognizances; if a certificate ſhall be brought to the regiſter, ſigned by the mortgagers and mortgagees, plaintiffs and defendants, cognizor and cognizees, reſpectively, their executors, adminiſtrators, or aſſigns, and atteſted by two witneſſes, whereby it ſhall appear, that all monies due have been paid in diſcharge thereof; which witneſſes ſhall, upon oath before the ſaid regiſter, prove ſuch monies to be ſatisfied, and that they ſaw ſuch certificate ſigned; the regiſter ſhall make an entry in the margins of the regiſter books, againſt the inrolment of ſuch mortgage, or regiſtry of the memorial thereof, and againſt the regiſtry of ſuch judgment, ſtatute, or recognizance, that ſuch mortgage, *&c.* was ſatisfied, and ſhall file ſuch certificate upon record in the office. *ſ.* 10.

If any judgment, ſtatute, or recognizance, be regiſtered within 30 days after the acknowledgment or ſigning thereof, all the lands that the defendant or cognizor had at the time of ſuch acknowledgment or ſigning, ſhall be bound. *ſ.* 11.

By 6 *Ann. c.* 35. A memorial of all conveyances, which after the 29th of *September* 1708, ſhall be made, and of all wills where the deviſor ſhall die after the ſaid 29th of *September*, concerning any lands in the eaſt-riding of the county of *York*, or in the town and county of *Kingſton* upon *Hull*, may be affected, may be regiſtered; and every ſuch deed ſhall be adjudged fraudulent againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs ſuch memorial be regiſtered, before the regiſtering the memorial of the deed under which ſuch ſubſequent purchaſer or mortgagee ſhall claim; and every ſuch deviſe by will ſhall be adjudged fraudulent againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs a memorial of ſuch will be regiſtered as is herein directed. *ſ.* 1.

One public office for regiſtering ſhall (at the public charge of the eaſt-riding, to be raiſed by the juſtices of peace at their quarter-ſeſſions, in ſuch manner as they are empowered to raiſe money for the repairs of county bridges) be eſtabliſhed at *Beverly*. *ſ.* 2.

The act contains other directions to the ſame effect, as the acts 2 Ann. c. 4. *and* 5 Ann. c. 18. *with the following additions.*

In all deeds of bargain and ſale inrolled in purſuance of this act, whereby any eſtate of inheritance in fee-ſimple is limited to the bargainee and his heirs, the words *grant*, *bargain*, and *ſell*, ſhall amount to, and be conſtrued to be, expreſs covenants to the bargainee, his heirs and aſſigns, from the bargainer, for himſelf, his heirs, executors and adminiſtrators, that the bargainer, notwithſtanding any act done by him, was at the time of the execution of ſuch deed ſeiſed of the hereditaments thereby granted, bargained, and ſold, of an indefeazible eſtate in fee-ſimple, free from all incumbrances, (rents and ſervices due to the lord of the fee only excepted), and for quiet enjoyment thereof againſt the bargainer, his heirs and aſſigns, and all claiming under him, and alſo for further aſſurance thereof to be made by the bargainer, his heirs and aſſigns, and all claiming under him; unleſs the ſame ſhall be reſtrained by expreſs words contained in ſuch deed; and the bargainee, his heirs, executors, adminiſtrators, and aſſigns, may in any action

action aſſign breaches thereupon, as they might do in caſe ſuch covenants were expreſsly inſerted. *ſ.* 30.

Every leaf of the regiſter-books and inrolment-books ſhall be ſigned by two juſtices of peace appointed by the juſtices at their quarter-ſeſſions, and an entry thereof ſhall be made from time to time by the clerk of the peace of the ſaid riding in the order-book of the ſeſſions, and ſigned by the juſtices that ſhall ſign the regiſter-books and inrolment books; and a like entry ſhall be made upon record, and ſigned, of the number of the books, and how marked, and how many pages each of them contains, in the regiſter office. *ſ.* 31.

All the clauſes in this act concerning the eaſt-riding, and the town of *Kingſton* upon *Hull*, and not contained in the acts 2 *Ann. c.* 4. and 5 *Ann. c.* 18. ſhall extend unto all lands within the weſt-riding, (the mortgage or purchaſe whereof ſhall exceed 50*l.*) as effectually as if the ſame were inſerted in the ſaid acts. *ſ.* 34.

By 7 *Ann. c.* 20. A memorial of all conveyances, which after the 29th of *September* 1709, ſhall be made, and of all wills where the deviſor ſhall die after the ſaid day, concerning any lands in the county of *Middleſex*, may be regiſtered; and every ſuch conveyance ſhall be adjudged fraudulent againſt any ſubſequent purchaſer or mortgagee for valuable conſideration, unleſs ſuch memorial thereof be regiſtered before the regiſtering of the memorial of the deed under which ſuch ſubſequent purchaſer or mortgagee ſhall claim; and every ſuch deviſe by will ſhall be adjudged fraudulent againſt any ſubſequent purchaſer or mortgagee for valuable conſiderations, unleſs a memorial of ſuch will be regiſtered. *ſ.* 1.

One public office for regiſtering ſuch memorials ſhall be erected in manner following, *viz.* the clerk of inrolment in chancery for *Middleſex*, the chief clerk to inroll pleas in the queen's bench, the clerk of the warrants in the common pleas, and the queen's remembrancer or his deputy in the exchequer, ſhall be the regiſters or maſters of the office, and ſhall appoint one or more perſons, for whom they ſhall be accountable, to be their deputies; which regiſters ſhall perform all things intended by this act in ſome office in or near the inns of court or chancery; and the ſaid regiſters ſhall preſent ſuch deputies to the lord chancellor, the chief juſtice of the queen's bench, the chief juſtice of the common pleas, and the chief baron of the exchequer, to be by three of them approved of, before ſuch deputies ſhall enter upon the execution of the office; and ſuch deputies may be diſplaced by the lord chancellor, the chief juſtices and chief baron, or any three of them, by writing; and the lord chancellor, the two chief juſtices and chief baron, or any three of them, ſhall have power to make rules and orders for the government of the ſaid office. *ſ.* 2. *See* 25 Geo. 2. c. 4.

Every ſuch regiſter, before he enter upon the execution of the office, ſhall be ſworn before the lord chancellor, the chief juſtices and chief baron, or one of them, *as in* 2 Ann. c. 4. *ſ.* 3.

If ſuch perſon appointed regiſter ſhall be convicted of any neglect, miſdemeanor or fraudulent practice, in the office, he ſhall be liable to pay treble damages, with full coſts, to every perſon injured. *ſ.* 4.

The five following ſections are to the ſame effect as 2 Ann. c. 4. ſ. 7, 8. 17. 20 & 21.

In caſe of concealment, or ſuppreſſion, of any will or deviſe, purchaſers ſhall not be diſturbed, unleſs the will be actually regiſtered within five years after the death of the deviſor. *ſ.* 10.

The two following ſections are to the ſame effect as 2 Ann. c. 4. ſ. 12 & 13.

Each of the regiſters or maſters, at the time of his being ſworn into the office, ſhall enter into a recognizance with ſureties (to be approved of by the lord chancellor, the chief juſtices and chief baron, or one of them) of the penalty of 2000*l.* unto her majeſty, to be taken by one of the chief juſtices, conditioned for his true and faithful performance of his duty in his office, in all things directed by this act, the ſame to be tranſmitted by ſuch chief juſtice within one month after the date, into the office of her majeſty's remembrancer of the exchequer. *ſ.* 13.

The damages to be forfeited by any ſuch regiſter, for any neglect, miſdemeanor or fraudulent practice, ſhall be recovered in any of her majeſty's courts at *Weſtminſter*. *ſ.* 14.

The following ſection is to the ſame effect as 2 Ann. c. 4. ſ. 19.

In caſe of mortgages, if a certificate ſhall be brought to the regiſters, ſigned by the mortgagees, *&c.* that all monies due upon ſuch mortgage have been paid, *&c.* the regiſters ſhall make an entry in the margins of the regiſter-books, that ſuch mortgage was ſatisfied, *as in* 5 *Ann. c.* 18. *ſ.* 10—*ſ.* 16.

This act ſhall not extend to any copyhold eſtates, or to any leaſes at a rack rent, or to any leaſe not exceeding 21 years where the actual poſſeſſion goeth along with the leaſe, or to any of the chambers in ſerjeants-inn, the inns of court, or inns of chancery. *ſ.* 17.

The reſt of the act is to the ſame effect as 5. Ann. c. 18. ſ. 4. & ſ. 5. and 2 Ann. c. 4. ſ. 22.

By 8 *Geo. 2. c.* 6. A memorial of all deeds and conveyances, which after the 29th of *September* 1736, ſhall be made, and of all wills where the deviſor ſhall die after the ſaid day, and of all judgments, ſtatutes and recognizances (other than ſuch as ſhall be entered into in the name and upon account of his majeſty) which ſhall be obtained or entered into after the ſaid day, whereby any lands in the north-riding of *Yorkſhire* may be affected, may be regiſtered; and every ſuch deed or conveyance, judgment, *&c.* ſhall be adjudged fraudulent againſt any ſubſequent purchaſer or mortgagee, plaintiff or cogniſee, upon valuable conſideration, unleſs ſuch memorial thereof be regiſtered, before the regiſtering of the memorial of the deed or conveyance, judgment, *&c.* under which ſuch ſubſequent purchaſer or mortgagee, plaintiff or cogniſee, ſhall claim; and every ſuch deviſe by will ſhall be adjudged void againſt a ſubſequent purchaſer or mortgagee, plaintiff or cogniſee, upon valuable conſideration, unleſs a memorial of ſuch will be regiſtered. *ſ.* 1.

One public office for regiſtering ſuch memorials, ſhall be eſtabliſhed at ſuch market-town, as the juſtices of peace ſhall adjudge to be the neareſt to the centre of the north-riding, to be managed *as in* 2 Ann. c. 4. *ſ.* 2.

The following fourteen ſections with ſec. 28. *are to the ſame effect as* 6 Ann. *c.* 35. *ſ.* 2. 2. Ann. c. 4. *ſ.* 3. 5. 9. 10. 6. 15. 7. 8. 18. 17. 20 & 21.

In caſe of concealment of any will, no purchaſer for valuable conſideration, nor any plaintiff in any judgment, or cogniſee of any ſtatute or recognizance, ſhall be defeated by any title deviſed by ſuch will, unleſs the will be actually regiſtered within three years after the death of the diviſor. *ſ.* 17.

The following two ſections are to the ſame effect as in 5 Ann. c. 18. ſ. 4 & 5.

Bargains and ſales of lands within the north-riding,

which ſhall be inrolled by the regiſter, ſhall be as effectual as if the ſame had been inrolled according to the act 27 *Hen* 8. *cap.* 16. and one juſtice of peace ſhall have power to take the acknowledgment of the bargainer, or of one of the bargainers; and the regiſter ſhall inrol all ſuch bargains and ſales, and ſhall indorſe a certificate of the times of inrolling, *as in* 5. Ann. c. 18. ſ. 1.—ſ. 21.

Any perſon claiming title to any hereditaments in the north-riding, may regiſter, at full length in the ſaid office, any deeds, wills or conveyances, under which ſuch title ſhall be claimed, and which ſhall be made, and in the caſe of wills, where the deviſor ſhall die, after the ſaid 29th of *September* 1736, and the ſaid regiſter is authoriſed to inrol ſuch deeds, wills and conveyances; and the regiſter ſhall, in the margin of ſuch inrolment, mention the time of inrolment, and ſhall indorſe and ſign a certificate on ſuch deed or will, and ſhall keep all the books, wherein ſuch inrolments ſhall be made, in the ſaid office, there to remain upon record; and all copies of ſuch inrolments, ſigned by the regiſter, and atteſted by two witneſſes, ſhall be good evidence of ſuch deeds, wills or conveyances, deſtroyed by fire or other accident. *ſ.* 22.

At the time any deed or will ſhall be brought to be inrolled, one of the witneſſes ſhall make oath or affirmation before the regiſter, that ſuch deed was duly executed by the granters, or that ſuch will was ſigned and publiſhed by the deviſor. *ſ.* 23.

Such deeds and wills, as ſhall be made and executed in any place not within forty miles of the office, may be entered in length, in caſe an affidavit or affirmation, made before one of the judges, or a maſter in chancery, be brought with ſuch deed or will, wherein one of the witneſſes ſhall ſwear, or affirm, that he ſaw the ſaid deeds executed, or ſuch will ſigned and publiſhed. *ſ.* 24.

Such inrolment of ſuch deeds and wills ſhall be deemed to be the entry of a memorial thereof, purſuant to this act. *ſ.* 25.

Such regiſter ſhall be allowed for the entry of every memorial, 1*s.* but if ſuch memorial exceed two hundred words, then after the rate of 4*d.* an hundred for all the words in ſuch memorial, over and above the firſt two hundred words; and the like fees for every bargain and ſale inrolled, and deeds and wills regiſtered at length; and for every ſearch 1*s.* *ſ.* 26.

The ſix following ſections are to the ſame effect as 2 Ann. *c.* 4. ſ. 12. 10. 14. 11. 19. *and* 5 Ann. c. 18. ſ. 10.

If any judgment, ſtatute or recognizance, be regiſtered within twenty days after the acknowledgment or ſigning thereof, it ſhall be as available as if ſuch memorial had been entered on the day of the ſigning or acknowledgment. *ſ.* 33.

The reſidue of this act is to the ſame effect as 2 Ann. c. 4. ſ. 16.—6 Ann. c. 35. ſ. 30, 31. *and* 2 Ann. c. 4. ſ. 21 & 22.

By 25 *Geo.* 2. *c.* 4. The deputy or ſecondary of the chief clerk to inroll pleas in the king's bench, called the maſter of the king's bench office, ſhall be one of the regiſters of the office for the things contained in the 7 *Ann. c.* 20. inſtead of the chief clerk to inroll pleas in the king's bench, with the like powers as by the ſaid act are given to ſuch chief clerk; and the chief clerk ſhall be diſcharged from being one of the regiſters for inrolling ſuch deeds, *&c.* for the county of *Middleſex* as are mentioned in the ſaid act, and from any diſability which ſuch chief clerk as one of the ſaid regiſters would have been ſubject to. *ſ.* 1.

Such ſecondary, called the maſter of the king's bench office, ſhall, before he enters upon the ſaid office of one of ſuch regiſters, take the oath preſcribed by the ſaid act, and enter into ſuch recognizance as therein mentioned, and be liable to ſuch penalties for miſbehaviour as any of the other regiſters are ſubject to. *ſ.* 2.

Rents.

By 32 *Hen.* 8. *c.* 37. The executors or adminiſtrators of tenants in fee ſimple, tenants in fee tail, and tenants for term of life, of rent ſervices, rent charges, rent ſeck, and fee farms, unto whom any ſuch rent or fee farm ſhall be due, ſhall have an action of debt for ſuch arrearages againſt the tenants that ought to have paid in the life of their teſtator, or againſt the executors and adminiſtrators of the ſaid tenants; and it ſhall be lawful to every ſuch executor and adminiſtrator of any perſon unto whom any ſuch rent or fee farm is due, to diſtrain for the arrearages upon the lands charged with the payment, ſo long as the ſaid lands continue in the ſeiſin or poſſeſſion of the tenant in demean, who ought to have paid the rent or fee farm, or in the ſeiſin or poſſeſſion of any other perſon claiming only from the ſame tenant by purchaſe, gift, or deſcent, in like manner as their teſtator might have done. *ſ.* 1.

This act ſhall not extend to any ſuch manor or lordſhip in *Wales*, whereof the inhabitants have uſed time out of mind to pay unto every lord of ſuch lordſhip, *&c.* at his firſt entry, any ſums of money for the diſcharge of all duties and penalties wherewith the ſaid inhabitants were chargeable to any of the lord's anceſtors or predeceſſors. *ſ.* 2.

If any man ſhall have in the right of his wife, any eſtate in fee ſimple, fee tail, or for term of life, in any rents or fee farms, and the ſame ſhall be unpaid in the wife's life; the huſband, after the death of his wife, his executors and adminiſtrators, ſhall have an action of debt for the arrearages againſt the tenant of the demean that ought to have paid the ſame, his executors or adminiſtrators; and alſo the huſband after the death of his wife may diſtrain for the arrearages, in like manner as if his wife had been living. *ſ.* 3.

If any ſhall have any rents or fee farms for term of life of any other perſon, and the ſaid rent, *&c.* ſhall be unpaid in the life of ſuch perſon, and after the ſaid perſon doth die; he unto whom the rent or fee farm was due, his executors and adminiſtrators, ſhall have an action of debt againſt the tenant in the demean that ought to have paid the ſame, his executors and adminiſtrators, and alſo diſtrain for the ſame arrearages upon ſuch lands out of the which the ſaid rents or fee farms were iſſuing, in like manner as if ſuch perſon, by whoſe death the eſtate in the ſaid rents and fee farms was determined, had been in full life. *ſ.* 4.

By 8 *Ann. c.* 14. No goods upon any tenements leaſed ſhall be taken by any execution, unleſs the party at whoſe ſuit the execution is ſued out, ſhall before the removal of ſuch goods, pay to the landlord of the premiſes, or his bailiff, all money due for rent for the premiſes; provided the arrears do not amount to more than one year's rent; and in caſe the arrears ſhall exceed one year's rent, then the party at whoſe ſuit, *&c.* paying the ſaid landlord or his bailiff one year's rent, may proceed to execute his judgment; and the ſheriff is required to levy and pay to the plaintiff, as well the money paid for rent, as the execution money. *ſ.* 1.

In caſe any leſſee of tenements, upon the demiſe whereof any rents ſhall be reſerved, ſhall fraudulently or clandeſtinely carry off from ſuch premiſes his goods, with intent

to

to prevent the leſſor from diſtraining, it ſhall be lawful for ſuch leſſor, or any perſon by him impowered, within five days next enſuing ſuch carrying off, to ſeize ſuch goods wherever the ſame ſhall be found, as a diſtreſs for the ſaid arrears of rent; and the ſame to ſell or diſpoſe of, as if the goods had been diſtrained upon ſuch premiſes. *ſ.* 2. *See* 11 *Geo.* 2. *c.* 19.

Nothing in this act ſhall impower ſuch leſſor to ſeize any goods as a diſtreſs for rent, which ſhall be ſold *bona fide*, and for a valuable conſideration before ſuch ſeizure. *ſ.* 3.

It ſhall be lawful for any perſon, having rent due upon any leaſe for life, to bring an action of debt for ſuch arrears, as upon a leaſe for years. *ſ.* 4.

All diſtreſſes hereby impowered to be made, ſhall be liable to ſuch ſales, and in ſuch manner as by 2 *Will. & Mar. ſt.* 1. *c.* 5. (*See* DISTRESS). *ſ.* 5.

It ſhall be lawful for any perſon having rent due upon any leaſe for life, for years, or at will, determined, to diſtrain for ſuch arrears, after the determination of the leaſes. *ſ.* 6.

Provided that ſuch diſtreſs be made within ſix calendar months after the determination of ſuch leaſe, and during the continuance of ſuch landlord's title, and during the poſſeſſion of the tenant from whom ſuch arrear became due. *ſ.* 7.

Nothing in this act ſhall prejudice her majeſty in the levying any debts or forfeitures. *ſ.* 8.

By 4 *Geo.* 2. *c.* 28. In caſe any tenant for life or years, or other perſon who ſhall come into poſſeſſion of any lands, tenements, or hereditaments, under, or by colluſion with, ſuch tenant, ſhall wilfully hold over after the determination of ſuch term, and after demand made in writing for delivering the poſſeſſion thereof, by the perſon to whom the remainder or reverſion ſhall belong, or his agent; ſuch perſon holding over ſhall pay double the yearly value of the lands, *&c.* ſo detained; to be recovered by action of debt, whereunto the defendant ſhall be obliged to give ſpecial bail; againſt which penalty there ſhall be no relief in equity. *ſ* 1.

In all caſes between landlord and tenant, as often as one half year's rent ſhall be in arrear, and the landlord hath right by law to re-enter for non-payment, ſuch landlord may, without any formal demand or re-entry, ſerve a declaration in ejectment; or in caſe the ſame cannot be legally ſerved, affix the ſame upon the door of any demiſed meſſuage, or upon ſome notorious place of the lands, *&c.* compriſed in ſuch declaration; which ſervice, or affixing ſuch declaration, ſhall ſtand in ſtead of a demand and re-entry; and in caſe of judgment againſt the caſual ejector, or nonſuit for not confeſſing leaſe, entry, and ouſter, it ſhall be made appear to the court by affidavit, or be proved upon the trial in caſe the defendant appears, that half a year's rent was due before the declaration was ſerved, and no ſufficient diſtreſs was to be found, and that the leſſor in ejectment had power to re-enter; the leſſor in ejectment ſhall recover judgment and execution, in the ſame manner as if the rent in arrear had been legally demanded, and a re-entry made: and in caſe the leſſee, or other perſon claiming under the leaſe, ſhall ſuffer judgment to be recovered on ſuch ejectment, and execution executed, without paying the rent and arrears with coſts, and without filing any bill for relief in equity within ſix calendar months after execution executed; the ſaid leſſee, and all perſons claiming under the leaſe, ſhall be barred from all relief in law or equity, other than by writ of error: provided that nothing herein ſhall bar the right of any mortgagee of ſuch leaſe, who ſhall not be in poſſeſſion, ſo as ſuch mortgagee, within ſix calendar months after execution executed, pay all rent in arrear, and coſts and damages, and perform all covenants and agreements on the part of the firſt leſſee. *ſ.* 2.

In caſe the leſſee, or other perſon claiming any right in law or equity to the leaſe, ſhall within the time aforeſaid file a bill for relief in any court of equity, ſuch perſon ſhall not have or continue any injunction, unleſs he ſhall within forty days after full anſwer bring into court ſuch ſum of money, as the leſſor ſhall in his anſwer ſwear to be due over and above all juſt allowances, and alſo the coſts taxed, to remain till the hearing of the cauſe, or to be paid out to the leſſor on ſecurity, ſubject to the decree of the court: and in caſe ſuch bill ſhall be filed within the time aforeſaid after execution executed, the leſſor of the plaintiff ſhall be accountable only for ſo much as he ſhall really and without wilful neglect make of the demiſed premiſes, from the time of his entering into actual poſſeſſion; and if what ſhall be ſo made by the leſſor of the plaintiff happen to be leſs than the rent reſerved, the leſſee, before he ſhall be reſtored to his poſſeſſion, ſhall pay ſuch leſſor what the money ſo made fell ſhort. *ſ.* 3.

If the tenant ſhall, at any time before trial in ſuch ejectment, tender to the leſſor, his executors or adminiſtrators, or his attorney in that cauſe, or pay into court all arrears with coſts, all proceeding in the ejectment ſhall ceaſe; and if ſuch leſſee ſhall upon ſuch bill filed be relieved in equity, he ſhall enjoy the demiſed lands according to the leaſe without any new leaſe. *ſ.* 4.

All perſons ſhall have like remedy by diſtreſs, and by impounding and ſelling the ſame, in caſes of rents ſeck, rents of aſſiſe, and chief rents, which have been anſwered or paid for three years within the ſpace of twenty years before the firſt day of this ſeſſion of parliament, or ſhall be hereafter created, as in caſe of rent reſerved upon leaſe. *ſ.* 5. *See* DISTRESS.

In caſe any leaſe ſhall be ſurrendered in order to be renewed, and a new leaſe executed by the chief landlord, the new leaſe ſhall without a ſurrender of the under leaſes, be as valid, as if all the under leaſes had been ſurrendered; and every perſon in whom any eſtate for life, or years, ſhall be veſted by virtue of ſuch new leaſe, ſhall be intitled to the rents and duties, and have like remedy for the recovery thereof, and the under leſſees ſhall hold and enjoy the tenements, as if the original leaſes had been kept on foot; and the chief landlord ſhall have the ſame remedy, by diſtreſs, or entry, for the rents and duties reſerved by ſuch new leaſe, ſo far as the ſame exceed not the rents and duties reſerved in the leaſe out of which ſuch under leaſe was derived, as they would have had in caſe ſuch former leaſe had been continued, or the under leaſes had been renewed under ſuch new leaſe. *ſ.* 6.

Nothing in this act ſhall extend to *Scotland*. *ſ.* 7.

By 11 *Geo.* 2. *c.* 19. In caſe any tenant or leſſee of lands or tenements, upon the demiſe whereof any rent is payable, ſhall fraudulently or clandeſtinely carry off his goods, to prevent the landlord from diſtraining; it ſhall be lawful for every landlord within *England*, *Wales*, or *Berwick*, or any perſon by him impowered, within thirty days next enſuing ſuch carrying off, to ſeize ſuch goods wherever the ſame ſhall be found, as a diſtreſs for the rent, and the ſame to ſell or diſpoſe of, as if the ſaid goods had been diſtrained upon ſuch premiſes. *ſ.* 1.

Provided that no landlord ſhall ſeize goods ſold *bona fide*, and for a valuable conſideration, to any perſon not privy to ſuch fraud. *ſ.* 2.

If any ſuch tenant ſhall fraudulently remove his goods, orif any perſon ſhall knowingly aſſiſt ſuch tenant in fraudulent

dulent conveying away his goods, or in concealing the ſame, all perſons ſo offending ſhall forfeit to the landlord, from whoſe eſtate ſuch goods were carried off, double the value of the goods, to be recovered by action of debt in any of his majeſty's courts at *Weſtminſter*, or in the courts of ſeſſion in the counties palatine, or in the courts of grand ſeſſions in *Wales*. *ſ.* 3.

Where the goods carried off ſhall not exceed the value of 50 *l.* it ſhall be lawful for the landlord, his bailiff, ſervant or agent, to exhibit a complaint in writing againſt ſuch offenders before two juſtices of peace reſiding near the place, not being intereſted in the tenements; who may ſummon the parties, examine the fact, and all witneſſes upon oath, or if quakers, upon affirmation; and in a ſummary way determine whether ſuch perſon be guilty of the offence, and inquire of the value of the goods by them fraudulently carried off or concealed; and upon proof of the offence, by order the ſaid juſtices may adjudge the offenders to pay double the value of the goods to ſuch landlord, his bailiff, ſervant, or agent, as the juſtices ſhall appoint; and in caſe the offenders having notice of ſuch order ſhall neglect ſo to do, ſhall by warrant levy the ſame by diſtreſs and ſale of goods; and for want of diſtreſs, may commit the offenders to the houſe of correction, to be kept to hard labour for ſix months, unleſs the money be ſooner ſatisfied. *ſ.* 4.

It ſhall be lawful for any perſon aggrieved by ſuch order of the two juſtices to appeal to the next quarter ſeſſions, who ſhall hear and determine ſuch appeal, and give coſts to either party. *ſ.* 5.

Where the party appealing ſhall enter into a recognizance with ſurety in double the ſum ordered, with condition to appear at ſuch quarter ſeſſions, the order of the two juſtices ſhall not be executed in the mean time. *ſ.* 6.

Where any goods fraudulently carried away by any tenant, his ſervant or agent, or other perſon aſſiſting, ſhall be put in any place locked up or ſecured, ſo as to prevent ſuch goods from being ſeized for rent, it ſhall be lawful for the landlord, his ſteward, bailiff, receiver or other perſon impowered, to ſeize for rent ſuch goods (firſt calling to his aſſiſtance the conſtable, headborough, borſholder, or other peace officer, of the place where the ſame ſhall be ſuſpected to be concealed, who are required to aſſiſt; and in caſe of a dwelling houſe, oath being alſo made before ſome juſtice of peace of a reaſonable ground to ſuſpect that ſuch goods are there) in the day time to break open ſuch houſe, *&c.* and ſeize ſuch goods for the rent, as they might have done if ſuch goods had been put in any open place. *ſ.* 7.

It ſhall be lawful for every landlord, his ſteward, bailiff, receiver, or other perſon impowered by him, to ſeize, as a diſtreſs for rent, any cattle or ſtock of their tenants feeding upon any common appendant or appurtenant to any part of the premiſes demiſed; and alſo to ſeize corn and graſs, hops, roots, fruits, or other product, growing on the eſtates demiſed, as a diſtreſs for rent; and the ſame to cut, gather and lay up, when ripe, in the barns or other proper place on the premiſes; and in caſe there ſhall be no proper place, then in any other barn or proper place which ſuch landlord ſhall procure as near as may be to the premiſes; and in convenient time to appraiſe, ſell or diſpoſe of the ſame, towards ſatisfaction of the rent, in the ſame manner as other goods may be ſeized and diſpoſed of, the appraiſement to be taken when gathered and made. *ſ.* 8.

Provided that notice of the place where the goods ſhall be lodged ſhall within one week be given to ſuch tenant, or left at the laſt place of his abode; and if after any diſtreſs for rent ſo taken, of corn, graſs, or other product growing, and before the ſame ſhall be ripe and cut, the tenant, his executors, adminiſtrators or aſſigns, ſhall pay to the landlord, or to the ſteward, or other perſon employed to receive the rents, the whole rent in arrear, together with coſts, ſuch diſtreſs ſhall ceaſe, and the corn, graſs, or other product diſtrained, ſhall be delivered up to the tenant, *&c.* *ſ.* 9.

It ſhall be lawful for any perſon lawfully taking any diſtreſs for rent, to impound or ſecure the diſtreſs on ſuch part of the premiſes chargeable with the rent as ſhall be moſt convenient, and to appraiſe, ſell and diſpoſe of the ſame upon the premiſes, as any perſon may now do off the premiſes, by virtue of 2 *Will & Mar. ſtat.* 1. *cap.* 5. [*See* DISTRESS,] or of 4 *Geo.* 2. *c.* 28. and it ſhall be lawful for any perſon to come and go to and from ſuch part of the premiſes, to view, appraiſe and buy, and alſo to carry off the ſame on account of the purchaſer; and if any pound breach or reſcous be made of goods diſtrained for rent ſecured by virtue of this act, the perſon aggrieved ſhall have like remedy as in caſes of pound breach or reſcous by the ſaid ſtatute. *ſ.* 10.

It ſhall be lawful for the landlord, where the agreement is not by deed, to recover a reaſonable ſatisfaction for the tenements occupied by the defendants, in an action on the caſe for the uſe and occupation of what was ſo held; and if in evidence on the trial any parol demiſe, or any agreement not by deed, whereon a certain rent was reſerved, ſhall appear, the plaintiff may make uſe thereof as an evidence of the *quantum* of the damages. *ſ.* 14.

Where any tenant for life ſhall die before or on the day on which any rent was reſerved upon any demiſe which determined on the death of ſuch tenant for life, the executors or adminiſtrators of ſuch tenant for life may in an action on the caſe recover of the under tenants, if ſuch tenant for life die on the day on which the ſame was made payable, the whole, or if before ſuch day, then a proportion, of ſuch rent, according to the time ſuch tenant for life lived of the laſt year or quarter, or other time, in which the ſaid rent was growing due, making all juſt allowances. *ſ.* 15.

If any tenant holding tenements at a rack rent, or where the rent reſerved ſhall be full three fourths of the yearly value of the premiſes, who ſhall be in arrear for one year's rent, ſhall deſert the premiſes, and leave the ſame uncultivated, or unoccupied, ſo as no ſufficient diſtreſs can be had to countervail the arrears; it ſhall be lawful for two juſtices of peace (having no intereſt in the premiſes) at the requeſt of the landlord, his bailiff or receiver, to go upon and view the ſame, and to affix on the moſt notorious part notice in writing, what day (at the diſtance of fourteen days at leaſt) they will return to take a ſecond view; and if upon ſuch ſecond view, the tenant, or ſome perſon on his behalf, ſhall not appear and pay the rent in arrear, or there ſhall not be ſufficient diſtreſs upon the premiſes, the juſtices may put the landlord into poſſeſſion, and the leaſe to ſuch tenant, as to any demiſe therein contained only, ſhall become void. *ſ.* 16.

Provided that ſuch proceedings of the juſtices ſhall be examinable into in a ſummary way by the next juſtices of aſſiſe; and if they lie in *London* or *Middleſex*, by the judges of the courts of king's bench or common pleas; and if in the counties palatine, then before the judges thereof; and if in *Wales*, before the courts of grand ſeſſions: who are impowered to order reſtitution to be made to ſuch tenant, together with his coſts to be paid by the landlord, if they ſhall ſee cauſe for the ſame; and in caſe they ſhall affirm

affirm the act of the juſtices, to award coſts not exceeding 5 *l.* for the appeal. *ſ.* 17.

In caſe any tenant ſhall give notice of his intention to quit the premiſes, and ſhall not accordingly deliver up the poſſeſſion at the time in ſuch notice contained, the ſaid tenant, his executors or adminiſtrators, ſhall pay to the landlord double the rent which he ſhould otherwiſe have paid. *ſ.* 18.

Where any diſtreſs ſhall be made for rent due, and any irregularity or unlawful act ſhall be afterwards done by the party diſtraining, or his agents, the diſtreſs ſhall not be therefore deemed unlawful, nor the party a treſpaſſer *ab initio*; but the party grieved ſhall recover ſatisfaction for the ſpecial damage ſuſtained thereby, and no more, in an action of treſpaſs or on the caſe; the plaintiff to recover full coſts. *ſ.* 19.

Provided that no tenant ſhall recover for ſuch irregularity aforeſaid, if tender of amends hath been made by the party diſtraining, or his agents, before action brought. *ſ.* 20.

In actions of treſpaſs, or upon the caſe, brought againſt perſons intitled to rents or ſervices, their bailiff or receiver, or other perſons, relating to any entry upon the premiſes chargeable with ſuch rents or ſervices, or to any diſtreſs or ſeizure, ſale or diſpoſal, of any goods thereupon; it ſhall be lawful for the defendants to plead the general iſſue; and in caſe the plaintiffs become nonſuit, *&c.* the defendants ſhall recover double coſts. *ſ.* 21. *See general titles* ATTORNMENT, AVOWRY, DISTRESS, EJECTMENTS, REPLEVIN.

Replevin.

Stat. Marleber. 52 *Hen.* 3. *c.* 21. If the beaſts of any man be taken and wrongfully with-holden, the ſheriff, after complaint made to him, may deliver them, if they were taken out of liberties; and if the beaſts were taken within any liberties, and the bailiffs of the liberty will not deliver them, the ſheriff ſhall cauſe them to be delivered.

Stat. Weſtm. 1. 3 *Edw.* 1. *c.* 17. If any take the beaſts of other, and cauſe them to be driven into a caſtle or fortreſs, and there with-hold them againſt gage and pledges, whereupon the beaſts be ſolemnly demanded by the ſheriff, or by ſome other bailiff of the king, at the ſuit of the plaintiff, and the ſheriff or bailiff, taking with him the power of the ſhire or bailiwick, do aſſay to make replevin; if any deforce him of the deliverance, or that no man be found for the lord to make deliverance; after ſuch time as the taker ſhall be admoniſhed to make deliverance by the ſheriff or bailiff, the king for the treſpaſs and deſpite ſhall cauſe the caſtle or fortreſs to be beaten down: and all damages that the plaintiff hath ſuſtained in his beaſts or otherwiſe (after the firſt demand made by the ſheriff or bailiff) ſhall be reſtored to him double by him that took the beaſts, if he have whereof; and if he have not, he ſhall have it of the lord. And where the ſheriff ought to return the king's writ to the bailiff of the lord of the caſtle or fortreſs, or to any other to whom the return belongeth, if the bailiff of the franchiſe will not make deliverance, the ſheriff ſhall do his office. And in like manner deliverance ſhall be made by attachment of plaint made without writ. And if it be done in the marches of *Wales*, or in other place where the king's writs be not current, the king which is ſovereign lord ſhall do right.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 2. Foraſmuch as lords of fees diſtraining their tenants for ſervices and cuſtoms due, are many times grieved becauſe their tenants do replevy the diſtreſs; and when the lords come by attachment to the county or other court and avow the taking, by reaſon that the tenants diſclaim to hold ought of him which took the diſtreſs, he that diſtrained is amerced; it is provided that where ſuch lords cannot obtain juſtice in the counties, and ſuch courts, as ſoon as they ſhall be attached at the ſuit of their tenants a writ ſhall be granted them to put the matter before the juſtices, and the cauſe put in the writ ſhall be this, becauſe ſuch a man diſtrained in his fee for ſervices and cuſtoms to him due. *ſ.* 1 & 2.

Sheriffs or bailiffs ſhall not only receive of the plaintiffs pledges to purſue, before they make deliverance of the diſtreſs, but alſo for the return of the beaſts, if return be awarded: and if any take pledges otherwiſe, he ſhall anſwer for the price of the beaſts; and the lord that diſtraineth ſhall have his recovery by writ *quod reddat ei tot averia* vel *tot catalla:* and if the bailiff be not able to reſtore it, his ſuperior ſhall. And ſo ſoon as the return of the beaſts ſhall be awarded, the ſheriff ſhall be commanded by a judicial writ to make return unto the diſtrainer; in which writ it ſhall be expreſſed, that the ſheriff ſhall not deliver them without writ making mention of the judgment given by the juſticers: therefore when he cometh unto the juſticers, and deſireth again replevin of the beaſts, he ſhall have a judicial writ, that the ſheriff taking ſurety of him to proſecute the ſuit, and alſo for the cattle to be returned (or the price of them) if return be awarded, ſhall deliver unto him the beaſts before returned: and the diſtrainer ſhall be attached to come at a certain day before the juſticers, afore whom the plea ſhall be handled in the preſence of the parties: and if he that replevied make default again, or for other cauſe return of the diſtreſs being now twice replevied be awarded, the diſtreſs ſhall remain irrepleviable. But if the diſtreſs be taken of new, and for a new cauſe, the proceſs aboveſaid ſhall be obſerved in the new diſtreſs. *ſ.* 3.

By 11 *Geo.* 2. *c.* 19. Sheriffs and other officers having authority to grant replevins, ſhall in every replevin of a diſtreſs for rent take in their own names from the plaintiff and two ſureties, a bond in double the value of the goods diſtrained (ſuch value to be aſcertained by the oath of one or more witneſſes not intereſted, which oath the perſon granting ſuch replevin is to adminiſter) and conditioned for proſecuting the ſuit with effect, and without delay, and for returning the goods in caſe a return ſhall be awarded, before any deliverance be made of the diſtreſs; and ſuch ſheriff or officer taking ſuch bond ſhall, at the requeſt and coſts of the avowant, or perſon making conuzance, aſſign ſuch bond to the avowant, *&c.* by indorſing the ſame, and atteſting it under his hand and ſeal in the preſence of two witneſſes, which may be done without any ſtamp, provided the aſſignment be ſtamped before any action brought thereupon; and if the bond be forfeited, the avowant, *&c.* may bring an action thereupon in his own name; and the court may by rule give ſuch relief to the parties upon ſuch bond, as may be agreeable to juſtice, and ſuch rule ſhall have the effect of a defeaſance. *ſ.* 23. *See general title* AVOWRY.

Reſidence.

Artic. cler. 9 *Edw.* 2. *c.* 8. Such clerks as attend in the king's ſervice ſhall be corrected by their ordinaries like as other, but ſo long as they are occupied about the king's

buſineſs they ſhall not be bound to keep reſidence in their churches. *See general title* ECCLESIASTICAL PERSONS *in Part* I. *and title* RECTORIES AND VICARAGES, *ante.*

Return of Writs.

Artic. ſuper chart. 28 *Edw.* 1. *cap.* 16. Such execution ſhall be done of them that make falſe returns of writs, whereby right is deferred, as in *Stat. Weſtm.* 2. *cap.* 29. *See general title* SHERIFFS.

Stat. of York, 12 *Edw.* 2. *c.* 5. For returns delivered to ſheriffs by bailiffs of franchiſes, an indenture ſhall be made between the bailiff of the franchiſe and the ſheriff by his proper name; and if the ſheriff change the return ſo delivered to him by indenture, and be thereof convict of the ſuit of the lord, or of the party that hath ſuſtained loſs, he ſhall be puniſhed by the king for his falſe return, and ſhall yield unto the lord and to the party double damages; alſo ſheriffs and other bailiffs that receive the king's writs ſhall ſend their own name with the returns, ſo that the court may know of whom they took ſuch returns; and if any ſheriff or other bailiff leave out his name in his returns, he ſhall be grievouſly amerced.

By 1 *Edw.* 3. *ſt.* 1. *c.* 5. Againſt falſe returns of bailiffs of franchiſes, a man ſhall have averment, and recover as well againſt them as againſt the ſheriff, as well of too little iſſues returned as in other caſes, ſo that it fall not in prejudice of the lords, nor in blemiſh of their franchiſe, and that the eſtate of holy church be always ſaved, and that all the puniſhment fall upon the bailiffs by puniſhment of their bodies, if they have not whereof to anſwer.

By 2 *Edw.* 3. *c.* 5. At what time or place of the county a man doth deliver any writ to the ſheriff, they ſhall receive the writs, and make a bill, after the form contained in the ſtatute *Weſtm.* 2. *cap.* 30. (*ſee* SHERIFFS,) without taking any thing; and if they refuſe to make a bill, other perſons that preſent ſhall ſet to their ſeals; and if the ſheriff or under ſheriffs do not return the writs, they ſhall be puniſhed after the form in the ſame ſtatute; and the juſtices of aſſiſes ſhall have power to inquire thereof at every man's complaint, and to award damages.

Riots.

By 13 *Hen.* 4. *c.* 7. If any riot, aſſembly, or rout of people, againſt law, be made, the juſtices of peace, or two of them, and the ſheriff, ſhall come with the power of the county, if need be, and arreſt them; and the ſame juſtices and ſheriff ſhall have power to record that they find ſo done in their preſence againſt law; and by the record ſuch offenders ſhall be convict in manner as in the ſtatute of forcible entry; and if ſuch offenders be departed before the coming of the juſtices and ſheriff, the ſame juſtices, or two of them, ſhall diligently enquire, within a month after, of ſuch riot, aſſembly, or rout, and ſhall hear and determine the ſame. *ſ.* 1.

If the truth cannot be found, then within a month next following, the juſtices, or two of them, and the ſheriff, ſhall certify before the king and his council all the deeds and circumſtances thereof, which certificate ſhall be of like force as the preſentment of 12 men; upon which certificate the offenders ſhall be put to anſwer, and they which be found guilty ſhall be puniſhed after the diſcretion of the king and his council. *ſ.* 2.

If ſuch offenders traverſe the matter certified, the certificate and traverſe ſhall be ſent to the king's bench to be tried and determined; and if the offenders do not come before the king and his council at the firſt command, there ſhall be made another, directed to the ſheriff, to take the offenders if they may be found, and bring them at a certain day before the king and his council, or in the king's bench; and if they cannot be found, the ſheriff ſhall make proclamation in the county next enſuing the delivery of the ſaid ſecond command, that they come before the king and his council, or in the king's bench, or in the chancery in time of vacation, within three weeks then following; and in caſe the offenders come not, and the proclamation made and returned, they ſhall be convict of the riot, aſſembly, or rout. *ſ.* 3.

The juſtices of peace dwelling nigheſt where ſuch riot, aſſembly, or rout, ſhall be made, together with the ſheriff, and alſo the juſtices of aſſizes for the time that they ſhall be in their ſeſſions, ſhall do execution of the ſame ſtatute, every one upon pain of 100 *l.* *ſ.* 4. *By* 17 Ric. 2. c. 8. *the king's miniſters generally have power to arreſt rioters with force.*

By 2 *Hen.* 5. *ſt.* 1. *c.* 8. If default be found in the ſaid juſtices of peace, or juſtices of aſſize (named in the ſtatute 13 *Hen.* 4. *c.* 7.), and the ſheriff or under-ſheriff of the county where ſuch riot, aſſembly, or rout, ſhall be made, touching the execution of the ſaid ſtatute; at the inſtance of the party grieved the king's commiſſion ſhall go out under his great ſeal, to enquire as well of the truth of the cauſe, and of the original matter, as of the defaults of the juſtices, ſheriff, or under-ſheriff, to be directed to indifferent perſons, at the nomination of the chancellor; and the commiſſioners ſhall ſend into the chancery the inqueſts before them taken; and the coroners ſhall make the panel for the time that the ſheriff, that is ſuppoſed in default, ſhall ſtand in his office, which coroners ſhall return no perſons but ſuch which have lands to the value of 10 *l.* by the year; and the coroners ſhall return upon the perſons, impanelled at the firſt day iſſues to 20 *s.*, and at the ſecond day 40 *s.* and at the third day 100 *s.* and at every day after, the double at leaſt; and if default be found in the coroners, touching the return of ſuch perſons impanelled, or touching the return of iſſues, every of them ſhall pay to the king 40 *l.*, and if the ſheriff be diſcharged of his office, the new ſheriff ſhall make the panel. And the chancellor, as ſoon as he may have knowledge of ſuch riot, aſſembly, or rout, ſhall cauſe to be ſent the king's writ to the juſtices of peace and to the ſheriff, that they put the ſtatute in execution, upon the pain contained in the ſame; and though ſuch writ come not to the juſtices or ſheriff, they ſhall not be excuſed if they make not execution of the ſtatute. *ſ.* 1.

Provided that the juſtices and other officers ſhall do their offices at the king's coſts, by payment to be made by the ſheriff by indentures betwixt the ſheriff and the juſtices and other officers. And rioters attainted of great and heinous riots ſhall have one year's impriſonment, and rioters attainted of petty riots, ſhall have impriſonment as beſt ſhall ſeem to the king and his council; and the fines of ſuch rioters ſhall be by the ſaid juſtices increaſed and put in greater ſums than they were wont to be; and the king's liege people in the county ſhall be aſſiſtant to the juſtices, commiſſioners, ſheriff, or under-ſheriff, when they ſhall be reaſonably warned, to ride with them to reſiſt ſuch riots, *&c.* upon pain of impriſonment, and to make fine and ranſom to the king; and bailiffs of franchiſes ſhall cauſe to be impanelled ſufficient people, upon pain to loſe to the king

king 40 *l.*, and like ordinances and pains ſhall hold place in cities, boroughs, and other places which have juſtices of peace. *ſ.* 2.

By 2 *Hen.* 5. *ſt.* 1. *c.* 9. *Made perpetual by* 8 Hen. 6. c. 14. Of murders, manſlaughters, robberies, batteries, aſſemblies of people in great number in manner of inſurrection, and other rebellious riots, if any perſon come into chancery, and make complaint, that any ſuch felon or offender fly or withdraw him, a bill ſhall be made for the king; and the chancellor, after ſuch bill to him delivered (if he be duly informed that ſuch bill containeth truth), ſhall have power to make a writ of *capias* at the king's ſuit, directed to the ſheriff, returnable in chancery at a certain day; and if the perſons be taken by the ſheriff, or yield them in the chancery, ſuch perſons ſhall be put in ward, or to mainpriſe; and he ſhall ſend to inquire of ſuch offences; and if the ſheriff return, that the perſons cannot be taken, and the ſame perſons do not yield them in the chancery, the chancellor ſhall cauſe to be made a writ of proclamation, directed to the ſheriff, returnable in the king's bench, that he make proclamation in two counties, that the perſons named in the writ ſhall come to anſwer to the matter compriſed in the bill, upon pain to be convict; and in every ſuch writ of proclamation ſhall be contained the ſubſtance of the bill, and if they come not at the day, then ſhall they be convict. *ſ.* 1.

Provided that the ſuggeſtions of ſuch riots be witneſſed to the chancellor by letters under the ſeal of two juſtices of peace and the ſheriff, before the writ of *capias* be granted, in which writ the matter compriſed in the bill ſhall be as well expreſſed as in the writ of proclamation. And if ſuch cauſe happen in the county palatine of *Lancaſter*, or elſewhere, in any franchiſe where there is a chancellor, the chancellor of *England* ſhall cauſe to be ſent by the king's writ, to the chancellor of ſuch county or franchiſe, all the ſuggeſtion in the bill compriſed, commanding him to make execution; ſo always that the king's writ do not run out of the chancery of *England* into ſuch county or franchiſe otherwiſe than hath been uſed. *ſ.* 2.

By 8 *Hen.* 6. *c.* 14. The ſaid ſtatute 2 *Hen.* 5. *c.* 9. ſhall be kept. *ſ.* 1.

Provided that it be witneſſed by two juſtices of the peace, that the common fame runneth in the counties of the ſame riots, before the writ of *capias* be awarded. Provided alſo, that if ſuch caſe happen in the county palatine of *Lancaſter*, or elſewhere in a place enfranchiſed, where there is a chancellor, the chancellor of ſuch county or place enfranchiſed, after complaint to him duly made and witneſſed by a juſtice, or the lieutenant of a juſtice, and the ſheriff of ſuch counties palatine or place enfranchiſed, ſhall have like power to award a *capias*, and a writ of proclamation, as the chancellor of *England* hath. *ſ.* 2.

By 19 *Hen.* 7. *c.* 13. If any riot, rout, or unlawful aſſembly, be committed, the ſheriff having a precept directed to him ſhall return 24 perſons dwelling within the ſhire, whereof every of them ſhall have lands within the ſhire to the yearly value of 20 *s.* of freehold, or 26 *s.* 8 *d.* of copyhold, or of both, to inquire of the ſaid riot, rout, or unlawful aſſembly; and he ſhall return upon every perſon impannelled in iſſues, at the firſt day 20 *s.* and at the ſecond day 40 *s.* and if default be found in the ſheriff for returning of other perſons, *&c.* he ſhall forfeit to the king 20 *l.* And if the riot, rout, or unlawful aſſembly, be not found by the jury, by reaſon of any maintenance or embracery, the juſtices and the ſheriff ſhall, in the certificate certify the names of the maintainers and embracers, with their miſdemeanors, upon pain of every of the ſaid juſtices, and ſheriff or under-ſheriff, to forfeit 20 *l.* if they have no reaſonable excuſe; which certificate ſhall be of like force as if the matter were found by verdict of 12 men: and every perſon proved to be a maintainer or embracer in the ſame ſhall forfeit to the king 20 *l.*, and as well the maintainers as embracers, ſhall be committed to ward by the diſcretion of the juſtices. *See the general title* FELONS, *&c.* diviſion *Riots*.

Rivers and Navigable Canals.

Mag. Chart. 9 *Hen.* 3. *c.* 16. No rivers ſhall be defended but ſuch as were in defence in the time of king *Hen.* 2. by the ſame places and the ſame bounds.

By 5 *Geo.* 2. *c.* 33. *Made perpetual by* 27 *Geo.* 2. *c.* 16. The commiſſioners empowered to put in execution any act of parliament for making rivers navigable, may out of the tolls diſcharge the coſts of any action or proſecution which ſhall be commenced on account of the pulling down or deſtroying any lock, ſluice, or other works, on any navigable river, erected by authority of parliament. *ſ.* 3.

By 8 *Geo.* 2. *c.* 20. *Made perpetual by* 27 Geo. 2. c. 16. If any perſon ſhall wilfully or maliciouſly pull down or deſtroy, any lock, ſluice, or other works, on any navigable river, erected by authority of parliament; or forcibly reſcue any perſon, being lawfully in cuſtody, for the offences before-mentioned, every perſon ſo offending ſhall be guilty of felony without benefit of clergy. *ſ.* 1.

If any perſon ſhall wilfully and maliciouſly draw up any flood-gates, erected by authority of parliament upon any navigable river, every perſon ſo offending, being convicted upon the oath of one witneſs, before two juſtices of peace of the adjacent county, ſhall be ſent to the houſe of correction and be kept to hard labour for one month. *ſ.* 2.

Every offence aforeſaid may be determined in any adjacent county in *England*. *ſ.* 3.

No attainder for any of the offences made felony by this act ſhall work corruption of blood, loſs of dower, or forfeiture of lands or goods. *ſ.* 4.

If any perſon ſhall commit any of the offences declared to be felony by this act, and being out of priſon, ſhall diſcover and cauſe to be apprehended one or more who ſhall commit any ſuch offence, ſo as they be convicted, every ſuch perſon, on conviction of the offenders, ſhall have his majeſty's pardon for the felonies aforeſaid. *ſ.* 5.

The inhabitants of every hundred in *England*, within which ſuch offence ſhall be committed, ſhall make ſatisfaction for the damages; and the ſaid damages may be recovered by action of debt, *&c.* in the name of the clerk of the peace of the county, without naming the name of the clerk of the peace; and the damages to be recovered ſhall be to the uſe of the truſtees or proprietors of any navigable river (the ſum to be recovered againſt the inhabitants of ſuch hundred not exceeding for any offence 20 *l.*) and the inhabitants of ſuch hundred ſhall be taxed for the relief of ſuch inhabitants againſt whom execution ſhall be had, in ſuch manner as is preſcribed in 27 *Eliz. c.* 13.—*ſ.* 6.

Where any of the offenders ſhall be convicted within 12 months after ſuch offence, any hundred, who ſhall have made ſuch ſatisfaction, ſhall be repaid out of the tolls. *ſ.* 7.

If any clerk of the peace commence ſuch action, and die or be removed before recovery, no ſuch action ſhall, by ſuch diſplacing or death, be abated; but the clerk of the peace next ſucceeding may proſecute ſuch action. *ſ.* 8.

No action ſhall be proſecuted to recover damages, by virtue of this act, unleſs information upon oath ſhall be made within ſix days, before ſome juſtice of peace where ſuch offence ſhall be committed, inhabiting within the hundred or near the ſame. *ſ.* 9.

No ſuch action ſhall be proſecuted to recover damages againſt a hundred, except ſuch action be commenced within ſix months after ſuch offence. *ſ.* 10.

If any perſon ſhall aſſault any collectors of the toll, or threaten them in the execution of their office, or ſhall forcibly paſs through any fences without paying the toll; or if any perſon ſhall forcibly carry away or detain any collectors of the toll, ſo as they ſhall not be able to return to their duty for three days; in any of the ſaid caſes, the party offending, upon conviction by oath, of one witneſs, before two juſtices of the county, *&c.* ſhall forfeit 5 *l.* one moiety to the informer, and the other moiety to the conſtable of the pariſh where ſuch offence ſhall be committed, to the uſe of the truſtees or undertakers of any navigable river, to be levied by warrant of the juſtices by diſtreſs and ſale of goods; and for want of diſtreſs, the party offending ſhall, by warrant of ſuch juſtices, be ſent to the common gaol of the county for ſix months; and if ſuch party ſhall offend a ſecond or third time, he ſhall forfeit 10 *l.* in manner aforeſaid, and for want of diſtreſs ſhall be ſent by two juſtices to the common gaol for one year, and ſhall alſo give ſecurity at the quarter ſeſſions for his behaviour for ſeven years. *ſ.* 11.

Such collectors of the toll may ſeize any perſon guilty of the offences before mentioned, and ſuch perſons carry before a juſtice; and ſuch juſtice is authoriſed, to oblige ſuch perſon to give ſecurity for his appearing at the petty ſeſſions; and for want of ſecurity, to commit the perſon to the common gaol until he give ſecurity. *ſ.* 12.

If any conſtable ſhall refuſe to execute any warrant under the hands of two juſtices, for apprehending any perſon that ſhall be guilty of any offence againſt this act; or if any other perſon ſhall refuſe to aſſiſt ſuch conſtable in apprehending ſuch offenders, ſuch conſtable or other perſon ſhall forfeit 5 *l.* to the clerk to the undertakers of any navigable river, for the like uſes as the tolls ſhall be directed to be applied to, to be levied by diſtreſs, by warrant of two juſtices to be directed to the high conſtable, to be by him levied as before directed. *ſ.* 13.

All forfeitures by this act ſhall be paid over to any perſon to whom the undertakers, or any five of them, ſhall direct; and in caſe ſuch conſtable or clerk ſhall refuſe to account for or pay over the ſame, two juſtices, upon oath of one witneſs, may commit the party refuſing to the common gaol until he ſhall pay the ſame. *ſ.* 14.

Any perſon aggrieved may appeal to the next quarter ſeſſions, giving reaſonable notice, which notice ſhall be determined by the quarter ſeſſions; and if it ſhall appear that reaſonable notice was not given, they ſhall adjourn the appeal to the next quarter ſeſſions; and the quarter ſeſſions ſhall hear the matter, and award coſts to either party. *ſ.* 15.

No *certiorari* ſhall be granted for removing any orders or proceedings of juſtices concerning the matters in this act. *ſ.* 16.

When complaint of abuſe, or exceſs of power in the commiſſioners hath been heard by the juſtices in the quarter ſeſſions, ſuch hearing ſhall be final. *ſ.* 17.

If any ſuit ſhall be brought for any thing done in purſuance of this act, the action ſhall be laid in ſuch county where the cauſe did ariſe, and the defendant may plead the general iſſue; and if judgment ſhall be againſt the plaintiff, the defendant ſhall recover treble coſts. *ſ.* 18.

Robbery.

Stat. Winton, 13 *Edw.* 1. *ſt.* 2. *c.* 4. In great towns walled, the gates ſhall be cloſed from ſun-ſetting until ſun-riſing, and no man ſhall lodge in the ſuburbs but in the day-time, nor in the day-time without his hoſt will anſwer for him; and the bailiffs of towns every week, or at leaſt every fifteenth day, ſhall make enquiry of all perſons lodged in the ſuburbs; and if they find any that receive men of whom there is ſuſpicion, the bailiffs ſhall do right therein. And watches ſhall be made from the feaſt of aſcenſion unto *Michaelmas*, in every city, by ſix men at every gate; in every borough, by twelve men; in every town, by ſix or four, according to the number of the inhabitants; and they ſhall watch all night from ſun-ſetting unto ſun-riſing: and if any ſtranger paſs by them, he ſhall be arreſted unto the morning; and then, if no ſuſpicion be found, he ſhall go quit; and if they find ſuſpicion, they ſhall deliver him to the ſheriff, and he ſhall keep him until he be delivered in due manner; and if they will not obey the arreſt, hue and cry ſhall be levied upon them, and the watchmen ſhall follow them with all the town, with hue and cry from town to town, until they be taken and delivered to the ſheriff.

By 5 *Edw.* 3. *c.* 14. Becauſe there hath been divers manſlaughters, felonies, and robberies, done by people called roberdeſmen, waſters, and drawlatches, if any man have ſuſpicion of ſuch, be it by day or by night, they ſhall be arreſted by the conſtables; and if they be arreſted within franchiſes, they ſhall be delivered to the bailiffs, and if in the guildable, they ſhall be delivered to the ſheriffs; and kept in priſon till the coming of the juſtices of gaol delivery; and in the mean time the ſheriffs and bailiffs ſhall cauſe enquiry to be made of ſuch perſons arreſted, and at the coming of the juſtices, they ſhall return their inqueſts before them, with the bodies, and the juſtices ſhall proceed to the deliverance of ſuch perſons; and in caſe the ſheriffs or bailiffs have not enquired of ſuch perſons arreſted, they ſhall be amerced, and nevertheleſs the juſtices ſhall proceed to the deliverance.

By 4 *&* 5 *Will. & Mar. c.* 8. Every perſon who ſhall take any thieves or robbers upon the highway, and proſecute them till they be convicted of any robbery committed in any highway, paſſage, field, or open place, ſhall have from the ſheriff, without fee, for every offender convicted, 40 *l.* within one month after conviction, and demand thereof made by tendering a certificate under the hand of the judge before whom ſuch felons ſhall be convicted; and in caſe any diſpute ſhall ariſe between the perſons apprehending the robbers, the judge ſhall in the certificate direct the reward to be paid amongſt the parties, in ſuch proportions as ſhall ſeem juſt. And if ſuch ſheriff ſhall die, or be removed, before the expiration of one month after ſuch conviction and demand made, the ſucceeding ſheriff ſhall pay the ſame. And if default of payment be made by any ſheriff, ſuch ſheriff ſhall forfeit to the perſons to whom ſuch money is due double the ſum he ought to have paid, with treble coſts. *ſ.* 2.

In caſe any perſon ſhall be killed by ſuch robbers, endeavouring to apprehend, or make purſuit after them, the executors or adminiſtrators, or ſuch perſons to whom the right

right of adminiſtration of each perſon killed ſhall belong (upon certificate of the judge of aſſize, or the two next juſtices of peace, which certificate they, upon proof before them made, are required to give, without fee), ſhall receive the 40 *l.* from the ſheriff, and upon failure of payment, double the ſum to be recovered, with treble coſts. *ſ.* 3.

All ſheriffs, upon producing ſuch certificates, and the receipts for the money, ſhall be allowed upon their accounting all money (other than the double ſums) which they ſhall diſburſe as aforeſaid. *ſ.* 4.

If there ſhall not be monies ſufficient in the hands of ſuch ſheriff, he ſhall have the ſame repaid by the treaſury, upon certificate from the clerk of the pipe. *ſ.* 5.

Every perſon who ſhall apprehend, proſecute, or convict, ſuch robbers, ſhall have the horſe, furniture, and arms, money or other goods, of the robber, taken with him; their majeſties right, or the right of the lord of any manor, or of them lending or letting the ſame to hire to any ſuch robber, notwithſtanding. *ſ.* 6.

Provided, that this clauſe ſhall not take away the right of any perſon, to ſuch horſes, *&c.* from whom the ſame were feloniouſly taken. *ſ.* 7.

If any perſon, being out of priſon, ſhall commit any robbery, and afterwards diſcover two or more who ſhall commit any robbery, ſo as they be convicted, ſuch diſcoverer ſhall have the pardon of their majeſties for all robberies; which pardon ſhall be likewiſe a bar to any appeal for ſuch robbery. *ſ.* 8.

By 6 *Geo.* 1. *c.* 23. The ſtreets of *London* and *Weſtminſter*, and other cities, towns, and places, ſhall be deemed highways within the act 4 *&* 5 *Will. & Mar. c.* 8. And certificates upon convictions for robbery ſhall be ſigned and paid without fee, excepting 5 *s.* for writing; and that as well where the offenders plead guilty, as where they are convicted on evidence: and if any perſon, under pretence of ſigning any ſuch certificate, or of payment of the money, ſhall take any fee other than as aforeſaid, ſuch offender ſhall forfeit 40 *l.* to be recovered to the perſon entitled to the certificate. *ſ.* 8. *See general titles* FELONS, *&c. and* HUE AND CRY.

Rome.

By 25 *Edw.* 3. *ſt.* 6. The free elections of archbiſhops, biſhops, and all other dignities and benefices elective, ſhall ſtand as they were granted by the king's progenitors, and by the anceſtors of the founders: and all prelates and other people of holy church, which have advowſons of benefices of the king's gift, or of other donors, ſhall have their collations and preſentments freely in the manner as they were infeoffed: and in caſe any reſervation, collation, or proviſion, be made by the court of *Rome*, of any archbiſhopric, biſhopric, dignity, or other benefice, in diſturbance of the elections, collations, or preſentations aforenamed; the king ſhall have for the time the collations to the archbiſhoprics, and other dignities elective, which be of his advowry, as his progenitors had, before free election was granted. *ſ.* 1.

In caſe collation, reſervation, or proviſion, be made by the court of *Rome*, of any church, prebend, or other benefices, which be of the advowry of people of holy church, whereof the king is advowee paramount immediate at the time of the voidance, the king ſhall have the preſentment or collation for that time. And in the ſame manner every other lord ſhall have the collations or preſentments which be of his advowry. And if ſuch advowees do not preſent to ſuch benefices within the half year, nor the biſhop of the place do not give the ſame by lapſe of time within a month after, the king ſhall have the preſentments and collations. And in caſe the preſentees of the king, or of other patrons of holy church, or of their advowees, or they to whom the king or ſuch patrons have given benefices, be diſturbed by ſuch proviſors, or that they which be in poſſeſſion of ſuch benefices, be impeached by ſuch proviſors; the ſaid proviſors, their procurators, executors, and notaries, ſhall be attached by their body, and brought in to anſwer: and if they be convict, they ſhall abide in priſon till they have made fine and ranſom to the king at his will, and gree to the party grieved; and before they be delivered, they ſhall make renunciation, and find ſurety, that they ſhall not attempt ſuch things in times to come, nor ſue no proceſs by them, nor other, againſt any man in the court of *Rome*, nor elſewhere, for ſuch impriſonments. *ſ.* 4.

In caſe ſuch proviſors, *&c.* be not found, the exigend ſhall run againſt them; and writs ſhall go forth to take their bodies, as well at the king's ſuit as at the ſuit of the party. And in the mean time the king ſhall have the profits of ſuch benefices, except houſes which have colleges, and in ſuch houſes the colleges ſhall have the profits. Saving to the king, and other lords, their old right. *ſ.* 5.

By 27 *Edw.* 3. *ſt.* 1. *c.* 1. All the people of the king's ligeance which draw any out of the realm in plea, whereof the cognizance pertaineth to the king's court, or of things whereof judgments be given in the king's court, or which ſue in any other court, to defeat or impeach the judgments given in the king's court, ſhall have day, containing the ſpace of two months, by warning to be made them in the place where the poſſeſſions be, or where they have lands, by the ſheriffs, or other the king's miniſters, to be before the king and his council, or in his chancery, or before the king's juſtices of the one bench or the other, or before other the king's juſtices, to anſwer in their proper perſons to the king, of the contempt done: and if they come not at the day in their proper perſons, they, their procurators, attornies, executors, notaries, and maintainers, ſhall be put out of the king's protection, and their lands and goods forfeit to the king, and their bodies ſhall be impriſoned and ranſomed at the king's will; and a writ ſhall be made to take them by their bodies, and to ſeize their lands, goods, and poſſeſſions into the king's hands; and if it be returned, that they be not found, they ſhall be put in exigent and outlawed. *ſ.* 1.

Provided, that at what time they come before they be outlawed, and will yield them to the king's priſon, to be juſtified by the law, they ſhall be thereto received; the forfeiture of the lands and goods abiding in force, if they do not yield them within the two months. *ſ.* 2.

By 38 *Edw.* 3. *ſt.* 1. *c.* 4. Whereas people be bound in another court out of the realm, all ſuch penal bonds in the third perſon ſhall be void.

By 38 *Edw.* 3. *ſt.* 2. *c.* 1. The proviſions made by 25 and 27 *Edw.* 3. the king, *&c.* hath confirmed; ſaving the eſtate of the prelates and other lords, touching the liberty of their bodies, ſo that by force of this ſtatute their bodies be not taken: joining to the ſame, that all they which ſhall purchaſe or purſue perſonal citations againſt the king, or any of his ſubjects; and alſo they that ſhall obtain in the court of *Rome*, deanries, archdeaconries, provoſties, and other benefices of holy church, pertaining to the collation or diſpoſition of the king, or of other lay patron; and alſo all obtainers of churches, offices, or benefices of holy

holy church, penſions, or rents appropriated to churches cathedral or collegial, hoſpitals, or other poor houſes, before ſuch appropriations and amortizements be avoided by due proceſs; and alſo all they which ſhall obtain benefices, whereby prejudice may be done to the king or to his ſubjects, or to the laws and liberties of his realm, and of his crown; and all their maintainers, counſellors, abettors, aiders, and fautors, wittingly, as well at the ſuit of the king as of the party, or other of the realm finding pledges to purſue all the ſaid perſons defamed and violently ſuſpected of ſuch purſuits, ſhall be arreſted by the ſheriffs and juſtices, and other the king's miniſters, and put in bail, and ſhall be preſented to the king and his council, to ſtand to right; and if they be convict of any of the ſaid things, they ſhall have the pain compriſed in the ſtatute 25 *Edw.* 3. *ſt.* 6.

By 38 *Edw.* 3. *ſt.* 2. *c.* 2. If any perſons defamed or ſuſpect of the ſaid proſecutions or grievances cannot be attached, and do not preſent them before the king or his council, within two months after they be warned in any of the king's courts, or in the counties, or before the king's juſtices in their ſeſſions, to anſwer to the king and to the party, to be at the law, they ſhall be puniſhed by the form compriſed in the ſtatute 27 *Edw.* 3. *c.* 1. and otherwiſe, as to the king and his council ſhall ſeem to be done; without any pardon by the king, without the aſſent of the party, and without making him ſatisfaction.

By 38 *Edw.* 3. *ſt.* 2. *c.* 3. None other ſubject keeping theſe ordinances, ſhall incur any forfeiture of life and member, nor of lands nor goods, becauſe of the ſaid things ordained; and if any perſon attempt againſt the ſaid ordinances, he ſhall be brought to anſwer as aforeſaid; and if he be convict, he ſhall be put out of the king's protection, and puniſhed after the form of the ſtatute 27 *Edw.* 3. *ſt.* 1. *c.* 1.

By 38 *Edw.* 3. *ſt.* 2. *c.* 4. If any perſon maliciouſly or falſely make purſuit againſt any of the realm, for cauſe compriſed in theſe ordinances, and thereof be attainted, ſuch plaintiff ſhall be puniſhed at the ordinance of the king and his council, and ſhall make amends to the party grieved.

And the king, the prelates, dukes, earls, barons, nobles and commons, clerks and lay, ſhall aid, comfort, and counſel, the one the other, as often as ſhall need, and impeach ſuch offenders, and reſiſt their enterpriſes, without ſuffering them to inhabit or paſs by their juriſdictions, and ſhall defend the one the other from all damage, as far forth as if ſuch proſecutions were made againſt them in common.

By 3 *Ric.* 2. *c.* 3. None ſhall take procuracy, letter of attorney, nor farm, nor other adminiſtration, of any benefice within the realm, but only of the king's people of the realm, without the licence of the king by the advice of his council. And none ſhall ſend by virtue of ſuch procuracy, farm, or adminiſtration, gold, ſilver, nor other treaſure nor commodity, out of the realm, to the profit of the aliens, without like licence of the king by advice of his council; and if any do the contrary, he ſhall incur the pain contained in the ſtatute of proviſors, 27 *Edw.* 3. *c.* 1. And if they be out of the realm, and not beneficed, nor having poſſeſſion within the realm where they may be warned, a writ ſhall be made in chancery, grounded upon this ordinance, to the ſheriff of *London*, or to the ſheriff of the county in which they were born, at the king's ſuit, returnable in the one bench or the other; by which writ it ſhall be commanded, that proclamation be made, that they be before the juſtices in the bench where the writ is returnable at a day compriſed in the writ, containing the ſpace of half a year, to anſwer upon the matters compriſed in the writ; and after this writ returned, the juſtices ſhall proceed. And no biſhop, nor other perſon of holy church, ſhall meddle with the fruits of ſuch benefices given to aliens, to the profit of the ſame aliens, upon the peril that belongeth.

By 7 *Ric.* 2. *c.* 12. If any alien purchaſe any benefices of holy church, or other thing, and in perſon take poſſeſſion of the ſame, or occupy it himſelf within the realm, without ſpecial licence of the king, he ſhall be compriſed within the ſtatute 3 *Ric.* 2. *c.* 3. and ſhall incur all forfeitures ordained by another ſtatute 25 *Edw.* 3. *ſt.* 6. And the king commandeth that all ſhall abſtain to pray him for any ſuch licence.

By 12 *Ric.* 2. *c.* 15. No liege man of the king ſhall paſs over the ſea, nor ſend out of the realm, without ſpecial leave of the king himſelf, to provide for himſelf a benefice of holy church in the realm; and if any do, and by virtue of ſuch proviſion accept any benefice of the realm, the ſame proviſor ſhall be out of the king's protection, and the benefice void.

By 13 *Ric.* 2. *ſt.* 2. *c.* 2. Concerning archbiſhoprics, biſhoprics, and other dignities and benefices elective, and all other benefices of holy church, which ſhall be void within *England*, the ſtatute 25 *Edw.* 3. *ſt.* 6. ſhall be put in due execution; and if any make acceptation of any benefice contrary to this ſtatute, and be beyond the ſea, he ſhall abide baniſhed out of the realm for ever, his lands and goods forfeit to the king; and if he be within the realm, he ſhall be alſo baniſhed, and ſhall incur the ſame forfeiture, and take his journey ſo that he be out of the realm within ſix weeks after ſuch acceptation; and if any receive any ſuch perſon baniſhed after the ſix weeks, knowing thereof, he ſhall be baniſhed, and incur ſuch forfeiture, as aforeſaid. And their procurators, notaries, executors, and ſummoners, ſhall ſuffer the pain aforeſaid. *ſ.* 1.

If the king ſend to the court of *Rome* at the interceſſion of any perſon, or if any other ſend, to pray to the ſame court, whereby any thing be done contrary to this ſtatute, touching any biſhopric, dignity, or benefice, of holy church within the realm; if he that maketh ſuch excitation or prayer be a prelate, he ſhall pay to the king the value of his temporalties of one year; and if he be a temporal lord, he ſhall pay the king the value of his lands of one year; and if he be of more mean eſtate, he ſhall pay the king the value of the benefice for which ſuit is made, and be impriſoned one year. *ſ.* 2.

By 13 *Ric.* 2. *ſt.* 2. *c.* 3. If any man bring or ſend within the realm, or the king's power, any ſummons, ſentence, or excommunication, againſt any perſon, for the cauſe of making motion or execution of the ſtatute of proviſors, [25 *Edw.* 3.] he ſhall be put in priſon and forfeit all his lands and goods, and moreover incur the pain of life and member. And if any prelate make execution of ſuch ſummons, ſentences, or excommunications, his temporalties ſhall be taken and remain in the king's hands till due redreſs be made: and if any perſon of leſs eſtate make ſuch execution, he ſhall have impriſonment, and make fine and ranſom by the diſcretion of the king's counſel.

By 16 *Ric.* 2. *c.* 5. If any purchaſe or purſue in the court of *Rome*, or elſewhere, any tranſlations, proceſſes, and ſentences of excommunications, bulls, inſtruments, or other things which touch the king, againſt him, his crown, or his realm, and they which bring within the realm, or them receive, or make thereof notification, or any other execution within the realm or without, their notaries, procurators, maintainors, abettors, fautors, and counſellors,

counſellors, ſhall be put out of the king's protection, and their lands and goods forfeit to the king, and they ſhall be attached by their bodies, and brought before the king and his council to anſwer to the caſes aforeſaid, or proceſs ſhall be made againſt them by *præmunire facias*, as it is ordained in other ſtatutes of proviſors. *ſ.* 2.

By 2 *Hen.* 4. *c.* 3. If any proviſion be made by the pope to any perſon, to be exempt of obedience ordinary, if ſuch proviſors accept any ſuch proviſion, they ſhall incur the pains in the ſtatute of proviſors, 13 *Ric.* 2.

By 2 *Hen.* 4. *c.* 4. The religious of the order of *Ciſteaux*, having purchaſed bulls to be diſcharged to pay tithes of their lands let to farm; as well they of the ſaid order of *Ciſteaux*, as all other which put the ſaid bulls in execution, or do purchaſe other ſuch bulls, or by colour of the ſame take advantage; proceſs ſhall be made againſt them by garniſhment of two months by writ of *præmunire facias*; and if they make default or be attainted, they ſhall incur the pains in the ſtatute of proviſors, 13 *Ric.* 2.

By 7 *Hen.* 4. *c.* 8. No licence or pardon of proviſion ſhall be available to any benefice full of any incumbent at the day of the date of ſuch licence or pardon.

By 3 *Hen.* 5. *c.* 4. If any feel himſelf grieved by colour of ſuch proviſions, licences, or pardons, the moleſtors ſhall incur the penalties in the ſtatutes of proviſors, by proceſs of *præmunire facias*; and the party which ſhall ſue by the ſame writ, ſhall recover his treble damages.

By 24 *Hen.* 8. *c.* 12. All cauſes teſtamentary, cauſes of matrimony and divorce, rights of tythes, oblations and obventions, ſhall be heard, adjudged, and determined, within the king's juriſdiction: alſo all ſpiritual prelates, paſtors, miniſters, and curates, within this realm, ſhall miniſter all ſacraments, divine ſervices, and other things, within the realm, to all the ſubjects of the ſame; any former citations, inhibitions, ſuſpenſions, interdictions, excommunications, or appeals, for any of the cauſes aforeſaid, from or to the ſee of *Rome* notwithſtanding. *ſ.* 2.

If any ſpiritual perſons, by occaſion of the ſaid fulminations, refuſe to miniſter the ſacraments, and other divine ſervices, they ſhall have one year's impriſonment, and make fine and ranſom at the king's pleaſure. *ſ.* 3.

If any perſons in any the cauſes aforeſaid attempt or procure any foreign proceſs, inhibitions, appeals, ſentences, ſuſpenſions, interdictions, excommunications, or judgments, or execute any of the ſame, or do any act to the derogation of any proceſs, ſentence, judgment, or determination, had in any courts of the king's dominions for the cauſes aforeſaid, every ſuch perſon, and their fautors, comforters, abettors, procurers, executors, and counſellors, being convict, ſhall incur the penalties of the ſtatute of proviſion and *præmunire*, 16 *Ric.* 2. *c.* 5. *ſ.* 4.

In caſes where the king's ſubjects have uſed to purſue any appeal to the ſee of *Rome*, and in all other caſes of appeals for any of the cauſes aforeſaid, they may have their appeals within this realm, *viz.* from the archdeacon or his official to the biſhop dioceſan. *ſ.* 5.

If it be commenced before the biſhop dioceſan or his commiſſary, within 15 days next enſuing the ſentence, to the archbiſhop of the province. *ſ.* 6.

If the matter be commenced before the archdeacon of any archbiſhop or his commiſſary, the party grieved may take his appeal within 15 days after ſentence, to the court of the arches or audience of the archbiſhop; and from the ſaid court within 15 days after ſentence, to the archbiſhop of the province, to be finally determined without any farther appeal. *ſ.* 7.

Every cauſe that ſhall be commenced for any of the cauſes aforeſaid before any of the archbiſhops, ſhall be before the ſame archbiſhop definitively determined without any other appeal or foreign proceſs out of this realm, otherwiſe than is by this act appointed; ſaving the prerogative of the archbiſhop and church of *Canterbury*, in all the ſaid cauſes of appeals, in ſuch wiſe as they have been accuſtomed. *ſ.* 8.

In caſe any cauſe ſhall come in contention for any of the ſame cauſes in the aforeſaid courts which may touch the king, the party grieved may appeal from any of the ſaid courts, to the ſpiritual prelates of the upper houſe in the convocation next enſuing within the province, ſo that ſuch appeal be taken within 15 days after ſentence given. *ſ.* 9.

If any perſon ſhall purſue any appeal contrary to this act, or refuſe to obſerve the ſame concerning appeals and foreign proceſſes for the cauſes aforeſaid, ſuch perſons, their procurers, fautors, advocates, counſellors, and abettors, ſhall incur the penalties in the ſtatute 16 *Ric.* 2. *c.* 5. *ſ.* 10. *Revived by* 1 Eliz. c. 1.

By 25 *Hen.* 8. *c.* 19. *revived by* 1 Eliz. c. 1. No appeals ſhall be made out of the king's dominions to the biſhop or ſee of *Rome*, in any cauſes beginning in any courts within the king's dominions; but all appeals, what cauſe ſoever they concern, ſhall be made as is limited for appeals in cauſes of matrimony, tythes, *&c.* by 24 *Hen.* 8. *c.* 12. *ſ.* 3.

For lack of juſtice in the court of the archbiſhops, it ſhall be lawful to appeal to the king's court of chancery; and upon ſuch appeal a commiſſion ſhall be directed to perſons named by the king, like as in caſe of appeal from the admiral court, to hear and determine ſuch appeals; and ſuch ſentence as the commiſſioners ſhall decree ſhall be definitive; and no further appeals to be had. *ſ.* 4.

If any perſon ſue any appeals to the biſhop or ſee of *Rome*, or procure or execute any proceſs from the ſee of *Rome* to the derogation of this act, ſuch perſons, their aiders, counſellors, or abettors, ſhall incur the penalties in the act of proviſion and *præmunire*, 16 *Ric.* 2. *c.* 5.

Appeals to be made from the juriſdictions of any heads of houſes and places exempt, in ſuch caſes as they might afore this act have immediately any appeal to the ſee of *Rome*, ſuch perſons may take their appeals immediately to the king into the court of chancery, which appeals ſhall be definitively determined by authority of the king's commiſſion as above mentioned. *ſ.* 6. *See* Ecclesiastical Persons, *&c.*

By 25 *Hen.* 8. *c.* 21. No perſon of this realm ſhall pay any penſion, portion, *Peter-pence*, or other impoſitions, to the uſe of the biſhop of *Rome*, but all ſuch penſions and *Peter-pence* ſhall ceaſe. *ſ.* 2.

Neither the king nor any ſubjects of this realm ſhall ſue to the pope, or ſee of *Rome*, for licences, diſpenſations, compoſitions, faculties, grants, reſcripts, delegacies, or any other inſtruments, but every ſuch licence, *&c.* ſhall be obtained within this realm in manner following, *viz.* the archbiſhop of *Canterbury* ſhall have power to grant unto his majeſty all manner ſuch licences, *&c.* for cauſes not contrary to the holy ſcriptures and laws of God, as hath been uſed to be had at the ſee of *Rome*. *ſ.* 3.

The archbiſhop ſhall have power to grant to any ſubjects licences, *&c.* for any cauſe whereof ſuch licences, *&c.* have been accuſtomed to be had at the ſee of *Rome*, or of any prelate of this realm. *ſ.* 4.

The archbiſhop ſhall not grant any other licence, *&c.* in cauſes not accuſtomed to be had at the court of *Rome*, nor by any prelate of this realm, until the king or the council be advertiſed thereof, and determine whether ſuch licences, *&c.* ſhall commonly paſs as other diſpenſations, *&c.* upon the pain that the grantors of every ſuch licence, *&c.* ſhall make fine at the will of the king. And if it be determined

termined by the king or the council, that diſpenſations, &c. in any ſuch cauſe unwont ſhall paſs, the archbiſhop, having licence of the king by bill ſigned, ſhall diſpenſe with them accordingly. ſ. 5.

Provided, that no diſpenſations, &c. to be granted by authority of this act by the archbiſhop or his commiſſary, being of ſuch importance, that the tax for the expedition thereof at *Rome* extended to 4 *l.* ſhall be put in execution till the ſame be firſt confirmed by the king under the great ſeal, and inrolled in chancery: and this act ſhall be ſufficient warranty to the chancellor to confirm the aforeſaid writings paſſed under the archbiſhop's ſeal by letters patent. And all ſuch licences, &c. for the expedition of which the taxes to be paid at *Rome* was under 4 *l.* which be matters of no great importance, ſhall paſs only by the archdeacon's ſeal, unleſs the procurers of ſuch licence, &c. deſire to have them confirmed; in which caſe they ſhall pay for the great ſeal, to the uſe of the king, 5 *s.* beſides ſuch tax as ſhall be limited for the making, writing, regiſtering, confirming, and inrolling, of ſuch licence, &c. ſ. 6.

Every ſuch licence, &c. for ſuch cauſes as the tax was wont to be 4 *l.* or above, ſo granted by the archbiſhop, and confirmed under the great ſeal, and all other licences, &c. to be granted by the archbiſhop by virtue of this act, whereunto the great ſeal is not of neceſſity to be put, ſhall be effectual without revocation. ſ. 7.

Children procreated after ſolemnization of marriages by virtue of ſuch licences or diſpenſations, ſhall be legitimate, and all acts done according to ſuch licences, &c. ſhall be in force. ſ. 8.

The archbiſhop ſhall have power to make a clerk, which ſhall write and regiſter every ſuch licence, &c. and ſhall find parchment, wax, and laces, for the ſame; and the king ſhall by letters patent depute one clerk learned in the chancery, which ſhall be attendant upon the lord chancellor, and ſhall make and inrol the confirmations of ſuch licences, &c. and ſhall alſo inrol ſuch other writings as ſhall be brought under the archbiſhop's ſeal; and as well the clerk appointed by the archbiſhops, as the clerk appointed by the king, ſhall ſubſcribe their name to every ſuch licence, &c. that ſhall come to their hands. ſ. 9.

There ſhall be two books made of one tenor, in which ſhall be contained the taxes of all cuſtomable diſpenſations, &c. wont to be ſped at *Rome*, and both ſides of every leaf ſhall be ſubſcribed by the archbiſhop of *Canterbury*, the lord chancellor, the lord treaſurer, and the two chief juſtices, to which books all ſuitors for diſpenſations, &c. ſhall have recourſe; and one of the books ſhall remain in the hands of the regiſter and ſcribe of the ſaid faculties, &c. under the archbiſhop of *Canterbury*; and the other book ſhall remain with the clerk of the chancery, which by the king ſhall be appointed as before rehearſed; which clerk of the chancery ſhall alſo note in his book the number and quality of the diſpenſations, &c. which ſhall be ſealed only with the ſeal of the archbiſhop, and alſo which ſhall be ſealed with the ſaid ſeal, and confirmed with the great ſeal. ſ. 11.

No man ſuing for diſpenſations, &c. which were wont to be ſped at *Rome*, ſhall pay any more than ſhall be taxed in the ſaid books; compoſitions excepted, the tax whereof ſhall be ſet by the archbiſhop and the lord chancellor. And ſuch as ſhall receive of any ſuitor more for any diſpenſation, &c. than ſhall be contained in the books, ſhall forfeit ten times ſo much; the one half to the king, and the other half to ſuch ſubjects as will ſue for the ſame. ſ. 12.

The tax appointed to be paid for every ſuch diſpenſation, &c. ſhall be employed as enſueth, *viz.* if the tax extend to 4 *l.* the ſaid tax ſhall be divided into three parts, whereof two ſhall be received by the clerk of the chancery, to the uſe of the king, and the lord chancellor, and of the clerk; and the third part ſhall be taken by the clerk of the archbiſhop, to the uſe of the archbiſhop and his commiſſary, and his ſaid clerk and regiſter; and the ſaid two parts ſhall be divided in four parts, of which three parts ſhall be taken to the only uſe of the king, and the fourth part ſhall be divided in three parts, whereof the chancellor ſhall have two parts, and the clerk of the chancery the third part; and the third part appointed to the archbiſhop and his officers ſhall be divided into three parts, whereof the archbiſhop ſhall have two parts, and his officers ſhall have the third part, of which third part the clerk which ſhall find parchment, wax, and ſilk, and ſhall write the ſaid diſpenſations, &c. ſhall have the one moiety, and the commiſſary of the archbiſhop appointed to ſeal the ſaid diſpenſations, &c. ſhall have the other part. ſ. 13.

If the tax be under 4 *l.* and not under 40 *s.* the ſaid tax ſhall be divided into three parts, whereof the king ſhall have two parts, abating 3 *s.* 4 *d.* which ſhall be to the ſaid clerk of the chancery for inrolling; and the archbiſhop and his officers ſhall have the third part, which third ſhall be divided into two parts, whereof the archbiſhop ſhall have the one, his ſcribe and commiſſary the other. And if the tax be under 40 *s.* and not under 26 *s.* 8 *d.* the ſame ſhall be divided into two parts, whereof the one ſhall be to the king, deducting thereof 2 *s.* for the clerk of the chancery aforeſaid; and the other part ſhall be to the archbiſhop and his officers, which ſhall be divided into two parts, whereof the archbiſhop ſhall have the one, and his commiſſary and ſcribe the other. And if the tax be under 26 *s.* 8 *d.* and not under 20 *s.* the ſame ſhall be divided into two parts, whereof the king ſhall have the one part, abating 2 *s.* thereof to the ſaid clerk of the chancery; and the archbiſhop and his officers ſhall have the other part, and the ſame ſhall be divided into three parts, whereof the archbiſhop ſhall have one, his commiſſary the ſecond, and his ſcribe or regiſter the third; and in caſe the tax be under 20 *s.* the ſame ſhall be received to the uſe of the commiſſary, clerk of the ſaid archbiſhop, and clerk of the chancery, to be equally divided amongſt them. ſ. 14.

This act ſhall not be prejudicial to the archbiſhop of *York*, or to any biſhop of this realm, but that they may diſpenſe in all caſes in which they were wont to diſpenſe by the common law. ſ. 15.

If the ſee of the archbiſhop of *Canterbury* be void, ſuch licences, &c. ſhall be granted under the ſeal of the guardian of the ſpiritualties. ſ. 16.

If the archbiſhop of *Canterbury*, or the guardian of the ſpiritualties, refuſe to grant any licences, &c. which they be authoriſed to do by this act, the chancellor ſhall direct the king's writ to the archbiſhop, &c. enjoining him that he ſhall in due form grant ſuch licence, &c. or elſe ſignify in the chancery for what cauſe he refuſed to grant ſuch licences, &c.; and if it ſhall appear to the chancellor upon ſuch certificate, that the cauſe of refuſal was juſt, then to be allowed; and if it ſhall appear that the archbiſhop, &c. without a juſt cauſe, refuſe to grant ſuch licence, &c. the king ſhall have power to ſend an injunction under the great ſeal, out of chancery, commanding the archbiſhop or guardian, to make grant thereof by a certain day, and under a certain pain; and if the archbiſhop or guardian, after receipt of the writ, refuſe to grant ſuch licences, &c. and ſhew before his majeſty no juſt cauſe why they ſhould ſo do, the ſaid archbiſhop or guardian ſhall forfeit to the king ſuch pain as ſhall be limited in the injunction; and it ſhall be lawful to his highneſs to give power, by commiſſion under his great ſeal, to two ſpiritual perſons to grant ſuch licences, &c. ſ. 17.

The

The two ſpiritual perſons to whom ſuch commiſſion ſhall be directed, ſhall have power to grant ſuch licence, &c. ſo refuſed to be granted by the archbiſhop or guardian, taking like fees as before rehearſed. *ſ.* 18.

Provided that the archbiſhop of *Canterbury* ſhall have no power by this act to viſit any colleges, hoſpitals, or other places religious, which be exempt; but that redreſs, viſitation, and confirmation, ſhall be had by the king by commiſſion under the great ſeal; ſo that no viſitation be had by the biſhop of *Rome*, nor that any perſon reſiant in the king's dominions, depart out of the king's dominions, to any viſitation or aſſembly for religion. *ſ.* 20.

Provided that this act, or any diſpenſation by virtue thereof, ſhall not extend to the repeal of the late act 21 *Hen.* 8. *c.* 13. for reformation of pluralities and non-reſidence; nor ſhall give licence to any perſon to have more benefices than is limited in the ſaid act. *ſ.* 21. *See* Ecclesiastical Persons.

If any perſon within the king's dominions ſue to the court of *Rome* for any licenſe, &c. or put in execution any licence, &c. obtained from *Rome*, or from any claiming authority by the ſame for any cauſes that may be granted by authority of this act, or attempt any thing contrary to this act; or maintain, admit, or obey any cenſures or other proceſs from *Rome*, to the derogation of this act; ſuch perſons being convict, their aiders, counſellors, and abettors, ſhall incur the penalty in the act of proviſion and *præmunire*, 16 *Ric.* 2. *c.* 5. *ſ.* 22.

Provided that this act ſhall not be expounded to the derogation of any grants of any houſes or places exempt, which before this act have been obtained at *Rome*, or by authority thereof; provided that the chief rulers and governors of ſuch houſes and places exempt, ſhall not pay any penſion or other cenſe to the ſee of *Rome*, nor admit any viſitation, nor any confirmation from the ſee of *Rome*, or by authority thereof, or for any perſon to be elect, named, or preſented, to be heads of ſuch houſes exempt, nor ſhall make any oath to the biſhop of *Rome*, upon the pain limited in this act; but every ſuch viſitation and confirmation of ſuch heads elect, ſhall be made within this realm within ſuch houſes exempt by ſuch perſons as ſhall be appointed by the king's commiſſion. *ſ.* 23.

Provided that in ſuch houſes exempt, where no ſuch confirmation hath been uſed, they ſhall not be bound to take any confirmation, but uſe their privileges therein as before. *ſ.* 24.

The king, by advice of his council, ſhall have power for the ordering and reformation of all indulgences and privileges thereof within this realm, heretofore obtained at the ſee of *Rome*, and of the abuſes of ſuch indulgences and privileges; and ſuch order as ſhall be taken by his highneſs in that behalf ſhall be obſerved, upon the pains limited in this act. *ſ.* 27. *Revived by* 1 Eliz. c. 1.

By 28 *Hen.* 8. *c.* 16. *Revived by* 1 Eliz. c. 1. All bulls, breves, faculties, and diſpenſations, heretofore obtained of the biſhop of *Rome*, or by authority of the ſee of *Rome*, by any ſubjects of the king's dominions, ſhall be void, and ſhall never be uſed, allowed, pleaded, or alledged, in the king's dominions, upon the pain contained in the ſtatute of proviſion or *præmunire*, 16 *Ric.* 2. *c.* 5. *ſ.* 2.

All the king's ſubjects bringing to ſuch of his council, or of the maſters of chancery, as the king ſhall appoint, any bulls, breves, or any other faculties, if it ſhall appear that the effects contained in ſuch bulls, &c. may be granted by the archbiſhop of *Canterbury*, the king's ſaid ſubjects ſhall have of the chancellor, under the great ſeal, all ſuch effects by authority of the laws of this realm, paying for the ſealing of ſuch writing, 20 *s.* 4 *d.*, and for the writing thereof, 3 *s.* 4 *d.* and for the examination of ſuch bulls, &c. 3 *s.* 4 *d.* *ſ.* 6.

By 1 & 2 *Phil.* & *Mar. c.* 8. All laws made contrary to the ſupremacy and ſee apoſtolic ſince the 20th year of king *Hen.* 8. are repealed. *ſ.* 2. *This act is repealed by* 1 Eliz. c. 1. *but all laws repealed by this act, and not revived by* 1 Eliz. c. 1. *are to ſtand repealed by* 1 Eliz. c. 1. *ſ.* 13.

By 5 *Eliz. c.* 1. If any perſon dwelling within the queen's dominions ſhall by writing, ciphering, printing, preaching, teaching, or act, adviſedly and willingly hold, maintain, or defend, the power of the biſhop of *Rome*, heretofore uſed within this realm; ſuch perſons, their abettors, procurers, and counſellors, and alſo their aiders and comforters, upon purpoſe to further the ſaid uſurped power, being thereof indicted or preſented within one year after any ſuch offences committed, and being convicted, ſhall incur the penalties provided by the ſtatute of proviſion and *præmunire*, 16 *Ric.* 2. *c.* 5.—*ſ.* 2.

As well juſtices of aſſize, as juſtices of peace, or two of them, whereof one to be of the *quorum*, ſhall have power in their ſeſſions to enquire of all offences contrary to the premiſes, in like manner as they may of other offences againſt the queen's peace, and ſhall certify every preſentment afore them made concerning the ſame, before the queen in the king's bench, within 40 days after any ſuch preſentment made, if the term be then; and if not, at the firſt day of full term next following the ſaid 40 days; upon pain that every of the juſtices of aſſizes, or juſtices of peace, making default of ſuch certificate to forfeit 10 *l.* to the queen. *ſ.* 3.

The juſtices of the king's bench, as well upon every ſuch certificate as by enquiry before themſelves, ſhall have power to hear and determine every ſuch offence, in ſuch manner as if the perſons againſt whom any preſentment ſhall be had upon this ſtatute had been preſented upon any offence in 16 *Ric.* 2. *c.* 5. *ſ.* 4.

As well all perſons appointed by the act 1 *Eliz. c.* 1. (*ſee* King,) to take the oath expreſſed in the ſame, as all other perſons which ſhall take eccleſiaſtical orders, or ſhall be promoted to any degree of learning in any univerſity, and all ſchoolmaſters and teachers of children, as alſo all perſons that ſhall take any degree of learning in the common laws, as well utter barriſters as benchers, readers, ancients in any houſe of court, and all principal treaſurers, and ſuch as be of the grand company in every inn of chancery, and all attornies, prothonotaries, and philizers, and all ſheriffs, eſcheators and feodaries, and all other perſons which ſhall take upon them any office in the common law or any other law; and all other officers of any court, ſhall take an oath (viz. *the oath of ſupremacy altered by* 1 Will. & Mar. c. 8.) before they be admitted to take upon them any ſuch office, degree, &c. and that in the court whereunto they ſhall belong; and if they do not belong to any court, they ſhall take the oath before a convenient aſſembly, and before ſuch perſons as ſhall have authority to admit ſuch perſons to ſuch office, &c. or elſe before ſuch perſons as by the queen, by commiſſion under the great ſeal, ſhall be aſſigned according to the oath ſet forth in the act 1 *Eliz. c.* 1.—*ſ.* 5.

Every archbiſhop and biſhop ſhall have power to miniſter the oath to every eccleſiaſtical perſon, as well in places exempt as elſewhere. *ſ.* 6.

The lord chancellor may direct commiſſions to any perſons, giving them authority to miniſter the oath to ſuch perſons as by the commiſſions they ſhall be authoriſed to tender the oath unto. *ſ.* 7.

If any perſons compellable to take the ſaid oath, or to whom the oath by any ſuch commiſſion ſhall be appointed to be tendered, ſhall at the time of the oath tendered refuſe to take the ſaid oath, the party ſo refuſing, and being lawfully indicted or preſented within one year, and convicted, ſhall ſuffer the penalties provided by the ſtatute of proviſion and *præmunire*, 16 *Ric.* 2. *c.* 5.—*ſ.* 8.

All perſons having authority to tender the oath, ſhall within 40 days after ſuch refuſal, if the term be open, and if not, then at the firſt day of the full term next following the ſaid 40 days, make certificate of the names, places and degrees, of the perſons refuſing the ſame, before the queen in the king's bench, upon pain to forfeit 100*l.* to the queen; and the ſheriff of the county where the king's bench ſhall be holden, ſhall impannel a jury to inquire of ſuch refuſals, which jury may, upon every ſuch certificate, and other evidence, proceed to indict the perſons ſo offending, in ſuch ſort as the ſame jury may do of any offence againſt the queen's peace committed within the county. *ſ.* 9.

If any ſuch offenders of the firſt part of this ſtatute, *viz.* by writing, *&c.* to defend the power of the biſhop of *Rome*, after ſuch conviction as aforeſaid, do eftſoons commit the ſaid offences, and be thereof convicted, and alſo if any the perſons appointed by this act to take the oath, do three months after the firſt tender thereof, the ſecond time refuſe to take the ſame, ſuch offenders for the ſecond offences ſhall ſuffer as in caſes of high treaſon. *ſ.* 10 & 11.

Provided that any attainder to be had by force of this act ſhall not make any corruption of blood, diſheriting of any heir, forfeiture of dower, nor prejudice of the right of any perſon, other than the right of the offenders during their natural lives. *ſ.* 12.

It ſhall be lawful to every perſon to whom the right of any lands after the death of any ſuch offender ſhould have appertained if no ſuch attainder had been, to enter into the ſame without *ouſter le main*, as they might have done if this act had never been. *ſ.* 13.

This act ſhall be read at every quarter ſeſſions by the clerk of the peace, and at every leet, by the ſteward, and once every term in the hall of every houſe of court and chancery, by perſons to be appointed by the lord chancellor. *ſ.* 15.

Every perſon who ſhall be elected a knight, citizen, or burgeſs, or baron of the five ports, for any parliament, ſhall, before he enter into the parliament houſe, or have any voice there, pronounce the ſaid oath before the lord ſteward or his deputy; and he which ſhall enter into the parliament houſe, without taking the oath, ſhall be no knight, citizen, burgeſs, nor baron, for that parliament, and ſhall ſuffer ſuch penalties as if he had preſumed to ſit without election. *ſ.* 16.

Provided that this act ſhall not extend to compel any temporal perſon of the degree of a baron to take the oath. *ſ.* 17.

Charitable giving of alms to any of the offenders above ſpecified, without fraud, ſhall not be any ſuch abetment, aiding, or comforting, as thereby the giver of ſuch alms ſhall incur any penalty. *ſ.* 18.

If any peer ſhall offend contrary to this act, they ſhall be tried by their peers. *ſ.* 19.

No perſon ſhall be compelled by this act to take the oath, upon the ſecond time of offering, except the ſame perſon be an eccleſiaſtical perſon that have cure or office in the church, or ſuch perſon as ſhall have office in any eccleſiaſtical court, under any archbiſhop or biſhop, or ſuch perſon as ſhall wilfully refuſe to obſerve the orders for divine ſervice in the church of *England*, after they be publicly by the ordinary admoniſhed: or ſuch as ſhall openly and adviſedly deprave by words, writings, or open fact, any of the rites and ceremonies uſed in the church of *England*; or that ſhall ſay or hear private maſs prohibited by law. *ſ.* 20.

It ſhall not be lawful to kill any perſon attainted upon any *præmunire*, by pretence of any judgment given upon the ſame, or by force of any words in any ſtatute of proviſion and *præmunire*. *ſ.* 21.

Saving the due execution of every perſon attainted for any offence, whereupon judgment of death may lawfully be given; and ſaving ſuch pains of death, or other hurt or baniſhment, as heretofore might without danger of law be done upon perſons that ſend or bring into the queen's dominions, or within the ſame ſhall execute, any ſummons, ſentence or excommunication, or other proceſs, from the biſhop of *Rome*. *ſ.* 22.

No perſon ſhall be indicted for aſſiſting, maintaining, comforting, or abetting, of any perſon for the ſaid offences in defending of the biſhop of *Rome*, unleſs he be thereof lawfully accuſed by ſuch teſtimony as by the jury by whom he ſhall be indicted ſhall be thought ſufficient to prove him guilty. *ſ.* 23.

By 13 *Eliz. c.* 2. If any perſon ſhall uſe within the queen's dominions any bull or inſtrument of abſolution from the biſhop of *Rome*, or from any perſon claiming authority from the ſaid biſhop; or if any perſon ſhall take upon him by colour of any ſuch bull, *&c.* to abſolve or reconcile any perſon, or grant or promiſe to any perſon within the queen's dominions any ſuch abſolution or reconciliation, by any ſpeech, preaching, teaching, writing, or other open deed; or if any perſon within the queen's dominions ſhall willingly receive any ſuch abſolution or reconciliation; or elſe if any perſon ſhall obtain from the ſee of *Rome* any bull or inſtrument, or ſhall publiſh or put in ure any ſuch bull, *&c.* every ſuch act ſhall be high treaſon. *ſ.* 2 & 3.

All aiders, comforters, or maintainers, of any the ſaid offenders, after the committing any of the ſaid acts, to the intent to uphold or allow the execution of the ſaid uſurped power, ſhall incur the penalties in the ſtatute of *præmunire*, 16 *Ric.* 2. *c.* 5.—*ſ.* 4.

If any perſon to whom any ſuch abſolution, reconciliation, bull, writing, or inſtrument, ſhall be offered, ſhall conceal the ſame, and not diſcloſe the ſame within ſix weeks to ſome of the privy council, he ſhall incur the penalty of miſpriſion of high treaſon. *ſ.* 5.

No perſon ſhall be troubled for miſpriſion of treaſon for any offence made treaſon by this act, other than ſuch as by this act are before declared to be in caſe of miſpriſion of high treaſon. *ſ.* 6.

If any perſon ſhall bring into this realm, any token or thing called an *agnus dei*, or any croſſes, pictures, beads, or ſuch like vain and ſuperſtitious things from the biſhop of *Rome*, or from any perſon claiming authority from the ſaid biſhop to conſecrate the ſame, and ſhall deliver or offer the ſame to any ſubject of this realm to be worn or uſed, as well the perſon ſo doing, as all other perſons which ſhall receive the ſame, to the intent to uſe and wear the ſame, being thereof convicted, ſhall incur the penalties provided by the ſtatute of *præmunire* and proviſion, 16 *Ric.* 2. *c.* 5. *ſ.* 7.

If any perſon to whom ſuch *agnus dei* or other things ſhall be offered, ſhall apprehend the party offering the ſame, and bring him to the next juſtice of peace, if he ſhall be

of power ſo to do, or for lack of ſuch ability ſhall, within three days after ſuch offer made, diſcloſe the name of ſuch perſon as ſhall make the offer, and the dwelling place, or places of reſort of the ſame perſon (which he ſhall endeavour to know by all the means he can), to the ordinary of that dioceſe, or to any juſtice of peace where ſuch perſon to whom ſuch offer ſhall be made ſhall be reſiant; and alſo if ſuch perſon ſhall receive any ſuch *agnus dei*, or other thing, and ſhall within one day after ſuch receipt deliver the ſame to any juſtice of peace, ſuch perſon ſhall not incur any penalty. *ſ.* 8.

If any juſtice of peace to whom any matter before mentioned ſhall be ſhewed, do not within 14 days declare the ſame to ſome of the privy council, the juſtice ſhall incur the pain provided by the ſaid ſtatute 16 *Ric.* 2. *c.* 5. *ſ.* 10.

If any peer ſhall be indicted for any the offences aforeſaid, ſuch peer ſhall have his trial by his peers, as in caſes of high treaſon and miſpriſion of treaſon. *ſ.* 11.

Saving to all perſons (other than the offenders and their heirs, and ſuch as claim to their uſes) all rights, *&c.* *ſ.* 12.

By 23 Eliz. c. 1. *Every offence againſt this ſtatute is inquirable as well before juſtices of peace as other juſtices, within one year and a day after the offence committed.*

By 27 *Eliz. c.* 2. It ſhall not be lawful for any Jeſuit, ſeminary prieſt, or other prieſt, deacon, or religious, or eccleſiaſtical perſon, being born within her highneſs's dominions, and ordained or profeſſed by any authority from the ſee of *Rome*, to come into or remain in her highneſs's dominions, other than in caſes expreſſed in this act; and if he do, ſuch offence ſhall be high treaſon. *ſ.* 3.

Every perſon who ſhall wittingly and willingly receive, comfort, aid, or maintain, any ſuch Jeſuit, *&c.* being at liberty, ſhall be adjudged a felon without benefit of clergy. *ſ.* 4.

If any of her majeſty's ſubjects (not being a Jeſuit or eccleſiaſtical perſon), which ſhall be of any college of Jeſuits or ſeminary beyond the ſeas, ſhall not within ſix months after proclamation made in *London*, under the great ſeal, return into this realm, and within two days after ſuch return, before the biſhop of the dioceſe, or two juſtices of peace of the county where he ſhall arrive, ſubmit himſelf to her majeſty, and take the oath of ſupremacy, every ſuch perſon which ſhall otherwiſe return ſhall ſuffer as in caſe of high treaſon. *ſ.* 5.

If any perſon under her majeſty's obedience ſhall wittingly and willingly convey out of her majeſty's dominions, or wittingly or willingly give or contribute any money or other relief for any Jeſuit, ſeminary prieſt, or ſuch other eccleſiaſtical perſon as aforeſaid, or for the maintenance or relief of any college of Jeſuits or ſeminary beyond the ſeas, or of any perſon in the ſame, every perſon ſo offending ſhall incur the penalty of *præmunire* in the ſtatute 16 *Ric.* 2. *c.* 5. *ſ.* 6.

Every offence againſt this act may be inquired of, heard, and determined, as well in the king's bench in the county where the court ſhall be, as in any other county, or any other her highneſs's dominions where the offence ſhall be committed, or the offender taken. *ſ.* 8.

This act ſhall not extend to any ſuch Jeſuit, ſeminary prieſt, or other eccleſiaſtical perſon, as ſhall within three days after he ſhall come into this realm, ſubmit himſelf to ſome biſhop, or to ſome juſtice of peace within the county where he ſhall arrive, and take the oath of ſupremacy, and under his hand acknowledge and continue his due obedience to her highneſs's laws in cauſes of religion. *ſ.* 10.

If any peer be indicted of any offence made treaſon, felony, or *præmunire*, by this act he ſhall have his trial by his peers. *ſ.* 11.

Every ſubject of this realm, which ſhall know that any ſuch Jeſuit or other prieſt aboveſaid ſhall be within this realm contrary to this act, and ſhall not diſcover the ſame to ſome juſtice of peace, or other higher officer, within 12 days, but willingly conceal his knowledge therein, ſuch offender ſhall make fine, and be impriſoned at the queen's pleaſure. And if ſuch juſtice of peace, or other officer, to whom ſuch matter ſhall be diſcovered, do not, within 28 days, give information thereof to ſome of the privy council, he ſhall forfeit 200 marks. *ſ.* 13.

Such of the privy council to whom ſuch information ſhall be made, ſhall thereupon deliver a note to the party by whom he ſhall receive ſuch information, teſtifying that ſuch information was made to him. *ſ.* 14.

All oaths and ſubmiſſions made by force of this act ſhall be certified into the chancery, by ſuch parties before whom the ſame ſhall be made, within three months after ſuch ſubmiſſion, upon pain to forfeit 100 *l.* to the queen. *ſ.* 15.

If any perſon ſo ſubmitting do within 10 years after ſuch ſubmiſſion, come within 10 miles of ſuch place where her majeſty ſhall be, without eſpecial licence from her majeſty, under her hand, ſuch perſon ſhall take no benefit of his ſubmiſſion. *ſ.* 16.—Qu. *If the laſt paragraph is in force.*

See OATHS, PAPISTS, RECUSANTS, SERVICE *and* SACRAMENTS, TREASON.

Ruſſia Company.

By 10 & 11 Will. 3. c. 6. *After reciting letters patent of king* Philip *and queen* Mary, *dated the 6th of* February, *in the firſt and ſecond years of their reign, whereby they did incorporate the merchants adventurers for the diſcovery of the lands unknown, and not before frequented, with power that the ſaid fellowſhip ſhould have the ſole trade to all the main lands, iſles, ports, and rivers, of the emperor of* Ruſſia; *and that the ſaid letters patent were by an act of parliament,* 8 Eliz. *(not printed) confirmed to the ſaid fellowſhip by the name of the fellowſhip of* Engliſh *merchants for diſcovery of new trades, with a prohibition that no ſubject of this realm ſhould traffic to, viſit, or frequent, any of the places granted by the ſaid act to the ſaid fellowſhip to trade in, but by conſent of the governor, conſuls, and aſſiſtants, of the ſaid fellowſhip, upon pain that every perſon offending ſhould forfeit every ſuch ſhip, and all goods conducted to or from any of the places prohibited; one moiety thereof to the queen, and the other moiety to the fellowſhip*; IT IS ENACTED, that every ſubject of this realm deſiring admiſſion into the ſaid fellowſhip called the *Ruſſia* company, on requeſt to be made to the governor, conſuls, and aſſiſtants, or any three of them, ſhall be admitted into the ſaid fellowſhip, paying for ſuch admiſſion 5 *l.* *ſ.* 1.

Where any perſon reſiding in any outport or other place within this realm ſhall requeſt to be admitted by his agent, making tender of 5 *l.* the governor, conſuls, and aſſiſtants, ſhall within ten days appoint one to admit ſuch perſon, and to tender him the oath to be taken by the freemen. *ſ.* 3.

The commiſſioners of the cuſtoms ſhall at every ſeſſion of parliament, lay before both houſes an account of what naval ſtores ſhall have been imported by perſons trading to *Ruſſia*. *ſ.* 4.

By 14 *Geo.* 2. *c.* 36. It ſhall be lawful for any perſon free of the *Ruſſia* company, excluſive of all others, to import

port into this kingdom, in *Britiſh* built ſhipping, navigated according to law, from any place belonging to *Ruſſia*, raw ſilk or any other goods of the growth or manufacture of *Perſia* (ſuch manufacture being made of the growth of *Perſia)* purchaſed by barter with woollen or other goods exported from *Great Britain* to *Ruſſia* and from thence carried into *Perſia* (gold and ſilver in bullion or coin excepted), or with the produce ariſing from the ſales of ſuch goods exported to *Ruſſia* and carried into *Perſia*, upon paying or ſecuring the duties now payable for the ſame, according to ſuch rules, and with ſuch allowances, and under ſuch penalties as are by law preſcribed on the importation of the like goods of the produce or manufacture of *Perſia* from any port in the *Levant* ſeas, by any perſon free of the *Turkey* company, notwithſtanding 12 *Car.* 2. *c.* 18. *ſ.* 1.

No ſilk, or other produce or manufactures of *Perſia*, ſhall be imported through *Ruſſia* by virtue of this act, unleſs the importer take an oath (or being a quaker an affirmation) before the collector, cuſtomer, or comptroller of the cuſtoms at the port of importation, that to the beſt of his knowledge and belief, the ſilk and other commodities of *Perſia* contained in his entry, were purchaſed by barter with goods exported from *Great Britain* to *Ruſſia*, and from thence carried into *Perſia* (not being gold or ſilver in coin or bullion), or with the produce ariſing from the ſales of ſuch goods, and not otherwiſe; and in default of taking ſuch oath, *&c.* all ſuch ſilk or other commodities of *Perſia* ſo imported from *Ruſſia*, ſhall be liable to be ſeized, as if the ſame had been imported contrary to 12 *Car.* 2. *c.* 18. *ſ.* 2.

Nothing in this act ſhall extend to the permitting the uſing in this kingdom any wrought ſilks or other manufactures of *Perſia*, mentioned in 11 *Will.* 3. *c.* 10. (India Goods,) which may be imported by virtue hereof through *Ruſſia*; but the ſame act, ſo far as it relates to the importing the ſaid goods into the port of *London* only, and to the entry thereof, and payment of the duties, and putting the ſame into warehouſes, and exporting them on ſecurity, and to the ſeizing thoſe goods, and dividing the produce of ſuch ſeizures, and keeping accounts thereof, and ſubjecting the perſons concerned to penalties, ſhall be of force, as if the ſaid act were repeated in this act. *ſ.* 3.

If any doubts ariſe whether any of the goods imported by virtue of this act, be of the growth or manufacture of *Perſia*, or not, or were imported contrary to the intent of this act, and the ſame for that reaſon be ſeized, as forfeited; the proof thereof ſhall be incumbent on the importer or claimer, and not upon the officer or informer. *ſ.* 4.

If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 5.

Any thing in this act ſhall not extend to deprive the *Eaſt India* company of their powers and privileges. *ſ.* 6.

By 23 *Geo.* 2. *c.* 34. It ſhall be lawful for any perſon free of the *Ruſſia* company, excluſive of all others, to import into this kingdom in *Britiſh* built ſhipping, navigated according to law, from any place belonging to the empire of *Ruſſia*, raw ſilk of the produce of *Perſia* purchaſed by barter with goods exported from *Great Britain* to *Ruſſia*, although the ſame be not carried from thence into *Perſia*, (gold and ſilver in coin or bullion excepted,) or with the produce ariſing from the ſale of ſuch goods exported from *Great Britain* to *Ruſſia* as aforeſaid, and not otherwiſe; upon paying, or ſecuring the duties now payable for the ſame, according to the rules preſcribed on the importation of raw ſilk of the produce of *Perſia*, from any place in the *Levant* ſeas, by perſons free of the *Levant* or *Turkey* company; any thing in the 14 *Geo.* 2. *c.* 36. or 12 *Car.* 2. *c.* 18. notwithſtanding. *ſ.* 1.

No ſilk of the produce of *Perſia* ſhall be imported into *Great Britain*, from any of the countries belonging to the empire of *Ruſſia* by virtue of this act, unleſs the importer make oath before the collector, cuſtomer, or comptroller of the cuſtoms at the port of importation, that to the beſt of his knowledge and belief, the ſilk contained in his entry was purchaſed by barter with woollen or other commodities exported from *Great Britain* to *Ruſſia* (not being gold or ſilver in coin or bullion), or with the produce ariſing from the ſale of ſuch commodities; and in default of making ſuch oath, all ſuch ſilk imported from *Ruſſia* ſhall be liable to be ſeized and forfeited, as if the ſame had been imported contrary to the 12 *Car.* 2. *c.* 18.—*ſ.* 2.

Nothing herein ſhall extend to deprive the *Eaſt India* company of any their powers and privileges. *ſ.* 3.

Safe Conduct.

By 15 *Hen.* 6. *c.* 3.

THE keepers of the great and privy ſeal ſhall not ſuffer the clauſe *vidimus* to be put in any ſafe conduct, unleſs ſome great cauſe move the king to grant the ſame in ſuch wiſe; and in all ſafe conducts to be granted to any perſons, the names of them, of the ſhips, and of the maſters, and the number of the mariners, with the portage of the ſhip, ſhall be expreſſed.

By 18 *Hen.* 6. *c.* 8. Merchants aliens may load ſhips of *Spain* and other parts adverſaries and enemies of the king, if the maſters or merchants of ſuch ſhips have letters patent

patent of the king of his ſafe conduct, making mention of the name of the ſhips and of the maſter; and if any ſuch ſhips charged with ſuch merchandizes of ſuch merchants be taken upon the ſea by the king's people, not having the king's letters patent within the board of ſuch ſhips, at the day of the taking, nor that ſuch letters patent be in the chancery inrolled, the takers may enjoy the ſame.

By 20 *Hen.* 6. *c.* 1. All letters of ſafe conduct to be granted to the king's enemies or other, ſhall be inrolled in chancery before ſuch letters be delivered; and all letters of ſafe conduct not inrolled before delivery ſhall be void. *ſ.* 2.

If any goods be taken by the ſubjects of the king upon the ſea, charged in any ſhip belonging to enemies, not having letters of ſafe conduct inrolled, they that take the goods ſhall them enjoy. *ſ.* 3.

The ſubjects taking ſuch ſhips, not having letters of ſafe conduct in the ſame ſhips, and bringing them within the realm, ſhall not be endamaged for ſuch taking, if they be ready to make reſtitution within reaſonable time after knowledge is made to them of the letters of ſafe conduct inrolled in chancery before the taking. *ſ.* 4.

By 31 *Hen.* 6. *c.* 4. If any ſubjects attempt to offend upon the ſea, or in any port under the king's obeiſance, againſt any ſtrangers in amity, league, or truce, or by ſafe conduct, and ſpecially in attaching of any ſuch ſtrange perſon, robbing of him, his ſhip or goods, or againſt any of his liege people, the chancellor (as well for the deliverance of any ſuch perſon, as for reſtitution of ſhip or goods) ſhall have authority, calling to him any of the juſtices, upon bills of complaint to make proceſs out of the chancery, as well againſt ſuch offenders as againſt any other perſons to whoſe hands ſuch perſon, ſhip, or goods, ſhall come, as for the deliverance and reſtitution of the ſame perſon, ſhip, and goods, and further to proceed to make the ſtrangers grieved to have full deliverance and reſtitution, and alſo their coſts and loſſes.

Salt.

By 5 Will. & Mar. c. 7. *The duties on ſalt* ſhall be within *the receipt of the commiſſioners of exciſe.* ſ. 5. *But by* 1 Ann. ſt. 1. c. 21. *It ſhall be lawful for her majeſty to appoint particular commiſſioners, ſeparate from the commiſſioners of exciſe, for the management of the duties on ſalt; and during ſuch time as her majeſty ſhall continue the ſame under the management of ſuch particular commiſſioners, the powers given to the commiſſioners of exciſe, ſhall be transferred to ſuch particular commiſſioners.* ſ. 26.

DUTIES.

Salt imported.

By 5 *Will. & Mar. c.* 7. There ſhall be paid for every gallon of ſalt, not being the product or manufacture of *England*, *Wales*, or *Berwick*, imported into the kingdom, over the preſent duties *, 3 *d.*—By 9 & 10 *Will.* 3. *c.* 44. *ſ.* 3. 7 *d.*—By 20 *Geo.* 3. *c.* 34. 2½ *d.*—And by 22 *Geo.* 3. *c.* 39. 2½ *d.*—Total 1 *s.* 3 *d. per gallon.*

Home-made Salt.

By 5. *Will. & Mar. c.* 7. There ſhall be paid for every gallon of ſalt, and rock ſalt made at the ſalt works, or taken out of the pits within *England*, *Wales*, or *Berwick*, 1½ *d.*—By 9 & 10 *Will.* 3. *c.* 44. 3½ *d.*—By 20 *Geo.* 3. *c.* 34. 1¼ *d.*—And by 22 *Geo.* 3. *c.* 39. 1¼ *d.*—Total 7½ *d. per gallon.*

And by 22 *Geo.* 3. *c.* 39. For every hundred weight of all ſalts called *Glauber* or *Epſom Salts*, made at any ſalt works in *Great Britain*, which ſhall be made at any ſalt work within *Great Britain*, 20*s.*

And for every ton of mineral alkali or flux for glaſs, which ſhall be made of any rock ſalt or ſalt rock, or from any brine or ſea water, in *England*, *Wales*, and *Berwick*, and alſo in *Scotland*, 20*s.* to be paid by the proprietor or manufacturer.

Scotch Salt.

By 20 *Geo.* 3. *c.* 34. There ſhall be paid for every buſhel of ſalt made at any ſalt works, or taken out of the pits in *Scotland*, 3 *d.*—And by 22 *Geo.* 3. *c.* 39. 3 *d.* more.

And for every buſhel imported from *Scotland* into *England*, *Wales*, or *Berwick*, by 20 *Geo.* 3. *c.* 34. 7 *d.*—And by 22 *Geo.* 3. *c.* 39. 7 *d.* †.

Exported to Ireland.

And by 9 *Ann. c.* 23. *made perpetual* by 3 Geo. 1. c. 7. There ſhall be paid for every ton of rock ſalt put on board any ſhip in *Great Britain* and exported to *Ireland*, 9*s.*

Duty on Pilchards cured for home Conſumption.

By 19 *Geo.* 3. *c.* 52. (*which ſee poſt*). Pilchards for home conſumption are to be entered at the next ſalt office, and a duty of 5 *s.* 2½ *d.* is to be paid for every caſk of 50 gallons.—*But ſee* 26 Geo. 3. c. 81. ſ. 15. *poſt, whereby the duties on fiſh were repealed.*

Allowances.

For the allowance on ſalt loſt at ſea, *&c.* ſee 5 *Will. & Mar. c.* 7. *ſ.* 21.—2 & 3 *Ann. c.* 14. *ſ.* 10. & 18.—4 *Ann. c.* 12. *ſ.* 11.—5 *Ann. c.* 29. *ſ.* 3.

——————On rock ſalt refined into white, ſee 10 & 11 *Will.* 3. *c.* 22. *ſ.* 6.

——————On certain ſalt fiſh exported, ſee 5 *Geo.* 1. *c.* 18. *ſ.* 6.

——————For waſte on ſalt exported, *&c.* ſee 25 *Geo.* 3. *c.* 63. *ſ.* 1. & 26 *Geo.* 3. *c.* 36. *ſ.* 1.

——————On beef and pork exported, ſee 5 *Ann. c.* 29. *ſ.* 8.—3 *Geo.* 2. *c.* 20. *ſ.* 15.

Drawbacks.

If any perſon ſhall export ſalt, as well foreign as *Engliſh*, or rock ſalt, the officer where the ſalt was made or imported, and the duty paid or ſecured, ſhall upon demand deliver *gratis* a certificate, that the duty hath been paid or ſecured; and the officer of the place where the ſalt is exported,

* The duties of cuſtoms now repealed and conſolidated by 27 *Geo.* 3. *c.* 13.

† Theſe duties appear to have been impoſed over the duties ſettled by the 8th article of the Union, 8 *Ann. c.* 8. which ſee under the title SCOTLAND, *poſt.*

ported, upon producing the certificate, and oath made of ſhipping off the ſalt, and of its not being relanded in *England* or *Wales*, ſhall give a debenture for repayment of the duty, which being produced to the officer where the duty ſhall have been paid or ſecured, ſuch ſecurity ſhall be diſcharged; and all money paid for the duty of the ſalt ſhall be repaid upon demand by the officer without fee. 5 *Will. & Mar. c.* 7. *ſ.* 11. 9 & 10 *Will.* 3. *c.* 44. *ſ.* 13. 20 *Geo.* 3. *c.* 34. and 22 *Geo.* 3. *c.* 39.

By 25 *Geo.* 3. *c.* 63. Perſons who ſhall export beyond the ſeas any *Glauber* or *Epſom* ſalts, made at any ſalt works in *Great Britain*, the duty whereof ſhall have been paid, ſhall upon ſuch exportation be intitled to a drawback of 10*s. per cwt.* upon the like terms as in caſes of exportation of foreign and *Engliſh* ſalt. *ſ.* 7.

By 5 *Will. & Mar. c.* 7. The duty hereby ſet on imported ſalt ſhall be paid upon entry, and before the landing, and in caſe any foreign ſalt ſhall be landed before entry made with the collector or officer for the duty on ſalt, or before the duty be paid, without warrant ſigned by the collector or officer for the duty on ſalt, ſuch imported ſalt, or the value thereof, ſhall be forfeited; nevertheleſs every perſon importing ſalt ſhall have ſix months time for payment, giving ſecurity; and in caſe ſuch importer ſhall pay ready money, he ſhall have ten *per cent. per annum* abated. *ſ.* 4.

All makers and proprietors of ſalt and rock ſalt ſhall make entries with the officers, of the quantities by them made, or taken out of any pits, and delivered or imported, and ſhall have a warrant of the officers, impowering ſuch maker or proprietor to carry away the ſame, before the ſalt ſhall be removed from the works; which warrant the officers are to give *gratis*, upon payment or ſecurity for payment of the duties within ſix months; provided that if any perſon at the time of the entry ſhall pay down the duty, ſuch perſon ſhall be allowed ten *per cent. per annum*. *ſ.* 6. alſo 9 & 10 *Will.* 3. *c.* 44. *ſ.* 7. *See* 5 Ann. c. 29. ſ. 4.

It ſhall be lawful for the officers to ſeize all ſalt which ſhall be conveyed before entry, without warrant; and the ſalt ſo ſeized ſhall be brought to the office next adjoining; and in caſe the ſalt ſhall not be claimed by the owner within ten days, the ſalt ſhall be forfeited to their majeſties, and ſhall be ſold the next day of ſale, one moiety of the proceed to be to their majeſties, and the other moiety to the party who ſeized the ſame; and in caſe ſuch ſalt ſhall be claimed, and the owner ſhall neglect to make it appear before the next juſtice, by oath of one witneſs, that the ſalt was duly entered, and a warrant obtained for the carrying the ſame, the ſalt ſhall likewiſe be forfeited: and every perſon who ſhall cauſe ſalt to be carried before entry made and warrant obtained, ſhall forfeit to their majeſties double the value of ſuch ſalt. *ſ.* 7. alſo 9 & 10 *Will.* 3. *c.* 44. *ſ.* 8.

No retailer nor ſhop-keeper ſhall be permitted to ſhip any ſalt to be ſent to any port within *England*, before he hath made it appear before commiſſioners for the duties granted by this act, or their officers, that the duty is paid or ſecured, or that it was bought of ſome other retailer that hath paid the duty. *ſ.* 8. alſo 9 & 10 *Will.* 3. *c.* 44. *ſ.* 9.

Every maſter of a ſhip, that ſhall tranſport ſalt or rock ſalt from one port to another within this kingdom, ſhall before he have any warrant for the delivering of ſuch ſalt, deliver to the officers a particular of the quantity, ſigned by the officers for the ſaid duties and by the officers of the cuſtoms of the port from whence the ſhip came; and the maſter or his mate, or the boatſwain, ſhall make oath before the commiſſioners, or their officers, that to his knowledge there hath not been taken into the ſhip any ſalt ſince they came from ſuch port; and in caſe ſuch ſhip be to deliver part of her ſalt at one port, and part at another, the officers for the ſaid duties and officers of the cuſtoms, when ſuch part ſhall be delivered, ſhall certify on the back of the cocquet, *tranſire*, or other warrant, or elſe by certificate under the hands and ſeals of the officers, what quantity of the ſalt hath been delivered, upon the penalty of double the value of the ſalt otherwiſe delivered. And no fee ſhall be taken for making or granting the warrants before-mentioned. *ſ.* 9. alſo 9 & 10 *Will.* 3. *c.* 44. *ſ.* 11.

The juſtices of peace, not concerned in making or ſelling ſalt, in every county, &c. in *England*, ſhall at every *Eaſter* and *Michaelmas* ſeſſions, ſet the prices of all ſalt and rock ſalt, to be ſold by the maker or firſt ſeller thereof, in the county, for the half year enſuing: and no maker or firſt ſeller ſhall ſell for more than the prices ſo ſet, over and above the duty payable by this act; upon pain of 5 *l.* and double the value of the ſalt, to be levied by diſtreſs and ſale, one moiety to their majeſties, and the other moiety to the informer. *ſ.* 12. Qu. *If this clauſe is in force? This power is altered and enlarged by* 7 & 8 W. 3. cap. 31. ſect. 92.

All ſalt brought into *England*, and not of the product of *England*, ſhall be deemed foreign ſalt imported. *ſ.* 13.

No perſon ſhall be capable of acting as commiſſioner for collecting the ſaid duties, until he ſhall before one of the barons of the exchequer take the oaths, and the oath following: *ſ.* 14.

You ſhall ſwear to execute your office truly and faithfully without favour or affection, and ſhall from time to time true account make and deliver to ſuch perſon and perſons as their majeſties ſhall appoint to receive the ſame, and ſhall take no fee or reward for the execution of the ſaid office from any other perſon than from their majeſties, or thoſe whom their majeſties ſhall appoint on that behalf.

So help me God, &c.

No perſon ſhall be capable of any office or employment relating to the ſaid duties, other than that of commiſſioner, until he ſhall before two of the commiſſioners, or two juſtices of peace, take the oaths, and the ſaid laſt mentioned oath, *mutatis mutandis*. *ſ.* 15.

No *certiorari* ſhall ſuperſede proceedings upon any order made by the commiſſioners or juſtices of peace, in purſuance of this act. *ſ.* 17.

No ſalt ſhall be delivered from any works without notice given to the officer, upon pain of forfeiture of the ſalt, and upon pain of 20 *l.* to be forfeited by the owner of the works. *ſ.* 19.

If any ſalt for which the duty ſhall have been repaid and diſcharged upon exportation, ſhall be landed in *England* before the duty be again paid, and all other things performed as where foreign ſalt is imported, every perſon ſo offending ſhall forfeit double the value of ſuch ſalt, and ſuch other penalties as are herein inflicted upon any perſon who ſhall land foreign ſalt contrary to this act. *ſ.* 20.

If any ſubject of this realm ſhall ſhip any ſalt or rock ſalt that hath paid the duty to convey it by ſea to any part of *England*, and the veſſel periſh at ſea, or be taken by enemies with ſuch ſalt on board, ſuch perſon ſhall, upon proof made at the quarter ſeſſions for the county, &c. wherein he doth inhabit, of the loſs of ſuch ſalt, receive from

from the ſeſſions a certificate, and upon producing the certificate to any officers of the duty, they are to let ſuch perſons buy the like quantity of ſalt, without paying any duty. *ſ.* 21.

It ſhall be lawful for proprietors of rock ſalt, to remove from the pits into their other ware-houſes, for conveniency of ſelling or ſhipping off the ſame, any rock ſalt after entry made and a warrant taken from the officer, which warrant the officer is upon demand to give without fee; and the proprietors ſhall not be obliged to pay or ſecure the duty, until the rock ſalt be ſold and delivered. *ſ.* 22.

Salt made at the ſalt works in the county of *Cheſter* ſhall be entered by weight, and 50 lb. ſhall be deemed a *Winchester* buſhel of eight gallons. *ſ.* 24.

The commiſſioners of exciſe ſhall keep apart the monies hereby granted, and pay weekly on *Wedneſday*, *&c.* all the monies into the receipt of the exchequer, apart from other monies. *ſ.* 29.

If the commiſſioners neglect to pay, or ſhall miſapply the ſame, they ſhall forfeit their offices, and be incapable of any place of truſt, and ſhall be liable to pay the value of any ſums ſo miſapplied, to any perſon who ſhall ſue for the ſame in any of their majeſties courts at *Weſtminſter*. *ſ.* 31.

It ſhall be lawful for their majeſties, out of the duties upon ſalt, to cauſe ſuch ſums to be paid for ſalaries or incident charges as ſhall be neceſſary. *ſ.* 33.

The head office of exciſe ſhall be continued within *London* or ten miles thereof, and there ſhall be continued a controller of exciſe, who ſhall keep a diſtinct account of all monies which ſhall ariſe by the ſaid duties upon ſalt, to which all perſons concerned ſhall have free acceſs. *ſ.* 34.

Receivers employed in the collecting the duties upon ſalt ſhall, between the 25th of *March* and the 29th of *September* yearly, deliver in their accounts thereof to the auditors of the impreſt, who ſhall examine upon oath the ſaid receivers. *ſ.* 5.—*This duty is made perpetual by* 7 & 8 Will. 3. c. 31. *repealed in part by* 3 Geo. 2. c. 20. *and revived by* 5 Geo. 2. c. 6. *and made perpetual by* 26 Geo. 2. c. 3.

By 7 & 8 *Will.* 3. *c.* 31. All ſalt made from rock ſalt (allowing the drawback) and all refined ſalt, or ſalt made from ſalt, either imported or made in *England*, is to be charged with the duty of one penny halfpenny *per* gallon. *ſ.* 43.

All ſalt at ſalt works (rock ſalt excepted) ſhall be aſcertained as to the payment of the duties, at fifty-ſix pounds weight to the buſhel. *ſ.* 44. *alſo* 9 & 10 *Will.* 3. *c.* 44. *ſ.* 34.

All ſalt brought from *Scotland* by land, and all imported ſalt, whether the ſame be of the product of this kingdom, *Wales* or *Berwick*, landed before entry made with the officer, and payment of duties ſhall be forfeited. *ſ.* 45.

Every collector or officer appointed to receive the ſaid duties, ſhall provide at every ſalt work, a beam, ſcale and weights, or ſteelyard, and ſhall have liberty to fix the ſame in ſome convenient place about ſuch ſalt work, for the weighing all ſalt that ſhall be delivered from ſuch work; and perſons living near ſuch ſalt work ſhall be admitted and ſworn to the true weighing all ſalt from thence before a juſtice of peace, which oath he is to adminiſter without fee; and ſuch weighers ſhall be paid by the collector. *ſ.* 46.

The officers are to deliver *gratis*, ſo many permits to each carrier of ſalt, as he ſhall demand, for ſuch ſeveral horſe loads as he ſhall load at one time. *ſ.* 47.

All perſons ſelling ſalt (except foreign ſalt) ſhall ſell the ſame after the rate of fifty-ſix pounds weight to the buſhel; and every perſon offending therein ſhall forfeit 5 *l.* to the informer. *ſ.* 49.

PART II.

The lord mayor and court of aldermen of *London* ſhall aſcertain certain reaſonable prices upon all ſalt to be ſold in *London*, and the bills of mortality; and the juſtices of peace ſhall at the general ſeſſions ſet prices upon all ſalt ſold within the ſeveral counties and places where they are juſtices, and ſhall from time to time alter the prices of ſalt, which prices are required to be obſerved by all perſons ſelling ſalt; and if any ſhall ſell at higher price, or refuſe to ſell at the prices aforeſaid, ſuch perſons ſhall forfeit 5 *l.* to be levied of the goods of ſuch offenders by diſtreſs and ſale by warrant of the lord mayor of *London*, or of any juſtice of peace for the place wherein ſuch diſtreſs ſhall be made; and in default of diſtreſs, it ſhall be lawful by warrant from the lord mayor, or any ſuch juſtice, to impriſon the offender until he pay the ſaid ſum. *ſ.* 92. *and re-enacted by* 9 Will. 3. c. 44. ſ. 39.

By 9 & 10 *Will.* 3. *c.* 6. No perſon dealing in ſalt ſhall ſell ſalt otherwiſe than by weight, after the rate of 56 pounds to the buſhel; and every perſon offending therein ſhall forfeit 5 *l.* to the informer. *ſ.* 1.

The offences againſt this act ſhall be heard and determined by any two juſtices of peace reſiding near the place where ſuch offence ſhall be committed; and the party aggrieved may appeal to the next quarter ſeſſions; and all juſtices of peace are required, upon complaint of any forfeiture made contrary to this act, to ſummon the party accuſed; and upon his appearance or contempt, to proceed to the examination of the fact; and upon proof by the oath of two witneſſes or the confeſſion of the party, to give judgment and iſſue warrants for the levying of ſuch forfeitures upon the goods of the offender, and to cauſe ſale to be made, if the ſame ſhall not be redeemed within ſix days; and for want of diſtreſs to impriſon the party until ſatisfaction. *ſ.* 2.

When any ſalt ſhall be entered to be put on board any ſhip, or carried by land, and the duty paid or ſecured, together with all monies then due by bond or otherwiſe upon account of ſalt before that time delivered, the officer ſhall, upon notice, by himſelf or a deputy, in the day time between ſun-riſing and ſun-ſetting, attend the weighing out ſuch ſalt without loſs of time; and in caſe he refuſe, he ſhall forfeit 40 *s.* to be recovered or mitigated by the ſame ways as the other penalties in this act. *ſ.* 3.

By 9 & 10 *Will.* 3. *c.* 44. In caſe any imported ſalt ſhall be landed before entry made, *&c. as in* 5 *Will. & Mar. c.* 7. *ſ.* 4. ſuch imported ſalt, or the value thereof, and alſo 10 *s.* for every buſhel, ſhall be forfeited; nevertheleſs every perſon importing ſalt ſhall have ſix months for payment, giving ſecurity; and in caſe ſuch importer ſhall pay ready money, he ſhall have ten *per cent. per ann.* abated.

Every perſon who ſhall convey ſalt before entry made and warrant obtained, ſhall forfeit to his majeſty double the value, and alſo 10 *s. per* buſhel. *ſ.* 10.

Every maſter of any ſhip that ſhall tranſport ſalt, or rock ſalt, from one port to another, ſhall deliver to the officers a particular of the quantity, *&c. as in* 5 *Will. & Mar. c.* 7. *ſ.* 9. upon the penalty of double the value of the ſalt that ſhall be otherwiſe delivered, and likewiſe 10 *s. per* buſhel. *ſ.* 12.

The following directions are to the ſame effect as 5 Will. & Mar. c. 7. ſ. 11, 12, 13, 14.

No ſalt ſhall be delivered without notice given to the officer, upon pain of forfeiting the ſalt, and 10 *s. per* buſhel, *as in* 5 Will. & Mar. c. 7. ſ. 19.—*ſ.* 26.

If any ſalt, for which the duty ſhall have been repaid or diſcharged upon exportation, ſhall be landed in *England* before the duty be again paid, *&c.* every perſon ſo offend-

ing ſhall forfeit double the value, and 10 *s. per* buſhel, *&c. ſ.* 27.—*as in* 5 Will. & Mar. c. 7. ſ. 19.

The following directions are to the ſame effect as 5 Will. & Mar. c. 7. ſ. 21, 22. 33.

All ſalt made from rock ſalt (allowing the drawback) and all refined ſalt, either imported or made in *England*, is to be charged with the ſaid duties. *ſ.* 33.

All ſalt landed before entry and payment of the duties ſhall be forfeited, and 10 *s. per* buſhel. *ſ.* 35.

The next ſections are the ſame as 7 & 8 Will. 3. c. 31. ſ. 46, 47. 49. 92.

If the commiſſioners neglect to pay into the exchequer, or ſhall miſapply any of the money, they ſhall forfeit their offices, and ſhall be incapable to ſerve his majeſty in any place of profit or truſt, and ſhall be liable to pay double the value of all ſums of money ſo miſapplied, to any perſon intitled to any payment out of the fund. *ſ.* 42.

The head office of exciſe ſhall be continued, with a ſufficient number of commiſſioners and a comptroller, for performing ſuch things as are by this act injoined, *ſ.* 43. *But ſee* 1 Ann. ſtat. 1. c. 21. *in page* 427.

The comptroller ſhall keep accounts of all monies which ſhall ariſe of the ſaid duties upon ſalt, to which all perſons concerned ſhall have free acceſs; and if ſuch comptroller ſhall neglect his duty therein, he ſhall forfeit his office, and be incapable, *&c.* and ſhall alſo forfeit 100 *l.* to any perſon intitled to any payment by this act. *ſ.* 44.

If any collector or receiver of the duties by this act granted ſhall detain any part of the monies contrary to his duty, he ſhall be diſmiſſed from his employment, and be charged with intereſt of twelve *per cent.* and be liable to anſwer treble damages to all perſons grieved; and if any collector or receiver ſhall miſapply any of the monies, he ſhall be diſmiſſed from his employment, and rendered incapable to ſerve his majeſty, and ſhall forfeit double the ſums miſapplied, to any perſon intitled to any payment out of the fund by this act ſettled. *ſ.* 45.

The directions enacted in 1 *Will.* 3. *ſt.* 2. *c.* 1. *ſee* "EXCHEQUER," for the ſpeedy payment of money thereby granted into the receipt of the exchequer by the collectors and receivers, and for the application thereof, and keeping accounts of the ſame, and all other proviſions and forfeitures thereby enacted in caſe of miſapplication, ſhall be applied for the application of the ſums hereby appropriated. *ſ.* 88.

By 10 & 11 *Will.* 3. *c.* 22. Every 75 pounds weight of rock ſalt taken out of any pit, ſhall be deemed a *Winchester* buſhel of eight gallons, and ſhall be taxed accordingly. *ſ.* 2.

Every proprietor of rock pits, who ſhall take any rock ſalt out of any ſuch pit, ſhall before the removal thereof cauſe the ſame to be weighed in the preſence of the officer for the duties on ſalt; which officer is required to attend at ſuch ſalt pits at all reaſonable hours, and thereof to make return to the commiſſioners, or to ſuch perſon as they ſhall appoint, leaving a copy of ſuch return with ſuch proprietor, and ſuch return ſhall be a charge upon ſuch proprietor; and if ſuch proprietor ſhall refuſe to weigh ſuch rock ſalt, in the preſence of the officer, when taken out of any pit, or ſhall ſuffer to be conveyed from ſuch pit any ſuch rock ſalt before the ſame ſhall have been weighed, he ſhall forfeit 20 *l.* and double the value of the rock ſalt removed. *ſ.* 3.

Every proprietor of rock pits ſhall clear off the duties of rock ſalt ſo charged within two days after ſuch charge made, or give ſecurity to pay the ſame within nine months; and every proprietor who ſhall not clear off, nor give ſecurity, ſhall forfeit double the duties. *ſ.* 4. *See* 5 Ann. c. 29. ſ. 5.

If any perſon ſhall within the two days after ſuch charges pay down the duty, he ſhall be allowed ten *per cent. per ann.* for the ſaid nine months. *ſ.* 5.

Where any ſuch rock ſalt, for which his majeſty's duties ſhall have been paid or ſecured, ſhall be melted and refined, the perſons who ſhall refine the ſame into white ſalt, ſhall have an allowance out of the duties of the white ſalt, of ſo much as was charged on the rock ſo refined, ſo as the rock was before the melting weighed in the preſence of the officer, and ſo as oath be firſt made before ſome juſtice of peace near adjoining, of the quantities of ſuch rock ſalt, by ſuch refiner employed in making white ſalt, and that he or any other by his privity did not increaſe the rock ſalt, by mixing or other undue practice, and that no former allowance for the ſaid rock ſalt had been made to his uſe, and ſo as proof be made that the duties for the rock ſalt ſo refined were paid or ſecured. *ſ.* 6.

For all ſuch rock ſalt, and refined ſalt made from rock ſalt, as ſhall be exported beyond the ſeas, there ſhall be paid for every buſhel, whereof the duties ſhall have been paid, after the rate of 75 pounds weight to the buſhel, and for every buſhel of ſuch refined ſalt made from rock ſalt, whereof the duties ſhall have been paid, after the rate of 56 pounds to the buſhel, the duties which ſhall have been ſo paid for every ſuch buſhel of rock ſalt or refined ſalt ſo exported, to the perſon exporting, by the officer appointed to collect the duties in the port from whence ſuch refined ſalt ſhall be exported, within two days after demand, on a debenture to be prepared by the collector of the cuſtoms, and verified by the ſearcher in ſuch port, as to the quantity of ſuch rock ſalt or refined ſalt ſhipped; and the oath of the exporter, or his agent, ſhall be taken before the principal officers of the port, before the debenture be allowed, that the duties were paid, and that ſuch rock ſalt or refined ſalt is ſhipped to be exported, and not intended to be relanded in *England*; for which debenture no fee ſhall be given; and in caſe the officer ſhall not have ſufficient money in his hands, then upon certificate thereof (which he is required to give *gratis*) the commiſſioners ſhall be chargeable with the payment out of the firſt money in their hands of the duties upon ſalt, and any officer neglecting to pay, or to give ſuch certificate, ſhall forfeit double the ſums to the party grieved, to be recovered by action. *ſ.* 7.

The duties upon rock ſalt, charged in purſuance of this act, ſhall be raiſed in ſuch manner as the duties upon ſalt or rock ſalt chargeable by the former acts. *ſ.* 8.

Any perſon aggrieved by any order or judgment of any two juſtices relating to the duties upon ſalt, may appeal to the next quarter ſeſſions. *ſ.* 9.

All rock ſalt and white ſalt that ſhall be ſhipped to be delivered as a commodity, either to be exported or to be unladen on the coaſts, ſhall be weighed at the place where the ſalt is to be taken on board, by ſuch officer as the commiſſioners ſhall appoint; and no ſuch ſalt ſhall be carried on board any ſhip till the ſame be ſo weighed or tendered to be weighed, and a permit obtained; under the penalty of forfeiting the ſalt, and 10 *s. per* buſhel to his majeſty; which permit ſuch officer ſhall give *gratis*, on the penalty of 5 *l.* to the party grieved. *ſ.* 10.

If the officer refuſe to weigh ſuch ſalt, or to give ſuch permit, it ſhall be lawful for the owner to carry the ſalt on board. *ſ.* 11.

It ſhall be lawful for the officers at every unlading port of ſuch ſhip to go on board before the delivery, and demand a ſight of ſuch permit, and to weigh the ſalt upon the unlading; and if the ſalt be found to be more than what is contained in the permit, the ſurpluſage ſhall be forfeited; and if the maſter of ſuch ſhip refuſe to ſhew the permit, it

ſhall be lawful for the officer to ſeize the ſalt until the permit be produced. *ſ.* 12.

If the permit be not ſhewn to ſuch officer within four days after the ſeizure, the ſalt ſhall be forfeited. *ſ.* 13.

By 1 *Ann. ſt. c.* 21. Every maker of ſalt, or refiner of rock ſalt, or proprietor of any ſalt works or ſalt pits, who ſhall erect to make uſe of any ſalt work, ſalt pit, ſtorehouſe, or other place, for the making, laying, refining, or keeping, of ſalt or rock ſalt, without giving notice thereof at the next ſalt office, ſhall forfeit for every ſalt work, *&c.* 40*l.* *ſ.* 1.

It ſhall be lawful for the officers to enter into all the works, ſtorehouſes and other places, made uſe of by any maker, refiner, or importer of ſalt, or proprietor of rock ſalt, for the better looking after the duties, and preventing frauds; and if any ſalt maker, *&c.* ſhall upon demand made by the officers in the day time, or in the night, in the preſence of a conſtable, or other officer of the peace, refuſe to permit ſuch officer to enter his works, *&c.* he ſhall forfeit 40*l.* *ſ.* 2.

Every perſon in whoſe cuſtody any ſalt removed from the works ſhall be found, which hath not been duly entered, and the duties paid or ſecured, ſhall, in caſe the ſame be foreign ſalt, be liable to the ſame penalties as if ſuch perſon had landed the ſame; or in caſe the ſame be *Engliſh* ſalt, then to ſuch penalties as if ſuch perſon had removed ſuch ſalt from the works without entry or paying the duties; unleſs he ſhall make it appear that he bought ſuch foreign or *Engliſh* ſalt of a maker, retailer, or importer. *ſ.* 3.

If any perſon ſhall remove ſalt from any ſalt works without entry and payment of the duties, or giving ſecurity, or without warrant, it ſhall be lawful for the officers not only to ſeize the ſalt, but alſo to apprehend the offenders, and carry them before one of her majeſty's juſtices of peace; and in caſe the offence be proved, and the offender ſhall not pay down the penalties, and no ſufficient diſtreſs can be found, it ſhall be lawful for the juſtice to commit ſuch offender to the houſe of correction, to be whipt and kept to hard labour for any time not exceeding one month; and if any perſon ſhall obſtruct any officer for the ſaid duties in the execution of his office, or ſhall beat and abuſe the officers in the execution of their offices, ſuch perſon ſhall forfeit 20*l.* and for non-payment, and in default of diſtreſs, it ſhall be lawful for any juſtice of peace, upon proof of ſuch offence, to commit ſuch offender to the houſe of correction, to be whipt and kept to hard labour for any time not exceeding one month. *ſ.* 4.

No perſon ſhall make uſe of brine before the ſame is boiled into ſalt, or of rock ſalt before the ſame is refined into white ſalt, for the curing of fleſh, or fiſh, or for preſerving of proviſions, upon pain of 40*s.* for every gallon of brine or pound of rock ſalt. *ſ.* 5.

Eighty-four pounds weight of foreign ſalt ſhall be deemed a buſhel. *ſ.* 6.

Where any ſhip laden with ſalt ſhall be found hovering on the coaſts, not proceeding on her voyage, it ſhall be lawful for the officers of the cuſtoms, or the duty on ſalt, to go on board ſuch veſſels, and compel them to come into port, and to continue on board until the ſalt be unladen, or the ſhip ſhall depart from the port; and if the perſons on board any ſhip importing ſhall neglect to enter or unlade ſuch ſalt twenty days after the ſame is come into port, or within that time to depart and proceed on their voyage, unleſs permitted by the chief officer of the cuſtoms to make a longer ſtay, all the ſalt on board ſuch ſhip ſhall be forfeited, and double the value thereof, to be recovered of the maſter. *ſ.* 7.

No foreign ſalt ſhall be imported in any ſhip of leſs burden than twenty tuns, and in bulk only (except for the proviſions of the ſhips) upon pain of forfeiting the ſalt, and double the value, to be recovered of the perſon importing. *ſ.* 8.

Sixty-five pounds of rock ſalt ſhall be deemed a buſhel. *ſ.* 9.

No rock ſalt ſhall be refined into white ſalt, except within ten miles of the pits, or at ſuch places as upon or before the 10th of *May* 1702 ſhall have been uſed for the refining of rock ſalt, under the pain of 40*s.* for every buſhel. *ſ.* 10. *See* 8 Geo. 2. c. 12. ſ. 2.

No debenture ſhall be made, or drawback allowed, for the exportation of any ſalt or rock ſalt for *Ireland*, until the exporter ſhall produce to the officer a certificate of the collector of the cuſtoms of the port in *Ireland* where ſuch ſalt ſhall be landed, of the quantity of ſalt landed, after the rate of 56 pounds to the buſhel in caſe the ſame be *Engliſh* white ſalt, and 65 pounds to the buſhel in caſe the ſame be *Engliſh* rock ſalt, and 84 pounds to the buſhel in caſe the ſame be foreign ſalt; which ſalt and rock ſalt is required to be weighed by the collectors, and the certificate to be made *gratis*. *ſ.* 11.

If any ſhip laden with ſalt to be carried beyond the ſeas ſhall come into any place in *England*, it ſhall be lawful for the officer of ſalt to enter ſuch ſhip, and there continue till the ſhip unlade her cargo or return to ſea; under the penalty of 20*l.* to be recovered of the maſter who ſhall refuſe ſuch officer to come on board; and if any perſon ſhall unlade any of the ſalt before entry or repayment of the duty, the whole cargo of ſalt ſhall be forfeited. *ſ.* 12.

Where any ſalt ſhall be laid on board any ſhip, either to be tranſported beyond the ſeas, or carried coaſtwiſe, the officer of the cuſtoms ſhall in the cockets (which ſhall be alſo ſigned by the officer for the duty on ſalt, and given without fee) expreſs the quantity of ſalt; and in caſe ſuch ſhip ſhall come into any port in *England*, it ſhall be lawful for the officers of the cuſtoms, or officers for the ſaid duties, to go on board ſuch ſhip, and demand a ſight of ſuch cocket, and (in caſe he have cauſe to ſuſpect that there is not ſo much ſalt on board as the quantity expreſſed in ſuch cocket, and ſhall make affidavit thereof before the collector or cuſtomer of the port) to weigh all the ſalt remaining on board; and in caſe there ſhall appear not to be ſo much as the quantity expreſſed in ſuch cocket (making allowance for the waſte, and for ſalt delivered at another port, and indorſed in the permit) the ſalt remaining ſhall be forfeited. *ſ.* 13.

No fiſh, for which allowances are given upon exportation, ſhall be landed in *England*, unleſs the owner of ſuch fiſh, or the maſter of the veſſel, ſhall make oath before the officer for the ſaid duties, that all the ſalt wherewith the fiſh was cured was laden from ſome part of *England*, and that no drawback or debenture for the ſame hath to his knowledge or belief been had, or is intended to be had, upon the exportation of the ſalt, or any part thereof; upon pain of forfeiting ſuch fiſh, and double the value thereof, to be recovered of the importer or proprietor. *ſ.* 14.

It ſhall be lawful for the officers for the duties on ſalt to go on board all ſhips importing or exporting ſalt or fiſh, and to continue on board to take account of ſuch ſalt and fiſh, and ſee the ſame weighed, landed or exported; and if any perſon ſhall obſtruct the officers, the perſon offending ſhall forfeit 20*l.* *ſ.* 15.

It ſhall be lawful for the officers, upon the exportation of any codfiſh, ling or hake, and before the ſame be laid on

board, to cut off part of the tail, to the intent it may be known that ſuch fiſh hath been ſo exported, and allowances obtained; and it ſhall be lawful upon the exportation of pilchards, ſcads, white herrings, red herrings, ſalmon or dried red ſprats, and before the ſame be laid on board, to mark any caſk wherein ſuch pilchards, *&c.* ſhall be exported. *ſ.* 16.

In caſe any codfiſh, ling or hake, or any pilchards, ſcads, white herrings, red herrings, ſalmon or dried red ſprats, ſhall after the ſame ſhall be exported, be fraudulently relanded or re-imported, the fiſh ſhall be forfeited, and double the value, to be recovered of the importer or proprietor. *ſ.* 17.

No dealer in ſalt ſhall act as a juſtice of peace in any matter relating to the duties on ſalt. And in caſe there ſhall not be a ſufficient number of juſtices in any corporation to hear and determine the offences relating to the ſaid duties, the juſtices of the county next adjoining ſhall have power to hear and determine all matters relating to the ſaid duties, as if they were juſtices for ſuch corporation. *ſ.* 18.

No allowance ſhall be paid on exportation of fiſh that ſhall not be well cured, or ſhall be unmerchantable, nor for any conger. *ſ.* 25.

Where any ſalt or rock ſalt ſhall be entered to be exported beyond the ſeas, the officers ſhall be impowered to take ſecurity from the merchants that intend to export ſuch ſalt, for the payment of the duties, without inſiſting that the original proprietor be bound. *ſ.* 27.

No perſon ſhall buy ſalt otherwiſe than by weight, and not by meaſure; under the penalty of 10 *s.* for every buſhel, to be paid by the perſon buying. *ſ.* 28.

Every perſon who ſhall give ſuch ſecurity *as in* 5 W. & M. c. 7. ſ. 6. *and* 10 & 11 W. 3. c. 22. ſ. 4. ſhall have liberty within 28 days after to pay the duty ſecured, and ſhall have a diſcount of ten *per cent. per annum.* *ſ.* 29.

No perſon ſhall cure or pack pilchards for ſale, unleſs he be owner or part owner of ſome ſeyn or of drift-nets, or have the conſent of ſuch owners in writing; and on each caſk of pilchards the words *ſeyn* or *drift* (according to the manner of their being taken) ſhall be burnt with an iron, together with the name of the owner, as alſo the number of pilchards contained in each caſk; under the penalty of double the value of the fiſh. *ſ.* 31.

By 2 & 3 *Ann. c.* 14. No ſalt of the produce of *England*, *Scotland*, or *Ireland*, nor any other ſalt coming from *Ireland*, *Scotland*, or the *Iſle of Man*, ſhall be imported into *England*, upon pain that all the ſalt ſo imported, *&c.* ſhall be forfeited, and that the ſhip ſhall alſo be forfeited; and every perſon that ſhall take any ſalt out of ſuch ſhip, or carry the ſame on ſhore, or convey the ſame from the ſhore, or be aſſiſting therein, ſhall forfeit 20 *l.* or ſuffer ſix months impriſonment. *ſ.* 1.

It ſhall be lawful for any of the officers for the duties upon ſalt, within two months after the landing any ſuch ſalt, to ſeize the ſalt, and alſo the ſhip; and in caſe the owner of ſuch ſalt or ſhip ſhall not within twenty days claim the ſalt and ſhip, and give ſecurity to anſwer the value, the ſalt and ſhip ſhall be ſold. *ſ.* 2.

Nothing in this act ſhall extend to any ſalt ſhipped to be carried coaſtwiſe by certificate from one port to another, according to former acts. *ſ.* 3.

In caſe where ſalt ſhall have been ſhipped to be exported, and the ſhip ſhall by ſtreſs of weather, enemies, or other neceſſities, be forced into any port in *England*, it ſhall be lawful for the owner of ſuch ſalt, or maſter of ſuch ſhip, within twenty days to reland the ſalt, ſo as due entry be made, and the duties be again paid down for the whole quantity that was entered to be exported, before any part thereof be relanded. *ſ.* 4.

Where any fiſherman ſhall have taken ſalt on board his veſſel from any part of *England* for ſalting of fiſh at ſea, it ſhall be lawful for ſuch fiſherman to land any ſuch ſalt, ſo as oath be made before the landing (which oath the officer for the ſaid duties is directed to adminiſter without fee) that the particular quantity to be landed was taken on board from ſome part of *England*, and at what place, and that no part thereof was taken out of any ſhip at ſea. *ſ.* 5.

Where any ſhip ſhall come into any port of *England* from *Ireland*, or other foreign part, having on board any ſalt which was taken in only for the proviſion of the ſhip, or for curing of fiſh, it ſhall be lawful to land the ſalt, ſo as entry be made thereof within ten days after coming into port, and the duties paid down or ſecured, before any part thereof be landed. *ſ.* 6.

No ſalt ſhall be brought out of *Scotland* by land into *England*, on pain of forfeiting the ſalt, and 20 *s.* a buſhel: and it ſhall be lawful for the officers for the duties upon ſalt to ſeize any ſalt ſo brought, and to apprehend the perſons who ſhall bring in the ſame, and carry them before any juſtice of peace near the place; and if, upon proof of the fact, ſuch offender ſhall not pay down the penalties, ſuch juſtice ſhall commit him to the next gaol for ſix months. *ſ.* 7.

As well the perſon who ſhall carry any ſalt without a permit, as the proprietor of the ſalt works, who ſhall deliver ſalt without notice, ſhall forfeit 20 *l.* *ſ.* 8.

It is declared that it is the intent of the acts, that any perſon exporting ſalt to *Scotland*, the *Iſle of Man*, or *Jerſey* and *Guernſey*, according to the directions of the acts, ſhall be intitled to a drawback of the duties, in ſuch manner as is directed by the acts. *ſ.* 9.

Where any ſalt or rock ſalt (the duties whereof ſhall have been paid or ſecured) ſhall be ſhipped in order to be exported beyond the ſeas, or carried coaſtwiſe, and the ſaid ſalt ſhall periſh by the ſinking of the ſhip, before the ſhip ſhall go out of port, and before the exporter ſhall be intitled to a drawback, the exporter or proprietor of the ſalt ſhall, upon proof made before the juſtices at the next quarter ſeſſions, receive from the ſeſſions a certificate, that ſuch proof was made, and upon producing the certificate to any collector of the ſaid duties, the collector ſhall let the proprietor buy the like quantity of ſalt without paying duty. *ſ.* 11. *See* 26 Geo. 2. c. 32. ſ. 6.

No herrings, pilchards, ſcads, codfiſh, ling, hake, ſalmon, or dried red ſprats, ſhall be landed within *England*, unleſs the owner of the fiſh, or the maſter of the veſſel, make oath before the officer for the ſaid duties, that all the ſalt wherewith the fiſh was cured was laden from *England*, and when and where the ſame was put on board, and that no drawback or debenture for the ſame hath to his knowledge or belief been had upon the exportation of any part thereof, or is intended to be had; upon pain of forfeiting ſuch fiſh, and double the value, to be recovered of the importer or proprietor. *ſ.* 13.

Nothing in this act ſhall prohibit the importing codfiſh, ling, or hake, caught and cured at *Newfoundland* or *Iſeland*, ſo as oath be made before the landing by the owner of ſuch fiſh, or the maſter of the veſſel, that all the fiſh came from *Newfoundland* or *Iſeland*, and were caught and cured there, and ſo as the fiſh be at the landing thereof tendered to the officer to have the tail cut; and in caſe any ſuch fiſh ſhall be landed before the ſame be tendered to the officer to have the tail cut, the fiſh ſhall be forfeited, and double the value, to be recovered of the importer or proprietor. *ſ.* 14.

Where any ſalt or rock ſalt ſhall be entered, and ſecurity given for the duties, and certified to the officer, no ſuch ſalt ſhall afterwards be entered for exportation by any perſon not bound in the ſecurity, until ſuch perſon find ſecurity for the duties (which the officer for the duties at the port where the ſame is ſo entered for exportation is required to take) and the ſame officer ſhall deliver *gratis* a certificate of ſuch new ſecurity, and upon producing ſuch certificate to the officer of the place where the duty was firſt ſecured, ſuch firſt ſecurity ſhall be diſcharged. *ſ.* 15.

Where any ſubjects of this realm do ſhip ſalt that hath paid the duty, to convey into ſome part of *England*, and the ſame or part thereof is loſt at ſea by ſtormy weather, or by being thrown over board for preſerving men's lives, or the veſſel, any owner of the ſalt ſhall, upon proof by the oaths of two witneſſes, whereof the maſter or mate of the veſſel to be one, before the juſtices at the quarter ſeſſions for the county or town wherein he doth inhabit, of the loſs of ſuch ſalt, and that the ſame was not occaſioned by any leakage of the ſhip, or by any default of the maſter or mariners, receive from the ſeſſions a certificate that ſuch proof was made; and, upon producing the certificate, the officers are required to let ſuch perſons buy the like quantity of ſalt without paying duty. *ſ.* 18.

Rock ſalt may be uſed in the making ſalt from ſea water in the ſalt works at *Lawn Marſh*, in the county of *Carmarthen*, ſo as her majeſty's duties for all the ſalt, proceeding as well from the rock ſalt as from the ſea water, be duly paid. *ſ.* 20.

By 4 *Ann. c.* 12. Where any ſalt or rock ſalt ſhall be ſhipped for exportation to *Ireland*, and the ſame ſhall periſh by ſinking the ſhip, or be taken by enemies, the exporter or proprietor ſhall, upon proof made at the quarter ſeſſions for the county or place from whence the ſame was exported, receive a certificate; and upon producing the certificate to the officer of the place where the duty ſhall have been paid or ſecured, ſuch ſecurity ſhall be diſcharged, and ſo much money as was paid for the duty ſhall be repaid upon demand by the officer without fee; the proof to be made within ſix months after ſuch loſs. *ſ.* 11. *Within two years by* 26 Geo. 2. c. 32. ſ. 7.

Nothing in 2 *Ann. c.* 14. contained ſhall prohibit the importing and landing any cod-fiſh, ling, or hake, caught and cured in the *North Sea*, upon making the like oath, and ſubject to the ſame reſtrictions, as is directed for cod-fiſh, *&c.* caught and cured at *Newfoundland* or *Iſeland*. *ſ.* 12.

By 5 *Ann. c.* 29. All foreign ſalt imported into *England*, ſhall upon the landing be weighed and locked up in the preſence of an officer, under the cuſtody of the importer, (who is to be at the charge of the ſtorehouſe), and ſuch officer as the commiſſioners ſhall appoint in the place where the ſame ſhall be imported; and it ſhall be lawful for the importer, in the preſence of an officer, and by permit, to have what quantity thereof his occaſion may require, not under a weigh or forty buſhels at a time, giving ſecurity for the duty of what he receives, payable in ſix months after delivery of ſuch ſalt; and in caſe he ſhall pay ready money, he ſhall have ten *per cent. per ann.* abated. *ſ.* 1.

If ſuch foreign ſalt ſhall not be ſecured as aforeſaid, the ſame ſhall be liable to payment of duties, and to ſuch penalties as if this act had not been made; and no ſalt ſo locked up ſhall be removed without notice given to the officer, and without a permit, upon pain of forfeiting ſuch ſalt, and 10 *s. per* buſhel, and alſo 20 *l.* for every offence, to be recovered from the perſon who imported the ſame; and every perſon who ſhall remove ſuch ſalt without notice, and without a permit, ſhall be liable to the like forfeitures of 10 *s. per* buſhel, and 20 *l.* for every offence. *ſ.* 2.

Where the whole quantity of foreign ſalt imported in any ſhip does not amount to forty buſhels, the duties ſhall be paid and ſecured according to the former laws. *ſ.* 3.

Any perſon who ſhall ſhip any *Engliſh* ſalt, or rock ſalt, to be carried coaſtwiſe, the duties having been paid or ſecured, ſhall have an allowance of three buſhels for every forty buſhels of white ſalt, and one buſhel and an half for every forty buſhels of rock ſalt, in conſideration of the waſte in carriage; which allowance ſhall be made but once for the ſame ſalt, although ſuch ſalt be carried from ſeveral ports: and the officer of the port where ſuch ſalt ſhall be firſt ſhipped, ſhall not only expreſs the allowance on the coaſt-cocket or *tranſire*, but alſo give *gratis* to the perſon ſhipping the ſame, a certificate of the number of buſhels ſhipped, and how much the allowance doth amount to; which certificate being produced to the officer who firſt received the duties, or took ſecurity for the ſame, he ſhall repay ſo much as he received for the duties of the ſalt to be allowed for waſte; and if the duties ſhall not then have been paid, the officer ſhall diſcount the allowance for waſte on the ſecurity. *ſ.* 4. *This allowance is reduced by* 25 Geo. 3. c. 63.

In all caſes where the time for payment of the duties on rock ſalt is appointed to be nine months, there ſhall be twelve months time allowed; and where the time for payment of the duties on other *Engliſh* ſalt is appointed to ſix months, there ſhall be nine months time allowed; and the ſecurities and diſcounts for prompt payment ſhall be regulated accordingly. *ſ.* 5.

For all white herrings exported from any place in *England* to parts beyond the ſeas, there ſhall be the like allowances as are to be made upon the exportation of white herrings from *Scotland*; to be paid by the officer appointed to collect the duties upon ſalt in the port from whence ſuch herrings ſhall be exported, within thirty days after demand, on a debenture to be prepared by the collector of the cuſtoms, and verified by the ſearcher as to the quantity of herrings ſhipped, and that the ſame were well cured and merchantable, and full packed; and the oath of the exporter ſhall be taken before the principal officers of the port before the debenture be allowed, that the herrings were cured with ſalt for which the duties had been paid and not drawn back, and that the ſame is really exported to parts beyond the ſeas, and not intended to be relanded in *England*; for which debenture no fee ſhall be taken: and in caſe the officer ſhall not have ſufficient money in his hands to pay the ſame, upon certificate thereof, (which he is required to give *gratis*,) the commiſſioners ſhall be chargeable with the payment, to be made out of the firſt money in their hands of the duties upon ſalt. And it ſhall be lawful for the officers, upon the exportation of any herrings, and before the ſame ſhall be laid on board, to mark any caſk wherein ſuch herrings ſhall be exported. *ſ.* 6. *See* 6 Ann. c. 12. ſ. 3.

In caſe any ſuch herrings ſhall be relanded, they ſhall be forfeited, and 20 *s. per* barrel, to be recovered of the importer or proprietor. *ſ.* 7.

For every barrel of ſalted beef or pork exported for ſale, there ſhall be the like allowances as are to be allowed upon exportation of ſuch beef and pork from *Scotland*; which ſhall be paid by the officer appointed to collect the duties upon ſalt in the port from whence ſuch beef or pork ſhall be exported, within 30 days after demand, on a debenture to be prepared by the collector of the cuſtoms, and verified by the ſearcher as to the quantity ſhipped, and that the ſame

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is good and merchantable; the oath of the exporter to be taken before the principal officers of the port, before the debenture be allowed, that the beef or pork was ſalted with ſalt for which the duties had been paid, and not drawn back, and that the ſame is exported to parts beyond the ſeas for ſale, and that any part thereof was not ſpent, or intended to be ſpent, for the ſhip's uſe, or intended to be relanded; for which debenture no fee ſhall be taken; and in caſe the officer ſhall not have money in his hands to pay the ſame, upon certificate thereof, (which he is to give *gratis*,) the commiſſioners ſhall be chargeable with the payment, to be made out of the firſt money in their hands of the duties upon ſalt. And it ſhall be lawful for the officers, upon exportation of beef or pork, and before the ſame ſhall be laid on board, to mark any caſk wherein ſuch beef or pork ſhall be exported. *ſ.* 8. *See* 3 Geo. 2. c. 20. ſ. 15.

In caſe any beef or pork ſhall be relanded, the ſame ſhall be forfeited, and 40 *s. per* barrel, to be recovered of the importer or proprietor. *ſ.* 9.

There ſhall be no debenture made out or drawback allowed for any ſalt landed in *Ireland*, unleſs the entry of the ſalt at exportation be made for ſome port in *Ireland*. *ſ.* 13.

Upon producing ſuch certificate, as is by law required, from the collector and proper officers of the port in *Ireland*, of the quantity of white ſalt and rock ſalt there landed, the exporter or proprietor ſhall have an allowance of four buſhels for every forty of white ſalt, and of two for every forty of rock-ſalt, put on board in *England* to be exported to *Ireland*, in conſideration of the waſte; and debentures ſhall be iſſued *gratis* accordingly, and the ſame ſhall be allowed or paid in like manner as debentures are payable for ſalt exported. *ſ.* 14. *But this allowance is reduced by* 25 Geo. 3. c. 63.

No perſon who ſhall export rock ſalt, or ſalt refined from rock ſalt, ſhall have any other allowance on prompt payment and exportation by debenture, than what was before paid for the duty; and no perſon giving bond for the duty, and paying the ſame in 28 days after, ſhall be entitled on exportation to any other advantage, than to ſuch a debenture as ſhall diſcharge the bond. *ſ.* 16.

Perſons importing foreign ſalt ſhall be charged with the duties for the full quantity cellared; and if upon clearing any cellar, there be any want of the quantity, the importer ſhall be anſwerable. *ſ.* 17.

By 6 *Ann. c.* 12. All perſons that ſhall ſhip ſalt to be carried coaſtwiſe by cocket or *tranſire* twenty miles by ſea, or from the port of *Great Yarmouth* to *Loweſtoff* or *Southwold Bay*, although unto a member or creek of the port from whence it was ſhipped off, ſhall have an allowance of three buſhels for every forty of *Engliſh* white ſalt, and one buſhel and an half for every forty of *Engliſh* rock ſalt, in conſideration of waſte. *ſ.* 1. *But ſee* 25 Geo. 3. c. 63.

Rock ſalt may be uſed in making ſalt from ſea water in the ſalt works near *Holyhead* in *Angleſea*. *ſ.* 2.

For all white herrings exported from any port in *England* to parts beyond the ſeas, there ſhall be the allowances made as are directed by 5 *Ann. c.* 29. *ſ.* 3. upon oath of the exporter, or his agent, that he bought the herrings in the debenture mentioned, and that the ſame were cured with ſalt for which the duties had been paid and not drawn back to the beſt of his knowledge and belief, and that the ſame are really exported to parts beyond the ſeas, and not relanded or intended to be relanded in *England*; in which oath ſhall be inſerted the name of the perſon of whom the ſaid herrings were bought. *ſ.* 3.

By 9 *Ann. c.* 23. During 32 years, there ſhall be paid to her majeſty, 9*s.* for every ton of rock ſalt put on board any ſhip in *Great Britain* and exported to *Ireland*, over and above the preſent duties, to be paid by the exporter, upon entry out for exportation, to the officer of the port where ſuch rock ſalt ſhall be put on board, and before any cocket ſhall be granted for the ſame; and the officer ſhall ſign a certificate or receipt for ſuch money as ſhall be paid by ſuch exporter. *ſ.* 44.

Made perpetual by 3 Geo. 1. c. 7. *But by* 8 Geo. 1. c. 15. ſ. 7. *all duties on the exportation of any goods of the product of* Great Britain, *not therein excepted, are taken off.*

No drawback ſhall be allowed for duties formerly granted on rock ſalt, which ſhall be landed in *Ireland*, unleſs ſuch receipt for the duty hereby granted, ſhall be firſt delivered up to the officer authoriſed to allow ſuch drawback. *ſ.* 45.

In caſe any ſhip carrying rock ſalt to *Ireland* ſhall be loſt at ſea, or taken by the enemy, upon proof made thereof upon oath, and producing the receipt, that the duty hereby granted was actually paid upon entry out in *Great Britain*, the officer who received the money ſhall repay the ſame without fee. *ſ.* 46.

The monies ariſing by the ſaid duties on rock ſalt ſhall be brought into the receipt of the exchequer. *ſ.* 47.

There ſhall be appointed commiſſioners and officers for collecting the ſaid duties, and they ſhall perform their duties under the penalties preſcribed by 9 *Will.* 3. *c.* 44. *ſ.* 48.

By 12 *Ann. ſt.* 2. *c.* 2. The maſter of any veſſel bound on a fiſhing voyage to the north ſeas or *Iſeland*, may take on board, in *Great Britain*, ſuch quantities of *Britiſh* ſalt as he ſhall judge proper for his voyage, paying or giving ſecurity to pay the duties; which money ſhall be repaid, or ſecurity diſcharged, as herein after mentioned. *ſ.* 1.

The officer of the place where the ſalt was made, and the duties paid or ſecured, ſhall deliver *gratis* to ſuch maſter a certificate of the quantity of ſalt ſhipped for the north ſeas or *Iſeland*, and that the duties have been paid or ſecured. *ſ.* 2.

Codfiſh, ling, or hake, caught and cured at the north ſeas, or at *Iſeland*, may be imported, ſo as oath be made before the landing, by the owner of ſuch fiſh, or the maſter of the veſſel, before the officer for the ſaid duties in the port where ſuch fiſh ſhall be brought in, that all the fiſh came from the north ſeas or *Iſeland*, and were caught and cured there; and ſo as the ſaid fiſh be at the landing tendered to the officer to have the tail cut; and in caſe any ſuch fiſh be landed before the ſame be tendered, the ſame ſhall be forfeited, and double the value to be recovered of the importer or proprietor. *ſ.* 3.

If any of the ſalt made uſe of in curing the fiſh ſhall remain, ſuch foul ſalt ſhall be thrown over-board in preſence of the officer, before the collector ſhall ſign his certificate. *ſ.* 4.

If any of the ſalt taken on board for curing of fiſh ſhall not have been uſed, it ſhall be lawful for the maſter of ſuch ſhip to land the ſalt, ſo as entry be made within ten days after his coming into any port in *Great Britain* that he ſhall firſt arrive at, and the duties paid, before ſuch ſalt be taken out of ſuch ſhip; and if ſuch maſter neglect to enter ſuch ſalt and pay the duties within the ten days, (except in caſe of his being driven into any port, or detained by ſtreſs of weather or contrary winds, or other neceſſities,) all the ſalt on board ſuch ſhip ſhall be forfeited, and double the value, to be recovered of the owner of ſuch fiſh, or the maſter of the veſſel. *ſ.* 5.

The maſter of ſuch veſſel, upon producing to the collector of the ſalt-duties for the port where he imports his fiſh, ſuch certificate of the quantity of ſalt taken on board, and

and that the duties were paid or ſecured, and making oath before the collector, of the quantity of ſalt made uſe of in curing of codfiſh, ling, or hake, caught and cured at the north ſea, or at *Iſeland*, and that the fiſh have been all marked, ſhall receive *gratis* from the collector a certificate of the ſame; which, together with a certificate of the payment of the duty of the remainder of the ſalt, if there be any, being produced to the collector for the place where the duties were paid or ſecured, ſuch ſecurity ſhall be diſcharged, and all money paid for the duty ſhall be repaid upon demand by the collector, without fee. *ſ.* 6.

If the maſter of ſuch veſſel ſhall have taken in any *Britiſh* ſalt, for the curing of fiſh in the north ſeas, or at *Iſeland*, the duties having been paid or ſecured, and the veſſel ſhall either periſh at ſea, or be taken by enemies with ſuch ſalt on board; any perſon owner of the ſalt ſhall, upon proof made at the quarter ſeſſions for the county, *&c.* wherein he doth inhabit, of the loſs of ſuch ſalt, receive a certificate that ſuch proof was made; and upon producing the certificate to the officer of the place where the duty ſhall have been paid or ſecured, ſuch ſecurity ſhall be diſcharged, and ſo much money as was paid for the duty ſhall be repaid upon demand by the officer; provided ſuch proof be made within nine months after ſuch loſs. *ſ.* 7.

By 5 *Geo.* 1. *c.* 18. The allowances relating to the duties on ſalt upon the exportation of fiſh ſhall not be paid, but the curers of fiſh ſhall be allowed to import foreign ſalt, or take from any ſalt works ſuch quantity of *Britiſh* ſalt, where the ſame is allowed by law, as they ſhall think proper, for curing fiſh for foreign markets, without paying any duty, except the cuſtoms payable on importation; ſuch foreign ſalt being landed, and ſuch *Britiſh* ſalt being taken from the works, and weighed in the preſence of an officer, and lodged in a warehouſe under the key of the officer and proprietor; which ſalt ſhall remain in the joint cuſtody of the officer and proprietor, during the intervals of the fiſhing ſeaſons, the proprietor entering at the next ſalt office the quantity, and the officer keeping an account of the quantities in his cuſtody: and at the beginning of every fiſhing ſeaſon, the proprietor ſhall make oath in writing at the next office, of the quantity ſo lodged, and that all the ſalt is intended for curing of fiſh for exportation, and that by his conſent or connivance it ſhall not be ſold or delivered, but for the purpoſes aforeſaid; after which oath filed in the office, the officer ſhall deliver the ſalt into the ſole cuſtody of the proprietor: and at the end of every fiſhing ſeaſon the officer ſhall take accouut of the quantities of foreign and *Britiſh* ſalt remaining in hand, which ſhall be locked up in the joint cuſtody of the officer and proprietor; and the proprietor ſhall, at the end of every fiſhing ſeaſon, deliver an account in writing into the ſalt office, of the quantity of fiſh ſhipped to be exported, on which the ſalt was conſumed, together with certificates by the officers of the ſeveral ports where the ſaid fiſh were ſhipped, which account ſhall be affirmed by the oath of the proprietor, or his agent; and in caſe any of the ſalt ſhall be delivered over to other perſons, and uſed by them in curing of fiſh, the quantities thereof ſhall be expreſſed in the account; and each perſon to whom ſuch ſalt ſhall be delivered, or his agent, ſhall likewiſe on oath make another account of the quantity of the ſalt uſed by them; which account, with proper certificates, ſhall likewiſe be delivered into the office; but if ſuch proprietor ſhall, for ſix months after the end of the fiſhing ſeaſon, neglect to deliver ſuch account, he ſhall forfeit 40*l.* *ſ.* 1.

For every buſhel of ſalt taken out of the cellars or ſalt works, which ſhall not be accounted for or certified from the quarter ſeſſions to be loſt at ſea, or ſhall not be returned into the cellars at the end of every fiſhing ſeaſon, the proprietor, or his agent, who took out the ſame, or the perſon to whom it was delivered for curing of fiſh, ſhall forfeit 20*s.* And every perſon ſelling, uſing, or delivering ſuch ſalt, otherwiſe than for the purpoſes aforeſaid, ſhall for every buſhel forfeit 20*s.* one third to his majeſty, and the remainder to the informer; and every perſon buying or uſing ſuch ſalt, otherwiſe than for curing of fiſh, ſhall forfeit 20*s.* for every buſhel; and in default of payment within 14 days after conviction, and where no ſufficient effects can be found to anſwer the ſame, the offender ſhall be ſent to the houſe of correction, to be whipped and kept to hard labour, not exceeding three months. *ſ.* 2.

For every buſhel of ſalt ſo lodged, which ſhall be carried away, or found wanting at the re-delivering thereof into the ſole cuſtody of the proprietor, (allowance for waſte being made,) the proprietor ſhall forfeit 20*s.* *ſ.* 4.

Any perſon who ſhall take away or miſapply any foreign ſalt, before it is cellared for the curing of fiſh, ſhall forfeit 20*s.* for every buſhel, reckoning ſuch ſalt at 80 pounds to the buſhel. And any perſon who ſhall take away, *&c.* any *Britiſh* ſalt, after it is weighed and carried from any ſalt work, and before it is locked up by the proprietor and officer, ſhall forfeit 10*s.* for every buſhel, at 56 pounds weight to the buſhel. *ſ.* 4.

The rates hereafter expreſſed ſhall be allowed for all fiſh hereafter mentioned, exported to places beyond ſea, *viz.* for every caſk of pilchards or ſcads, containing 50 gallons, 7*s.* † For every 100 of codfiſh, ling, or hake, (except haberdine,) in length 14 inches, from the bone in the fin to the third joint in the tail, 3*s.* (by 26 *Geo.* 3. *c.* 81. *ſ.* 16.) For every barrel of wet codfiſh, ling, or hake, containing 32 gallons, 2*s.* For every 100 weight of dried codfiſh, ling, or hake, called haberdine, 3*s.* For every barrel of ſalmon, containing 42 gallons, 4*s.* 6*d.* For every barrel of white herrings, containing 32 gallons, 2*s.* 8*d.* For every barrel of full red herrings, containing 32 gallons, 1*s.* 9*d.* For every barrel of clean ſhotten herrings, containing 32 gallons, 1*s.* For every laſt of dried red ſprats, 1*s.* Which allowances ſhall be paid by the collector of the duties on ſalt in the port from whence ſuch fiſh ſhall be exported, within 30 days after demand, on a debenture to be prepared by the collector of the cuſtoms, and verified by the ſearcher as to the quantity; and on oath of the exporter, that the fiſh were *Britiſh* taken, and really exported for parts beyond the ſeas, and not relanded, nor intended ſo to be, in *Great Britain*; for which debenture no fee ſhall be taken; and if the officer have not ſufficient money in his hands, on his certificate the commiſſioners ſhall be chargeable with the payment, to be made out of the firſt money of the ſaid duty. And the debentures for fiſh exported from *Scotland*, ſhall be paid by the commiſſioners of the cuſtoms or exciſe in *Scotland*, at the option of the merchant. And any officer refuſing to pay the money, or to give ſuch certificate, ſhall forfeit double the ſum to the party grieved, to be recovered by action, *&c.* And the officers for the duty on ſalt, before any codfiſh, ling, or hake, ſhall be laid on board for exportation, ſhall cut off part of the tail of every fiſh, and mark the barrels wherein any pilchards, ſcads, white or red herrings, ſalmon, or dried red ſprats, ſhall be exported; and if any the beforementioned fiſh ſhall be fraudulently re-imported, they ſhall be forfeited, and double the value, to be recovered of the

† And by 25 *Geo.* 3. *c.* 58. and 26 *Geo.* 3. *c.* 45. an additional 2*s.* —total 9*s.*

importer

importer or proprietor; and no allowance ſhall be paid for the exportation of any fiſh not well cured, or unmerchantable. *ſ.* 6.

The officers of the ſalt duties, when fiſh are curing, bulking, or packing, and at other times, may in the day, or in the night, with a conſtable, or other peace officer, enter into the cellars and warehouſes of the curers of fiſh, to inſpect them, and to gauge the ſalt for the diſcovery of any frauds, and to mark the caſks wherein the fiſh are put for exportation. And if any perſon ſhall hinder any ſuch officer in the performance of his duty, he ſhall forfeit 10 *l.* *ſ.* 7.

Where any fiſh, entitled to any allowance on exportation, ſhall be loaden and duly entered, and ſhall be loſt or ſpoiled before the ſhip's proceeding on her voyage; the officer ſhall on proof thereof upon oath before any of the chief officers of ſuch port, by the proprietor of the fiſh, or his agents, make out debentures for the bounty, as if it had been actually exported; provided the fiſh was ſunk in the ſea or port where the ſaid ſhip was loſt, in ſight of the officer, where any of the ſaid fiſh ſhall come a-ſhore, and that no uſe be made of it by the proprietor; and the officer is to cauſe ſuch fiſh to be burnt or deſtroyed. *ſ.* 8.

If any red herrings or ſprats ſhall, during the time of their drying or curing, be burnt, and rendered unfit for uſe; the number ſhall be computed by the proprietor, in conjunction with the officer; which computation, added to the account given in of the quantity of herrings or ſprats exported or ſhipped for exportation, ſhall be accepted at the office, in the ſame manner as if all the herrings, *&c.* had been exported. *ſ.* 10.

Salt imported from the iſlands of *Jerſey*, *Guernſey*, *Sark*, and *Alderney*, ſhall be liable to the ſame duties as other foreign ſalt. *ſ.* 11.

The contents of the herring and ſalmon barrel ſhall be the ſame throughout the whole united kingdom, *viz.* the herring barrel ſhall contain 32 gallons, and the ſalmon barrel 42; and all exportation in barrels of a different ſize ſhall be unlawful, and ſhall not entitle the exporter to any premium. *ſ.* 15.

Herrings or ſalmon may be exported in half barrels, according to the proportion above-mentioned, but in no caſk of any other ſize; and they ſhall be entitled to a proportionable premium. *ſ.* 16.

Every perſon who ſhall carry brine from the pits (other than the proprietors of pans for boiling the ſame into white ſalt) ſhall forfeit 40 *s.* for every gallon. *ſ.* 17.

If any maſter of a ſhip, who ſhall import into *Great Britain*, any ſalt taken in for the proviſions of the ſhip, or for curing of fiſh, ſhall not enter and pay, or ſecure, the duty for the ſame, within ten days after coming into any port, and before the ſame be landed, the ſalt ſo imported ſhall be forfeited, and the maſter or owner ſhall likewiſe forfeit double the value. *ſ.* 18.

No proprietor of ſalt works, or who hath any intereſt in, or any rent or profit iſſuing out of, any ſalt pits, *&c.* ſhall act as a juſtice of peace in any matter relating to the duties on ſalt. *ſ.* 19.

Every maſter of any veſſel, who ſhall tranſport any foreign ſalt from *Scotland*, or any the iſlands thereto belonging, to *England*, or from one port to another in *Great Britain*, ſhall, before landing or delivering ſuch ſalt, deliver to the officers for collecting the duties on ſalt, a particular of the quantity ſigned by the officers of ſalt and cuſtoms for the port whence the veſſel came; and the maſter, his mate, or boatſwain, ſhall make oath before the commiſſioners for the ſalt duties, or their officers, that to his knowledge, there hath not been taken into the veſſel any ſalt ſince he came from ſuch port: and if ſuch veſſel be to deliver part of her ſalt at one port, and part at another, the officers of the ſalt duties and of the cuſtoms, where ſuch ſalt ſhall be delivered, ſhall certify on the back of the cocquet or *tranſire*, or elſe by certificate, what quantity of the ſalt hath been delivered, on penalty of double the value of the ſalt otherwiſe delivered, and 10 *s.* *per* buſhel. *ſ.* 20.

It ſhall be lawful for the ſalt officers, at any unlading port, to go on board ſuch veſſel, before the delivery, and demand a ſight of the cocquet, and to weigh the ſalt upon the unlading; and if the ſalt be found to be more in weight than what is contained in the cocquet, the ſurpluſage ſhall be forfeited, one half to the king, the other to the informer: and if the maſter refuſes to ſhew the cocquet, the officer may ſeize the ſalt, and detain it till the cocquet be produced; and if it be not produced in four days, the ſalt ſhall be forfeited. *ſ.* 21.

The officers of the cuſtoms, or of the duties on ſalt, may go on board any veſſel to ſearch if there be any ſalt on board, and may ſeize the ſame, if it be found on board any other veſſel than that in which ſuch ſalt was imported, unleſs it had been duly entered, or the duties paid or ſecured; and all ſuch ſalt ſhall be forfeited, or the value thereof, to be recovered of the maſter or owner of ſuch veſſel, who ſhall likewiſe be liable to all other penalties, as if the ſame had been landed without entry or payment of the duties: and every perſon, who ſhall hinder any officer in going on board any veſſel and ſearching, ſhall forfeit 40 *l.* *ſ.* 22.

No ſalt or rock ſalt, *&c.* nor any herrings, pilchards, ſcads, codfiſh, *&c.* ſhall, after the ſame be put on board any veſſel, to be exported, be taken out of ſuch boat, *&c.* otherwiſe than to put the ſame into the ſhips in which they are to be exported, nor put on ſhore, except in the preſence of ſome ſalt officer, under the penalties in the act 2 *Ann.* *c.* 14. *ſ.* 23.

If any foreign ſalt be put on ſhore before entry, or the duty paid, or without a warrant; the perſon landing the ſame, or conveying it from the ſhore, or aſſiſting therein, ſhall, over and above the penalties already given, forfeit 100 *l.* *ſ.* 24.

On reſhipping any ſalt, *Britiſh* or foreign, or any rock ſalt, from any boat, into any ſhip, and before any diſpatches for the ſalt ſo reſhipped be granted, the maſter, *&c.* that comes along with the ſalt to be ſhipped on board another veſſel, ſhall make oath before the ſalt officer, that all the ſalt he took in is truly reſhipped, and that there was no ſalt added to it, or taken from it, to the beſt of his knowledge, on penalty of forfeiting double the value of the ſalt that ſhall be otherwiſe reſhipped, and alſo 10 *s.* *per* buſhel. *ſ.* 25.

All penalties given by any law relating to the duties on ſalt, (except where it is otherwiſe directed by this act,) ſhall be one moiety to the crown, the other to the officer who ſhall ſeize, or inform for the ſame, to be recovered in ſuch manner, and with ſuch power of mitigation, as by the laws of exciſe; or by action in any of the courts at *Weſtminſter*. And all ſalt officers are empowered to ſeize all ſalt and other things, which by this or any other act relating to the duties on ſalt, are declared to be forfeited. *ſ.* 26.

Perſons ſued for any thing done in execution of any act relating to the duties on ſalt, may plead the general iſſue, and ſhall recover double coſts. *ſ.* 27.

By 8 *Geo.* 1. *c.* 4. At the beginning of every fiſhing ſeaſon for herrings, the proprietors of ſalt delivered duty-free for the curing of herrings for exportation, purſuant to

5 *Geo.*

5 *Geo.* 1. *c.* 18. or their agents, ſhall, inſtead of the oath required by that act, make oath in writing before the officer for the duty on ſalt, at the office neareſt to the place where the ſalt is lodged, declaring the quantity of foreign or *Britiſh* ſalt lodged for curing of fiſh, and that all the ſaid ſalt is intended for the curing of fiſh for exportation only, and ſhall not by their order, conſent, or connivance, be ſold or delivered but for the purpoſe aforeſaid, except ſo much as ſhall be uſed for curing ſuch red herrings, as ſhall be entered with the officer for home-conſumption, and charged with the duties by this act chargeable. *ſ.* 1.

Every curer of red herrings, before he remove any red herrings (except for exportation) from the place where cured, ſhall make entry thereof at the next ſalt-office, and pay a duty of 1*s.* 8*d.* for every thouſand; and in caſe ſuch red herrings ſhall be packed up in caſks, the number of herrings in each caſk ſhall be marked on the head; and upon entry, payment of the duty, and marking each caſk, a permit ſhall be given *gratis* by the officer, expreſſing the number of red herrings for which the duties ſhall be paid, and the marks and number of ſuch caſks, and for what place the ſame are intended, and whether to be ſent by land or water carriage, on forfeiture of the red herrings removed before entry, and the duty paid, and without the caſks being marked, and permit obtained, and of the caſk in which ſuch herrings ſhall be found, and alſo of 40*s.* for every thouſand, to be recovered from the perſons who ſhall remove the ſame; one moiety to the king, the other to the officer who ſhall ſeize or inform for the ſame; to be ſued for in ſuch manner, and with ſuch power of mitigation, as by any law of exciſe, or by action, *&c.* in any court at *Weſtminſter*; and all officers of the cuſtoms, exciſe, or duties upon ſalt, are empowered to ſeize ſuch red herrings ſo removed. *ſ.* 2. *But ſee* 26 Geo. 3. c. 81. ſ. 15. *poſt.*

The proprietors of ſalt delivered duty free for curing red herrings for exportation, ſhall, in the account which after the end of every fiſhing ſeaſon they are to deliver into the ſalt office, expreſs alſo the quantity of red herrings entered for home conſumption, on which ſuch ſalt has been uſed. *ſ.* 3.

Where fiſh entered for exportation may not be exported for want of opportunity, the owner may cauſe them to be deſtroyed in the preſence of an officer of the ſalt duties; and his certificate that the fiſh were deſtroyed, ſhall be admitted to verify the account of the proprietor of the ſalt. *ſ.* 4.

In caſe the duties of exciſe on ſalt (which now amount to 3*s.* 4*d.* *per* buſhel on home-made ſalt, and 6*s.* 8*d.* *per* buſhel on foreign), or any of them, ſhall ceaſe, the duty of 1*s.* 8*d.* *per* thouſand hereby impoſed on red herrings, ſhall ceaſe, or be leſſened in proportion. *ſ.* 5.

All ſuch foreign or *Britiſh* ſalt, as ſhall be delivered for curing of fiſh for foreign markets, ſhall be accounted for yearly, within three months after the expiration of each year; and every perſon who ſhall receive into his cuſtody any ſalt, duty free, for curing of fiſh for foreign markets, that ſhall neglect to weigh over to the officer what ſhall remain, or to deliver, within three months after the expiration of each year, accounts of the ſalt received, and of the fiſh cured therewith and exported, with a certificate by the officers of the port where the fiſh was ſhipped (which certificates ſuch officers are to give *gratis*) ſhall forfeit 10*s.* *per* buſhel, to be recovered of the proprietors or perſons for whoſe uſe the ſalt was delivered; one moiety of which penalties to be to the king, the other to the officer who ſhall ſue or inform for the ſame; to be ſued for, *&c.* as by any law of exciſe, or by action, *&c.* in any court at *Weſtminſter*, or in the exchequer in *Scotland*. *ſ.* 10.

Owners of ſalt which after the payment of the duty ſhall be loſt in the ports, ſhall, upon ſuch proofs thereof as by the act 2 *Ann. c.* 14. be intitled to ſuch certificate and privilege, as the owners of ſalt loſt at ſea. *ſ.* 11. *See* 26 Geo. 2. c. 32. ſ. 6.

By 8 *Geo.* 1. *c.* 16. At the beginning of every fiſhing ſeaſon for herrings, the proprietors of the ſalt delivered duty free for curing of white herrings for exportation purſuant to 5 *Geo.* 1. *c.* 18. ſhall, inſtead of the oath thereby required, make oath before the ſalt officer of the next office, declaring the quantity of foreign or *Britiſh* ſalt lodged for curing of fiſh, and that all the ſalt is intended for curing of fiſh for exportation only, and ſhall not be ſold or delivered but for that purpoſe; except ſo much as ſhall be uſed for curing ſuch white herrings, as ſhall be entered with the officer for home conſumption, and charged with the duties by this act chargeable. *ſ.* 1.

Every curer of white herrings in *England*, before he remove any white herrings (except for exportation) from the place where cured, ſhall make entry thereof at the next ſalt office, and pay a duty of 3*s.* 4*d.* for every barrel containing 32 gallons; and every caſk in which ſuch white herrings ſhall be put up, ſhall have a mark on the head, ſhewing the contents; and a permit ſhall be given *gratis* by the ſalt officer, expreſſing the quantity of white herrings for which the duties ſhall be paid, and the marks and numbers of the caſks, and for what place intended, and whether to be ſent by land or water carriage; on forfeiture of the white herrings and of the caſks, and alſo 40*s.* for every caſk, to be recovered of the perſon who ſhall remove the ſame; one moiety to the king, the other to the officer who ſhall ſeize or inform for the ſame; to be ſued for, *&c.* as by any law of exciſe, or by action, *&c.* and all officers of the cuſtoms, exciſe, or duties upon ſalt, are authoriſed to ſeize all white herrings removed before entry, *&c.* *ſ.* 2. *But ſee* 26 Geo. 3. c. 81. ſ. 15. *poſt.*

The proprietors of ſalt delivered duty free, for curing white herrings for exportation, in *England*, ſhall, in the account which after the end of every fiſhing ſeaſon they are to deliver into the ſalt office, expreſs alſo the quantity of white herrings entered for home conſumption, on which ſuch ſalt has been uſed. *ſ.* 3.

In caſe the duties of exciſe on ſalt ſhall ceaſe, the rate by this act impoſed upon white herrings ſhall ceaſe or be leſſened in proportion. *ſ.* 4.

Any refiner of rock ſalt may deliver, in preſence of a ſalt officer, to any curer of fiſh, ſuch quantity of refined ſalt, where the ſame is allowed by law for curing fiſh for exportation, as they ſhall think proper, for curing fiſh for foreign markets; and the collector of the duties ſhall give a certificate of the quantity delivered, and to whom, and whither to be carried; and the officer of the place whither the ſame ſhall be carried, ſhall give a certificate of the quantity brought thither and lodged in a warehouſe under the key of the officer, as well as the proprietor; and if it ſhall appear to be the full quantity that was firſt delivered (making allowance for waſte), ſuch certificate ſhall be accepted by the collector of the duties at the rock pits, towards diſcharging the ſecurity given for the duty on the rock ſalt made uſe of in making the ſaid refined ſalt. And on the warehouſeing any ſuch ſalt, delivered duty free for the curing of fiſh for foreign markets, that has been brought by ſea, the maſter, mate, or boatſwain, ſhall make oath before the officer of the ſalt duties, that all the ſalt he took in at the place of loading (mentioning the quantity) is delivered to be lodged in a warehouſe, and that there was no

ſalt added to it or taken from it at ſuch place of loading, or ſince he came from it, to the beſt of his knowledge and belief; under penalty of forfeiting double the value of the ſalt otherwiſe delivered, and 10 *s. per* buſhel. And if the veſſel on which ſuch refined ſalt is ſhipped ſhall periſh at ſea, or be taken by enemies with ſuch ſalt on board, the owner of ſuch ſalt ſhall on proof before the juſtices at the quarter ſeſſions for the county, *&c.* where he doth inhabit, of the loſs of ſuch ſalt, receive a certificate, upon producing whereof to the collector of the rock pits, it ſhall be accepted by him towards diſcharging the ſecurity given for the duty on the rock ſalt, made uſe of in making ſuch refined ſalt. *ſ.* 6.

By 11 *Geo.* 1. *c.* 30. If any proprietor of ſalt, or his agent, ſhall deliver over to any perſon any quantity of ſalt which he ſhall have received from the officer; ſuch proprietor, or his agent, ſhall make it appear to the ſatisfaction of the proper officer, that ſuch ſalt was uſed in curing fiſh, according to the act 5 *Geo.* 1. *c.* 18. and in default thereof, the proprietor, or his agent, ſhall be adjudged guilty of embezzlement and miſapplication of ſuch ſalt, and ſhall forfeit 50 *l. ſ.* 41.

By 3 *Geo.* 2. *c.* 20. The duty of one penny halfpenny *per* gallon on ſalt and rock ſalt made at the ſalt works or taken out of any pits within this kingdom, which was granted by 5 *&* 6 *Will. & Mar. c.* 7. and the additional duties on ſalt granted by 9 *&* 10 *Will.* 3. *c.* 44. ſhall ceaſe. *See* 5 Geo. 2. c. 6.

Nothing in this act ſhall determine the duty of 3 *d. per* gallon on ſalt, not of the product or manufacture of *England*, *Wales*, or *Berwick*, granted by 5 *&* 6 *Will. & Mar. c.* 7.—*ſ.* 2.

The duty of 3 *d. per* gallon on foreign ſalt ſhall extend only to ſuch ſalt as is not the product and manufacture of *Great Britain*, and all ſalt of the product or manufacture of *Scotland* ſhall be exempted from the ſaid duty. *ſ.* 3.

Nothing herein ſhall determine any penalties impoſed by any former acts for any offences in the landing of foreign ſalt before entry, or any frauds upon the re-exporting the ſame, in relation to the drawbacks of duties which had been before paid upon the firſt importing and landing the ſame in *Great Britain* clandeſtinely; ſave only that the proviſions of recovering the ſame by the ſame methods, as by any laws relating to the exciſe, ſhall ceaſe; and they ſhall be ſued for, *&c.* for any offences committed in *England*, by action, *&c.* in any of his majeſty's courts at *Weſtminſter*, and for offences committed in *Scotland*, in the exchequer at *Edinburgh*. *ſ.* 4.

Where any proviſions are made by former acts for recovering any penalties for offences in relation to the ſaid duties, before juſtices of peace, the ſame ſhall continue in relation to the duty of 3 *d. per* gallon on foreign ſalt. *ſ.* 5.

Nothing in this act ſhall determine the bounties directed to be paid on the exportation of fiſh out of the duties on ſalt, by the act 5 *Geo.* 1. *c.* 18.—*ſ.* 8.

Saving only as to ſuch bounties as ſhall become payable for fiſh cured in and exported from any port in *England*, which bounties ſhall be paid out of the monies remaining in the hands of the collectors of the duties on ſalt or cuſtoms in the port where ſuch fiſh was exported, or in default thereof out of the monies in the hands of the collectors of the cuſtoms out of which the bounties for corn exported are payable; and if the collectors of the cuſtoms or the duties on ſalt in any out-port, ſhall not have ſufficient in their hands to pay the ſaid bounties ariſing by the duty of 3 *d. per* gallon on foreign ſalt, or by monies ariſing by cuſtoms out of which the bounties on corn exported are payable, ſuch collectors ſhall give to the exporter (without fee) a certificate, atteſted by the controller of the port, of what is due to ſuch exporter for fiſh exported, certifying to the commiſſioners of the cuſtoms in *London*, that he hath not money ſufficient to pay the ſame; which certificate being affixed to the debenture, and produced to the commiſſioners at *London*, they are required on demand to cauſe the monies to be paid in three months by the receiver general or caſhier of the cuſtoms (without fee) out of ſuch money in his hand ariſing by the duty of 3 *d. per* gallon on foreign ſalt, or by ſuch cuſtoms or duties as are chargeable with the bounty for the exportation of corn, in like manner as the debentures for corn exported are payable; and as to ſuch of the bounties as ſhall become due for fiſh cured in and exported from any port in *Scotland*, the ſame ſhall continue to be paid in the ſame manner as now. *ſ.* 9.

As to the duties on foreign ſalt imported, not by this act determined, the ſame liberty of importing it for the uſe of the *Britiſh* fiſhery, free from the duty of 3 *d. per* gallon, and the ſame powers for locking it up, and accounting for it for the curing of fiſh to be exported, and the ſame penalties for offences therein, as were enacted by 5 *Geo.* 1. *c.* 18. except only what relates therein to the laws of exciſe, ſhall continue as if this act had not been made. *ſ.* 10.

The management of the duty on foreign ſalt imported ſhall be under the care of the commiſſioners and officers of the cuſtoms. *ſ.* 11.

Such commiſſioners of the cuſtoms, or their officers, when the ſaid duties ſhall firſt come under their management, ſhall not on that account be obliged to qualify themſelves again, ſo as they have before that time duly qualified themſelves for the offices they ſhall be in poſſeſſion of. *ſ.* 12.

The allowance of 5 *s. per* barrel on the exportation of ſalted beef or pork exported for ſale from any part of *Great Britain*, ſhall be reduced to 1 s. 6 *d. per* barrel on all beef or pork ſalted with foreign ſalt only, without any mixture of *Britiſh* or *Iriſh* ſalt, to be paid out of the ſame duties as the bounties on fiſh exported. *ſ.* 15.

No foreign ſalt ſhall be imported in any ſhip of leſs burden than 40 tuns, and in bulk only (except for proviſions of the ſhip), on pain of forfeiting the ſalt, and double the value. *ſ.* 17.

Nothing herein ſhall determine the powers granted by 9 *&* 10 *Will.* 3. *c.* 44. to the lord mayor and aldermen of *London*, and the juſtices of the peace, to ſet the prices at which ſalt ſhall be ſold. *ſ.* 18.

No proſecution ſhall, after the 25th *March* 1731, be brought againſt any perſon employed in the ſalt duties, for any thing by him done in the execution of his office. *ſ.* 19.

Any perſon ſued for any thing done in purſuance of this act, or any of the before-recited acts, may plead the general iſſue, and ſhall have treble coſts. *ſ.* 25.

By 5 *Geo.* 2. *c.* 6. From the 25th of *March* 1732, for three years the duty of 1 $\frac{1}{2}$ *d. per* gallon on ſalt made within this kingdom, granted by 5 *&* 6 *Will. & Mar. c.* 7. and alſo the additional duties on ſalt, whether imported or made in *Great Britain*, which were granted by the 9 *&* 10 *Will.* 3. *c.* 44. or made payable by the articles of union, ſhall be revived, with the allowances for prompt payment, and waſte on ſalt carried coaſtwiſe, or to *Ireland*; and all the powers granted by the ſaid acts, or

any other acts of parliament for levying the ſame, and all penalties relating thereto ſhall be revived. *ſ.* 1.

The managing the duties on ſalt and foreign ſalt, ſhall be under the care of the commiſſioners for the duties on ſalt appointed by his majeſty, and of the officers for the ſaid duties on ſalt; and the bounties upon the exportation of fiſh ſhall be allowed as before. *ſ.* 2.

The duty of 1 *s.* 8 *d. per* thouſand on red herrings, and of 3 *s.* 4 *d. per* barrel on white herrings cured promiſcuouſly with red herrings, or white herrings deſigned for exportation, but afterwards delivered out for home conſumption, by 8 *Geo.* 1. *c.* 4. & *c.* 16. ſhall be revived. *ſ.* 3. *But ſee* 26 Geo. 3. c. 81. ſ. 15. *poſt.*

The allowances of 5 *s. per* barrel on exportation of ſalt beef or pork exported for ſale from *Great Britain* to parts beyond the ſea ſhall be revived. *ſ.* 4.

No perſons who ſhall export ſalt, either foreign or *Engliſh*, or rock ſalt, for which the duties ſhall have been paid, ſhall have any greater allowance on prompt payment, and for waſte on being carried coaſtwiſe, and for waſte on being carried to *Ireland*, and upon exportation, than what really was before paid for the duty of the ſaid ſalt; and no perſons giving bond for the duty ſhall be intitled to any greater allowance for waſte, than what ſhall diſcharge the bond. *ſ.* 5.

By 7 *Geo.* 2. *c.* 6. The duties upon ſalt, and upon red and white herrings, ſhall be further continued for ſeven years. *ſ.* 1.

It ſhall be lawful for the commiſſioners of his majeſty's duties on ſalt, to licence any perſons to make uſe of any building for the refining of rock ſalt, and making it into white ſalt, ſo as the number to be licenſed do not exceed one at each of the following places, *viz.* at *Heybridge*, *Colcheſter*, *Maningtree*, *Ipſwich*, *Woodbridge*, *Walderſwick*, and *Southwold*, upon requeſt from the juſtices of peace at the quarter ſeſſions neareſt to the places aforenamed, ſo as his majeſty's duties be duly paid. *ſ.* 17.

By 8 *Geo.* 2. *c.* 12. The miles mentioned in 1 *Ann. ſt.* 1. *c.* 21. *ſ.* 10. ſhall be taken according to the common eſtimation of the counties where ſuch pits are, and not according to the ſtatute meaſure. *ſ.* 2.

By 35 Eliz. c. 6. *a mile ſhall contain eight furlongs, every furlong* 40 *poles, and every pole* 16 *foot and a half; but the act is expired.*

No foreign ſalt ſhall be delivered over from the joint cuſtody of the officer and proprietor into the ſole cuſtody of the proprietor, for curing fiſh for exportation, except he give ſecurity that he will account for the foreign ſalt by him received, according to the acts 5 *Geo.* 1. *c.* 18. and 8 *Geo.* 1. *c.* 4.—*ſ.* 3.—*See* 26 Geo. 3. c. 81. ſ. 29. *poſt.*

By 14 *Geo.* 2. *c.* 22. Whereas there hath been anciently an houſe in which rock ſalt hath been refined near the ſea between *Neath* and *Swanzey*, in the county of *Glamorgan*, in *South Wales*, but the ſame is now covered with ſand, and uſeleſs, and ſalt works have been erected at *Neath* aforeſaid, about four or five miles from the place before-mentioned; *it is therefore enacted*, That rock ſalt may be uſed in the making ſalt from ſea water in the ſalt works at *Neath* aforeſaid; ſo as his majeſty's duties for all the ſalt proceeding as well from the ſaid rock ſalt as from the ſea water be duly paid. *ſ.* 19.

By this ſtatute the duties upon ſalt and upon red and white herrings are continued for ſeven years. And by 18 Geo. 2. c. 5. *the ſaid duties are further continued for ſix years.*

By 26 *Geo.* 2. *c.* 3. The duties upon ſalt, and upon red and white herrings continued by 18 *Geo.* 2. *c.* 5. ſhall be payable unto his majeſty for ever, ſubject to redemption by parliament; and ſhall be managed and paid in ſuch manner, and under ſuch powers, penalties, and regulations, and with ſuch allowances for prompt payment, and for waſte, on ſalt carried coaſtwiſe, or to *Ireland*, and for fiſh, beef, and pork, exported, and with ſuch other allowances, and drawbacks or debentures, on account of duties paid and ſecured for ſalt exported, as are mentioned in the acts recited in the 18 *Geo.* 2. *c.* 5. that is in 5 *W.* & *M. c.* 7. 7 & 8 *W.* 3. *c.* 31. 9 & 10 *W.* 3. *c.* 44. 3 *Geo.* 2. *c.* 20. 5 *Geo.* 2. *c.* 6. 7 *Geo.* 2. *c.* 6. 8 *Geo.* 2. *c.* 12. and 14 *Geo.* 2. *c.* 22. or in any other act now in force. *ſ.* 1.

Provided that the duties on ſalt ariſing in *Scotland*, ſhall be ſubject to the ſame or the like charges as they were ſubject to by 5 *Geo.* 1. *c.* 20. *ſ.* 2.

By 26 *Geo.* 2. *c.* 32. Where any ſalt or rock ſalt hath been or ſhall be loſt in carrying the ſame down any river in order to be ſhipped for exportation, or hath been or ſhall be loſt in the port after the ſame is ſhipped, and before the exporter is entitled to a debenture, and proof thereof hath been or ſhall be made as directed by 2 & 3 *Ann. c.* 14. and 8 *Geo.* 1. *c.* 4. the certificate for all ſuch ſalt or rock ſalt loſt ſhall be applied by the collector of the duties on ſalt for the place where the duty on ſuch ſalt or rock ſalt is ſecured, to diſcharge the ſecurity given for the duty of ſo much ſalt as ſhall appear by ſuch certificate to have been loſt. *ſ.* 6.

The ſix months limited by 4 & 5 *Ann. c.* 12. *for making proof that any ſalt or rock ſalt ſhipped for exportation to* Ireland, *hath been loſt by ſinking of the ſhip, or been taken by enemies*, ſhall be enlarged to two years. *ſ.* 7.

By 5 *Geo.* 3. *c.* 43. If any officer for the duties on ſalt ſhall deliver, or cauſe to be delivered, or be privy to the delivering, removing, or conveying, *Britiſh* white ſalt, refined ſalt, rock ſalt, or ſalt rock, from any ſalt work, crib, ſtorehouſe, warehouſe, or other place, made uſe of for making, refining, or keeping, of ſuch ſalt, or from any pits, or to the landing any foreign ſalt out of any ſhip importing the ſame, before entered and charged, whereby the maker, refiner, or owner, or the merchant or importer, ſhall become chargeable with the duties, ſuch officer ſhall forfeit above the penalty of the bond he entered into, either by himſelf or ſureties, for the performance of the truſt repoſed in him, double the value of ſuch ſalt, and alſo 10 *s. per* buſhel. *ſ.* 40.

Where ſalt is ſhipped on board veſſels for the fiſhery, or to be ſhipped for exportation, all ſuch ſalt which ſhall be landed without the preſence of an officer for the duties on ſalt, ſhall be forfeited, and alſo 10 *s. per* buſhel, to be recovered of the owner of ſuch veſſel; and all veſſels out of which ſuch ſalt ſhall be taken or put on ſhore, together with their tackle and apparrel, ſhall alſo be forfeited; and every perſon that ſhall take ſuch ſalt out of ſuch veſſel, or carry the ſame or ſhore, or convey the ſame from the ſhore when landed, or be aiding, ſhall forfeit 20 *l. ſ.* 41.

It ſhall be lawful for the officer of the duties on ſalt, where he ſhall meet with any perſon carrying ſalt by day or by night, by land or by water, to demand a ſight of the permit granted for conveying the ſaid ſalt; and if, upon producing ſuch permit, the officer ſhall ſuſpect that there is more ſalt than is expreſſed in ſuch permit, then the ſaid officer ſhall, at his own expence, re-weigh the ſalt; and if, on re-weighing the ſame, it ſhall be found to be more in weight than what is contained in the permit, then the ſurpluſage that ſhall exceed the quantity contained in the permit ſhall be forfeited, and the perſon concerned in car-

rying the ſame ſhall alſo be liable to the penalties by this and any other act for removing ſalt, &c. from any works or places without entry, or payment of the duties, or giving ſecurity for ſuch duties, or without warrant for removing the ſame. ſ. 42.

If any perſon ſhall obſtruct any officer, in the execution of his office, or of the powers given by this act, or any other law relating to the duties, or ſhall beat or abuſe the ſaid officers, ſuch perſon ſhall forfeit 20*l.* ſ. 43.

If any ſalt, as well *Britiſh* as foreign, rock ſalt, or ſalt refined from rock ſalt, or red herrings or white herrings, or any other ſort of fiſh, be ſeized for non-payment of duties, or any other cauſe, and any diſpute ſhall ariſe whether the ſalt, or herrings, or other fiſh, had been entered, and the duties paid or ſecured, or that ſuch ſalt, or herrings, or fiſh, had been condemned, or that the ſalt had been entered and locked up for the fiſhery according to law, or that the quantity of ſalt uſed in curing of fiſh, as ſet forth in the curer's account, was truly uſed; then, the proof thereof ſhall lie on the owner or the curer, and not on the officer who ſhall ſeize. ſ. 44.

Where ſalt or fiſh ſhall be liable to ſeizure by this or any former act, the bags, ſacks, caſks, or other package, and alſo the carriages, horſes, and cattle, made uſe of in conveying the ſame, ſhall be alſo forfeited; and the officers of the ſalt duties, and the officers of the cuſtoms may ſeize the ſame. ſ. 45.

All penalties and forfeitures, for which no other directions are before given, ſhall be recovered or mitigated, by ſuch ways as any forfeiture may be recovered by any law relating to the duties on ſalt; or the ſaid forfeitures may be recovered by action of debt, &c. in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*; and where not otherwiſe directed, one moiety of ſuch forfeiture ſhall be to his majeſty, and the other to him who ſhall diſcover, &c. ſ. 46.

For any thing done in purſuance of this or any other act relating to cuſtoms, exciſe, or ſalt duties, the defendants may plead the general iſſue, and if a verdict paſs for the defendant, &c. ſuch defendant ſhall have treble coſts. ſ. 47.

By 12 *Geo.* 3. *c.* 58. The maſter of the ſhip importing herrings from the *Iſle of Man*, ſhall bring with him a certificate from the governor, lieutenant-governor, commander in chief, or chief magiſtrates for the time being, that oath has been made before him or them, in the preſence of the officer of cuſtoms for the port where ſuch herrings ſhall be put on board, that the ſame were, *bona fide*, taken on the coaſts of the *Iſle of Man*, and cured there; which certificate ſhall alſo be atteſted by the officer of cuſtoms, and ſhall expreſs the number of barrels, and quantity, of ſuch herrings, and the marks of the package expreſſed in the bill of lading, with the name and abode of ſuch perſons as ſhall have made the oath before directed, and where and to whom ſuch herrings ſhall be conſigned in *Great Britain*; and the maſter ſhall alſo make oath before the collector or principal officer of the ſalt duties, at the port of importation in *Great Britain*, that the ſaid herrings are the ſame that were taken on board by virtue of the certificate; on failure whereof, and of any of the requiſites before mentioned, the herrings ſhall be liable to the ſame duties, penalties, and forfeitures, as ſuch herrings would have been liable to by law, if this act had not been made. ſ. 3.

It ſhall be lawful for ſubjects reſiding in the *Iſle of Man*, to export from thence, and import into any *Britiſh* plantations in *America*, in *Britiſh* ſhips, manned and navigated according to 12 *Car.* 2. herrings caught and cured by them in the ſame manner as victuals of and from *Ireland* may be imported into the plantations by 15 *Car.* 2. ſ. 4.

It ſhall be lawful for any fiſherman inhabiting the *Iſle of Man*, to load there on board any veſſel or boat, employed in the fiſhery on the coaſts of the iſland, any quantity of ſalt neceſſary for curing the herrings taken by ſuch veſſel, bond being firſt given to his majeſty, with one ſurety beſides the maſter, to be approved of by the collector, or principal officer of revenue, at the port from whence ſuch veſſel ſhall depart, in 50*l.* for every ton of ſalt taken on board, with condition that the ſame ſhall be uſed only in the curing of ſuch herrings, and ſhall not be landed in *Great Britain*, or tranſhipped, or put on board any other veſſel; and on return of ſuch veſſel from the fiſhery into any port in the *Iſle of Man*, the maſter and one of the crew ſhall make oath before the collector or principal officer of revenue, at the neareſt port where they arrive, that the ſalt ſo laden in ſuch veſſel (excepting ſuch part as may remain unuſed) has been really expended in curing the herrings caught by them, and that no part thereof had been landed in *Great Britain*, or tranſhipped, or put on board any other ſhip; which bond ſhall continue in force for one year from the completion of the voyage: and in caſe no fraud appears within that time, it ſhall be lawful for the receiver-general of his majeſty's revenue in the *Iſle of Man*, or his deputy, to direct the bond to be cancelled and delivered up. ſ. 5.

By 19 *Geo.* 3. *c.* 52. The duties now payable on ſalt uſed in curing of pilchards for home conſumption, ſhall ceaſe. ſ. 1.

At the beginning of every fiſhing ſeaſon for pilchards, the proprietor of the ſalt delivered duty free for curing of pilchards for exportation, purſuant to 5 *Geo.* 1., or his agent, ſhall, inſtead of the oath required by the ſaid act, make oath, in writing, before the officer for the duty on ſalt, at the neareſt office, declaring the quantity of foreign or *Britiſh* ſalt lodged for the curing of fiſh, and that all the ſaid ſalt is intended for curing of fiſh for exportation only; and ſhall not, by his order, conſent, or connivance, directly or indirectly, be ſold, given away, or any way delivered, but for the purpoſe aforeſaid, except ſo much as ſhall be uſed for curing pilchards, entered with the officer of the place for home conſumption, and charged with the duties by this act chargeable thereon. ſ. 2.

Every curer of pilchards, before he removes any (except for exportation) from the office, cellar, or place, where cured, ſhall make entry thereof at the next ſalt office, and ſhall pay a duty of 5*s.* 2½*d.* for every caſk or barrel containing 50 gallons of cured pilchards, ſo to be removed, and ſo in proportion, in lieu of any other duty impoſed on ſalt, in reſpect of pilchards cured for home conſumption; and no ſuch curer ſhall ſell a leſs quantity than 25 gallons of pilchards at one time; and ſuch pilchards ſhall be packed in caſks each not leſs than 25 gallons, and the contents of ſuch caſks ſhall be marked on the heads thereof by the officer; and upon entry and payment of the duty, and marking ſuch caſks, a permit ſhall be given *gratis* by the ſalt officer, expreſſing the contents of the caſks for which the duty ſhall be paid, and the marks of ſuch caſks, and for what place the ſame are intended, and whether to be ſent by land or water carriage, on pain of forfeiting all the pilchards that ſhall be ſold in leſs quantities than before mentioned, or that ſhall be removed before entry, and the duty paid, and without the caſks containing ſuch quantity of pilchards at the leaſt, and being marked, and ſuch permit obtained, and of the caſks in which ſuch pilchards ſhall be found, and alſo the 40*s.* for every 25 gallons of pilchards ſold or removed,

removed, to be recovered from the perſon who ſhall ſell or carry away the ſame; one moiety for his majeſty, and the other to the officer who ſhall ſeize, &c. to be recovered as any forfeiture may by law of exciſe, or by action of debt, &c. in any court of record at *Weſtminſter*; and officers of cuſtoms, exciſe, or ſalt, are hereby empowered to ſeize pilchards ſo ſold in leſs quantities than before mentioned, or removed before entry and payment of duty, and all other things performed as aforeſaid, and the ſaid caſks wherein they ſhall be found. *ſ.* 3.

No perſon puchaſing pilchards to ſell by retail ſhall, at one time, buy a leſs quantity than 25 gallons, and ſhall alſo be obliged upon demand, or inquiry made of him, by any officer of cuſtoms or exciſe, in the day, to diſcover to ſuch officer the name and place of abode of the curer or vender; and if ſuch retailer ſhall purchaſe a leſs quantity than before mentioned, or ſhall, upon ſuch demand, refuſe to diſcover the name and abode of ſuch curer or vender, he ſhall forfeit the pilchards ſo purchaſed, or reſpecting which ſuch demand ſhall be made, and the caſk (if any) wherein the ſame ſhall be contained, and alſo 40*s.* to be recovered in manner before mentioned. *ſ.* 4.

The proprietor of the ſalt delivered duty free for curing pilchards for exportation, or his agent, ſhall, in the account which, after the end of every fiſhing ſeaſon, they are to deliver in writing, into the ſalt office, containing the quantity of fiſh exported, or entered to be exported, on which the ſalt taken away, after its delivery into the ſole cuſtody of the ſaid proprietor or his agent, has been uſed, as by the former law is directed, (and under the penalties thereby preſcribed) expreſs alſo the quantity of pilchards entered for home conſumption, on which ſuch ſalt has been uſed. *ſ.* 5.

In caſe the duties of exciſe on ſalt (which now amount to 3*s.* 4*d. per* buſhel, on home-made ſalt, and 6*s.* 8*d.* on foreign ſalt), or any of them, ſhall ceaſe, or be redeemed by parliament, then the duty of 5*s.* 2½*d.* for every caſk of 50 gallons, hereby impoſed upon cured pilchards for home conſumption, ſhall ceaſe, or be leſſened in proportion to the duties that ſhall ceaſe, &c. *ſ.* 6.

By 20 *Geo.* 3. *c.* 34. No debenture ſhall be granted, or drawback paid, on account of the exportation of ſalt for the *Iſle of Man*, until the exporter ſhall produce to the officer appointed to make out ſuch debenture, a certificate, under the hand of the chief officer of the cuſtoms of the place in the *Iſle of Man* where ſuch ſalt ſhall be landed, or of the perſon executing ſuch office, of the particular quantity actually landed, to be computed after the rate of 56 pounds weight to the buſhel, in caſe the ſame ſhall be white ſalt, and after 65 pounds to the buſhel, in caſe the ſame ſhall be rock-ſalt; which ſalt is to be weighed by the ſaid officer, who ſhall, without delay, deliver a certificate thereof as aforeſaid, *gratis*. *ſ.* 3.

No drawback ſhall be paid for more ſalt of the quantity exported, than what ſhall appear by ſuch certificate to have been actually landed in the *Iſle of Man*. *ſ.* 4.

Upon producing ſuch certificate, the exporter or proprietor of ſuch white ſalt and rock-ſalt ſhall have an allowance of 4 buſhels for every 40 of white ſalt, and 2 buſhels for every 40 of rock ſalt, put on board in order to be exported to the *Iſle of Man*, in conſideration of the ordinary waſte in the carriage thereof, to be allowed upon the debenture before mentioned, over the quantity certified to have been landed in the iſle, and no other allowance for ſuch waſte. *ſ.* 5. *But this allowance is reduced by* 25 Geo. 3. c. 63.

No debenture ſhall be granted to the exporter for more than the quantity actually ſhipped, although the certificate of the quantity landed in the iſle, together with the allowance for waſte, ſhall amount to more. *ſ.* 6.

In caſe any ſalt or rock-ſalt, ſhipped for exportation to the *Iſle of Man*, (the duties whereof ſhall have been paid or ſecured,) ſhall happen to periſh by ſinking the ſhip, or ſhall be taken by enemies, then the exporter or proprietor ſhall, upon proof made before the general quarter-ſeſſions for the county, &c. from whence the ſame ſhall be exported, of the loſs of ſuch ſalt ſhipped, receive from the ſeſſions a certificate, (which the juſtices are to grant,) that ſuch proof was made before them; and upon producing the ſaid certificate to the officer where the duty ſhall have been paid or ſecured, ſuch ſecurity ſhall be diſcharged, and ſo much as was actually paid for the duty ſhall be repaid upon demand by the officer, without fee, provided ſuch proof ſhall be made by two witneſſes upon oath, within two years after loſs. *ſ.* 7.

There ſhall be no debenture made out, or drawback allowed, for ſalt, &c. landed in the *Iſle of Man*, unleſs the entry at exportation be made for ſome place in the iſle. *ſ.* 8.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, &c. ſuch defendant ſhall have treble coſts. *ſ.* 9.

By 22 *Geo.* 3. *c.* 39. It ſhall be lawful for any perſon in *Great Britain* to take rock ſalt or ſalt rock from any rock pit, or to take any brine or ſea water for the purpoſe of making a mineral alkali or flux for glaſs, upon giving ſecurity in double the duty; ſuch ſecurity to be diſcharged upon the proprietor or manufacturer, or his agent, making oath before a neighbouring juſtice, that all the ſaid ſalt, for which ſuch bond was given, were made uſe of in making ſuch mineral alkali or flux, and for no other purpoſe, and the officer at the ſame time certifying his belief thereof; and no perſon whatſoever ſhall obtain ſuch ſalt, brine, or ſea water, for making mineral alkali or flux, unleſs ſuch perſon ſhall have firſt obtained a licence from the commiſſioners of the ſalt duties, or perſons appointed by them, for making of mineral alkali or flux, to be made from ſuch rock ſalt or ſalt rock, or from brine or ſea water, or from any other materials whatever, and ſhall pay for ſuch licence 5*l.*; and which licence, upon payment thereof, the ſaid commiſſioners, or thoſe appointed under them, are to grant, (unleſs they ſee cauſe to the contrary;) and alſo ſhall deliver in to ſuch commiſſioners, or at the ſalt-office next to the place where the ſaid mineral alkali or flux is intended to be made, or to their habitation, a true entry in writing, under their hands, containing the ſituation of the place, wherein not only the ſaid mineral alkali is to be manufactured, but alſo where the ſame, and the rock-ſalt, or ſalt rock, brine, or ſea water, from which the ſame is to be made, ſhall be kept; and alſo of every ſtorehouſe, warehouſe, and other place, to be in any wiſe uſed in manufacturing of ſuch mineral alkali or flux: and if any perſon ſhall make any mineral alkali or flux, without firſt taking out ſuch licence, ſuch perſon ſhall, for ſuch offence, forfeit 500*l.*; and perſons, who ſhall take out ſuch licence, are to take out a freſh licence ten days before the expiration of twelve months from taking out the firſt, before he preſume to make, vend, or uſe any rock ſalt or ſalt rock, from any rock pit, or to take any brine or ſea water for making a mineral alkali or flux for glaſs, or to make any mineral alkali or flux from rock ſalt or ſalt rock, brine or ſea water, or from any other materials whatever, and in the ſame manner to renew ſuch licence from year to year, paying

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ing down 5 *l.* for each renewed licence, in manner before mentioned; and if any perſon ſhall preſume to make any mineral alkali or flux, or to make, vend, or uſe, any rock ſalt, *&c.* or to take any brine, *&c.* for making a mineral alkali or flux for glaſs, without firſt taking out ſuch licence, and renewing the ſame yearly, he ſhall forfeit 500 *l.* *ſ.* 2.

No ſuch ſalt rock or rock ſalt ſhall be delivered at any of the works or pits, from which the ſame ſhall be produced, under any pretext of making mineral alkali or flux for glaſs therefrom, or ſhall be afterwards delivered at ſuch works, for making mineral alkali or flux, or ſtored in any warehouſe belonging thereto, but in the preſence of ſome officer of ſalt duties neareſt to ſuch works; and who ſhall make and keep an entry in writing, containing the true quantity of ſalt ſo delivered at ſuch ſalt works, and brought into ſuch alkali works, together with the day on which the ſame ſhall be delivered at ſuch ſalt works, and brought into ſuch alkali works; and which entry, at ſuch ſalt works, ſhall alſo contain the name of the perſon to whom the ſalt was delivered, and for the uſe of what work for making mineral alkali or flux, and to whom belonging; and that a duplicate thereof, ſigned by the officer, ſhall be produced and delivered to the officer attending at ſuch alkali work, at the time the ſalt ſhall be brought into be there uſed, *&c.* *ſ.* 3.

In caſe the ſalt ſo brought in to be uſed at ſuch works, for making mineral alkali, *&c.* ſhall be of leſs weight than that contained in the entry at ſuch ſalt work, *&c.* at the time of the delivery thereof, the perſon to whoſe uſe the ſalt was delivered at ſuch ſalt works ſhall be anſwerable for the ſame. *ſ.* 4.

In caſe any perſon to whom or on whoſe uſe any ſuch ſalt ſhall be delivered at ſuch ſalt works, ſecured as aforeſaid, ſhall uſe the ſame, or any part thereof, or any acid materials to be produced therefrom, after being uſed in making of ſuch mineral alkali or flux, for any other purpoſe than that of making mineral alkali or flux for glaſs, the perſon offending ſhall, upon conviction, forfeit for the ſalt or acid materials uſed for any other purpoſe, after the rate of double the duties impoſed by this or any former act, on rock ſalt or ſalt rock. *ſ.* 5.

In caſe any perſon ſhall, under any pretext whatſoever, procure ſuch ſalt to be delivered to him at ſuch ſalt works, and otherwiſe than for being uſed in making of mineral alkali or flux for glaſs, and ſhall be convicted thereof, the perſon offending ſhall forfeit 40 *s.* for every buſhel obtained. *ſ.* 6.

It ſhall be lawful for the officers of the ſalt duties to enter into all works, warehouſes, and places made uſe of by any proprietor or manufacturer of mineral alkali or flux for glaſs, made from rock ſalt, ſalt rock, brine, or ſea water, either for ſtoring the ſame, or of ſtoring any ſalt, brine, or ſea water, for the purpoſe of making the ſame; and if ſuch proprietor or manufacturer, that, upon requeſt made by the officers, in the day-time, or in the night, in the preſence of a conſtable, or officer of the peace, refuſe to permit ſuch officer to enter into ſuch works, *&c.* ſhall forfeit 40 *l.* *ſ.* 7.

Nothing in this act ſhall impoſe any duty on ſuch *Glauber* ſalts as ſhall be made in any of the proceſſes of making mineral alkali or flux for glaſs, and which ſhall be truly conſumed in making ſuch mineral alkali or flux. *ſ.* 8.

Nothing in this act ſhall extend to the manufacture of kelp, barilla, or flux, for glaſs, made in *Great Britain*, by the incineration of marine or other plants. *ſ.* 9.

No grey or ſcrow ſalt, ſalt-ſcale, ſand-ſcale, or cruſtings, or other foul ſalt whatſoever, produced at any ſalt works within *England*, *Wales*, and *Berwick*, from the manufacturing of white ſalt, ſhall be removed from the works where produced, without notice firſt given to the officer; and without having been firſt well mixed, in the preſence of ſuch officer, at the expence of the purchaſer or proprietor, with common chimney coal ſoot, in the proportion of two buſhels of ſoot to 100 buſhels of ſalt; and if any perſon ſhall preſume to remove ſuch foul ſalt from the works, without having been ſo mixed with ſoot, he ſhall forfeit 20 *s.* for every buſhel of foul ſalt; one moiety to his majeſty, and the other to ſuch perſon who ſhall inform, *&c.* and to be recovered as any fine, *&c.* may by any law of exciſe, or by action of debt, *&c.* at *Weſtminſter*. *ſ.* 11. *But ſee* 25 Geo. 3. 63. ſ. 5 & 6. *in page* 439.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 12.

But by 26 Geo. 3. c. 90. *Such part of the foregoing act as relates to the obtaining of rock ſalt or ſalt rock duty free, or brine, or ſea water, for the purpoſe of making a mineral alkali or flux for glaſs, ſhall be repealed, except as after mentioned.* ſ. 1.

Provided, that it ſhall be lawful for any glaſs maker to have and take any rock ſalt or ſalt rock, or brine, or ſea water, for the purpoſe only of making a flux for glaſs, at his glaſs work, and not elſewhere, upon paying the like duty, and obtaining ſuch licence as is in the act mentioned, and ſubject to the like directions. ſ. 2.

By 25 *Geo.* 3. *c.* 58. For every caſk or veſſel of pilchards, containing 50 gallons, and ſo in proportion, which ſhall be exported from *Great Britain* into parts beyond the ſeas, between the 25th of *June* 1785, and the 25th of *June* 1786, upon which the perſon exporting ſhall be entitled to the bounty of 7 *s.* by 5 *Geo.* 1. *c.* 18. and 3 *Geo.* 2. *c.* 20. an additional bounty of 2 *s.* ſhall be paid to ſuch perſon ſo entitled to the bounty of 7 *s.* in ſuch manner as the bounty of 7 *s.* is to be paid. *ſ.* 1.

The regulations ſhall be in force with reſpect to pilchards exported, to prevent the relanding or reimporting thereof; and the owners ſhall be ſubject to the ſame penalties, in caſe of relanding, or other fraudulent proceedings, in order to obtain the bounties granted by this act, as by the 5 *Geo.* 1. are preſcribed, with regard to fiſh cured in and exported from *England*. *ſ.* 2.

Where any fiſh, entitled to the bounty granted by this act, ſhall be loaden for exportation, and entered and paſſed by the proper officer, and the fiſh ſhall be loſt or ſpoiled before the ſhip's proceeding on her voyage, then the officer of the port where ſuch fiſh was entered, ſhall, upon due proof thereof, made upon oath before any of the chief officers of ſuch port, by the proprietor, or his agents, give a debenture for the bounty granted by this act, as if ſuch fiſh had been actually exported; provided that the ſaid fiſh was ſunk in the ſea or port where the ſaid ſhip was loſt or deſtroyed, in the ſight of the proper officer, where any of the ſaid fiſh ſhall come aſhore, and that no uſe be made of the ſaid fiſh by the proprietor or his agents; and the officer is to cauſe ſuch fiſh to be burnt or deſtroyed. *ſ.* 3.

'As veſſels, the length of which is greater than in 'the proportion of three feet and an half to one foot in 'breadth, are commonly employed in the pilchard fiſh-'ery; which, together with all goods laden thereon and 'their tackle and furniture, are ſubjected to forfeiture 'by 24 *Geo.* 3. *c.* 47.' (*See general title* IMPORTATION, *&c.*) 'unleſs the ſame are licenſed as the ſaid act directs:' It is therefore enacted, that it ſhall be lawful for the officer appointed to collect the duties on ſalt in any port in this king-

kingdom, upon demand of the owner of ſuch veſſel or boat, and ſecurity given as after mentioned, to grant to ſuch owner a licence, to be ſubſcribed by ſuch officer, ſpecifying the tonnage of ſuch veſſel, and deſcribing the built thereof, with reſpect to length and breadth, and who is the owner thereof; which licence the officer is duly to regiſter, and no fee ſhall be demanded or received for ſuch licence, nor for the regiſtering of the ſame; and the owner ſhall give ſufficient ſecurity, by bond, to his majeſty, in double the value of ſuch veſſel, to be approved by ſuch officer, (which bond the officer is to provide, without demanding or receiving any fee, except the ſtamp duties thereon,) with condition that ſuch veſſel ſhall not be employed in the importation or landing of any tea or foreign ſpirituous liquors, or any prohibited or other goods, contrary to 24 *Geo.* 3. *c.* 27. or of any other act, or in the exportation of any goods which are prohibited to be exported, or in the relanding of any goods whatſoever, contrary to law, which are entered outwards for exportation, for any drawback or bounty, or which are prohibited to be uſed or worn in *Great Britain*; on failure whereof, ſuch licence ſhall be void, and ſuch veſſel ſhall be liable to ſeizure and proſecution, in the ſame manner as if no licence had been granted. *ſ.* 4.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have double coſts. *ſ.* 5.

And by 26 Geo. 3. c. 45. *The act* 25 Geo. 3. c. 58. *(except as after mentioned) ſhall, from the 24th of* June 1786, *be continued for five years.* ſ. 1.

In caſe the quantity of pilchards exported from Great Britain, *upon which the bounty of* 7 s. *ſhall become payable, do in one year exceed* 20,000 *hogſheads, the additional bounty of* 2 s. *ſhall not be payable for any pilchards ſo exported beyond the* 20,000 *hogſheads.* ſ. 2.

If a greater quantity than 20,000 *hogſheads of pilchards ſhall be taken, cured, and exported, in one year, then the additional bounty of* 2 s. *upon the* 20,000 *hogſheads ſhall be paid to each perſon entitled to the additional bounty, in proportion to the whole quantity of pilchards ſo taken, cured, and exported.* ſ. 3.

The charges attending the obtaining this act ſhall be defrayed by the perſons to whom the additional bounty ſhall be payable, according to the money by them received, not exceeding 2 s. *on each caſk or veſſel of pilchards containing* 50 *gallons.* ſ. 6.

By 25 *Geo.* 3. *c.* 63. Be it enacted, that the ſeveral allowances for waſte on white ſalt and rock ſalt carried coaſtwiſe, or ſhipped or exported to *Ireland*, *under* 5 Ann. 29. 6 Ann. c. 12. *and* 20 Geo. 3. c. 34. be reduced; and inſtead, there be allowed for waſte on white ſalt and rock ſalt, carried coaſtwiſe not leſs than twenty miles by ſea, after the rate of one buſhel for every forty of white ſalt, and after the rate of half a buſhel for every forty of rock ſalt; and for waſte on white ſalt and rock ſalt exported to *Ireland*, after the rate of two buſhels for every forty of white ſalt, and one buſhel for every forty of rock ſalt, the perſons who claim the ſaid all owances producing ſuch certificate as is by the former acts required; and that no allowance whatſoever be made for waſte on any ſalt carried coaſtwiſe by ſea leſs than twenty miles. *ſ.* 1.

And by 26 Geo. 3. c. 36. *All allowances hereafter to be made for waſte on white ſalt and rock ſalt to be exported to the* Iſle of Man, *ſhall be after the rate of one buſhel in forty of white ſalt, and half a buſhel in forty of rock ſalt.* ſ. 1.

The directions of 20 *Geo.* 3. *c.* 34. ſo far as the ſame relate to the exportation of white ſalt or rock ſalt to the *Iſle of Man* (except as to the allowance for waſte as after mentioned) ſhall extend to the exportation of white ſalt and rock ſalt to *Jerſey*, *Guernſey*, *Alderney*, and *Sark*. *ſ.* 2.

Provided that, inſtead of the allowance for waſte of four buſhels for every forty of white ſalt, and of two for every forty of rock ſalt, ſhipped for exportation to the *Iſle of Man*, in purſuance of the laſt act, or to *Jerſey*, *Guernſey*, *Alderney*, and *Sark*, every exporter ſhall be allowed only one buſhel for every forty of white, and half a buſhel for every forty of rock ſalt. *ſ.* 3.

Thoſe parts which allow the uſing of foul ſalt for manuring of land only, and direct that it ſhall not be removed from the works without having been firſt mixed with chimney coal ſoot, ſhall be repealed. And all foul ſalt that ſhall be made at any ſalt works, ſhall be ſubject to the ſame duties as any *Engliſh* white ſalt. *ſ.* 5 *&* 6.

No fiſh curer ſhall ſell, retail, or vend any ſalt other than to fiſh curers, in purſuance of 5 *Geo.* 1. *c.* 18. under the penalty of forfeiting 20 *s.* a buſhel for every buſhel that he ſhall ſo diſpoſe of, and ſhall never afterwards be permited to have ſalt duty free, or be concerned with any other as a curer of fiſh. *ſ.* 8.

No herrings caught upon the coaſts of the *Iſle of Man*, and cured there, ſhall be ſhipped or exported from thence, for any place, till ſuch certificate is obtained as required by 12 *Geo.* 3. *c.* 58. under the penalty of 40 *s.* a barrel, to be recovered of the owner, proprietor, maſter of the veſſel, or the perſon who ſhall ſhip or export the ſame; and alſo giving bond to his majeſty, in double the amount of the duty, to the ſatisfaction of the chief officer of cuſtoms (who is to take the ſame), at the port in the ſaid iſland where ſuch herrings ſhall be ſhipped, for landing them at the port for which they ſhall be ſhipped, and if for *Great Britain*, upon paying the duty and making the oath upon the importation thereof; which bond ſhall be diſcharged, without fee, upon certificate returned or produced to the chief officer of cuſtoms, of the port in the ſaid iſland from whence the herrings were exported, within twelve months from the date of the bond, or otherwiſe it ſhall be lawful for ſuch chief officer to cauſe ſuch bond to be put in ſuit, unleſs he find cauſe to forbear; which certificate the chief officer of the ſalt duties, or otherwiſe of the cuſtoms (in caſe there be no ſalt officer), at the port of importation in *Great Britain*, or any other of his majeſty's dominions, is to grant, without fee; and if exported to any other place out of his majeſty's dominions, then, upon certificate under the common ſeal of the chief magiſtrate there, or under the hands and ſeals of two known *Britiſh* merchants, then at ſuch place, that ſuch herrings were there landed; or upon proof, by credible perſons, that ſuch herrings, or part thereof, were taken by enemies, periſhed in the ſeas, or were otherwiſe loſt by accident; the examination and proof thereof being left to the judgment of the governor, lieutenant governor, commander in chief, or chief magiſtrates of the *Iſle of Man*. *ſ.* 9.

On delivering over *Britiſh* ſalt from the joint cuſtody of the officer and proprietor, into the ſole cuſtody of the proprietor or his agent, for the curing of fiſh for exportation, the proprietor or his agent ſhall give ſecurity (to the ſatisfaction of the chief officer of ſalt duties in the port where ſuch ſalt has been lodged) in double the amount of the duties, that he will account for the ſame, according to the acts made in that behalf, in like manner as curers of fiſh now do for foreign ſalt delivered into their ſole cuſtody, for curing fiſh for exportation, by 8 *Geo.* 2.; and all ſuch ſalt ſhall, upon being delivered into the ſole cuſtody of the proprietor, be weighed over by the proprietor in the preſence

ſence of the officer for the duties on ſalt, if he require the ſame, that the quantity delivered, and the deficiency from the quantity before lodged under the joint lock and key of ſuch officer and proprietor, may be aſcertained, and the real quantity wanting at the re-delivery truly known, making allowance for the waſte for the time the ſalt has been locked up; and every fiſh curer, who ſhall neglect or refuſe to weigh over to the officer what ſalt ſhall remain unuſed (in order to adjuſt the quantity uſed), and alſo to lock up the remainder in the joint cuſtody of the officer and proprietor, when required, ſhall forfeit 500 *l.* and ſhall never afterwards be permitted to have ſalt duty free for the curing of fiſh, or be concerned with any other as a curer of fiſh; and no ſalt, after the ſame has been delivered into the ſole cuſtody of the curer of fiſh for foreign markets, ſhall be delivered over to any other perſon for curing of fiſh, nor ſhall be removed from the place where lodged to any other place for curing fiſh, without giving notice to the officer, and having a warrant from him, upon pain of 50 *l.* by the proprietor or owner of the ſalt, or the perſon removing the ſame; and no perſon ſhall be deemed a curer of fiſh, ſo as to have ſalt delivered into his ſole cuſtody duty free, for curing fiſh for foreign markets, who has not a warehouſe, wherein the ſalt may be lodged under the lock and key of the officer, as well as the proprietor. *ſ.* 10.

For the better trial of any indictment for any aſſault upon any of the officers, or others acting in their aid, ſuch offence may be tried in any county within *England*, as if the offence had been therein committed. *ſ.* 11.

Where any writ of *capias*, or other proceſs, ſhall iſſue out of any court, directed to any ſheriff, or perſon having the execution of proceſs in any county, city, or liberty, againſt any perſon proſecuted for any offence, contrary to any ſtatutes relating to duties on ſalt, or any other duties under the management of the commiſſioners for the duties on ſalt, ſuch ſheriff, and their under ſheriffs, *&c.* ſhall, upon the requeſt of the known ſolicitor for the duties on ſalt (ſuch requeſt to be in writing, indorſed upon the back of the proceſs, and ſigned by ſuch ſolicitor), grant a ſpecial warrant to ſuch perſon as ſhall be named to them by ſuch ſolicitor, for apprehending ſuch offender; or, in default thereof, ſuch ſheriff, *&c.* ſhall be ſubject to ſuch proceſs of contempt, fines, amerciaments, penalties, and forfeitures, as they are now by law liable to in caſe of refuſing to execute the like proceſs, where the defendant might have been taken thereupon, in the common method of proceeding. *ſ.* 12.

As it has been doubted where the commiſſioners for the duties and juſtices, have iſſued out any ſummons, which hath been left at the houſe or uſual reſidence, or with the wife, child, or ſervant, whether the ſame ſhould be deemed a ſufficient ſummons; now ſuch ſummons, ſo left, ſhall be deemed to be a ſufficient ſummons, and as legal a notice as if the ſame had been actually delivered to the proper hands of ſuch perſons to whom the ſame was by name directed. *ſ.* 13.

In all caſes relating to the duties on ſalt, or to any of the other duties which now are, or hereafter may be under the management of the commiſſioners of the duties on ſalt, the leaving ſuch ſummons at the houſe, workhouſe, warehouſe, boiling houſe, hot houſe, ſalt crib, ſhop, cellar, vault, or uſual reſidence of ſuch perſon, directed to ſuch perſon by his right or aſſumed name, ſhall be deemed to be as legal a notice and ſummons as if perſonally given to the party for whom the ſame ſhall be deſigned, and as if the ſame was directed to the party by his proper name. *ſ.* 14.

In caſe any ſuit ſhall be commenced and brought to trial, on account of the ſeizure of any ſalt, fiſh, or other goods whatſoever, or the package thereof, ſeized as forfeited by any act relating to the duties on ſalt, or any other duties under the management of the commiſſioners for the duties on ſalt, or of any ſhip, veſſel, or boat, or of any horſes or other cattle, or of any carriages uſed in removing the ſame, wherein a verdict ſhall be found for the owner or claimer, and it ſhall appear to the court, that there was a probable cauſe of ſeizure, the court ſhall certify on the record, that there was a probable cauſe, and in ſuch caſe the claimant or owner ſhall not be intitled to any coſts, nor ſhall the perſon who ſeized, be liable to any action, indictment, or ſuit, on account of ſuch ſeizure; and in caſe any action, indictment, or proſecution, ſhall be commenced and brought to trial, againſt any perſon, on account of the ſeizure, wherein a verdict ſhall be given againſt the defendant, if the court ſhall certify on the record, that there was a probable cauſe for ſuch ſeizure, then the plaintiff, beſides the thing ſeized or the value thereof, ſhall not be intitled to above two pence damages, nor to any coſts, nor ſhall the defendant, in ſuch proſecution, be fined above 1 *s.* *ſ.* 15.

No writ ſhall be ſued out againſt, nor a copy of any proceſs ſerved upon any officer for the ſalt duties, or againſt any perſon acting by his order, and in his aid, until one month after notice in writing ſhall have been delivered to him, or left at his abode, by the attorney for the party who intends to ſue; in which notice ſhall be clearly contained the cauſe of action, the name and abode of the perſon who is to bring ſuch action, and the name and abode of the attorney, and a fee of 20 *s.* ſhall be paid for preparing and ſerving ſuch notice. *ſ.* 16.

It ſhall be lawful for any of the ſaid officers, or perſons acting in their aid, to whom ſuch notice ſhall be given, within one month after ſuch notice given, to tender amends to the party complaining, or to his attorney; and in caſe the ſame is not accepted, to plead ſuch tender in bar, together with not guilty, and any other plea with leave of the court; and if, upon iſſue joined thereon, the jury find the amends tendered ſufficient, then they ſhall give a verdict for the defendant; and in ſuch caſe, or in caſe the plaintiff ſhall become nonſuited, *&c.* ſuch defendant ſhall be intitled to the like coſts, as in caſe he had pleaded the general iſſue only; and if the jury find that no amends were tendered, or that the ſame were not ſufficient, and ſhall alſo find againſt the defendant, then they ſhall give a verdict for the plaintiff, and ſuch damages as they think proper, together with coſts. *ſ.* 17.

No plaintiff ſhall produce any evidence of the cauſe of action, except ſuch as ſhall be contained in the notice, or ſhall recover any verdict againſt ſuch officer or perſons acting in his aid, unleſs he prove on the trial that ſuch notice was given, and in default of ſuch proof, the defendant ſhall recover a verdict and coſts. *ſ.* 18.

In caſe ſuch officer or others neglect to tender amends, or have tendered inſufficient, it ſhall be lawful for them, by leave of the court, before iſſue joined, to pay into court ſuch money as they ſee fit. *ſ.* 19.

Action againſt any perſon for any matter done by any officer for the ſalt duties, or others acting in their aid, ſhall be brought within three months, and ſhall be laid and tried in the county where the facts were committed, and the defendant may plead the general iſſue, and if the plaintiff become nonſuited, *&c.* the defendant ſhall recover treble coſts. *ſ.* 20.

If any ſalt, fiſh, or other goods, liable to duties, ſhall be ſeized by virtue of any act now or hereafter made, or if any action ſhall be brought by the owner or claimer of ſuch

ſalt,

ſalt, or goods, againſt any officer, &c. for any thing done in purſuance of ſuch acts, the proof of the payment of the duties upon ſuch ſalt, &c. ſeized, ſhall lie upon the owner or claimer, and not on the perſon who ſeized. ſ. 21.

If any perſon obſtruct, aſſault, reſiſt, oppoſe, moleſt, or hinder any officer of the ſalt duties in the execution of his office, or beat or abuſe the ſaid officers in the execution of their office, every perſon ſo offending ſhall forfeit 100 *l.* ſ. 22.

Upon the entry of any claim to any horſes or other cattle, or to any carriages, or to any ſhip, boat, or other veſſel, or to any ſalt, fiſh, or other goods, or the package thereof, or to any other thing whatſoever, ſeized for forfeiture, by virtue of any act now or hereafter made, relating to the duties on ſalt, or any other duties under the management of the commiſſioners, the perſon who ſhall enter the claim, as the owner or proprietor (in caſe ſuch claimant ſhall reſide in *Great Britain)* ſhall be bound, with two ſecurities, in the penalty of 100 *l.* to pay the coſts occaſioned by ſuch claim; and if ſuch owner ſhall not reſide in *Great Britain*, then the attorney by whoſe direction ſuch claim ſhall be entered, ſhall be bound, with two other ſecurities, in like penalty, to pay the coſts occaſioned by ſuch claim. ſ. 23.

All fines and forfeitures, by this and any former act impoſed or hereafter to be impoſed, relating to the duties on ſalt, or any other duty now or hereafter to be under the management of the commiſſioners for the duties on ſalt, ſhall be recovered or mitigated, by ſuch ways as any forfeiture may be recovered or mitigated by law of exciſe, or ſalt duties; and no appeal or writ of *certiorari* ſhall be allowed upon any judgment or conviction: or by any action of debt, &c. in any court of record in *Great Britain*; and one moiety of every forfeiture (not otherwiſe directed) ſhall be to his majeſty, and the other to him who ſhall diſcover, &c. ſ. 25.

Perſons ſued for any thing done by virtue of this or any other act now in force or hereafter to be made, may plead the general iſſue, and if a verdict paſs for the defendant, &c. ſhall have treble coſts. ſ. 26.

By 26 *Geo.* 3. *c.* 81. All duties now payable for ſuch herrings, cod, ling, hake, and ſalmon, or other white fiſh, caught and cured by *Britiſh* ſubjects, as ſhall be removed for home conſumption, except ſuch equalizing duties as are by this act continued on ſalmon, &c. cured with ſalt for which the duty hath been paid, and which ſhall be imported into *England* from *Scotland*, ſhall ceaſe. ſ. 15.

On all barrels in which any fiſh whatſoever (except freſh fiſh) ſhall be packed either for exportation or home conſumption, the names of the curers ſhall be burnt with iron, in permanent characters; and every barrel which ſhall not have the name of the curer marked ſhall be ſeized and ſecured by any officer of cuſtoms; and upon proof of the fact upon oath, before one juſtice, ſuch barrel ſhall, together with the fiſh therein be forfeited. ſ. 17.

The ſtaves of every barrel in which white herrings, &c. ſhall be packed for exportation ſhall not be of leſs thickneſs at the bulge than half an inch, and ſuch barrels ſhall be full bound; and every barrel found to be of leſs thickneſs, or not full bound, ſhall be ſeized and ſecured by any officer of cuſtoms; and upon proof of the fact, on oath, before one juſtice, ſhall, together with the fiſh therein, be forfeited. ſ. 18.

It ſhall be lawful for any perſon to carry from any port in *Great Britain*, to any other port in the united kingdom, for home conſumption, any red herrings or white herrings,

or any ſalmon, cod, ling, tuſk, &c. cured with ſalt made in any part of *Great Britain*. ſ. 20.

The duties, which by 29 *Geo.* 2. *c.* 23. are payable on the importation into *England*, of ſalmon, cod, ling, tuſk, &c. cured with ſalt made in *Scotland*, for which the duty hath been there paid, ſhall be continued, and the ſame duties paid for all ſalmon, cod, ling, hake, tuſk, &c. brought from *Scotland* into *England* for home conſumption, cured in *Scotland* with ſalt made in *Great Britain*, for which the duty hath been paid or ſecured; and the proviſions in the ſaid act for the entry and clearance of ſuch ſalmon, &c. cured with ſalt made in *Scotland*, and for the importation and removal thereof, and for the payment and ſecuring the duties thereby granted, and the penalties thereby inflicted for breach of the proviſions, ſhall be obſerved. ſ. 21.

It ſhall be lawful for any perſon to carry from any port in *Great Britain*, to any other port in the united kingdom, for exportation to foreign parts, any red herrings or white herrings, or any ſalmon, cod, ling, tuſk, &c. the owner of the fiſh, or maſter of the veſſel, making oath before the chief officer of cuſtoms, or his deputy, that ſuch fiſh were caught in *Great Britain*, or on the coaſt thereof, and cured with ſalt delivered duty free, from ſome part of the united kingdom of *Great Britain*, and when, and where, and to whom, the ſalt was delivered. ſ. 22.

All ſuch red herrings, white herrings, ſalmon, cod, ling, tuſk, &c. conveyed coaſtwiſe from one port of the united kingdom of *Great Britain* to another, ſhall, upon exportation thereof to foreign parts, be entitled to the ſame bounties as by 5 *Geo.* 1. *c.* 18. are granted on the exportation of fiſh cured in *Great Britain*, being ſubject to the ſame regulations to prevent the re-landing or re-importing thereof, after clearance outwards for exportation to foreign parts, and the owner thereof being ſubject to the ſame penalties in caſe of re-landing, or any other fraudulent proceeding, in order to obtain the bounties, as by the ſaid act are preſcribed. ſ. 23.

No bounty upon ſuch exportation to foreign parts, of any red herrings, white herrings, ſalmon, cod, ling, tuſk, &c. carried coaſtwiſe from any port in *England*, to any port in *Scotland*, ſhall be paid in *Scotland*; but the chief officer of cuſtoms, at the port from which ſuch fiſh ſhall be exported to foreign parts, ſhall, upon the requeſt of the perſon exporting the ſame, and oath made before the chief officer, of the ſhipping of the fiſh, and its not being re landed, or intended to be re-landed, in *Great Britain*, give a debenture under his hand, without delay or reward, for payment of the bounties; which debenture being produced to the commiſſioners of cuſtoms in *England*, ſhall entitle the exporter to the bounties granted by 5 *Geo.* 1.; and the ſaid commiſſioners are to pay the ſame out of any money remaining in their hands, ariſing by any branch of cuſtoms, regard being had to the priority of the dates of the debentures. ſ. 24.

No bounty upon ſuch re-exportation of any red herrings, &c. ſo carried coaſtwiſe from any port in *Scotland*, to any in *England*, ſhall be paid in *England*; but the chief officer of cuſtoms, at the port from which ſuch fiſh ſhall be exported to foreign parts, ſhall, upon the requeſt of the perſon exporting, and oath made before the chief officer, of the ſhipping of the fiſh, and its not being relanded, or intended to be relanded in *Great Britain*, give a debenture under his hand, without delay or reward, for payment of the bounties; which debenture being produced to the commiſſioners of cuſtoms, or exciſe (at the option of the im-

porter), in *Scotland*, ſhall entitle the exporter to the payment of the bounties granted by 5 *Geo.* 1.; and the ſaid commiſſioners are to pay the ſame out of any money remaining in their hands, ariſing by cuſtoms or exciſe, regard being had to the priority of dates of the debentures. *ſ.* 25.

The proprietor of ſuch red herrings, *&c.* as ſhall be put on board of any ſhip in any port in *Great Britain*, to be carried to any other port in *Great Britain*, whether for home conſumption, or exportation to foreign parts, or his agent, ſhall, before ſuch ſhip ſhall depart from the port where the ſame ſhall be ſhipped, make entry with the collector, or principal officer of cuſtoms at ſuch port, of the fiſh ſhipped, expreſſing the number of barrels of wet fiſh, with the marks and numbers thereof, and the number and weight of each ſpecies of dry fiſh, and declare upon oath that the ſaid fiſh were cured in *Great Britain*, or on the coaſt thereof, and whether they were cured with ſalt delivered duty free, or with ſalt for which the duty hath been paid or ſecured, and that the ſalt uſed in curing ſuch wet or dry fiſh was taken on board from ſome port in *Great Britain*, and when and where it was ſo taken on board, and that no drawback for the ſame hath been had, or intended to be had, upon the exportation of the ſalt (which oath the collector, or principal officer of cuſtoms, or his deputy, is to adminiſter); and is likewiſe required to grant to the maſter of ſuch ſhip, without delay, or reward, a certificate or cocquet under his hand, that ſuch entry and oath have been made; and the maſter of every ſhip wherein ſuch fiſh ſhall be ſhipped to be carried coaſtwiſe, or the proprietor of ſuch fiſh, or his agent, ſhall, before landing the ſaid fiſh, or any part thereof, or putting it on board of any other ſhip or boat in any port of *Great Britain*, deliver the ſaid cocquet to the proper officer of cuſtoms in the port where the ſame ſhall be imported or landed, or put on board of any other ſhip or boat, upon pain of forfeiting all ſuch fiſh as ſhall be imported or landed, or put on board of any other ſhip or boat, contrary to this act, and alſo double the value thereof, together with all the caſks in which ſuch fiſh ſhall be found, the ſame to be recovered of the importer or proprietor, or of the maſter; and all officers, as well of cuſtoms, as of the duties, upon ſalt, are to ſeize all ſuch red herrings, *&c.* imported, landed, or put on board of any other ſhip or boat, contrary to this act, and alſo the caſks in which ſuch fiſh ſhall be found. *ſ.* 26.

It ſhall be lawful for the curers of fiſh in any part of the united kingdom of *Great Britain*, to take from any ſalt works, or pits, ſuch quantity of *Britiſh* ſalt as they think proper, as well for curing of fiſh for exportation to foreign markets, as for curing of herrings and other fiſh taken in the herring fiſhery for home conſumption, without paying any duty for the ſame, and to bring, and remove coaſtwiſe, the ſalt ſo taken, to any port in *Great Britain*, ſuch curers, or their agents, before ſuch ſalt ſhall be removed from the work, or pit, entering, at the next office for the duty on ſalt, the quantity intended to be removed, and procuring the ſame to be weighed in the preſence of an officer for the duties upon ſalt before the removal thereof, and alſo making oath in writing before ſuch officer (to be by him filed in his office for the duty on ſalt), declaring the true quantity of ſuch ſalt, and that all the ſaid ſalt is intended for the curing of fiſh for exportation, or for curing of herrings and other fiſh taken in the herring fiſhery for home conſumption, and that the ſaid ſalt is intended to be carried coaſtwiſe to ſuch a port (naming the ſame), and ſhall not, by their order, or connivance, be ſold, given away, or any ways delivered but for the purpoſe aforeſaid; and alſo making entry of ſuch ſalt with the proper officer of cuſtoms at the port where the ſame ſhall be ſhipped, for the purpoſe of being brought coaſtwiſe, and alſo giving ſecurity to the ſaid officer, by their bond, in double the amount of the duties, for the payment of ſuch duties; and the proprietor of ſuch ſalt ſo to be brought coaſtwiſe, or his agent, ſhall, on the arrival thereof at the port for which it ſhall have been ſhipped and entered, and before the ſame ſhall be relanded, make entry with the collector, or principal officer of cuſtoms there, of the ſalt brought in and intended to be relanded, expreſſing the true quantity thereof; and alſo making oath in writing, before ſuch collector or officer, that all the ſalt was ſhipped on board at ſuch a port (naming the ſame), and when the ſame was ſhipped, and that all the ſalt is intended for curing of fiſh for exportation, or for curing of herrings and other fiſh taken in the herring fiſhery for home conſumption, and that no part of ſuch ſalt, ſince ſhipped, hath been, or ſhall be thereafter, by their order, or connivance, ſold, given away, or any ways delivered, but for the purpoſe aforeſaid, and that no drawback for the ſame hath been had, or is intended to be had, upon the exportation of the ſalt; after which oath the collector, or principal officer of cuſtoms, is to grant to the proprietor of the ſalt, or his agent, without fee, a certificate, under his hand, that ſuch entry hath been made; upon the production and delivery whereof to the officer of cuſtoms, to whom ſuch bond ſhall have been given, ſuch bond ſhall be delivered up to be cancelled; and after ſuch entry and oath made, the proprietor of ſuch ſalt, or his agent, ſhall be at liberty to reland the ſame in the preſence of the officer, and ſuch ſalt, being weighed in the preſence of ſuch officer, and lodged in a warehouſe, under the lock and key of the ſaid officer, as well as of the proprietor, ſhall be ſecured, and dealt with, delivered over, and accounted for, in the ſame manner as is in 5 *Geo.* 1. *c.* 18. preſcribed concerning ſalt thereby allowed to be taken by curers of fiſh for exportation, any thing in the ſaid act, or 29 *Geo.* 2. or any other act, notwithſtanding. *ſ.* 27.

If any *Britiſh* ſalt ſhall be removed from the works or pits, or carried coaſtwiſe, or landed, contrary to this act, ſuch ſalt, and alſo double the value over the duties, ſhall be forfeited, to be recovered of the proprietor, or the maſter of the veſſel removing the ſame. *ſ.* 28.

Whenever any ſalt, foreign or *Britiſh*, ſhall be delivered over from the joint cuſtody of the officer and proprietor, into the ſole cuſtody of the proprietor, or his agent, for curing fiſh for exportation, ſuch proprietor, or his agent, ſhall not be obliged, under 8 *Geo.* 2. *c.* 12. and 25 *Geo.* 3. *c.* 63. to give any ſecurity, by ſureties, for the purpoſes therein expreſſed, but his own bond, in double the amount of the duties only, and no otherwiſe. *ſ.* 29.

Credit for the quantity of ſalt, for which ſuch bond ſhall be given, which ſhall have been uſed and duly accounted for, ſhall, from time to time, be given by the proper officer on the back of the bond; and alſo when a proper account ſhall have been rendered of the whole of the ſalt ſpecified therein, or the duties paid upon the deficiency thereof, the ſaid bond ſhall be void, and delivered up and cancelled. *ſ.* 30.

No bond or other ſecurity ſhall be charged with any ſtamp duty. *ſ.* 31.

It ſhall not be lawful for any officer of cuſtoms to demand, or accept, any fee for any tranſaction relative to any veſſel or boat employed in the fiſheries, or in the tranſportation from one place to another of fiſh, or of ſalt for the uſe of the fiſheries, or for the payment of any bounty or debenture on fiſh; and in caſe any ſuch officer ſhall demand or accept any ſuch fee, he (being thereof convicted) ſhall forfeit treble the amount demanded or accepted, and

ſhall

ſhall be diſcharged from ſuch office as he ſhall then hold in the cuſtoms. *ſ.* 32.

All ſuch herrings as ſhall be caught and cured by the inhabitants of the *Iſle of Man*, and exported from thence, or from *Great Britain*, to foreign parts, ſhall, upon exportation thereof, or any part thereof, be intitled to the like bounties of 2 *s.* 8 *d. per* barrel on white herrings exported, and of 1 *s.* 9 *d. per* barrel on red herrings ſo exported, as by 5 *Geo.* 1. *c.* 18. are granted on the exportation of white and red herrings; which ſaid bounties ſhall, on ſuch white or red herrings exported directly from the *Iſle of Man*, be payable from the ſame funds, and in the ſame manner, as in this act is provided with reſpect to the bounty on the landing of herrings in the *Iſle of Man*, (*ſee* FISHERIES) caught and cured by the inhabitants thereof, as above mentioned; and ſuch bounties on exportation of herrings, caught and cured by the inhabitants of the iſland, and exported from *Great Britain* to foreign parts, ſhall, on the owner thereof producing certificates, ſigned by the collector, comptroller, or other chief officer of his majeſty's revenue of the ſaid iſland, of ſuch owner having taken the like oaths, and of their having conformed to the like proviſions, as by this act are directed in the caſe of herrings cured in *Scotland*, and exported from *England*, and of herrings cured in *England*, and exported from *Scotland*, be payable from the ſame funds, and be paid under the like conditions, and with the like penalties in caſe of relanding, *&c.* as by the ſaid recited, or this preſent act, are provided, in regard to herrings cured in, and exported from *Great Britain*. *ſ.* 34.

All duties payable on ſuch herrings as are caught and cured by the inhabitants of the *Iſle of Man*, and imported into *Great Britain*, ſhall ceaſe. *ſ.* 35.

The like reſtrictions and penalties as are herein provided, with regard to officers aſking or accepting of any fee for any tranſaction relative to the fiſheries, ſhall be extended to the fiſheries of the *Iſle of Man*. *ſ.* 36.

The oath required by 12 *Geo.* 3. *c.* 58. to be taken before the governor, lieutenant governor, commander in chief, or chief magiſtrate for the time being, ſhall be adminiſtered by the collector, comptroller, or other chief officer of the revenue, at the port in the ſaid iſland where ſuch herrings ſhall be ſhipped, who is to adminiſter the ſame, and grant a certificate thereof, in the form by the ſaid act, under his hand and ſeal of office. *ſ.* 37.

If upon complaint or information, upon oath, made before two juſtices, it ſhall appear that ſuch officers know, or are credibly informed, or believe, that any fiſh hath been imported, or ſold or expoſed to ſale, in *London*, contrary to 1 *Geo.* 1. *c.* 18. (*ſee* Part I. p. 390.) and 9 *Geo.* 2. *c.* 33. (*ſee* Part I. p. 392.) and this act, it ſhall be lawful for the juſtices to ſummon the perſon charged by ſuch complaint or information, to appear before them, at a time and place ſpecified in the ſummons; and in caſe the party ſummoned ſhall not appear according to ſuch ſummons, then, upon proof made of the ſervice of ſuch ſummons, either perſonally, or by leaving the ſame at his abode, whilſt the party ſhall be on ſhore, or not being on ſhore, with ſome perſon in the ſhip to which he belong, to cauſe ſuch party to be apprehended, by warrant, under the hands and ſeals of ſuch juſtices, and to be brought before them; and thereupon, whether ſuch party ſhall appear upon ſummons, or be apprehended, ſuch juſtices ſhall hear the complaint, and determine the ſame. *ſ.* 43.

It ſhall be lawful for the ſaid juſtices, before whom ſuch complaint ſhall be made, to ſummon before them any ſeaman, fiſherman, or other perſon, who ſhall by ſuch complaint appear to be a neceſſary witneſs, to appear before them; and in caſe ſuch ſeaman, *&c.* ſhall not appear according to ſuch ſummons, then, upon proof of the ſervice of ſuch ſummons as aforeſaid, to cauſe ſuch ſeaman, *&c.* to be apprehended by warrant under the hands and ſeals of ſuch juſtices, and to be brought before them, and thereupon, whether ſuch ſeaman, *&c.* ſhall appear upon ſummons, or be apprehended, ſuch juſtices ſhall examine him upon oath as to the complaint; and in caſe ſuch ſeaman, *&c.* ſhall refuſe to be ſworn, or to give evidence, or ſhall forſwear himſelf, or prevaricate, it ſhall be lawful for ſuch juſtices, by warrant under their hands and ſeals, to commit ſuch ſeaman, *&c.* to the common gaol of the county for one year, without bail. *ſ.* 44.

The examination of every perſon examined as a witneſs, ſhall be taken down in writing by or before the juſtices; and in caſe the party charged, cannot be made to appear at ſuch examination, and ſuch witneſs cannot be made to attend when ſuch party ſhall appear, then ſuch examination in writing ſhall have the ſame effect as if ſuch witneſs were then preſent and examined *viva voce*. *ſ.* 45.

The penalties by 9 *Geo.* 2. *c.* 33. ſhall be recoverable before two juſtices, on proof and conviction of the offence by the oath of any witneſs, or by confeſſion of the offender, and the whole of ſuch penalty ſhall belong to the informer; and in caſe of non-payment of ſuch penalty, with the charges incident to ſuch conviction, immediately upon conviction, the ſame ſhall be levied by diſtreſs and ſale of the goods of ſuch offender, by warrant under the hands and ſeals of the juſtices; and for want of ſufficient diſtreſs, the offender ſhall be ſent by the juſtices to the common gaol, for one year, without bail, unleſs ſuch penalty ſhall be ſooner paid. *ſ.* 46.

It ſhall be lawful for the juſtices before whom ſuch offender ſhall be convicted, immediately after conviction to order ſuch offender into cuſtody (in caſe the penalty be not immediately paid), not exceeding forty-eight hours, as ſuch juſtices ſhall think proper to allow for the return of the warrant for levying ſuch penalty by diſtreſs and ſale. *ſ.* 47.

If it appear to the ſatisfaction of the juſtices before whom ſuch offender ſhall be convicted, either by the confeſſion of the party convicted, or other witneſs, that ſuch party hath not goods ſufficient to anſwer the penalty, then the juſtices ſhall, without iſſuing any warrant of diſtreſs, commit the party convicted, as if ſuch warrant had actually iſſued, and a return of *nulla bona* been made thereon. *ſ.* 48.

If ſuch offender, ordered to be committed under this act, ſhall, before commitment, procure ſecurity to be given by two ſecurities, to the ſatisfaction of the juſtices, for payment of the penalty, with the charges, within fourteen days, excluſive of the day of conviction; then it ſhall be lawful for ſuch juſtices to accept ſuch ſecurity, and upon non-payment thereof, at the time, the ſame juſtices, or any other juſtices for the ſame county, may cauſe the party convicted, and his ſureties, to be apprehended by warrant under their hands and ſeals, and them commit to the common gaol, for ſuch time as the party convicted was ſubject to have been impriſoned, in caſe no ſecurity had been given, unleſs ſuch penalty, *&c.* be ſooner paid. *ſ.* 49.

Perſons convicted, aggrieved by the judgment of any juſtices, may, within three months, appeal to the general or quarter ſeſſions, ſuch perſons appealing giving ſix days notice to the informer of his intention to appeal, and of the matter thereof, and ſhall, with two ſureties, enter into recognizance before ſome juſtice for the ſame county, to appear and proſecute ſuch appeal at the ſaid ſeſſions, and abide by the determination of the court, and to pay the coſts awarded againſt ſuch perſon; and ſuch appeal ſhall by the ſaid ſeſſions be examined, and the caſe fully enquired

into, and the matter finally determined; and in caſe ſuch judgment appealed againſt, ſhall be affirmed, the party appealing ſhall pay unto the informer double coſts, to be aſcertained by the court. *ſ.* 50.

In caſe the perſon intending to appeal ſhall have paid the penalty, under ſuch conviction, into the hands of the juſtices by way of depoſit, or ſhall be then impriſoned, ſuch perſon may appeal to the general or quarter ſeſſions within the time aforeſaid, on his entering (without ſureties) into ſuch recognizance as before, and remaining in priſon in the mean time, or depoſiting ſuch penalty into the hands of the juſtices, there to remain until the appeal ſhall be determined. *ſ.* 51.

No ſuch conviction ſhall be ſet aſide by the ſaid ſeſſion for want of form, or through the miſ-ſtating of any fact, provided the material facts be proved to the ſatisfaction of the court; nor ſhall ſuch conviction, or any proceedings of the court, be removed by *certiorari* into any court of record at *Weſtminſter*. *ſ.* 52.

Every proſecution in purſuance of this act, for any offence againſt 1 *Geo.* 1. *c.* 18. and 9 *Geo.* 2. *c.* 33. may be commenced within twelve months. *ſ.* 53.

Nothing in this act ſhall repeal or alter any act, or affect any of the powers thereby given, for ſettling the courſe to be obſerved in fitting out for any fiſhery, or clearance outwards, or entry inwards, or the diſcharge of any buſs or fiſhing veſſel, or in cellaring, ſecuring, ſhipping, reſhipping, or relanding any ſalt, uſed for the curing of fiſh, or in fiſhing for, catching, ſalting, curing, ſtoring, landing, removing, marking, or exporting any fiſh whatſoever, or in the payment of any bounties thereby granted, on the tonnage of any buſs, or on any fiſh exported, except ſo far as ſuch acts are ſpecifically repealed, altered, or controlled by this act, or repugnant to any of the proviſions herein; but all the former acts, and the bounties thereby granted, and the authorities therein contained, and the forfeitures thereby inflicted, except as aforeſaid, ſhall remain in force. *ſ.* 54.

Sanctuary.

By 1 *Jac.* 1. *c.* 25. So much of all ſtatutes as concerneth abjured perſons and ſanctuaries, made before 35 *Eliz.* ſhall ſtand repealed. *ſ.* 34.

By 21 *Jac.* 1. *c.* 28. All ſtatutes that take away ſanctuary ſhall, for ſo much, be revived. *ſ.* 6.

No privilege of ſanctuary ſhall be allowed. *ſ.* 7.

Scotland.

By 5 *Ann. c.* 8. *ſ.* 1. The articles of union approved of by the parliaments of *Scotland* are:

'1. The two kingdoms of *England* and *Scotland* ſhall 'upon the firſt of *May* 1707, and for ever after, be united 'into one kingdom by the name of *Great Britain*; and the 'enſigns armorial of the united kingdom ſhall be ſuch as her 'majeſty ſhall appoint, and the croſſes of *St. George* and '*St. Andrew* ſhall be conjoined in ſuch manner as her 'majeſty ſhall think fit.

'2. The ſucceſſion to the monarchy of *Great Britain*, 'in default of iſſue of her majeſty, ſhall be to the moſt excellent princeſs *Sophia*, electoreſs and ducheſs dowager of '*Hanover*, and the heirs of her body being proteſtants; 'and all papiſts, and perſons marrying papiſts, ſhall be excluded from the imperial crown of *Great Britain*; and 'in every ſuch caſe, the crown ſhall deſcend to ſuch perſon, being a proteſtant, as ſhould have inherited the ſame, 'in caſe ſuch papiſt, or perſon marrying a papiſt, was naturally dead, according to the proviſion for the deſcent 'of the crown of *England* by 1 *Will. & Mar. ſt.* 2. '*cap.* 2.

'3. The united kingdom ſhall be repreſented by one 'parliament, to be ſtiled *The Parliament of Great Britain*.

'4. All the ſubjects of the united kingdom ſhall have 'full freedom of trade and navigation to any port within 'the united kingdom, and the dominions thereunto belonging; and there ſhall be a communication of all other 'rights which belong to the ſubjects of either kingdom, 'except where it is otherwiſe agreed in theſe articles.

'5. All ſhips belonging to her majeſty's ſubjects of '*Scotland*, at the time of ratifying the treaty of union in 'the parliament of *Scotland*, though foreign built, ſhall 'paſs as ſhips of the built of *Great Britain*; the owners, 'within 12 months after the firſt of *May* next, making 'oath, that at the time of ratifying the treaty of union in 'the parliament of *Scotland*, the ſame did, in whole or in 'part, belong to them, or to other ſubjects of *Scotland*, to 'be particularly named, with the place of their abodes; 'and that the ſame doth, at the time of the depoſition, 'wholly belong to them; and that no foreigner hath any 'intereſt therein; which oath ſhall be made before the 'chief officers of the cuſtoms in the port next to the abode 'of the owners; and the oath ſhall be atteſted by the officer 'who adminiſtered the ſame; and being regiſtered, ſhall 'be delivered to the maſter of the ſhip; and a duplicate 'thereof ſhall be tranſmitted to the chief officers of the 'cuſtoms in the port of *Edinburgh*, and from thence ſent 'to the port of *London*, to be entered in the general regiſter.

'6. All parts of the united kingdom ſhall have the ſame 'encouragements and drawbacks, and be under the ſame 'regulations of trade, and liable to the ſame cuſtoms; and 'the allowances, drawbacks, and regulations of trade, 'and the duties on import and export ſettled in *England*, 'ſhall take place through the whole united kingdom, excepting the duties upon export and import of ſuch particular commodities, from which any perſons are ſpecially 'exempted by their private rights. And no *Scots* cattle 'carried into *England* ſhall be liable to any other duties, 'than thoſe to which the cattle of *England* are. And when 'oats ſhall be ſold at 15 *s. per* quarter, or under, there 'ſhall be paid 2 *s.* 6 *d.* for every quarter of oatmeal exported, ſo long as rewards are granted for exportation of 'other grains, and the bear of *Scotland* ſhall have the ſame 'rewards as barley; and the prohibition by the law of '*Scotland* againſt importation of victuals from *Ireland*, or 'any other place beyond ſea into *Scotland*, ſhall remain, 'until more effectual ways be provided by the parliament 'of *Great Britain*.

'7. All parts of the united kingdom ſhall be liable to 'the ſame exciſes upon liquors, excepting only that the '34 gallons, *Engliſh* barrel of beer or ale, amounting to '12 gallons *Scots* preſent meaſure, ſold in *Scotland* by the 'brewer at 9 *s.* 6 *d.* excluding all duties, and retailed, including duties and the retailer's profit, at 2 *d.* the *Scots* 'pint, be not liable on account of the preſent exciſe in '*England* to any higher impoſition than 2 *s.*

'8. Foreign ſalt imported into *Scotland* ſhall be charged 'with the ſame duties as the like ſalt is now charged with 'being imported into *England*; but all foreign ſalt imported 'into *Scotland* ſhall be cellared under the cuſtody of the 'merchants and the officers, and the merchant may have 'what quantity his occaſion may require, not under a

'weigh

'weigh at a time, giving ſecurity for the duty, payable in 'ſix months. *Scotland*, from the expiration of ſeven years, 'ſhall be ſubject to the ſame duties for ſalt made in *Scotland* 'as ſhall be then payable for ſalt made in *England*, with 'this exception, that *Scotland* ſhall remain exempted from 'the duty of 2 *s.* 4 *d.* a buſhel on home ſalt, impoſed by an 'act made in *England*, 9 & 10 *Will.* 3. *c.* 44. and if the 'parliament of *Great Britain* ſhall ſubſtitute any other 'fund in place of the ſaid 2 *s.* 4 *d.* on the buſhel of home 'ſalt, *Scotland* ſhall, after the ſeven years, bear a propor-'tion of the ſaid fund, and have an equivalent in the terms 'of this treaty. * And after the ſeven years, as long as 'the ſaid duty of 2 *s.* 4 *d.* a buſhel upon ſalt is continued 'in *England*, the ſaid 2 *s.* 4 *d.* a buſhel ſhall be payable 'for all ſalt made in *Scotland* and imported into *England*; 'and during the continuance of the 2 *s.* 4 *d.* a buſhel, no 'ſalt ſhall be brought from *Scotland* to *England* by land, 'under the penalty of forfeiting the ſalt, and the cattle and 'carriages made uſe of in bringing the ſame, and 20 *s.* for 'every buſhel, for which the carrier as well as the owner 'ſhall be liable, and the perſons carrying the ſame to be 'impriſoned by any juſtice of peace ſix months, and until 'the penalty be paid. § And all fleſh exported from *Scot-'land* to *England*, and put on board in *Scotland* to be ex-'ported beyond the ſeas, and proviſions for ſhips in *Scotland*, 'and for foreign voyages, may be ſalted with *Scots* ſalt, 'paying the ſame duty for what ſalt is ſo employed, as the 'like quantity of ſuch ſalt pays in *England*, and under the 'ſame penalties and proviſions; and the laws in *Scotland* 'for pining, curing, and packing, of herrings, white fiſh, 'and ſalmon, for exportation, with foreign ſalt only, with-'out any mixture of *Britiſh* or *Iriſh* ſalt, and for prevent-'ing of frauds in curing and packing of fiſh, ſhall be con-'tinued in *Scotland*, ſubject to ſuch alterations as ſhall be 'made by the parliament of *Great Britain:* and all fiſh 'exported from *Scotland* beyond the ſeas, which ſhall be 'cured with foreign ſalt only, ſhall have the ſame premiums 'and drawbacks as ſhall be allowed to ſuch as export the 'like fiſh from *England*; and there ſhall be paid to the ſub-'jects of *Great Britain*, during the preſent allowances for 'other fiſh, 10 *s.* 5 *d.* for every barrel of white herrings 'exported from *Scotland*; and there ſhall be allowed 5 *s.* for 'every barrel of beef or pork ſalted with foreign ſalt, with-'out mixture of *Britiſh* or *Iriſh* ſalt, and exported for ſale 'from *Scotland* to parts beyond the ſea, alterable by the 'parliament of *Great Britain:* and if any matters of fraud 'relating to the ſaid duties on ſalt ſhall hereafter appear, 'the ſame ſhall be ſubject to ſuch further proviſions, as ſhall 'be thought fit by the parliament of *Great Britain*.

'9. Whenever the ſum of 1,997,763 *l.* 8 *s.* 4½ *d.* ſhall 'be enacted by the parliament of *Great Britain* to be 'raiſed in *England* by a land tax, *Scotland* ſhall be charged 'by the ſame act with a further ſum of 48,000 *l.* free of 'all charges, and ſo proportionably; and ſuch *quota* for '*Scotland* ſhall be raiſed in the ſame manner, as the ceſs 'now is in *Scotland*, but ſubject to ſuch regulations in the 'manner of collecting, as ſhall be made by the parliament 'of *Great Britain*.

'10. During the continuance of the duties on ſtamped 'paper, vellum, and parchment, in *England*, *Scotland* 'ſhall not be charged with the ſame duties.

'11. During the continuance of the duties payable in '*England* on windows, which determine on the firſt of '*Auguſt* 1710, *Scotland* ſhall not be charged with the 'ſame.

'12. During the continuance of the duties payable in '*England* on coals, culm, and cinders, which determine 'the 30th of *September* 1710, *Scotland* ſhall not be charged 'therewith for coals, *&c.* conſumed there, but ſhall be 'charged with the ſame duties as in *England* for all coals, '*&c.* not conſumed in *Scotland*.

'13. During the continuance of the duty payable in '*England* upon malt, which determines the 24th of *June* '1707, *Scotland* ſhall not be charged with that duty.

'14. *Scotland* ſhall not be charged with any other duties 'laid on by the parliament of *England* before the union, 'except theſe conſented to in this treaty: provided, that if 'the parliament of *England* ſhall lay any further impoſi-'tions by way of cuſtoms, or ſuch exciſes with which by 'this treaty *Scotland* is charged equally with *England*, '*Scotland* ſhall be liable to the ſame, and have an equiva-'lent to be ſettled by the parliament of *Great Britain*; 'with this further proviſion, that any malt, to be made 'and conſumed in *Scotland*, ſhall not be charged with any 'impoſition on malt, during this war. And there ſhall be 'no further exemption inſiſted upon for any part of the 'united kingdom.

'15. *Scotland* ſhall have an equivalent for what the ſubjects 'thereof ſhall be charged towards payment of the debts of '*England*, in the manner following, *viz.* before the union, the 'ſum of 398,085 *l.* 10 *s.* ſhall be granted by the parliament of '*England* for the equivalent to *Scotland*, for ſuch parts of 'the cuſtoms and exciſes with which that kingdom is to be 'charged, as will be applicable to the payment of the debts 'of *England*, according to the proportions which the pre-'ſent cuſtoms in *Scotland*, being 30,000 *l. per annum*, bear 'to the cuſtoms in *England*, computed at 1,341,559 *l. per 'annum*; and which the preſent exciſes on liquors in *Scot-'land*, being 33,500 *l. per annum*, bear to the exciſes on 'liquors in *England*, computed at 947,602 *l. per annum*; 'which ſum of 398,085 *l.* 10 *s.* ſhall be due from the time 'of the union. And after the union there ſhall be an ac-'count kept of the ſaid duties ariſing in *Scotland*, to the 'end it may appear, what ought to be anſwered to *Scotland* 'as an equivalent, for ſuch proportion of the increaſe as 'ſhall be applicable to the payment of the debts of *England*. 'And the whole encreaſe of the cuſtoms and exciſes upon 'liquors in *Scotland*, over and above the annual produce 'above ſtated, ſhall be applied for ſeven years to the uſes 'hereafter mentioned; and there ſhall be anſwered to '*Scotland* annually from the end of ſeven years after the 'union, an equivalent in proportion to ſuch part of the ſaid 'encreaſe, as ſhall be applicable to the debts of *England*; 'and generally an equivalent ſhall be anſwered to *Scotland* 'for ſuch parts of the *Engliſh* debts, as *Scotland* may be-'come liable to pay by reaſon of the union. And as for 'the uſes to which the ſaid ſum of 398,085 *l.* 10 *s.* and all 'other monies to be anſwered to *Scotland* as aforeſaid, are 'to be applied; in the firſt place, out of the aforeſaid ſum, 'what conſideration ſhall be neceſſary to be had for any 'loſſes which private perſons may ſuſtain by reducing the 'coin of *Scotland* to the ſtandard of the coin of *England*, 'may be made good; in the next place, the capital ſtock 'or fund of the *African* and *Indian* company of *Scotland*, 'with intereſt of five *per cent.* from the times of the pay-'ment

* Additional ſalt duties are payable under 20 *Geo.* 3. *c.* 34. and 22 *Geo.* 3. *c* 39. which ſee under the general title SALT.

§ By 25 *Geo.* 3 *c* 63. Every perſon, reſiding in any county in *England* near the borders of *Scotland*, in whoſe cuſtody any ſalt brought from *Scotland* ſhall be found, ſhall be liable to the ſame penalties as if he was the carrier or owner thereof; unleſs he make it appear upon the trial, or hearing of any information, that it came by ſea, and that the duties had been paid or ſecured. *ſ.* 4.

'ment thereof, ſhall be paid, upon which the ſaid company 'ſhall be diſſolved; and the overplus of the ſaid ſum of '398,085 *l.* 10 *s.* and alſo the whole encreaſe of the revenues of cuſtoms and exciſes during the ſaid term of ſeven 'years, together with the equivalent which ſhall become 'due upon the improvement thereof in *Scotland* after the 'ſaid term; and all other ſums, which, according to the 'agreements aforeſaid, may become payable to *Scotland* by 'way of equivalent, for what that kingdom ſhall become 'liable towards payment of the debts of *England*; the 'ſame ſhall be applied in manner following, *viz.* all the 'public debts of *Scotland*, as ſhall be adjuſted by this preſent parliament, ſhall be paid; and 2000 *l. per annum* for 'ſeven years ſhall be applied towards encouraging the 'manufacture of coarſe wool within thoſe ſhires which 'produce the wool; and the firſt 2000 *l.* ſhall be paid at '*Martinmas* next; and afterwards the ſame ſhall be wholly 'applied towards the encouraging the fiſheries, and ſuch 'other manufactures and improvements in *Scotland*, as 'may moſt conduce to the general good of the united 'kingdom. And her majeſty ſhall be empowered to appoint commiſſioners, who ſhall be accountable to the 'parliament of *Great Britain*, for diſpoſing the ſaid ſum of '398,085 *l.* 10 *s.* and all other monies which ſhall ariſe to '*Scotland*, upon the agreements aforeſaid; and the collectors of the ſaid revenues ſhall give to the ſaid commiſſioners authentic abbreviations of the produce of ſuch 'revenues; and the ſaid commiſſioners ſhall have their 'office within *Scotland*, and ſhall keep accounts of the 'amount of the equivalents, and how the ſame ſhall have 'been diſpoſed of, which may be inſpected by any of the 'ſubjects.

'16. The coin ſhall be of the ſame ſtandard throughout 'the united kingdom, as now in *England*, and a mint ſhall 'be continued in *Scotland*, under the ſame rules as the 'mint in *England*, and the preſent officers of the mint continued, ſubject to ſuch alterations as her majeſty, or the 'parliament, ſhall think fit.

'17. The ſame weights and meaſures ſhall be uſed 'throughout the united kingdom, as are now eſtabliſhed in '*England*; and ſtandards of weights and meaſures ſhall be 'kept by thoſe burghs in *Scotland*, to whom the keeping 'the ſtandards of weights and meaſures does of ſpecial 'right belong: all which ſtandards ſhall be ſent down to 'ſuch burghs, from the ſtandards kept in the exchequer 'at *Weſtminſter*, ſubject to ſuch regulations as the parliament of *Great Britain* ſhall think fit.

'18. The laws concerning regulation of trade, cuſtoms, 'and ſuch exciſes to which *Scotland* is by this treaty to be 'liable, ſhall be the ſame in *Scotland* as in *England:* and all 'other laws in uſe within *Scotland* ſhall after the union, and 'notwithſtanding thereof, remain in force, (except ſuch as 'are inconſiſtent with this treaty,) but alterable by the 'parliament of *Great Britain:* with this difference betwixt the laws concerning public right, policy, and civil 'government, and thoſe which concern private right; that 'the laws which concern public right, policy, and civil 'government, may be made the ſame throughout the whole 'united kingdom; but that no alteration be made in laws 'which concern private right, except for evident utility of 'the ſubjects within *Scotland.*

'19. The court of ſeſſion, or college of juſtice, ſhall, 'after the union, and notwithſtanding thereof, remain in 'all time coming within *Scotland*, as it is now conſtituted, 'and with the ſame authority; ſubject nevertheleſs to ſuch 'regulations for the better adminiſtration of juſtice, as 'ſhall be made by the parliament of *Great Britain*; and 'none ſhall be named by her majeſty, to be ordinary lords 'of ſeſſion, but ſuch who have ſerved in the college of juſtice as advocates, or principal clerks of ſeſſion, for five 'years, or as writers to the ſignet for ten years; with this 'proviſion, that no writer to the ſignet be capable to be 'admitted a lord of the ſeſſion, unleſs he undergo a private 'and public trial on the civil law before the faculty of advocates, and be found qualified for the office, two years 'before he be named a lord of the ſeſſion; yet ſo as the 'qualifications for capacitating perſons to be named ordinary lords of ſeſſion, may be altered by the parliament of '*Great Britain.* And the court of juſticiary ſhall alſo 'after the union, and notwithſtanding thereof, remain in 'all time coming within *Scotland*, as it is now conſtituted, 'and with the ſame authority, ſubject to ſuch regulations 'as ſhall be made by the parliament of *Great Britain*, and 'without prejudice of other rights of juſticiary; and 'all admiralty juriſdictions ſhall be under the lord high admiral, or commiſſioners for the admiralty of *Great Britain*; and the court of admiralty now eſtabliſhed in *Scotland* ſhall be continued, and all reviews, reductions, or 'ſuſpenſions of the ſentences, in maritime caſes, competent to the juriſdiction of that court, ſhall remain in the 'ſame manner as now in *Scotland*, until the parliament of '*Great Britain* ſhall make ſuch regulations as ſhall be 'judged expedient for the whole united kingdom; ſo as 'there be always continued in *Scotland* a court of admiralty, 'ſuch as in *England*, for determination of all maritime 'caſes relating to private rights in *Scotland*, competent to 'the juriſdiction of the admiralty court, ſubject nevertheleſs to ſuch alterations as ſhall be made by the parliament 'of *Great Britain*; and the heretable rights of admiralty 'and vice-admiralties of *Scotland* ſhall be reſerved to the 'proprietors as rights of property, ſubject nevertheleſs, as 'to the manner of exerciſing ſuch rights, to ſuch regulations 'as ſhall be thought proper by the parliament of *Great Britain*; and all other courts now in *Scotland* ſhall remain, 'but ſubject to alterations by the parliament of *Great Britain*; and all inferior courts within the ſaid limits ſhall 'remain ſubordinate to the ſupreme courts of juſtice within 'the ſame; and no cauſes in *Scotland* ſhall be cognoſcible 'by the courts of chancery, queen's bench, common 'pleas, or any other court in *Weſtminſter-hall*; and the 'ſaid courts, or any other of the like nature, ſhall have no 'power to cognoſce, review, or alter the acts or ſentences 'of the judicatures within *Scotland*, or ſtop the execution 'of the ſame; and there ſhall be a court of exchequer in '*Scotland*, for deciding queſtions concerning the revenues 'of cuſtoms and exciſes there, having the ſame power in 'ſuch caſes, as the court of exchequer has in *England*; 'and the ſaid court of exchequer in *Scotland* ſhall have 'power of paſſing ſignatures, gifts, tutories, and in other 'things, as the court of exchequer at preſent in *Scotland* 'hath; and the court of exchequer that now is in *Scotland* 'ſhall remain, until a new court of exchequer be ſettled by 'the parliament of *Great Britain* in *Scotland*; and the 'queen may continue a privy council in *Scotland*, for preſerving of public peace and order, until the parliament of '*Great Britain* ſhall think fit to eſtabliſh any other 'method.

'20. All heretable offices, ſuperiorities, heretable juriſdictions, offices for life, and juriſdictions for life, ſhall be 'reſerved to the owners thereof, as rights of property.

'21. The rights and privileges of the royal burghs in '*Scotland* ſhall remain entire after the union, and notwithſtanding thereof.

'22. Of

'22. Of the peers of *Scotland* at the time of the union, '16 ſhall be the number to ſit and vote in the houſe of lords, 'and 45 the number of the repreſentatives of *Scotland* in 'the houſe of commons, of the parliament of *Great Bri-* '*tain*; and when her majeſty ſhall declare her pleaſure for 'holding any parliament of *Great Britain*, until the par- 'liament of *Great Britain* ſhall make further proviſion 'therein, a writ ſhall iſſue under the great ſeal of the united 'kingdom, directed to the privy council of *Scotland*, com- 'manding them to cauſe 16 peers, who are to ſit in the 'houſe of lords, to be ſummoned to parliament, and 45 'members to be elected to ſit in the houſe of commons, in 'ſuch manner as by an act of this ſeſſion of the parliament 'of *Scotland* ſhall be ſettled; and the names of the perſons 'ſo ſummoned and elected ſhall be returned by the privy 'council of *Scotland*. And if her majeſty ſhall declare it 'expedient, the lords of parliament of *England*, and com- 'mons of the preſent parliament of *England*, ſhall be the 'members of the reſpective houſes of the firſt parliament 'of *Great Britain* for *England*. And every one of the 'lords of parliament, and every member of the houſe of 'commons, in all ſucceeding parliaments of *Great Bri-* '*tain*, until the parliament of *Great Britain* ſhall otherwiſe 'direct, ſhall take the oaths appointed to be taken, inſtead 'of the oaths of allegiance and ſupremacy by 1 *Will.* '*& Mar. ſt.* 1. *c.* 8. and ſubſcribe and repeat the declara- 'tion mentioned in 30 *Car.* 2. *ſt.* 2. and ſhall take and ſub- 'ſcribe the oath mentioned in 1 *Ann. ſt.* 1. *c.* 22. [altered 'by 1 *Geo.* 1. *c.* 13.]

'23. The 16 peers of *Scotland* ſhall have all privileges 'of parliament which the peers of *England* have, and par- 'ticularly the right of ſitting upon the trials of peers: and 'in caſe of the trial of any peer, in time of adjournment 'or prorogation of parliament, the ſaid 16 peers ſhall be 'ſummoned; and in caſe any trials of peers ſhall happen, 'when there is no parliament in being, the 16 peers of '*Scotland*, who ſat in the laſt preceding parliament, ſhall 'be ſummoned; and all peers of *Scotland* ſhall be peers of '*Great Britain*, and have rank next after the peers of the 'like degrees in *England* at the time of the union, and be- 'fore all peers of *Great Britain* of the like degrees created 'after the union, and ſhall be tried as peers of *Great Bri-* '*tain*, and ſhall enjoy all privileges of peers; except the 'right of ſitting in the houſe of lords, and the privileges 'depending thereon, and particularly the right of ſitting 'upon the trials of peers.

'24. There ſhall be one great ſeal for the united king- 'dom; and the quartering the arms, and the rank of the '*Lyon* king of arms of *Scotland*, ſhall be left to her ma- 'jeſty; and the great ſeal of the united kingdom ſhall be 'uſed for ſealing writs to ſummon the parliament of *Great* '*Britain*, and for ſealing all treaties with foreign ſtates, 'and all public acts of ſtate, which concern the united 'kingdom, and in all other matters relating to *England*, as 'the great ſeal of *England* is now uſed; and a ſeal in *Scot-* '*land* ſhall be kept and made uſe of in all things relating to 'private rights or grants, which have uſually paſſed the 'great ſeal of *Scotland*, and which only concern offices, 'grants, commiſſions, and private rights, within that 'kingdom; and the privy ſeal, ſignet, caſſet, ſignet of the 'juſticiary court, quarter ſeal, and ſeals of courts, now 'uſed in *Scotland*, ſhall be continued, but adapted to the 'ſtate of the union, as her majeſty ſhall think fit; and the 'ſaid ſeals ſhall be ſubject to ſuch regulations as the parlia- 'ment of *Great Britain* ſhall make. And the crown, 'ſcepter, and ſword of ſtate, the records of parliament, 'and all other records, rolls, and regiſters, both public 'and private, ſhall continue to be kept as they are within '*Scotland*, in all time coming.

'25. All laws in either kingdom, ſo far as they are in- 'conſiſtent with theſe articles, ſhall become void, and ſhall 'be ſo declared to be, by the reſpective parliaments.'

The act for ſecuring the proteſtant religion and preſby- terian church government within *Scotland*, is as follows: *ſ.* 2.

'Her majeſty, with advice and conſent of the eſtates of 'parliament, doth eſtabliſh and confirm the true proteſtant 'religion, and the worſhip, diſcipline, and government of 'this church, to continue without any alteration to the 'people of this land in all generations; and more eſpecial- 'ly the fifth act of the firſt parliament of king *William* and 'queen *Mary*, intituled, *Act ratifying the confeſſion of* '*faith, and ſettling preſbyterian church government*, with 'all other acts of parliament relating thereto; and declares, 'that the foreſaid true proteſtant religion, contained in the 'confeſſion of faith, with the form and purity of worſhip 'in uſe within this church, and its preſbyterian church 'government and diſcipline, by kirk-ſeſſions, preſbyteries, 'provincial ſynods, and general aſſemblies, ſhall remain 'unalterable, and that the ſaid preſbyterian government 'ſhall be the only government of the church of *Scotland*.

'The univerſities and colleges of *St. Andrews*, *Glaſgow*, '*Aberdeen*, and *Edinburgh*, as eſtabliſhed by law, ſhall 'continue for ever; and no profeſſors, principals, regents, 'maſters, or others, bearing office in any univerſity, col- 'lege, or ſchool, within this kingdom, ſhall be admitted 'to their functions, but ſuch as ſhall acknowledge the civil 'government in manner preſcribed by acts of parliament; 'as alſo, at their admiſſions, ſhall profeſs, and ſhall ſub- 'ſcribe to the foreſaid confeſſion of faith, and that they 'will conform themſelves to the worſhip in uſe in this 'church, and ſubmit themſelves to the government and 'diſcipline thereof, and never endeavour the prejudice or 'ſubverſion of the ſame, and that before the reſpective 'preſbyteries of their bounds.

'None of the ſubjects of this kingdom ſhall be liable to 'any oath, teſt, or ſubſcription, within this kingdom, in- 'conſiſtent with the foreſaid true proteſtant religion, and 'preſbyterian church government, worſhip, and diſcipline. 'And after the deceaſe of her majeſty, the ſovereign ſuc- 'ceeding in the royal government of the kingdom of '*Great Britain* ſhall, in all time coming, at his acceſſion 'to the crown, ſwear and ſubſcribe, that they ſhall inviola- 'bly maintain and preſerve the aforeſaid ſettlement of the 'true proteſtant religion, with the government, worſhip, 'diſcipline, right, and privileges, of this church.

'This act ſhall be a fundamental and eſſential condition 'of union betwixt the two kingdoms, and ſhall be inſerted 'in any act of parliament for concluding the union; 'nevertheleſs, the parliament of *England* may provide for 'the ſecurity of the church of *England* as they think expe- 'dient, to take place within the bounds of *England*, and 'not derogating from the ſecurity above provided for the 'church of *Scotland*; as alſo the parliament of *England* 'may extend the proviſions contained in the articles of 'union in favour of the ſubjects of *Scotland*, to the ſubjects 'of *England*.

'All laws in this kingdom, ſo far as they are inconſiſtent 'with the articles, ſhall, after the union, become void.'

The act for ſecuring the church of *England* as by law eſtabliſhed. *ſ.* 3. 5 *Ann. c.* 5. *is alſo inſerted, which ſee in* SERVICE *and* SACRAMEMTS.

The ſaid articles of union, and alſo the ſaid act of par- liament of *Scotland*, for eſtabliſhing the proteſtant religion and

and preſbyterian church government within that kingdom, ſhall be for ever confirmed. *ſ.* 4.

The ſaid act for ſecuring the church of *England* as by law eſtabliſhed, and alſo the ſaid act of parliament of *Scotland* for ſecuring the proteſtant religion and preſbyterian church government, ſhall for ever be obſerved as fundamental and eſſential conditions of the union. *ſ.* 5.

One other act ſettling the manner of electing the 16 peers, and 45 members to repreſent *Scotland* in the parliament of *Great Britain*, paſſed in the parliament of *Scotland* at *Edinburgh*, the 5th of *February* 1707, follows: *ſ.* 6.

'Her majeſty, with advice and conſent of the eſtates of 'parliament, ordains, that the 16 peers, who ſhall have a 'right to ſit in the houſe of peers in the parliament of *Great* '*Britain* on the part of *Scotland*, ſhall be named by the 'peers of *Scotland*, out of their own number, by open 'election and plurality of voices of the peers preſent, and 'of the proxies for ſuch as ſhall be abſent, the ſaid proxies 'being peers, and producing a mandate duly ſigned before 'witneſſes, and both the conſtituent and proxy being qua-'lified according to law; alſo ſuch peers as are abſent, being 'qualified, may ſend to all ſuch meetings liſts of the peers 'whom they judge fitteſt, validly ſigned by the abſent peers, 'which ſhall be reckoned as if the parties had been preſent, 'and given in the liſt: and in caſe of the death, or legal 'incapacity, of any of the ſaid 16 peers, the ſaid peers of '*Scotland* ſhall nominate another of their own number. 'And of the ſaid 45 repreſentatives of *Scotland* in the houſe 'of commons in the parliament of *Great Britain*, 30 ſhall 'be choſen by the ſhires or ſtewartries, and 15 by the royal 'boroughs, as follows, *viz.* one for every ſhire and ſtewart-'ry, excepting the ſhires of *Bute* and *Cathneſs*, which ſhall 'chuſe one by turns, *Bute* having the firſt election, the 'ſhires of *Nairn* and *Cromarty* which ſhall alſo chuſe by 'turns, *Nairn* having the firſt election; and in like manner 'the ſhires of *Clackmanan* and *Kinroſs* ſhall chuſe by turns, '*Clackmanan* having the firſt election: and in caſe of the 'death or incapacity of any of the members from the re-'ſpective ſhires or ſtewartries, the ſhire or ſtewartry who 'elected the ſaid member ſhall elect another in his place. 'And the 15 repreſentatives for the royal boroughs ſhall be 'choſen as follows, *viz.* the town of *Edinburgh* ſhall ſend 'one member to the parliament of *Great Britain*; and 'each of the other burghs ſhall elect a commiſſioner in the 'ſame manner as they uſe to elect commiſſioners to the par-'liament of *Scotland*; which commiſſioners and burghs 'being divided in 14 diſtricts, ſhall meet at ſuch time and 'burghs within their diſtricts, as her majeſty ſhall appoint, 'and elect one for each diſtrict, *viz.* the burghs of *Kirk-'wall*, *Week*, *Dornock*, *Dingwall*, and *Taine*, one; the 'burghs of *Fortroſe*, *Inverneſs*, *Nairn*, and *Forreſs*, one; 'the burghs of *Elgin*, *Cullen*, *Banff*, *Inverury*, and *Kin-'tore*, one; the burghs of *Aberdeen*, *Inverbervy*, *Montroſe*, '*Aberbrothock*, and *Brochine*, one; the burghs of *Forfar*, '*Perth*, *Dundee*, *Couper*, and *St. Andrews*, one; and the 'burghs of *Craill*, *Kilrennie*, *Anſtruther Eaſter*, *Anſtruther* '*Weſter*, and *Pittenweem*, one; the burghs of *Dyſart*, '*Kirkaldie*, *Kinghorn*, and *Brunt iſland*, one; the burghs 'of *Innerkithen*, *Dunfermline*, *Queensferry*, *Culroſs*, and '*Sterling*, one; the burghs of *Glaſgow*, *Renfrew*, *Rugien*, 'and *Dumbarton*, one; the burghs of *Haddington*, *Dun-'barr*, *North Berwick*, *Lauder*, and *Jedburgh*, one; the 'burghs of *Selkirk*, *Peebles*, *Linlithgow*, and *Lanerk*, one; 'the burghs of *Dumfries*, *Sanquhar*, *Annan*, *Lockmaben*, 'and *Kirkcudbright*, one; the burghs of *Wigtoun*, *New* '*Galloway*, *Stranraver*, and *Whitchern*, one; and the 'burghs of *Air*, *Irvin*, *Rotheſay*, *Campbletoun*, and *Inve-'rary*, one. And where the votes of the commiſſioners 'for the burghs, met to chuſe repreſentatives, ſhall be equal, 'the preſident of the meeting ſhall have a caſting vote, ac-'cording to his vote as a commiſſioner from the burgh; 'the commiſſioner from the oldeſt burgh preſiding in the 'firſt meeting, and the commiſſioners from the other 'burghs by turns, in the order as they are called in the rolls 'of the parliament of *Scotland*: and in caſe any of the 15 'commiſſioners from burghs ſhall deceaſe, or become le-'gally incapable, the town of *Edinburgh*, or the diſtrict 'which choſe the ſaid member, ſhall elect a member in his 'place. Provided that none be capable to elect or be 'elected for any of the ſaid eſtates, but ſuch as are 21 years 'of age complete, and proteſtant, excluding all papiſts, 'or ſuch who being ſuſpect of popery, and required, re-'fuſe to ſwear and ſubſcribe the *formula* contained in the 'third act made in the eighth and ninth ſeſſions of king '*William*'s parliament, for preventing the growth of 'popery. And none ſhall be capable to elect, or be elect-'ed, to repreſent a ſhire or burgh for this part of the united 'kingdom, except ſuch as are now capable by the laws of 'this kingdom, to elect, or be elected as commiſſioners for 'ſhires or burghs, to the parliament of *Scotland*. And 'when her majeſty ſhall declare her pleaſure for holding 'any parliament of *Great Britain*, and a writ ſhall be 'iſſued, directed to the privy council of *Scotland*, conform 'to the 22d article, until the parliament of *Great Britain* 'ſhall make further proviſion, the ſaid writ ſhall contain a 'command to the privy council, to iſſue out a proclama-'tion, requiring the peers of *Scotland* to aſſemble at ſuch 'time and place within *Scotland*, as her majeſty ſhall think 'fit, to make election of the 16 peers; and requiring the 'lord clerk-regiſter, or two of the clerks of ſeſſion, to at-'tend all ſuch meetings, and to adminiſter the oaths and to 'aſk the votes, and having made up the liſts in the preſence 'of the meeting, to return the names of the 16 peers 'choſen (certified under the ſubſcription of the lord clerk-'regiſter, or clerks of ſeſſion attending) to the clerk of the 'privy council of *Scotland*; and in like manner requiring the 'ſeveral freeholders in the reſpective ſhires and ſtewartries, 'to conveen at the head burghs of their ſhires and ſtewart-'ries, to elect their commiſſioners, and ordaining the clerks 'of the ſaid meetings, immediately after the elections are 'over, to return the names of the perſons elected to the 'clerks of the privy council; and laſtly, ordaining the city 'of *Edinburgh* to elect their commiſſioner, and the other 'royal boroughs to elect each of them a commiſſioner, and 'to ſend the ſaid commiſſioners at ſuch times, to ſuch 'burghs within their diſtricts, as her majeſty by ſuch pro-'clamation ſhall appoint, requiring the common clerk of 'the burghs, where ſuch election ſhall be, to attend the 'ſaid meetings, and immediately after the election to re-'turn the name of the perſon elected (under his hand) to 'the clerk of privy council; to the end that the names of 'the 16 peers, 30 commiſſioners for ſhires, and 15 com-'miſſioners for burghs, may be returned to the court from 'whence the writ did iſſue. And the 16 peers, and 45 'commiſſioners for ſhires and burghs, who ſhall be choſen 'by the peers, barons, and burghs, reſpectively, in this 'ſeſſion of parliament, and out of the members thereof, 'ſhall be the members of the reſpective houſes of the firſt 'parliament of *Great Britain*, on the part of *Scotland*.'

The laſt-mentioned act paſſed in *Scotland* ſhall be valid, as if the ſame had been part of the articles of union. *ſ.* 7.

By

By 6 *Ann. c.* 6. The queen ſhall have but one privy council for the kingdom of *Great Britain*, and ſuch privy council ſhall have the ſame powers as the privy council of *England* had at the time of the union, and none other. *ſ.* 1.

In every ſhire and ſtewartry within *Scotland*, and alſo in ſuch cities, boroughs, liberties, and precincts, within *Scotland*, as her majeſty ſhall think fit, there ſhall be appointed by her majeſty, under the great ſeal of *Great Britain*, a number of good and lawful men to be juſtices of peace; which perſons, over and above the powers veſted in juſtices of peace by the laws of *Scotland*, ſhall be further authoriſed to exerciſe whatever doth appertain to the office of a juſtice of peace, by virtue of the laws made in *England* before the union, in relation to the public peace; provided that in the ſeſſions of the peace the methods of trial and judgments ſhall be according to the laws of *Scotland*. *ſ.* 2.

Nothing in this act ſhall alter any rights, liberties, or privileges, granted to the city of *Edinburgh*, or to any other royal borough, of being juſtices of peace within their bounds. *ſ.* 3.

Twice in the year, in *April* or *May*, and in *October*, circuit-courts ſhall be kept. *ſ.* 4.

When any parliament ſhall be ſummoned, the 45 repreſentatives of *Scotland*, in the houſe of commons, ſhall be elected by the queen's writs under the great ſeal of *Great Britain*, directed to the ſeveral ſheriffs and ſtewarts of the reſpective ſhires and ſtewartries; and the ſaid ſheriffs and ſtewarts ſhall, on receipt of ſuch writs, forthwith give notice of the time of election for the knights or commiſſioners for their ſhires or ſtewartries, and at ſuch time of election the ſeveral freeholders ſhall meet at the headburghs of their ſhires and ſtewartries, and proceed to the election of their commiſſioners or knights; and the clerks of the ſaid meetings immediately after the elections, ſhall return the names of the perſons elected to the ſheriff or ſtewart, who ſhall annex it to his writ, and return it into the court out of which the writ iſſued. And as to the manner of election of the 15 repreſentatives of the royal boroughs, the ſheriff of the ſhire of *Edinburgh* ſhall, on the receipt of the writ directed to him, forthwith direct his precept to the lord provoſt of *Edinburgh*, to cauſe a burgeſs to be elected for that city; and on receipt of ſuch precept, the city of *Edinburgh* ſhall elect their member, and their common clerk ſhall certify his name to the ſheriff of *Edinburgh*, who ſhall annex it to his writ, and return it; and as to the other royal boroughs divided into 14 diſtricts, the ſheriffs or ſtewarts of the ſeveral ſhires and ſtewartries, on the receipt of their writs, ſhall direct their precepts to every royal borough, reciting the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a commiſſioner, and to order the ſaid commiſſioners to meet at the preſiding borough of their diſtrict (naming the borough) upon the 30th day after the *teſte* of the writ, unleſs it be *Sunday*, and then the day after, and then to chooſe their burgeſs for the parliament; and the common clerk of the preſiding borough ſhall immediately after the election return the name of the perſon elected to the ſheriff or ſtewart of the ſhire or ſtewartry wherein ſuch preſiding borough is, who ſhall annex it to his writ and return it. And in caſe a vacancy ſhall happen in time of parliament, by the deceaſe or legal incapacity of any member, a new member ſhall be elected in his room, conformable to the method herein appointed; and in caſe ſuch a vacancy be of a repreſentative of any one of the ſaid 14 diſtricts of royal boroughs, that borough which preſided at the election of the deceaſed or diſabled member ſhall be the preſiding borough at ſuch new election. *ſ.* 5.

Upon the iſſuing writs of ſummons for the election of a new parliament, if any ſhire or ſtewartry, wherein a royal borough is, hath not then a turn or right to elect a commiſſioner, or knight of the ſhire for that parliament, it ſhall be omitted out of the writ directed to ſuch ſheriff or ſtewart, to cauſe a commiſſioner for that ſhire to be elected. *ſ.* 6.

By 16 *Geo.* 3. *c.* 52. All perſons, being natural-born ſubjects, within this united kingdom, or any other of the king's dominions, ſhall inherit, and be inheritable in *Scotland*, as heirs to any honours, manors, lands, tenements, or hereditaments, and make their pedigrees and titles by deſcent from any of their anceſtors, lineal or collateral, although the father and mother, or other anceſtor of ſuch perſon under whom they derive their title or pedigree, ſhall be born out of the king's allegiance and out of his majeſty's dominions, as fully, as if ſuch father or mother, or other anceſtor, had been naturalized or natural-born ſubject within the king's dominions. *ſ.* 1.

No perſon ſhall be hereby enabled to inherit as heirs or co-heirs, to any perſon dying ſeiſed of any manors, *&c.* through any alien anceſtor, unleſs the perſon ſo claiming title as heir or co-heir, was in being, and capable to take the ſame eſtate as heir or co-heir, at the death of the perſon who ſhall ſo laſt die ſeiſed of ſuch manors, *&c.* and to whom he ſhall ſo claim to be heir. *ſ.* 2.

In caſe the perſon who ſhall be in being, and capable to take, at the death of the anceſtor dying ſeiſed of any ſuch honours, *&c.* and upon whom the deſcent ſhall be caſt, ſhall happen to be a daughter of any alien, and the alien father or mother, through whom ſuch deſcent ſhall be derived by ſuch daughter, ſhall afterwards have a ſon born within any of his majeſty's dominions, the deſcent ſo caſt upon ſuch daughter ſhall be diveſted in favour of ſuch ſon, and ſuch ſon ſhall inherit and take the eſtate in like manner as is allowed by the common law in caſes of the birth of a nearer heir; or in caſe ſuch father or mother ſhall have no ſon, but ſhall have one or more daughters afterwards born within any of his majeſty's dominions, the deſcent ſo caſt upon ſuch daughter ſhall be diveſted in favour of ſuch ſon, and ſuch ſon ſhall inherit and take the eſtate in like manner as is allowed by the common law in caſes of the birth of a nearer heir; or in caſe ſuch father or mother ſhall have no ſon, but ſhall have one or more daughters afterwards born within any of his majeſty's dominions, the daughters ſo born afterwards ſhall inherit and take in coparcenary with the daughters upon whom the deſcent ſhall be caſt at the death of the anceſtor laſt ſeiſed. *ſ.* 3.

Alehouſes.

By 29 *Geo.* 2. *c.* 12. In every royal borough, and in every ſhire and ſtewartry in *Scotland*, no perſon ſhall keep any alehouſe, or ſell ale, beer, or other exciſeable liquors, by retail, but ſuch only who ſhall be licenſed according to this act. *ſ.* 10.

The juſtices in each ſhire and ſtewartry ſhall annually aſſemble on *Nov.* 1. or on the next lawful day thereafter, at the hour and place when and where the general quarter ſeſſions have uſually been held, to licenſe for the year enſuing perſons to keep alehouſes, or to ſell ale, beer, or other exciſeable liquors by retail, within ſuch ſhire or ſtewartry, or in the event hereafter mentioned within any royal borough in ſuch ſhire, *&c.* and the ſaid juſtices ſhall cauſe to be delivered to each perſon licenſed, a licenſe written or printed upon vellum, parchment, or paper ſtampt with a ſtamp denoting the payment of the duty, and

ſigned by the praeſes of the meeting, and by the clerk of the peace, for each of which licenſes there ſhall be paid 1*s.* to the clerk of the peace for his fee, over the 20*s.* for the ſtamp duty, and no greater ſum ſhall be paid for each licenſe. *ſ.* 11.

The magiſtrates of each royal borough ſhall yearly on the 25th of *October*, or the next lawful day thereafter, aſſemble at the time and place when and where they uſually have met for tranſacting the buſineſs of ſuch royal borough; and they or two of them ſhall, at ſuch annual meeting, licenſe for the year then next enſuing ſuch and ſo many perſons as they or two of them think convenient to keep alehouſes, *&c.* or to ſell ale, *&c.* by retail, within every ſuch royal borough and the royalty thereof; and the ſaid magiſtrates ſhall cauſe to be delivered to each perſon ſo licenſed a licence written or printed upon vellum, *&c.* ſtampt with a ſtamp denoting the payment of the duty, and ſigned by two of the ſaid magiſtrates and by the clerk of ſuch royal borough; for each of which licences the fee of 1*s.* over and above the duty, and no more ſhall be paid. *ſ.* 12.

If in any royal borough there ſhall not be a ſufficient number of magiſtrates capable to grant licenſes, purſuant to this act, at any of the times when licenſes for alehouſes, *&c.* in the royal boroughs are to be granted, then it ſhall be lawful for the juſtices of peace of the ſhire or ſtewartry in which ſuch royal borough is ſituated, to grant licenſes for ſuch royal borough at the ſame time and in the ſame manner as they do for the ſhire or ſtewartry; and all licenſes ſo granted for royal boroughs, by juſtices of peace, ſhall continue in force until the next annual day of granting licenſes. *ſ.* 13.

Every perſon who in royal boroughs, *&c.* ſhall keep an alehouſe, or ſell ale, beer, or other exciſeable liquors, by retail, without being licenſed according to this act, and ſhall be convicted within one month after ſuch offence committed, on confeſſion or the oath of one witneſs, by any two juſtices of peace of the ſhire or ſtewartry, or by any two magiſtrates in any royal borough where ſuch offender ſhall reſide or be licenſed, every ſuch offender ſhall forfeit for the firſt offence 5*s.*, for the ſecond offence 10*s.*, and for the third offence 20*s.*, and be incapable of keeping an alehouſe, *&c.* or of ſelling ale, *&c.* by retail, by virtue of any licenſe granted before ſuch conviction, or of having any licenſe thereafter; and if any ſuch offender continue to commit any of the ſaid offences, he ſhall for every offence ſubſequent to his third conviction forfeit 40*s.*; all which penalties ſhall be levied by diſtreſs and ſale of goods, by warrant ſigned by the juſtices or magiſtrates who convict ſuch offender; which penalties ſhall be applied, one half to the informer, and the other half to the poor of the pariſh where ſuch offence is committed; and ſuch conviction, ſigned by the ſaid two juſtices or magiſtrates ſhall be good in law; and the ſaid juſtices or magiſtrates ſhall immediately after the conviction is ſigned, intimate the ſaid conviction to the perſon convicted, and ſhall certify the ſame and the proceedings therein to the clerk of the peace of the ſhire or ſtewartry in which they act, or in which the royal borough is ſituated, to be by the ſaid clerk preſerved amongſt the records of the ſaid ſhire or ſtewartry. *ſ.* 14.

Any perſon aggrieved by ſuch conviction may, within two days after ſuch conviction intimated to him, appeal to the next quarter ſeſſions, or adjournment thereof, for the ſhire or ſtewartry where ſuch offence is committed or wherein ſuch royal borough is ſituated; and the juſtices of peace at ſuch ſeſſions are to determine ſuch appeals, and to give and cauſe to be executed ſuch judgment as the juſtices or magiſtrates from whom the caſe is appealed ought to have given. *ſ.* 15.

The perſon appealing ſhall with all ſpeed, and before the meeting of the ſaid quarter ſeſſions or adjournment, leave his reaſons of appeal in writing with the clerk of the peace of the ſhire or ſtewartry, and with effect proſecute ſuch appeal; and the clerk of the peace ſhall, at the quarter ſeſſions, *&c.* produce all convictions and reaſons of appeal certified to him, or left with him ſince the laſt quarter ſeſſions or adjournment, and ſhall upon reaſonable notice deliver to any perſon requiring the ſame a copy of ſuch conviction or reaſons of appeal; for each copy whereof the fee of 6*d.* and no more ſhall be paid. *ſ.* 16.

It ſhall be lawful for the juſtices of peace at the ſaid quarter ſeſſions or adjournment, if they judge any appeal to be frivolous, to order the party appealing to pay any ſum not exceeding 20*s.* over and above the penalties before mentioned, to be applied in ſuch manner as the ſaid juſtices ſhall direct; and the judgment of the juſtices ſhall be final. *ſ.* 17.

No juſtice of peace or any magiſtrate in any ſhire, ſtewartry, or royal borough, in *Scotland*, who is a brewer, malſter, diſtiller, or retailer of ale, beer, or other exciſeable liquors, or is concerned in partnerſhip, or otherwiſe, with any brewer, *&c.* at any time when any of the powers in this act are to be executed, ſhall act in any of the meetings for granting licences, or convict or join in any conviction, or in the determination of any appeal directed by this act; and every juſtice of peace or magiſtrate who ſhall offend in any of the premiſes, ſhall for every ſuch offence forfeit 50*l.* to be recovered by any perſon who will ſue for the ſame within ſix months after ſuch offence committed, by action, bill, plaint, or information, in the court of exchequer in *Scotland*, in which no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed; which penalty of 50*l.* ſhall be paid, one moiety to the perſon who ſues for the ſame, and the other moiety the collector of the ceſs for the ſhire or ſtewartry within which ſuch juſtice or magiſtrate has offended, to be applied for the reparation of the highways and bridges. *ſ.* 18.

Nothing in this act ſhall charge any licenſe for keeping any alehouſe, *&c.* or place for the ſale of ale, beer, and other exciſeable liquors by retail, upon or near the king's military roads in *Scotland*, not being within any royal borough, nor within the burghs of *Dumblain*, *Muthill*, *Crief*, *Dunheld*, or within one mile of any of the ſaid royal boroughs or burghs, with any duty hereby directed to be paid, but all ſuch licences ſhall be granted and delivered by the juſtices of peace for the reſpective ſhires and ſtewartries, where ſuch roads lie, upon the payment of 1*s.* for each licence to the clerk of the peace of ſuch ſhire or ſtewartry for his trouble. *ſ.* 19.

Arms.

By 1 *Geo.* 1. *c.* 20. The reſpective lieutenants in *Scotland* ſhall, over and above their power of commanding the militia, *&c.* be enabled by themſelves, or any two of their deputies, to grant warrants, appointing perſons (of which a commiſſioned officer, and the conſtable, or his deputy, or in their abſence ſome other perſon in the ſhire or ſtewartry ſhall be two) to ſearch for and ſeize all arms, ammuniton, and

and other warlike ſtores, in the poſſeſſion of any perſons whom the ſaid lieutenants or their deputies judge dangerous to the peace of the kingdom, and to ſecure ſuch arms, &c. for the public ſervice, and thereof to give account to the ſaid lieutenants or two of their deputies. *ſ.* 10.

No ſuch ſearch ſhall be made in any houſe between ſun-ſetting and ſun-riſing, except in cities and their ſuburbs, boroughs royal, boroughs of regality and of barony, where ſearch may be made in the night-time, if the warrant ſo direct; and no dwelling-houſe of any peer ſhall be ſearched but by immediate warrant from his majeſty under his ſign manual, or in preſence of the lieutenant, or one of the deputy-lieutenants of the ſhire or ſtewartry; and it ſhall be lawful, in caſe of reſiſtance, to enter by force; and the arms ſo ſeized may be reſtored, if the lieutenants, or in their abſence any two of their deputies, ſhall think fit. *ſ.* 11.

All magiſtrates and other officers are required to be aiding and aſſiſting to the lieutenants, &c. in execution of the premiſes. *ſ.* 12.

By 1 *Geo.* 1. *c.* 54. It ſhall not be lawful for any perſons within the ſhires of *Dunbartain* on the north ſide of the water of *Leven*; *Stirling*, on the north ſide of the river of *Forth*; *Perth*, *Kincardin*, *Aberdeen*, *Inverneſs*, *Nairn*, *Cromarty*, *Argyle*, *Forfar*, *Bamff*, *Sutherland*, *Caithneſs*, *Elgine*, and *Roſs*, to have in their cuſtody, uſe, or bear, broad ſword or target, poinard, whingar or durk, ſide piſtol or gun, or any other warlike weapons, in the fields, or in the way, coming or going to, from or, at, any church, market, fair, burials, huntings, meetings, or any other occaſion, within the ſaid bounds, or to come into the *Low Countries* armed as aforeſaid: and if any perſon above deſcribed ſhall have in his cuſtody, uſe or bear arms, being thereof convicted before one juſtice of peace, or other judge competent ſummarily, he ſhall for the firſt offence forfeit all ſuch arms, and be fined not exceeding 40 *l.* nor leſs than 5 *l.* ſterling, and be impriſoned till payment; which if not inſtantly paid after commitment, the fine ſhall be levied out of the offender's goods and eſtate, by warrant of the judge who ſhall pronounce ſuch ſentence; to be applied, one half to the informer, and the other, at the ſight of the juſtices where convicted, towards repairing the public works in the ſhire, and be further liable to a month's impriſonment; and being convicted for a ſecond offence before the court of juſticiary, or the judges at their circuits, ſhall forfeit ſuch arms, and be fined not exceeding 80 *l.* nor under 10 *l.* ſterling; and for every ſubſequent offence to a fine double the former, to be levied and applied as above; and for want of payment or ſufficient diſtreſs, the offender ſhall be liable to be tranſported to the plantations for 7 years. *ſ.* 1.

All trials for the ſaid offences ſhall be entered in a record to be kept apart by the clerk of the court of juſticiary, or his deputies; and where an offender ſhall be tried for the firſt offence before an inferior court, the clerk of ſuch court ſhall exhibit duplicates of every ſuch trial and ſentence following thereon, ſigned judicially to the judges at their circuits the next court after ſuch trials, to be delivered to the clerk of the circuit, who is required to enter the ſame on the book of regiſter, to be kept ſeparate; and in 40 days after ſuch duplicates ſhall be exhibited and delivered, extracts thereof ſigned by the clerk of juſticiary ſhall have the ſame force as extracts from other regiſters of decrees and acts in *Scotland*; and the clerks of inferior courts within the juriſdiction of any ſeparate court of juſticiary general, ſhall forthwith tranſmit the ſaid duplicates into the ſaid court, there to be kept in a regiſter apart, in order to the conviction of ſuch as ſhall be guilty a ſecond time or oftener. *ſ.* 2.

If any clerks of inferior courts ſhall neglect to make and ſign ſuch duplicate, or to exhibit the ſame judicially in the circuit courts, or to deliver the ſame to the clerk of the circuits, or to tranſmit the ſame in the caſe above mentioned; or if the clerk of the juſticiary, or his deputy-clerks of the circuits, ſhall neglect to enter them in the regiſter, every clerk ſo offending ſhall be liable to a fine of 10 *l.* ſterling, to be levied as aforeſaid. *ſ.* 3.

The matters above mentioned ſhall be point of dittay; and the judges at their circuits ſhall inquire concerning the proſecutions made upon this act, and the keeping the duplicates of the trials. *ſ.* 4.

The clerk of the juſticiary or his deputy, ſhall exhibit into that court the book of regiſter above directed, at the firſt court after the judges return from their circuits, and the running of the 40 days allowed for filling up the ſaid regiſter. *ſ.* 5.

The prohibition of keeping, &c. warlike weapons, ſhall not extend to peers, nor their ſons, nor any officers, or their aſſiſtants, employed in the execution of juſtice; nor ſhall this act extend to hinder any commoner, having the yearly income of 400 *l. Scots* or more, or who is otherwiſe qualified to vote at elections of parliament men for any of the above-named counties, to have in his cuſtody or uſe, in manner allowed by laws now in force, any number of arms not exceeding two firelocks, two pair of piſtols, two ſwords; the magiſtrates of every burgh royal to have in their cuſtody a ſufficient number of arms for keeping guard within their burghs, and the inhabitants to uſe the ſaid arms in keeping guard; provided that the arms in burghs royal be kept in magazines under the care of the magiſtrates, and not left in private houſes, and that the whole number in any burgh royal ſhall not exceed 200; nor ſhall this act extend to hinder the commiſſion officers of the army and the ſoldiers under their command, to keep, uſe, or bear arms, as formerly; nor the lieutenants of counties, their deputies and the militia, nor fencible men under their command, to keep or receive arms out of his majeſty's magazines, and to uſe the ſame during the time that the militia and fencible men ſhall be called out. *ſ.* 6.

Provided that the ſaid lieutenants, &c. return the arms ſo received within 20 days after the expiration of the time for which they were called out, under the penalties above mentioned. *ſ.* 7.

When a warrant is granted by a lord lieutenant, or two deputy-lieutenants, of any the ſhires or bounds above mentioned, to ſearch for ammunition or other warlike ſtores, which they ſhall judge dangerous to the peace of the kingdom, and kept contrary to the directions of this act, in purſuance of 1 *Geo.* 1. *c.* 20. the ſearch may be made within the ſaid ſhires between ſun-ſetting and ſun-riſing, if the warrant ſo direct; and in caſe of reſiſtance or refuſal of entry, or of the concealing or conveying away ſuch arms, ammunition, or other warlike ſtores, all perſons wilfully aiding or being guilty, art and part, of ſuch reſiſtance, or refuſal of entry, &c. ſhall be liable to a fine not exceeding 15 *l.* nor under 5 *l.* ſterling, to be levied as above. *ſ.* 8. *See the reſt in* TENURES.

By 19 *Geo.* 2. *c.* 39. After the firſt of *Aug.* 1746, it ſhall be lawful for the lords lieutenants in *Scotland*, within the ſhire of *Dunbartain*, on the north ſide of the water of *Leven*; *Stirling*, on the north ſide of the river of *Forth*; *Perth*, *Kincardin*, *Aberdeen*, *Inverneſs*, *Nairn*, *Cromarty*,

Argyle, *Forfar*, *Bamff*, *Sutherland*, *Caithneſs*, *Elgine*, and *Roſs*, and for ſuch other perſons as his majeſty ſhall, by his ſign manual, authorize to iſſue letters of ſummons, in his majeſty's name, and under their reſpective hands and ſeals, directed to perſons within the ſaid ſhires and bounds, commanding all perſons therein named, or inhabiting within the limits therein deſcribed, to bring in and deliver up at a certain day and place all their arms and warlike weapons, unto ſuch lord lieutenant or other perſon appointed by his majeſty, for the uſe of his majeſty, and to be diſpoſed of as his majeſty ſhall appoint; and if any perſon in ſuch ſummons mentioned or inhabiting within the limits therein deſcribed, ſhall by oath of one witneſs be convicted of having any arms or warlike weapons after the day prefixed in ſuch ſummons, before any juſtice of the peace for the ſhire or ſtewartry where ſuch offender reſides or is apprehended, or before the judge ordinary, or ſuch other perſon as his majeſty ſhall appoint, every perſon ſo convicted ſhall forfeit 15 *l.* ſterling, and be committed to priſon until payment; and if he neglect to make payment within one calendar month from the date of ſuch conviction, it ſhall be lawful to any juſtice of peace, or to the judge ordinary of the place where ſuch offender is impriſoned, in caſe he judges ſuch offender fit to ſerve his majeſty as a ſoldier, to cauſe him to be delivered over to ſuch officer belonging to the forces of his majeſty who ſhall be appointed to receive ſuch men, to ſerve as ſoldiers in *America*; and ſuch officer ſhall then cauſe the articles of war againſt mutiny and deſertion to be read to him in the preſence of ſuch juſtice of peace or judge ordinary; who ſhall cauſe an entry thereof to be made, together with the names of the perſons ſo delivered over, with a certificate thereof under his hand to be delivered to the officer; and after reading the ſaid articles of war, every perſon ſo delivered over to ſuch officer, ſhall be deemed a liſted ſoldier, and be ſubject to the diſcipline of war, and in caſe of deſertion be puniſhed as a deſerter; and in caſe ſuch offender be not judged fit to ſerve his majeſty, then he ſhall be impriſoned for ſix calendar months and until he gives ſecurity for his good behaviour for two years from the giving thereof. *ſ.* 1.

All perſons ſummoned to deliver up their arms, who ſhall conceal any arms, or be acceſſary to the concealing of ſuch arms, and ſhall be thereof convicted, by oath of one witneſs, before any juſtice of peace, judge ordinary, or other perſon authoriſed by his majeſty, ſhall be fined in any ſum not exceeding 100 *l.* ſterling, nor under 15 *l.* ſterling, and be committed to priſon until payment; and if the perſon ſo convicted, being a man, neglect to pay the fine within one calendar month from the conviction, he ſhall, if he be judged fit, be delivered over to ſerve as a ſoldier in *America*, and if he be not judged fit, he ſhall be impriſoned for ſix calendar months, and until he give ſecurity for his good behaviour for two years; and if the perſon convicted be a woman, ſhe ſhall over and above the aforeſaid fine and impriſonment, till payment, ſuffer impriſonment for ſix calendar months within the tolbooth of the head burgh of the ſhire or ſtewartry within which ſhe is convicted. *ſ.* 2.

If after the day appointed by any ſummons for delivering up arms, any arms be found concealed in any dwelling houſe, barn, out-houſe, office, or other houſe, being the reſidence of or belonging to any of the perſons ſummoned, the tenant, or poſſeſſor of ſuch houſe, or of the houſe to which ſuch barn, *&c.* belongs, being convicted, ſhall be deemed to be the haver and concealer of ſuch arms, and ſhall ſuffer the penalties enacted againſt concealers of arms, unleſs he give evidence by making oath or otherwiſe to the ſatisfaction of the ſaid juſtice, *&c.* that ſuch arms were ſo concealed without his knowledge. *ſ.* 3.

If any perſon convicted of any of the above offences, thereafter preſume to commit the like offence a ſecond time, being convicted before any court of juſticiary, or at the circuit courts, he ſhall be liable to be tranſported to any of the plantations for 7 years. *ſ.* 4.

It ſhall be lawful to his majeſty by ſign manual, to authoriſe ſuch perſons as he thinks proper, to execute all the powers and authorities by this act given to juſtices of the peace, or to the judge ordinary, as to the apprehending, trying, and convicting, perſons ſummoned to deliver up their arms. *ſ.* 5.

The ſummons ſhall be deemed ſufficient if it expreſs the perſons commanded to deliver up their weapons, or the pariſhes or lands, limits, and boundings, whereof the inhabitants are to be diſarmed, and it ſhall be a ſufficient execution or notice of the ſummons, if it is affixed on the door of the pariſh church within which the lands (the inhabitants whereof are to be diſarmed) lie, on any *Sunday* between ten in the forenoon and two in the afternoon four days at leaſt before the day prefixed for delivering up the arms, and on the market-croſs of the head burgh of the ſhire or ſtewartry within which the lands lie eight days before the day appointed for the delivery; and in caſe the perſon employed to affix the ſaid ſummons on the doors of the pariſh churches be interrupted, or forcibly hindered, upon oath thereof before any juſtice of peace, the ſummons affixed on the market-croſs of the ſaid head burgh ſhall be a ſufficient notice to all the perſons commanded thereby to deliver up their arms. *ſ.* 6.

Upon the elapſing of the days prefixed for delivering up arms the perſons employed to fix the ſummons on the market-croſs of the head burghs of any ſhire or ſtewartry, ſhall before any juſtice of peace for the ſaid ſhire, *&c.* make oath that he did give notice of the ſame by affixing it as aforeſaid; and the perſon employed to affix the ſummons on the door of the pariſh church ſhall make oath to the ſame effect, or otherwiſe ſhall ſwear that he was interrupted or forcibly hindered; which oath, with copies of the ſummons, ſhall be delivered to the ſheriff or ſteward clerk of the ſeveral ſhires or ſtewartries within which the perſons intended to be diſarmed live, who ſhall enter the ſame in books, and the ſaid books, or extracts out of the ſame, under the hand of the ſheriff or ſteward clerk, ſhall be evidence of the execution of ſummons in order to the conviction of the perſons who ſhall neglect to comply with the ſame. *ſ.* 7.

If any ſheriff or ſteward clerk neglect to make ſuch entry, or to exhibit the books, or to give extracts, being required by any perſon who ſhall carry on any proſecution, he ſhall forfeit his office, and be fined 50 *l.* ſterling; to be recovered upon a ſummary complaint before the court of ſeſſion, for the uſe of his majeſty. *ſ.* 8.

It ſhall be lawful for the lord lieutenant of any of the ſhires aforeſaid, or the perſon authoriſed by his majeſty, to ſummon perſons to deliver their arms, or for any juſtice of peace of the reſpective ſhires above mentioned, or to the judge ordinary within their reſpective juriſdictions, or to ſuch perſon as ſhall be authoriſed by his majeſty for trying offences againſt this act, to appoint ſuch perſons as they ſhall think fit to apprehend all perſons within the limits aforeſaid, having or wearing any arms contrary to law, and to carry them to ſome ſure priſon, in order to their being proceeded againſt according to law. *ſ.* 9.

It ſhall be lawful for his majeſty, by ſign manual, and for the lord lieutenant of any of the ſhires aforeſaid, or the perſon authoriſed by his majeſty to ſummon perſons to deliver up their arms, or any juſtice of peace, by warrant under his hand, to appoint any perſons to enter into any houſe within the limits aforeſaid, either by day or by night to ſearch for and ſeize all arms. *ſ.* 10.

Provided that if the ſearch be in the night, that is, between ſun-ſetting and ſun-riſing, it ſhall be made in the preſence of a conſtable, or ſome perſon named in the warrant. And if five or more perſons aſſemble to obſtruct the execution of this act, it ſhall be lawful for every lord lieutenant, deputy lieutenant, or juſtice of peace, and for every peace officer within ſuch ſhire or place where ſuch aſſembly ſhall be, and for every other perſon by his majeſty authoriſed, to require the aſſiſtance of the forces of his majeſty, by applying to the commanding officer, who ſhall carry the offenders before a juſtice of peace of the ſhire or place; and if the perſons aſſembled, or any other perſon ſummoned to deliver up his arms, be killed, maimed, or wounded in the diſperſing, and appehending, by reaſon of their reſiſting, then every ſuch lord lieutenant, deputy lieutenent, juſtice of peace, or peace officer, and all perſons authoriſed by his majeſty, and all perſons aſſiſting them, ſhall be indemnified againſt the king and againſt all other perſons for the killing, maiming, or wounding ſuch perſon. *ſ.* 11.

If any action civil or criminal be brought againſt any perſon for what he ſhall lawfully do in purſuance of this act, the court ſhall allow the defendant the benefit of the indemnity above provided, and ſhall farther decern the purſuer to pay the defender the expences of ſuch action or proſecution. *ſ.* 12.

This act, or the 1 *Geo.* 1. *c.* 54. ſhall not hinder any perſon whom his majeſty by licence, under his ſign manual, ſhall permit to wear arms, or who ſhall be licenſed to wear arms by any writing under the hand and ſeal of any perſon authoriſed by his majeſty to give ſuch licence, from keeeping or wearing ſuch arms as in ſuch licence ſhall be ſpecified. *ſ.* 13.

After the affixing any ſummons as aforeſaid, no perſon reſiding within the bounds therein mentioned, ſhall be proſecuted for having or bearing arms at any time before the day prefixed by ſuch ſummons for the delivering up arms; but if any perſon neglect to deliver up his arms, in obedience to ſuch ſummons, or afterwards be found in arms, he ſhall be liable to the penalties in the ſaid ſtatute as well as of this act. *ſ.* 14.

One moiety of the penalties impoſed by this act, with reſpect to which no other proviſion is made, ſhall be to the informer, and the other moiety ſhall be at the diſpoſal of the juſtices, judge ordinary, or other perſon authoriſed, before whom ſuch conviction ſhall happen; provided the ſame be applied towards the expence incurred in the execution of this act. *ſ.* 15.

Such parts of the ſhire of *Dunbartain* as lie upon the eaſt, weſt, and north ſides of *Lochlomond*, to the northward of that point where the water of *Leven* runs from *Lochlomond*, are and were intended to be diſarmed by the 1 *Geo.* 1. *c.* 54. and by this act. *ſ.* 20.

By 21 *Geo.* 2. *c.* 34. The lieutenants of any of the 15 ſhires in the 19 *Geo.* 2. *c.* 39. *ſ.* 1. named, and other perſons authoriſed by his majeſty, to iſſue letters of ſummons for the delivering of arms, may appoint, by writing, under their hands and ſeals, ſuch perſons as they think fit to receive the arms ſo to be delivered up, and the perſon appointed to receive ſuch arms ſhall tranſmit the ſame to ſuch place as ſuch lieutenant or perſon authoriſed ſhall direct; and every perſon obliged by the ſaid act to deliver up his arms, ſhall incur the like penalties for having and bearing arms after the day prefixed in ſuch ſummons, as for having or bearing arms contrary to the meaning of the ſaid act. *ſ.* 1.

So much of the ſaid act, whereby it is enacted, that no peers of this realm, nor their ſons, nor any members of parliament, nor any perſon who by the 1 *Geo.* 1. *c.* 54. were allowed to have arms, ſhould be liable to be ſummoned to deliver up their arms is hereby repealed. *ſ.* 2.

The prohibition in the 1 *Geo.* 1. *c.* 54. or 19 *Geo.* 2. *c.* 39. or in this act, of having arms, ſhall not extend to any officers or their aſſiſtants, employed in the execution of juſtice, nor to hinder any perſon qualified to vote at elections of parliament men for any of the ſaid counties, nor any heretor or life-renter poſſeſſed of an eſtate of 400 and leſs than 1000 *l. Scots*, valued rent, to have any number of arms not exceeding three firelocks, three pair of piſtols and three ſwords or cutlaſſes; nor any heretor or life-renter of an eſtate of 1000 and leſs than 3000 *l. Scots*, valued rent, to have ſeven firelocks, ſeven pair of piſtols, and ſeven ſwords or cutlaſſes; nor any heretor or life-renter of an eſtate of 3000 and leſs than 6000 *l. Scots*, valued rent, to have 12 firelocks, 12 pair of piſtols, and 12 ſwords or cutlaſſes; nor any heretor or life-renter of an eſtate of 6000 and leſs than 9000 *l. Scots*, valued rent, to have 20 firelocks, 20 pair of piſtols, and 20 ſwords or cutlaſſes; nor any heretor or life-renter of an eſtate of 9000 *l. Scots*, valued rent, or more, to have 30 firelocks, 30 pair of piſtols, and 30 ſwords or cutlaſſes; to be uſed by himſelf, family, or ſervants; nor to hinder the magiſtrates of any burgh royal to have a ſufficient number of arms for keeping guard; nor to hinder any perſon licenſed purſuant to 19 *Geo.* 2. *c.* 39. from keeping the arms in ſuch licence ſpecified; nor to hinder the officers of the army and the common ſoldiers to uſe arms as formerly; nor the lieutenants of counties or their deputies, or the fencible men under their command, to keep and receive arms out of his majeſty's magazines, and to uſe them when their militia ſhall be called out by lawful authority. *ſ.* 3.

Perſons to whom a limited number of arms is hereby allowed, ſhall, upon ſummons, deliver up all ſuch arms as they have over and above the number limited. *ſ.* 4.

The arms in burghs royal ſhall be kept in the magazines under the care of the magiſtrates, and not left in private houſes, unleſs by ſpecial warrant in writing from the magiſtrates; and the number of arms in any royal burgh ſhall not exceed 200 ſtand of arms; and the ſaid lieutenants of counties, their deputies, militia, and fenſible men, under their command, ſhall return the arms received out of the king's magazines, within 20 days after the expiration of the time for which they ſhall be called out. *ſ.* 5.

No perſon by reaſon of having an income of 400 *l. Scots* valued rent, or being qualified to vote at elections of parliament men, or by licence, ſhall be intitled to keep any arms, unleſs he ſhall firſt have qualified himſelf by taking and ſubſcribing the oaths of allegiance and abjuration, and ſubſcribing the aſſurance appointed to be taken by perſons in offices of public truſt in *Scotland*, either in the court of ſeſſion, court of juſticiary, or in the ſheriff

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or ſtewart's court of the county or ſtewartry where he reſides, or in one of the courts at *Weſtminſter*, and cauſed a certificate of his having ſo done to be regiſtered in a book to be kept in one of the ſaid courts in *Scotland*; and in caſe any ſuch perſon preſume to keep arms without having firſt qualified himſelf as aforeſaid, he ſhall forfeit the ſaid arms to his majeſty, and 100 *l.* ſterling, to be recovered in any of the ſaid courts in *Scotland*; one moiety to the uſe of his majeſty, and the other moiety to the perſon who ſhall ſue. *ſ.* 6.

Inſtead of the penalties inflicted by the 19 *Geo.* 2. *c.* 39. it ſhall be lawful for any juſtice, or judge ordinary, to cauſe ſuch offender (not being a landed man or the ſon of a landed man) whom he ſhall judge fit to ſerve his majeſty as a ſoldier, to be delivered to any officer belonging to his majeſty's forces, to ſerve therein; for which purpoſe the officer who ſhall receive him, ſhall then cauſe ſo much of the articles of war as are directed to be read to perſons inliſted as ſoldiers, to be read to him in the preſence of ſuch juſtice or judge ordinary; who ſhall cauſe an entry thereof to be made together with the names of the perſons ſo delivered over, with a certificate thereof under his hand to be delivered to the ſaid officer; and after reading ſuch part of the ſaid articles of war, every perſon ſo delivered over to ſuch officer ſhall be deemed a liſted ſoldier. *ſ.* 10.

By 26 *Geo.* 2. *c.* 29. All the parts of the ſhire of *Stirling* lying on the north or north-weſt ſide of an imaginary ſtraight line from *Ballamachall* upon *Lock Loman*, in the pariſh of *Buchanan*, to the kirk or bridge of *Aberfoyl*, upon the river of *Forth*, ſhall be ſubject to the proviſions made by 1 *Geo.* 1. *c.* 54.—19 *Geo.* 2. *c.* 39.—21 *Geo.* 2. *c.* 34. and by this act, in the ſame manner as if that boundary had been mentioned in the ſaid former acts relating to the diſarming the highlands in *Scotland*. *ſ.* 2.

Bail.

By 11 *Geo.* 1. *c.* 26. Whereas the ſums for which bail is to be taken on any criminal information in *Scotland*, in purſuance of the act 1701. *for preventing wrongous impriſonment*, &c. are too ſmall, *viz.* 6000 marks for a nobleman, 3000 marks for a landed gentleman, 1000 marks for any other gentleman or burgeſs, and 300 marks, money of *Scotland*, for any inferior perſon; it ſhall be lawful for every magiſtrate, judge, and court of judicature, in *Scotland*, to extend the bail to double the ſums aforeſaid. *ſ.* 11.

Bankers.

By 5 *Geo.* 3. *c.* 49. It ſhall not be lawful for any perſon whatſoever, bodies politic or corporate, to iſſue or give, or cauſe to be given, within *Scotland*, any note, ticket, token, or other writing for money, of the nature of a bank note, circulated, or to be circulated as ſpecie, but ſuch as ſhall be payable, on demand, in lawful money of *Great Britain*, and without reſerving any power or option of delaying payment thereof for any time or term whatſoever. *ſ.* 1.

Nothing in this act ſhall prevent iſſuing poſt bills, payable ſeven days after ſight, in the ſame manner as the bank of *England*. *ſ.* 2.

Every perſon whatſoever, bodies politic or corporate, and the legal adminiſtrators of ſuch perſons, bodies politic or corporate, who ſhall iſſue, or cauſe to be iſſued, any note, ticket, token, or other writing, for money, of the nature of a bank note, circulated, or to be circulated, as ſpecie, contrary to this act, ſhall for every offence forfeit to the perſon who ſhall inform and proſecute, 500 *l.* ſterling, with coſts; to be recovered, by complaint, before the court of ſeſſion, upon fifteen days notice to the perſon or perſons, bodies politic or corporate, complained of; which complaint the ſaid court of ſeſſion is hereby authorized and required ſummarily to determine, without abiding the courſe of any roll. *ſ.* 3.

Summary execution ſhall proceed upon every note, accepted, bill, poſt bill, ticket, token, or other writing, at the inſtance of the holder, againſt the perſon liable in payment, not only for the ſum therein contained, but alſo for the intereſt thereof from the time of demanding payment; and a proteſt, taken at the office of the perſon liable, between nine in the morning, and three in the afternoon, for not payment, or for not marking of ſuch note, *&c.* ſhall be regiſtrable in the courts of ſeſſion, or other competent judicatories, within ſix months after proteſt; that letters of horning, upon a charge of ſix days, and the other uſual execution of the law of *Scotland*, may paſs. *ſ.* 4.

"No ſuſpenſion to paſs but upon a diſcharge." *ſ.* 5.

"Proteſt may be made of ſeveral notes jointly." *ſ.* 6.

No note, *&c.* ſhall be circulated as ſpecie, for a leſs ſum than 20 *s.* ſterling, upon pain to forfeit the ſum of 500 *l.* with full coſts of ſuit, to the perſon who ſhall inform; to be recovered by way of ſummary complaint, before the court of ſeſſion. *ſ.* 7.

Bread.

By 3 *Geo.* 3. *c.* 6. Magiſtrates ſhall enquire into, and take proof of, the prices which the ſeveral ſorts of bread ſell for. *ſ.* 1.

Notice to be given the deacon of the bakers company, or where there is no company, to two bakers. *ſ.* 2.

The proof to proceed upon the oaths of two witneſſes converſant in the prices. *ſ.* 3.

Evidence to be ingroſſed in a book, and the aſſize and weight of bread for ſale, to be aſcertained according thereto. *ſ.* 5.

The aſſize not liable to be varied. *ſ.* 6.

Upon application and proof offered, a new aſſize to be made. *ſ.* 7.

Any perſon may be convicted of the offences in 31 *Geo.* 2. *c.* 29. or this act before any magiſtrate, as for other offences of the like nature. *ſ.* 8.

Where magiſtrates neglect their duty, two juſtices of the county, *&c.* may require them to ſet aſſize or alter the ſame. *ſ.* 9.

The 31 *Geo.* 2. not altered by this act, to extend to, and be in force within *Scotland*.

See the general title BREAD, *in Part* I.

Conjuration.

By 9 *Geo.* 2. *c.* 5. The act paſſed in the parliament of *Scotland*, in the ninth parliament of queen *Mary*, intituled *Anentis witchrafts*, ſhall be repealed. *ſ.* 2.

Corn.

By 14 *Geo.* 2. *c.* 7. The power of ſuſpending in time of dearth, the execution of the laws prohibiting the importation of victual from *Ireland*, and other parts beyond the ſeas into *Scotland*, which by the act 1703, *Ann. ſeſſ.* 1. *cap.* 9. in the parliament of *Scotland*, was veſted in the privy council of *Scotland*, ſhall be veſted in the judges of the courts of ſeſſion, juſticiary, and exchequer in *Scotland*; and any nine of the ſaid judges in time of ſeſſion, and any five of them in the time of vacance, ſhall exerciſe the ſaid power of ſuſpenſion in as ample manner as the privy council of *Scotland* could have exerciſed the ſame, before the union, ſubject to the rules of this act. In time of dearth it ſhall be lawful for any perſon deſirous to import victual from *Ireland*, or other parts beyond the ſeas, into *Scotland*, to apply by a ſummary petition to the judges of the court of ſeſſion for a licence; and the ſaid judges are to make intimation thereof by tranſmitting a copy of the ſame to the clerk of the peace for every ſheriffdom or ſtewartry of *Scotland*, and to appoint a time not exceeding 15 days from the time of ſuch application, for hearing the evidence herein after directed; and in time of vacance it ſhall be lawful to apply by a ſummary petition to the judge of the court of ſeſſion, who ſhall ſit upon the bills for ſuch licence for importation, who is to make intimation as aforeſaid, and to appoint a time not exceeding 20 days from the time of ſuch application for the hearing evidence concerning the premiſes, and to ſignify to the other judges of the reſpective courts the tenor of ſuch application, and the time appointed for ſuch examination; and the ſaid judges or nine of them in time of ſeſſion, and five in time of vacance, ſhall ſummon before them, in the ſeſſion court houſe at *Edinburgh*, on the day appointed, two or more honeſt and ſubſtantial perſons of the county of *Edinburgh*, not being corn merchants nor factors for corn, nor intereſted in any corn to be imported, and who ſhall each of them have a land eſtate of 400*l.* *Scots per annum* valued rent, and being ſkilful in the price of corn, and ſhall then and there upon the oaths of ſuch perſons, and otherwiſe, examine into the common market prices of middling corn and grain, and oatmeal, in the county and city of *Edinburgh*, and aſcertain the ſame by a determination ſubſcribed under the hand of one of the principal clerks of ſeſſion, an authentic copy of which determination ſhall be tranſmitted to the chief officer or collector of the cuſtoms at the port of *Leith*, and ſhall be by him hung up in the cuſtom-houſe at *Leith*, and there be patent to all perſons, and may be inſpected without fee; and it ſhall be lawful for any perſon intending to import victual into *Scotland*, or deſirous to have victual imported, or for any juſtice of peace to demand an extract of ſuch determination from one of the principal clerks of ſeſſion under his hand and ſeal, paying therefore 1*s.* and to deliver the ſame to the collector or chief officer of any port in *Scotland*, to be by him hung up and made patent; and if ſuch extract declare the current prices of victual in *Edinburgh*, to exceed the rates following, *viz.* wheat 3*l.* *Scots* or 5*s.* ſterling the *Wincheſter* buſhel, conſiſting of eight *Wincheſter* gallons, bear and barley 1*l.* 7*s.* *Scots* or 2*s.* 3*d.* ſterling the *Wincheſter* buſhel, oats 1*l.* *Scots* or 1*s.* 8*d.* ſterling, peaſe and beans 1*l.* 10*s.* *Scots*, or 2*s.* 6*d.* ſterling the *Wincheſter* buſhel, and oatmeal 8*l.* *Scots*, or 13*s.* 4*d.* the bole weighing eight ſtone *troys*, it ſhall be a ſufficient warrant to the collector, and other officers of the ſeveral ports in *Scotland*, to allow victual from *Ireland*, or other parts beyond the ſeas to be entered and landed without paying any higher duty than is herein-after mentioned. *ſ.* 1.

It ſhall be lawful for the perſons hereby authoriſed to exerciſe the ſaid power of ſuſpenſion, once in every thirty days during ſuch ſuſpenſion, by the ways before directed, to examine into and determine the common prices of middling corn and grain; and if it be found that the current price of victual in *Edinburgh* ſhall not exceed the rates above mentioned, then they are by an inſtrument ſubſcribed as aforeſaid to aſcertain the ſame, and tranſmit extracts to the collectors or chief officers of all the ports in *Scotland*; which ſhall be hung up in the reſpective cuſtom-houſes, and be patent to all perſons without fee; and ſuch extracts ſhall be ſufficient notice to the collectors and other officers of the ſeveral ports in *Scotland*, that the laws prohibiting the importation of victual are again revived, and an authority for them to ſtop the entering and landing the ſame. *ſ.* 2.

The ſame duties ſhall be paid for any corn or grain imported in purſuance of this act, as are charged upon foreign corn imported, and the ſaid duty ſhall be regulated according to the rates to be ſettled in purſuance of this act. *ſ.* 3.

All the clauſes in 22 *Car.* 2. *c.* 13. and in 2 *Geo.* 2. *c.* 18. relating to the payment and recovery of ſuch duties, which are now in force, ſhall extend to *Scotland*; and offences there committed againſt any parts of the ſaid acts relating to the ſaid duties, ſhall be proſecuted in the court of ſeſſion or exchequer at *Edinburgh*. *ſ.* 4.

By 26 *Geo.* 2. *c.* 15. If at any time the collector of the cuſtoms at any port in *Scotland*, ſhall not have ſufficient in his hand to pay what ſhall be due to any exporter, then ſuch collector ſhall give to the perſon demanding ſuch money, without fee a certificate under his hand of what is due, certifying to the commiſſioners of the cuſtoms at *Edinburgh*, that he hath not monies ſufficient to pay the ſame; which certificate being annexed to the debenture for the corn ſo exported, and being produced to the commiſſioners of the cuſtoms at *Edinburgh*, they ſhall on demand cauſe the monies thereby due to be paid in three months, by the general receiver of the cuſtoms in *Scotland*, out of ſuch duties as are chargeable with the payment of any money for the exportation of corn, without fee. *ſ.* 9.

If any debenture for the bounty on corn exported ſo payable by the general receiver of the cuſtoms in *Scotland* remain unſatisfied more than ſix months next following, the day when the ſame is produced to the commiſſioners of the cuſtoms at *Edinburgh*, then intereſt after the rate of three *per cent. per ann.* ſhall be allowed to the proprietor, to be computed from the end of the ſaid ſix months until the money due on ſuch debenture with ſuch intereſt be paid; or until money ſufficient be reſerved in the hand of the general receiver of the cuſtoms in *Scotland* for that purpoſe, and notice ſhall be given thereof in writing to be affixed on one or more doors of ſome public places inthe cuſtom-houſe at *Edinburgh*, and to be advertiſed in the *Edinburgh Courant*, that the general receiver is ready to pay the principal and intereſt due on ſuch debentures; after the expiration of which time limited in ſuch notice, if payment be not demanded all intereſt on ſuch debentures ſhall ceaſe. *ſ.* 10.

If at any time after the day prefixed by the order of the commiſſioners of the cuſtoms at *Edinburgh* for payment of any debenture produced to them, and before the end of ſix months next following the day on which the ſame is ſo produced, the general receiver of the cuſtoms in

Scotland

Scotland have money ſufficient to ſatisfy the ſame, and like notice be given that he is ready to make payment, and no demand of ſuch payment be made within the time limited, then no intereſt ſhall be allowed on ſuch debentures. *ſ.* 11.

All debentures for corn exported payable by the general receiver of the cuſtoms in *Scoland*, with the intereſt, ſhall be paid in courſe, reſpect being had to the times when ſuch debentures are produced to the commiſſioners of the cuſtoms at *Edinburgh*, without any other preference, according to the indorſement on the ſaid debenture of the day when the ſame was ſo produced; and every ſuch debenture ſhall be payable to the perſon therein named, or to his executors, adminiſtrators, or aſſigns. *ſ.* 12. *But ſee the general title* IMPORTATION, *&c. Corn.*

Courts.

By 10 *Ann. c.* 26. The fees, ſalaries, and other charges, allowed by her majeſty for keeping up the courts of ſeſſion, and juſticiary, and exchequer court of *Scotland*, may be chargeable upon any part of the cuſtoms and exciſe, preferable to all other payments, the charge of management excepted. *ſ.* 108.

By 32 *Geo.* 2. *c.* 35. There ſhall be paid in every year, out of the monies which ſhall ariſe of any duties in *Scotland*, which by 10 *Ann. cap.* 26. were charged with the payment of the ſalaries and other charges allowed for keeping up the courts of ſeſſion, and juſticiary, and exchequer, in *Scotland*, the ſums following, to the judges aftermentioned, as an addition to their ſalaries; *viz.* 300 *l.* to the preſident of the court of ſeſſion; 300 *l.* to the chief baron of the exchequer; and 200 *l.* to each of the other judges in the ſaid courts of ſeſſion and exchequer. Which ſums ſhall be charged upon the ſaid duties, and ſhall be paid in every year at ſuch time, and in ſuch manner, as the ſalaries and other charges of keeping up the ſaid courts. *ſ.* 22. *See Judges poſt.*

By 6 *Geo.* 3. *c.* 32. Any court in *Scotland*, pronouncing ſentence of tranſportation, may make over the offender, to the uſe of any perſon who ſhall contract for the performance of ſuch tranſportation, ſo as he may have a property and intereſt in the ſervice of ſuch offenders, for ſuch term as he might have had in the like caſe by an order of any court in that part of *Great Britain* called *Scotland*. *ſ.* 1.

Where perſons convicted, receive pardon upon condition, of tranſportation to *America*; it ſhall be lawful to any court in *Scotland*, to allow ſuch offenders the benefit of pardon, and to order the like conveyance to any perſon who will contract for ſuch tranſportation. *ſ.* 2.

No perſon ſhall make muirburn, or ſet fire to any heath or muir, in *Scotland* from the laſt day of *March* to the firſt day of *November* in any year, under the penalty of 40 *s.* for the firſt offence, 5 *l.* for the ſecond, and 10 *l.* for the third, and every other offence; one moiety ſhall belong to the procurator fiſcal, who ſhall ſue, and the other moiety ſhall be at the diſpoſal of the court before which the offender ſhall be convicted, for ſuch public uſes, within the pariſh where offence committed, as they ſhall think fit. *ſ.* 3.

The occupier of the ground, upon which ſuch muirburn ſhall be made or diſcovered, ſhall be deemed guilty of the offence, and ſhall be liable tothe penalties, unleſs he ſhall prove, that ſuch fire was communicated from ſome neighbouring ground, or was raiſed upon his ground by ſome other perſon not in his ſervice or family.

The penalties may be recovered before any two juſtices, or before the ſheriff of the county, ſubject to ſuch review as is competent by the law of *Scotland* in the like caſes.

By 19 *Geo.* 3. *c.* 38. *Martinmas* term, for the court of exchequer in *Scotland*, ſhall begin on 24th *Nov.* and end upon 20th *Dec.*; and *Candlemas* term ſhall begin on 15th *Jan.* and end on 3d *Feb.*; except any of the ſaid days ſhall be a *Sunday*, in which caſe the beginning or ending of ſuch term ſhall be upon the day following.

Criminals.

By 11 *Geo.* 1. *c.* 26. No ſentence or judgment of any civil magiſtrate, or court of judicature, importing a capital or any corporal puniſhment, if pronounced in *Edinburgh*, or any other part of *Scotland* ſouth of the *Forth*, ſhall be put to execution within leſs than thirty days; and if pronounced in any place north of the *Forth*, within leſs than forty days: provided that nothing herein ſhall diſable the courts of judicature, or any civil magiſtrate, to commit to gaol in order to trial, or in order to the execution of ſentences. *ſ.* 4. *For ſ.* 11. *ſee Bail.*

It ſhall be lawful for the freeholders of every ſhire or diſtrict in *North Britain*, to aſſeſs the ſeveral ſhires or ſtewartries where their eſtates lie, at their meetings at any of the head courts yearly, for defraying the charges of apprehending of criminals, and of ſubſiſting them until proſecution, and of carrying on the proſecutions; and ſuch monies ſhall be collected and accounted for, as ſuch freeholders ſhall appoint. *ſ.* 12.

By 3 *Geo.* 2. *c.* 32. It ſhall be lawful for the magiſtrates and courts of judicature in *Scotland* to put in execution any judgment or ſentence, importing any corporal puniſhment leſs than death or diſmembering, if pronounced ſouth of the *Forth*, after the elapſing of eight days, and if north of the *Forth*, after the elapſing of twelve days. *ſ.* 2.

It ſhall be lawful for the judges of juſticiary, or any of them, upon application made, and cauſe ſhewn, by any perſon aggrieved by ſuch ſentence given by any court of regality, or other inferior civil magiſtrate or court of judicature, to ſtay all execution of ſuch ſentence for thirty days. *ſ.* 3.

Cuſtoms.

By 6 *Ann. c.* 26. The queen may, from time to time by commiſſions of the exchequer in *Scotland*, aſſign further ports, members and creeks in *Scotland*, for the landing or ſhipping of goods, and to what ancient and head ports ſuch places ſhall appertain; and the cuſtomer, collector, comptroller, and ſearcher, ſhall by themſelves, their deputies or ſervants, reſide, for the clearing of ſhips and goods; and may by virtue of the ſaid commiſſions appoint the extents and limits of every port, haven, or creek, in *Scotland*. *ſ.* 18.

By 1 *Geo.* 1. *c.* 19. The commiſſioners of the treaſury are impowered to treat with the proprietors of ſugar houſes in *Scotland*, for ſatisfaction for ſuch private rights of exemption from cuſtoms for exciſe, to which they are entitled. *ſ.* 19.

By

By 8 *Geo.* 1. *c.* 4. The proprietors of the ſugar houſes in *Scotland* ſhall pay for their ſugars and other commodities the ſame duties of cuſtom and exciſe, as any other of his majeſty's ſubjects. *ſ.* 6.

Debtors and Creditors.

By 23 *Geo.* 3. *c.* 18. *continued by* 30 Geo. 3. c. 5. *until* 15 May 1792, *and to the end of the next ſeſſion.* In all actions and queſtions ariſing upon the conſtruction and effect of the act of the parliament of *Scotland*, made in the year 1696, intituled, *an act for declaring notour bankrupts*, when a debtor is out of *Scotland*, or not liable to be impriſoned by reaſon of privilege of perſonal protection, a charge of horning executed againſt him, together with either an arreſtment of any of his perſonal effects not diſcharged within fifteen days, or a poinding executed of any of his moveables, or a decree of adjudication of any part of his heritable eſtate, or ſequeſtration by the act of a proper court of his eſtate or effects, heritable or moveable, for payment of debt, ſhall, when joined with inſolvency, be held as ſufficient proof of notour bankruptcy; and after the laſt ſtep of ſuch diligence, the debtor, if inſolvent, ſhall be held as bankrupt. *ſ.* 1.

When a debtor is made bankrupt in terms of the ſaid act, as now extended, all arreſtments uſed for attaching any perſonal effects of ſuch bankrupt within thirty days prior to the bankruptcy, or within four months ſubſequent, ſhall be *pari paſſu* preferable; *and to ſave the expence of a multiplicity of arreſtments:* where the effects of a debtor are arreſted by any creditor, within thirty days before the bankruptcy, or within four months after, and a proceſs of forthcoming or multiplepoinding is brought in which ſuch arreſtment is founded on, it ſhall be competent for any other creditor, producing his intereſt, and making his claim in the ſaid proceſs, before the expiration of the four months, to be ranked in the ſame manner as if he had uſed the form of arreſtment; the expence of raiſing the proceſs, and of the diligence, at the inſtance of the creditor who raiſes it, being always paid out of the common fund. *ſ.* 2.

An arreſtment executed at the market croſs of *Edinburgh*, and pier and ſhore of *Leith*, in the hands of any perſon out of the kingdom, without other ſufficient notification, ſhall not interpel the arreſtee from paying *bona fide* to the original creditor. *ſ.* 3.

No poinding of the moveables belonging to ſuch bankrupt, within thirty days before bankruptcy, or four months after, ſhall give a preference to ſuch poinder over the other creditors, but the goods ſhall be conſidered as *in medio*, and the perſon receiving the price of them ſhall be liable to make the ſame forthcoming, ſo as that all the other creditors who are poſſeſſed of liquidate grounds of debt, or decrees for payment, ſhall be intitled to their proportion of the ſame; provided they make their claim by ſummoning the poinder before the expiration of the four months, deducting the expence of ſuch poinding from the firſt end of the price of ſuch goods, together with twenty *per cent.* on the appraiſed value, which the poinder ſhall retain to account of his debt, in preference to the other creditors, reſerving liberty to him to rank on the remaining ſum for the full amount of the debt contained in his diligence. *ſ.* 4.

All actions of ſale of lands, or other heritable ſubjects, raiſed at the inſtance of creditors before the court of ſeſſion, upon any of the ſtatutes in that behalf, ſhall proceed to a concluſion, by actual ſale, as ſoon as the previous ſteps of a ſale are taken, whether the ranking of the creditors is concluded or not, unleſs the court, upon application of the creditors, ſhall find ſufficient cauſe to delay the ſale; and it ſhall be lawful to the purchaſer, at any term of *Whitſunday* or *Martinmas* ſubſequent to the term of payment of the price, to lodge the price, with the intereſt due, in the royal bank, or bank of *Scotland*, at ſuch intereſt as can be procured for it; declaring, that by ſo doing, and giving notice thereof to the common agent, who carried on the ſale, he ſhall be exonerate, as if the price had been conſigned in the hands of the magiſtrates and town council of *Edinburgh*, as required by the ſixth act of the parliament of *Scotland* in the year 1695, which act is ſo far repealed; and further declaring, that the court of ſeſſion, on the application of any of the creditors, ſhall be empowered to make an order on the purchaſer to lodge the price and intereſt in one of the ſaid banks; ſufficient intimation being always previouſly given both to the purchaſer and to the common agent for the creditors, that ſuch application is made, in order that all parties may have an opportunity to object; *and to leſſen the number of adjudications*, and the expence, the lord ordinary ſhall ordain intimation thereof to be made in the minute book, and on the wall, in order that any other creditors may produce the inſtructions of their debts, and be conjoined in the decree of adjudication; and a reaſonable time, not exceeding twenty ſederunt days, ſhall be given for that purpoſe, unleſs there be any hazard from a delay, which the court, or the lord ordinary, ſhall judge of. *ſ.* 5.

If any perſon, in *Scotland*, being a merchant or trader in groſs or by retail, or a banker, broker, or underwriter, or a manufacturer, artificer, or mechanic, and in general any perſon who, either for himſelf, or as an agent or factor for others, deals in the purchaſe, or ſale, or workmanſhip, of goods other than for his own uſe, or the produce of his own eſtate, or of any ſubject held by him as leſſee or tenant (and particularly excepting landholders, and occupiers or tenants of land, or other heritages, holders of *India* ſtock, or of ſtock in any of the banks eſtabliſhed by public authority, or in the Friendly Inſurance company at *Edinburgh* againſt fire, if ſuch perſons be not otherwiſe *bona fide* under one of the foregoing deſcriptions), ſhall be under diligence by horning and caption for debt, and ſhall either, in virtue thereof, be impriſoned, or retire to a ſanctuary, or fly for his perſonal ſafety, or defend his perſon by force; or being out of *Scotland*, or not liable to be impriſoned by reaſon of privilege or perſonal protection, ſhall be under diligence by charge of horning, attended with arreſtment, not looſed within fifteen days, or poinding of any part of his moveables, or decree of adjudication of any part of his heritable eſtate, for payment of debt, at the inſtance of any creditor, it ſhall be lawful to any creditor, whoſe debt ſhall amount to 100 *l.* ſterling, or two whoſe debts amount to 150 *l.* ſterling, or to three or more whoſe debts amount to 200 *l.* ſterling, at any time within four months of the laſt ſtep of the ſaid diligence, to apply, by ſummary petition, to the court of ſeſſion while ſitting, or to the lord ordinary on the bills in vacation, for a ſequeſtration of the ſaid debtor's eſtate, real and perſonal; and upon production of the grounds of debt aforeſaid, and the creditors ſwearing to their debts before any judge ordinary, or juſtice of peace, and alſo, that they believe the party to be a merchant, or under the deſcription above, and under the foregoing exceptions, the ſaid court, or the lord ordinary, ſhall grant warrant for citing the debtor, by delivering to him perſonally, or by leaving at his dwelling-houſe, a copy of the petition; or, if the debtor is out of *Scotland*, by affixing copies upon the market croſs of *Edinburgh*, pier and ſhore of *Leith*, and alſo leaving a copy at his laſt dwelling-

houſe, or houſe of buſineſs in *Scotland*, to appear in court within the time ſpecified in the citation, not being leſs than ſix, nor more than forty, days from the date of the citation, to ſhew cauſe why ſequeſtration ſhould not be awarded; and at granting ſuch warrant, the court, or lord ordinary, ſhall likewiſe, if deſired, grant the uſual authority, at the inſtance of the petitioners, for recovering written evidence of the ſaid diligence; and upon production of ſuch evidence at the diet of appearance, if the debtor ſhall not appear either in perſon, or by counſel or agent, or ſo appearing, ſhall not inſtantly pay or produce written evidence of the debt being ſatisfied, and alſo pay the debt due to the petitioners, or ſhow other cauſe why further proceeding ſhould not be had, the court, or lord ordinary, ſhall immediately award ſequeſtration of the debtor's whole real and perſonal eſtate. *ſ.* 6.

The court of lord ordinary ſhall, by the ſame deliverance which awards the ſequeſtration, make an order upon the creditors to meet upon a certain day and hour, not more than three weeks from that date, and as much ſooner as circumſtances may permit; the ſaid meeting to be at a convenient place, either where the bankrupt reſides, or where his buſineſs was carried on, or as near it as poſſible, in order to name an interim factor upon the ſequeſtrated eſtate; which deliverance the petitioning creditors ſhall cauſe to be adverti ſed in the *Edinburgh* newſpapers, called *The Caledonian Mercury*, and *Edinburgh Evening Courant*, otherwiſe the whole proceedings to be void; and the ſaid court, or lord ordinary, ſhall at the ſame time grant commiſſion to any reſident magiſtrate of the burgh, or to the ſheriff or ſtewart depute or ſubſtitute of the county, *&c.* where the meeting is to be held, or, failing them, any juſtice to be named by the court, to attend the ſaid meeting, and to receive production of their grounds of debt, with the oaths thereon after mentioned, and to ſign the minutes, of the creditors, along with the preſes choſen by them; and all queſtions ſhall be determined by a majority of the creditors in value. *ſ.* 7.

The perſon choſen at the ſaid meeting as factor, ſhall be entitled to the office, and find ſecurity for his faithful management, to ſuch extent as the majority think reaſonable; and the ſaid factor ſhall ingroſs a copy of the minutes of this meeting in a book of ſederunt, which ſhall be ſigned by the ſaid commiſſioner, and by the preſes of the meeting, and kept by the factor as his warrant for acting; and the principal minutes of the meeting, at which the factor is appointed, being ſigned by the commiſſioner, by the preſes of the meeting, and by the factor, ſhall be tranſmitted by the commiſſioner to the clerk of the ſequeſtration, to be kept among the records of the court of ſeſſion. *ſ.* 8.

Upon awarding the ſequeſtration, the court, or lord ordinary, ſhall, if deſired by the petitioning creditors, grant warrant to the commiſſioner to ſeal up, and put under ſafe cuſtody, the books and papers of the bankrupt, and to lock up his ſhop, warehouſe, or other repoſitories, and to keep the keys thereof, till a factor is named; and it ſhall be competent for the court, or lord ordinary, even from the date of the application for ſequeſtration, to give ſuch interim orders as the circumſtances of the caſe may require, for preventing embezzlement or damage to the effects, upon application of any of the creditors. *ſ.* 9.

If any merchant, or perſon deſcribed as above, and under the aforeſaid exceptions, whether diligence has been executed againſt him or not, ſhall make a joint application along with any creditor whoſe debt ſhall amount to 100*l.* ſterling, or two whoſe debts amount to 150*l.* or three or more whoſe debts amount to 200*l.* or upwards, and oath being made as above to the verity of theſe debts, and the parties, or their agent, alſo making oath, to their knowledge or belief, of the debtor's being under the deſcription which he aſſumes, the ſaid court, or lord ordinary, are to award ſequeſtration of the debtor's eſtate, as before. *ſ.* 10.

No ſequeſtration ſhall be awarded againſt any perſon having an eſtate or effects in *Scotland*, who at the time of the application does not either reſide or has a dwelling-houſe or houſe of buſineſs there, or had ſuch reſidence, *&c.* within a year previous to the application, unleſs the debtor concur in the application. *ſ.* 11.

The eſtates of all companies carrying on buſineſs under any of the denominations above, and under the above exceptions, may be ſequeſtered upon the application either of thoſe entitled to act for them, with conſent of any creditor of ſuch company whoſe debt amounts to 100*l.* ſterling, or two whoſe debts amount to 150*l.* or three or more whoſe debts amount to 200*l.*; or at the application of ſuch creditors whoſe debts are to the amount already mentioned; in which laſt caſe it muſt appear, that diligence has been done againſt one of the partners of the company for payment of a company debt, in the manner before required to found an application againſt individuals; and in either caſe, the procedure with regard to individual debtors ſhall be followed out; and it ſhall be ſufficient to cite the company, by leaving a copy at the houſe or ſhop where their buſineſs is carried on, or where any of their partners reſide; or if the ſaid houſes and ſhop be ſhut up or deſerted, a copy ſhall be affixed at the market croſs of *Edinburgh*, and pier and ſhore of *Leith*. *ſ.* 12.

It ſhall be neceſſary for the party applying for the ſequeſtration to record the petition, and the firſt deliverance thereon, in the general regiſter of inhibitions, within 24 hours after the deliverance is pronounced; and the ſame ſhall, from the date of the application, be held equivalent to an inhibition againſt the debtor, for behoof of the whole creditors, in caſe of the ſequeſtration being finally awarded; and it ſhall not be in the power of the bankrupt, after ſequeſtration awarded, to ſtop proceedings by paying off the debt on which the diligence and petition did proceed, nor ſhall the proceedings be of any effect unleſs the ſaid petition and deliverance are ſo regiſtered. *ſ.* 13.

If the debtor, againſt whom ſequeſtration has been awarded without his own concurrence, or if any creditor who has not conſented to the application, ſhall apprehend that the party againſt whom it is awarded does not come within the deſcription before, or falls under any of the exceptions therefrom, ſuch debtor or creditor may, at any time within 30 days after ſequeſtration awarded, apply to the court of ſeſſion, if ſitting, or to the lord ordinary on the bills in time of vacation, ſetting forth the grounds upon which the ſequeſtration ought to be recalled, in reſpect of the deſcription not being applicable; and this petition being intimated to the party at whoſe inſtance the ſequeſtration was obtained, or the known agent of that party, and a reaſonable time given to make anſwers thereto, the court, or lord ordinary, ſhall determine ſummarily upon the ſame, and ſhall grant commiſſion, if neceſſary, for taking proof of the facts; and if upon evidence it ſhall appear that the perſon againſt whom the ſequeſtration is awarded, does not fall within the meaning or terms of this act, as not being under any of the deſcriptions above ſet forth, or as falling under any of the exceptions therefrom, the ſequeſtration ſhall be recalled; or, if the petition is found to be without ſufficient ground, it ſhall be diſmiſſed; but in the mean time, until this matter is finally determined,

ed, the proceedings under the ſequeſtration ſhall go on, as if no ſuch application had been made. *ſ.* 14.

The ſaid factor ſhall, immediately after being named, be obliged to publiſh an advertiſement in the two newſpapers before mentioned, intimating the ſequeſtration; and that a general meeting of the creditors is to be held on ſuch day and at ſuch place as the creditors, at the meeting before mentioned, ſhall have fixed in their minutes, (the ſaid day being not leſs than four, nor more than eight weeks after the advertiſement,) for the purpoſe of chuſing a truſtee; and in the mean time, the factor ſhall enter upon the management of the eſtate, and ſhall, within two days after his appointment, apply to the ſheriff or ſtewart depute or ſubſtitute of the county or ſtewartry where the debtor reſides, or where his buſineſs was carried on, who is to name one day in each of the four ſucceeding weeks to be ſet apart for the public examination of the bankrupt and of his family, or others acquainted with his buſineſs, in the ſheriff court-houſe of the diſtrict, a fee of one guinea each ſitting being allowed to the ſheriff or ſtewart depute, if he officiates, or half a guinea each ſitting to the ſubſtitute; and ſuch periodical meetings being fixed, the ſame ſhall be immediately publiſhed by the factor in each of the two newſpapers before mentioned, by an advertiſement, inviting the whole creditors to be preſent at ſuch examination, that they may have an opportunity of putting queſtions for rendering the diſcovery and ſurrender more complete; and the ſaid judge ſhall, if neceſſary, iſſue his warrant for apprehending the bankrupt, or any of his family, or others who are to be examined, if within his juriſdiction, in order to force their appearance; or if they be without his juriſdiction, the court of ſeſſion, or lord ordinary on the bills, ſhall, on the application of the factor, grant ſuch warrant for apprehending and bringing them before the judge, who is to take the examination; and if any of theſe perſons ſhall happen to be indiſpoſed, or otherwiſe unable to attend at that time, the court, or lord ordinary on the bills, may grant commiſſion for examining them elſewhere; and it ſhall be competent for the factor or for the truſtee to apply at any time for re-examining thoſe perſons, upon due advertiſement given in manner aforeſaid; and the court, or lord ordinary on the bills, ſhall likewiſe, in caſe it be neceſſary, grant a perſonal protection to the bankrupt, at the application of the factor or truſtee, for ſuch time as may be requiſite for enabling him to attend the diets of examination, or may grant warrant to meſſengers at arms, or other officers of the law, to bring his perſon out of priſon, in order to attend ſuch meetings, and thereafter to carry him back to priſon. *ſ.* 15.

The perſons to be examined, appearing, or being brought in virtue of the warrant, before the ſheriff or ſtewart depute, or ſubſtitute, and in preſence of the factor and ſuch creditors as chuſe to attend, the bankrupt ſhall make a full diſcovery of his whole eſtate, heritable and moveable, wherever ſituated, including any eſtate in expectancy by contract of marriage, entail, or otherwiſe, and ſhall exhibit in writing a full ſtate of his affairs; and the judge ſhall proceed in the examination of him and the other perſons; and the ſaid ſtate and whole procedure ſhall be inſerted in the book of ſederunt, to be ſubſcribed by the ſaid judge examinator, and by the bankrupt, and likewiſe by the factor, together with a liſt of books, papers, accounts, title deeds, and documents, found in his poſſeſſion, or produced by him, and a rental of his lands; all which books and writings ſhall be delivered over to the factor; and at the laſt of theſe examinations the bankrupt ſhall take and ſubſcribe the following oath:

I A. B. *do, in the preſence of Almighty God, and as I ſhall anſwer to God at the great day of judgment, ſolemnly ſwear, that the ſtate of my affairs, ſubſcribed by me, and now delivered up to my creditors, contains a full and true account of all the debts of whatever nature due to me, and of all my eſtate and effects, real and perſonal, (neceſſary wearing apparel only excepted,) as well as of all claims which I am entitled to make againſt any perſon or perſons whatſoever, and of all eſtate in expectancy, real and perſonal, which I have an eventual right to by contract of marriage, deed of entail, or otherwiſe, to the beſt of my knowledge; and that the ſaid ſtate likewiſe contains a full and true account of all the debts due by me, or demands upon me, ſo far as I know or can remember, and that I have delivered up the whole books, documents, accounts, and papers of every kind belonging to me, which in any way relate to my affairs, and which were in my poſſeſſion, or under my power, and have made a full diſcloſure of every particular relating to my affairs. And further I ſwear, that I ſhall forthwith reveal all and every other circumſtance or particular relative to my affairs, or which may tend to encreaſe or diminiſh my eſtate, or in which my creditors may be intereſted directly or indirectly, which may at any time hereafter come to my knowledge.*

So help me God.

And if the perſon thus called upon is a member of a company, and examined upon the company's affairs, the terms of this oath ſhall only be ſo varied by the judge as to make it applicable to the caſe; which oath being annexed to the aforeſaid proceedings in the book of ſederunt, ſhall alſo be ſubſcribed by the ſheriff or ſtewart depute, or ſubſtitute; and if the bankrupt be a Quaker, it ſhall be ſufficient to take his ſolemn affirmation upon the matters contained in the ſaid oath, and likewiſe in all other caſes where an oath is required by this ſtatute: and all perſons convicted of taking the above oath or affirmation falſely, ſhall be held as guilty of perjury, and of fraudulent bankruptcy, and puniſhed accordingly, and for ever rendered incapable of holding any office of public truſt or emolument; declaring alſo, that if the bankrupt ſhall wilfully fail to exhibit a fair ſtate of his affairs, or to make oath in terms above, or to make a complete ſurrender, he ſhall be conſidered as a fraudulent bankrupt, and puniſhed accordingly, and rendered ever after incapable of holding any office of public truſt or emolument; and in either caſe ſhall forfeit every benefit ariſing from the ſtatute, and be accounted infamous, and incapable of giving evidence, or of ſitting or acting on any aſſize or jury. *ſ.* 16.

At the general meeting of the creditors appointed and advertiſed as before, for chuſing a truſtee, the factor ſhall exhibit the ſaid book of ſederunt, to be delivered over to the acting truſtee along with all the books, papers, accounts, documents, and title deeds, in his hands, relative to the bankrupt's eſtate; and the majority of creditors in value preſent ſhall determine who is to be truſtee; but no creditor ſhall be entitled to a vote, who has not, either then or formerly, exhibited his grounds of debt, with an oath thereon, as after mentioned, and got the ſame marked in the book of ſederunt; and at the ſaid or any other meeting, it ſhall be lawful for agents or attornies, having commiſſion, either general or ſpecial, from any of the creditors, to appear and vote; and the creditors may chuſe two or more truſtees to act in ſucceſſion, one failing another by death, reſignation, or removal. *ſ.* 17.

If the factor named at the firſt meeting is not choſen truſtee, he ſhall be allowed ſuch gratification for his trouble, to be retained out of the effects in his hands, or be paid by the truſtee, as a majority of the creditors ſhall think reaſonable;

able; and the truſtee ſhall find ſecurity for his intromiſſions and faithful management, unleſs the ſame be diſpenſed with by four-fifths in number and value of the ſaid meeting, the ſaid diſpenſing reſolution to be always engroſſed in their minutes; and the truſtee ſhall be entitled to commiſſion for his management, on all money which he ſhall recover, at ſuch rate *per cent.* as ſhall be adjuſted or fixed by a majority in value; and it ſhall be competent at any time, for one-fourth of the creditors in value to apply ſummarily to the court of ſeſſion for having him removed, upon cauſe ſhewn; and a majority of creditors in value, at any meeting to be advertiſed for the purpoſe, may remove, or accept of the reſignation of any truſtee; and in either of theſe caſes, or in the event of the acting truſtee's death, the next truſtee in ſucceſſion ſhall be entitled to act; and upon failure of the truſtees originally named, by death or otherwiſe, it ſhall be competent to two of the creditors to apply to the court of ſeſſion, or lord ordinary on the bills, to cauſe a meeting of the creditors to be held, upon due advertiſement, for chuſing new truſtees in ſucceſſion; and in any of theſe caſes, the new-acting truſtee ſhall immediately call to account his predeceſſors in office, or their heirs and repreſentatives, and ſhall be veſted with the ſame powers, *&c.* as any former acting truſtee. *ſ.* 18.

The minutes of this meeting of the creditors electing a truſtee or ſucceſſion of truſtees, ſhall be reported to the court, or lord ordinary on the bills, by the truſtee who is to act, a copy being previouſly entered in the ſederunt book; and the court, or lord ordinary, ſhall then iſſue an order upon the bankrupt, to execute and deliver, within a certain time to be ſpecified in the interlocutor, a diſpoſition making over to the truſtees in their order his whole real and perſonal eſtate, wherever ſituated, and which ſhall ſpecially deſcribe and convey the ſubjects ſo far as they are known, or the truſtee think it neceſſary, and contain all proper clauſes for effectually veſting the right in him, with full powers of ſale, for behoof of the creditors; and if the bankrupt refuſe to obey ſuch order, the court, or lord ordinary, may puniſh him by impriſonment; and in that caſe, or in caſe of the bankrupt being abſent from *Scotland*, or for any other reaſon, not granting ſuch diſpoſition within the time that he is ordered by the interlocutor, the court or lord ordinary ſhall, upon the application of the truſtee, iſſue an act or decree, finding the property of the whole ſequeſtrated eſtate and effects, real and perſonal, to be in the ſaid truſtees in ſucceſſion, for behoof of the creditors, and adjudging the whole lands and other heritable eſtate, within the juriſdiction of the court, ſpecially enumerated, and which were the property of the bankrupt, to belong to the truſtees in ſucceſſion irredeemably, to the end that the ſame may be ſold and converted into money for payment of the creditors; which adjudication ſhall have the ſame effect as if the bankrupt had executed the conveyance before mentioned; and the factor originally named ſhall immediately deliver over to the truſtee every part of the bankrupt's eſtate in his poſſeſſion, and all ſecurities taken for the ſame, or any part thereof, and pay ſuch balance as may appear to be due by him upon ſettling his accounts; declaring always, that if any part of the bankrupt's property happens to be entailed, the conveyance to be executed by him, or the decree of adjudication to be obtained by the truſtee, ſhall only be underſtood to carry that right which the bankrupt himſelf has. *ſ.* 19.

The ſaid diſpoſition of the heritable eſtate, together with the order of the court, or lord ordinary, on which it proceeds, or failing thereof, the decree of adjudication of the court, or lord ordinary, ſhall, within 60 days of the date, be regiſtered by the truſtee in the regiſter of abbreviates of adjudications, and ſhall have the effect to entitle the truſtee for behoof of the whole creditors, to rank in the ſame manner upon the heritable eſtate as if it had been a proper decree of adjudication obtained at the date of the interlocutor awarding the ſequeſtration, accumulating the whole debts, principal and intereſt, as at that period, and adjudging for ſecurity or payment thereof, ſo as to rank *pari paſſu* with any prior effectual adjudication within a year and day of the ſame; and the ſaid diſpoſition or adjudication ſhall not be reduceable upon any of the ſtatutes concerning bankrupts, nor ſtruck at by any inhibition, or other legal interpellation; ſaving, however, in the ranking upon the price, any other effect which ſuch inhibition or interpellation may have, with regard to contractions of the debtor poſterior to the date thereof. *ſ.* 20.

Upon the ſaid diſpoſition, or decree of adjucation, the feudal titles requiſite by the law of *Scotland* to veſt heritable property, ſhall be made up either in the perſon of the truſtee, or in the perſon of the purchaſer from him, in virtue of ſuch truſtee's conveyance, agreeable to the forms of the law of *Scotland*; and each truſtee ſucceeding a prior truſtee, through his death, reſignation, or removal, unleſs ſubſtituted to him at his firſt nomination, ſhall be veſted in the right either by diſpoſition from the former truſtee, or by adjudication obtained by the new truſtee on a ſummary application to the court, or lord ordinary, as before; and the ſuperior ſhall, if required, be obliged to enter the truſtees in the ſame manner as he is directed by an act made in 20 *Geo.* 2. for aboliſhing ward-holdings, without being entitled to more than one compoſition for the whole; and if the truſtee ſhall afterward diſcover any other heritable ſubjects belonging to the bankrupt, and which belonged to him at the date of the application for ſequeſtration, the ſame ſhall either be diſponed or adjudged in manner before directed; and in caſe the bankrupt's own titles to any part of the eſtate, which belonged to him at that period, or to which he had then ſucceeded as apparent heir, neareſt in kin, or otherwiſe, to any predeceſſor, have not been ſo completed as to veſt the right properly in him, the factor or truſtee ſhall take the moſt eligible method of completing the bankrupt's title, in ſuch way as the law requires; declaring always, that the rules of preference or ranking between the creditors of the anceſtor, and thoſe of the heir by the law of *Scotland*, are not meant to be altered by this act. *ſ.* 21.

The whole eſtate, whether real or perſonal, belonging to the bankrupt at the period of ſequeſtration, ſhall become a fund of diviſion among thoſe who were his creditors prior to the date of the application, and none elſe, according to their order of preference; and all payments made by a debtor to any of his creditors after ſuch application ſhall be void to the receivers in the event of a ſequeſtration taking place, and the factor or truſtee ſhall be entitled to recover the money ſo paid as part of the bankrupt's eſtate; and all tranſactions of the bankrupt ſubſequent to the date of the application, from which any prejudice may ariſe either to the creditors or to third parties, ſhall be void; declaring always, that nothing herein ſhall oblige a *bona fide* purchaſer of any part of the moveable effects from the bankrupt while in poſſeſſion, and for a price truly paid, to reſtore the effects ſo purchaſed; nor the debtor of a bankrupt, who has paid his debt to him *bona fide*, without knowing of the bankruptcy, to pay it a ſecond time to the factor or truſtee. *ſ.* 22.

If,

If, after the ſaid application, and before a final diviſion among the creditors, any eſtate, real or perſonal, ſhall devolve upon the bankrupt, he ſhall be obliged, immediately when ſuch event happens, to make a full diſcovery thereof to the factor or truſtee, and ſhall, if required, make oath to the ſame before any magiſtrate of the borough, or judge ordinary of the county of his reſidence, that the factor or truſtee may have an opportunity of taking ſuch ſteps as are neceſſary, for the intereſt of his conſtituents; and the ſaid factor or truſtee ſhall likewiſe give immediate notice thereof to the creditors, either at the firſt general meeting, or by advertiſing a meeting for the purpoſe. *ſ.* 23.

No arreſtment of a debtor's perſonal eſtate, uſed within 30 days before an application for a ſequeſtration under this act, ſhall give any preference to the arreſting creditor in the event of a ſequeſtration taking place, and the arreſtee ſhall be obliged to deliver the effects arreſted, or pay what he owes the bankrupt, to the factor or truſtee, as if ſuch arreſtment had been uſed for the whole creditors; and if the arreſtee has delivered the effects, or paid the money arreſted to the arreſter by virtue of a decree forthcoming, or any other authority whatever, the arreſter ſhall be obliged to pay or deliver the ſame to the factor or truſtee: and in like manner, no poinding of a debtor's effects not completely executed 30 days before ſuch application, ſhall give any preference to the poinder in the event of a ſequeſtration, but the poinder ſhall deliver to the factor or truſtee the goods poinded, if not ſold when required; and if they are then ſold, he ſhall be liable to account to the factor or truſtee for the appraiſed value of the goods poinded, and which ſhall make part of the fund to be diſtributed among the creditors. *ſ.* 24.

All arreſters and poinders deprived of their diligences as aforeſaid, ſhall be entitled to demand or retain the expence laid out by them in proſecuting ſuch diligences. *ſ.* 25.

The truſtee, when appointed, ſhall proceed to recover, in the ſpeedieſt manner, the whole eſtate under his management, whether at home or in foreign parts, in order that the ſame may be diſtributed among the creditors; and he ſhall be obliged to follow thoſe directions with regard to the recovery, management, and ſale of the eſtate, which are laid down by a majority of the creditors in value, convened at the meeting by which he was appointed, or any ſubſequent meeting; and beſides the ſtated annual meetings after mentioned, the truſtee ſhall, if required by one-fourth of the creditors in value, who have produced and proved their claims, be obliged to call a general meeting; or he himſelf may on any emergency call ſuch meeting, ſufficient previous intimation of every occaſional meeting, and the purpoſe of calling it, being always given, by advertiſement in the two *Edinburgh* newſpapers before mentioned, 3 weeks before the meeting. *ſ.* 26.

If any part of the ſequeſtrated eſtate conſiſts of land, or other heritable ſubjects, it ſhall be optional to a majority of creditors in value, to determine, either at the meeting appointing the truſtee, or at any of the ſubſequent meetings or other meeting called for the purpoſe, whether the truſtee is to bring the ſaid heritable eſtate to judicial ſale before the court of ſeſſion, or to diſpoſe thereof by voluntary public ſale; and if the latter mode is adopted, the ſale made, after ſuch advertiſement, and at ſuch upſet price as ſhall be fixed by a majority of creditors in value, at ſuch meeting, ſhall be valid under the burden of all debts and claims heritably ſecured upon the eſtate, in ſo far as the ſame are preferable to the diſpoſition or degree veſting the ſaid eſtate in the truſtee, and the purchaſer ſhall have no concern with the application of the price; and if a majority of creditors in value determine for a judicial ſale and ranking, the truſtee ſhall be obliged forthwith to proceed in the ſame, and ſhall be entitled to carry it on, as to a part of the eſtate, without including the whole, and without any other proof of bankruptcy than the act of ſequeſtration; and it ſh ll be enough to call the bankrupt himſelf, and his real creditors in poſſeſſion, upon a citation of 15 days, whether they are within the kingdom or not, and the edical citations ſhall be diſpenſed with. *ſ.* 27.

Nothing in this act ſhall bar the right which any preferable heritable creditor may have by the law, as it ſtands at preſent, to bring his debtor's eſtate to a judicial ſale at his own inſtance, unleſs ſuch ſale has been previouſly brought at the inſtance of the truſtee. *ſ.* 28.

In every proceſs of ranking and ſale the creditors producing their grounds or claims of debt, ſhall be entitled to prove and conſtitute the ſame, if objected to, without bringing ſeparate actions for that purpoſe; but provided that the court ſhall only allow a reaſonable time for ſo doing, and the creditors ſhall be entitled to draw their ſhares of the price, in virtue of the diſpoſition and adjudication before mentioned, without the neceſſity of any other adjudication; and no other adjudication ſhall be competent after the date of the ſequeſtration. *ſ.* 29.

The truſtee ſhall be obliged to lodge all money he receives in ſuch bank, or with ſuch company, as a majority of creditors in value ſhall appoint, and failing ſuch appointment, in the royal bank or bank of *Scotland*, and at ſuch intereſt as can be procured for the ſame; and never to retain in his own hands above the ſum of 50*l.* ſterling for 10 days, otherwiſe to be liable to the creditors for ſeven and one half *per cent. per annum* on whatever exceeds 50*l.* ſterling in name of intereſt and damages. *ſ.* 30.

The truſtee ſhall, within 10 days after his appointment is confirmed by the court of ſeſſion, publiſh an advertiſement in each of the two newſpapers before mentioned, requiring all the creditors to lodge with him their claims and vouchers or grounds of debt, with their oaths for proving the ſame, as directed by this act, within nine months after the date of the interlocutor awarding the ſequeſtration; ſpecifying the day when the nine months expire, and certifying thoſe creditors who ſhall neglect to comply with this requiſition, that they ſhall not be entitled to any ſhare in the firſt diſtribution of the debtor's eſtate. *ſ.* 31.

The truſtee ſhall, within one month after the termination of the nine months, make up a ſtate of the bankrupt's effects that have been converted into money, and a ſtate of the debts which have been proved, and lodged with him in manner before required, calculating intereſt upon each up to the date of the ſequeſtration, with a ſcheme dividing the produce of the money recovered among the ſeveral creditors in theſe debts according to their ranking; which ſtates and ſcheme, together with a general ſtate of the bankrupt's affairs brought down to that period, ſhall lie open for the inſpection of the creditors in the truſtee's hands for two months longer, when a ſtated general meeting of the creditors ſhall be held at the place of the truſtee's reſidence, exactly at the diſtance of a year after the ſequeſtration, being the ſame day 12 months, or the next lawful day thereafter, to give ſuch orders as may appear neceſſary for the future management, and to receive their firſt dividends; and the truſtee ſhall give notice thereof two months before by advertiſement in the ſaid two newſpapers; and in caſe any of the debts claimed upon ſhall be objected to, or their place in ranking diſputed, or any other objection ſhall be made to the ſcheme, as made up by the truſtee, a ſhare of the ſaid fund, correſponding to the amount of the dividends

to

to which the diſputed articles may be entitled, ſhall be left in the bank where the monies were depoſited till ſuch queſtions are determined by the court of ſeſſion, which the ſaid court is to do ſummarily, on the application of the truſtee, or any other perſon intereſted, and in ſuch ſummary proceſs to allow a proof of the debts or of the objections; and if, in the event of ſuch queſtion, the ſaid ſum ſhall remain unapplied to the debt for which it was claimed, the ſame ſhall go into the fund for any ſubſequent diſtribution, and the ſhares of creditors not called for at the time of diſtribution, ſhall again be depoſited on their riſque in the hands of the bank, at ſuch intereſt as can be got for the ſame, which intereſt gained ſhall be for the general behoof. *ſ.* 32.

Within one month after 21 months from the date of the ſequeſtration, the truſtees ſhall make up another ſcheme of diviſion among the creditors, who, before the end of the 21 months, have produced in his hands their claims, grounds of debt, and oaths of verity, together with new ſtates of the funds and debts, and of the bankrupt's affairs in general, as before directed; which ſhall in like manner remain open for inſpection for the two following months; and the next ſtated general meeting of the creditors for receiving their ſecond dividends, and for the other purpoſes beforementioned, ſhall be held after the like advertiſement exactly at the diſtance of another year, being on the ſame day two years from the date of the ſequeſtration, or on the next lawful day; and the like procedure ſhall be followed out at the ſame intervals of time thereafter, and until the whole funds of the bankrupt are collected and diſtributed among his creditors; declaring always, that no creditor ſhall draw any ſhare of the different diſtributions, unleſs his grounds of debt, and oath on the verity thereof, ſhall have been lodged with the truſtee before the days appointed for that purpoſe; but he ſhall be entitled, in the next diſtribution which happens, after the grounds of debt are produced and proved, to draw out of the firſt end of the remaining fund in the truſtee's hands, a ſum equal to the former dividend on his debt, with deduction of five *per cent.* on the dividends, which is to be retained by the truſtee for the common behoof, on account of the ſaid creditor's delay; and further declaring, that, in making up the ſchemes of diviſion, all debts claimed on which are entitled to a preference by the law of *Scotland*, not altered by this act, ſhall be preferred. *ſ.* 33.

Such creditors as claim upon debts whereof the term of payment is not come, may, upon diſcounting the legal intereſt to the term of payment, draw their ſhares in proportion to what remains after ſuch diſcount. *ſ.* 34.

In caſe any of the creditors claiming to be ranked on the ſequeſtrated eſtate, ſhall have received any partial payment out of the eſtates of other obligants, or in conſequence of any preferable ſecurity upon any particular ſubject belonging to the bankrupt before ſequeſtration, the ſaid partial payment ſhall be deducted from the total amount of his debt, and he ſhall only be ranked for the balance after ſuch deduction; but in caſe ſuch partial payment is not recovered till after the ſequeſtration, he ſhall be entitled to rank for his full debt without any ſuch deduction, but ſo as he ſhall never draw in whole more than complete payment of his debt; and the creditors of a company ſhall be entitled to rank upon the eſtates of the individual partners for the debts due to them by the company, deducting only what they may have received before the ſequeſtration. *ſ.* 35.

The making production of the grounds of debt along with the oath, ſhall have the ſame effect as to interrupting preſcription of every kind from the period of ſuch production, as if a proper action had been raiſed on the ſaid grounds of debt againſt the bankrupt and againſt the truſtee. *ſ.* 36.

In every ſuch oath the creditor deponing ſhall ſpecify every ſecurity he holds for his debt, whether on the eſtate of the debtor or other obligants; and in caſe any creditor ſhall, after the date of the ſequeſtration, obtain any preference on any eſtate or ſubject belonging to the bankrupt directly or indirectly, ſituated without the juriſdiction of the court, he ſhall be obliged to communicate and aſſign the ſame to the truſtee for behoof of all the creditors, before he draws any dividend. *ſ.* 37.

The oaths of verity upon debts required by this act, may be taken before any judge ordinary or juſtice of the peace; and where any creditor is out of the kingdom of *Great Britain* and *Ireland*, or is under age, or incapable to give an oath, in all ſuch caſes an oath of credulity by the agent, factor, guardian or other manager, taken in the ſame manner, ſhall be ſufficient; but which oaths, either by the party himſelf, or any other acting for him, ſhall not ſuperſede the neceſſity of bringing legal evidence of the debt, if the ſame is objected to as unliquidated, and where ſuch evidence appears to be neceſſary in the circumſtances of the caſe; and further declaring, that no fee ſhall be paid by any creditor to the clerks of court, or any perſon whatſoever, for an oath of verity or credulity as to the debt claimed being due, or for production of the intereſt or grounds of debt of any creditor, unleſs the debt claimed exceeds 10*l.* lawful money of *Great Britain*. *ſ.* 38.

Four-fifths in value of the creditors convened, either at the meeting when the truſtee is choſen, or at any ſubſequent meeting, ſhall be entitled to chooſe any three of the creditors, at whoſe ſight, and with whoſe conſent, or with the conſent of two, the truſtee ſhall be empowered to compound and tranſact, either by ſubmiſſion or by private compromiſe, all doubtful claims which the bankrupt may have againſt others, or all debts due to the eſtate out of the other bankrupt ſubjects, and likewiſe all doubtful claims made againſt the eſtate where the ſum claimed upon in this laſt caſe does not exceed 50*l.* ſterling, but not the order of ranking and preference of that or any other debt upon the eſtate; and the ſame majority may exempt the truſtee from being liable for omiſſions, and may declare whether he ſhall be liable for attornies or factors appointed by him. *ſ.* 39.

If at the expiration of three years from the date of the ſequeſtration, any of the perſonal effects of the bankrupt, or any debts, whether heritable or moveable, due to him, remain ſtill unuplifted, it ſhall be in the power of four-fifths of the creditors in number and value, convened at any general meeting advertiſed for the purpoſe, to direct that ſuch remaining debts and effects be ſold off by public auction, upon three months previous notice publiſhed in the two newſpapers before-mentioned, the ſale either to be in whole or in lots, as a majority ſhall direct. *ſ.* 40.

The ſurplus of every debtor's eſtate, real or perſonal, that may remain after payment of his debts, and of the expence incurred in carrying this act into execution, ſhall be paid over to the debtor. *ſ.* 41.

At any period after the ſequeſtration, and before the final diſtribution, it ſhall be competent for the bankrupt, with concurrence of the truſtee, and four-fifths of the creditors who have proved their debts to apply to the court of ſeſſion, or to the lord ordinary on the bills in time of vacation, for a perſonal protection from diligence for ſuch time as the court or lord ordinary ſhall think reaſonable; and the ſame being once obtained, ſhall be renewed, if applied for in name of the bankrupt, with conſent of the truſtee

truſtee alone, unleſs any of the creditors oppoſe it; in which caſe the conſent of four-fifths of the creditors ſhall be required, as before; declaring always, that in this and all other caſes where conſent of creditors, both in number and value, is required, creditors whoſe debts are under 20*l.* ſterling ſhall not be counted in the number though they are to be counted in the value. *ſ.* 42.

It ſhall be competent to four-fifths in number and value of the creditors, after the ſecond dividend, to concur with the bankrupt in a petition to the court of ſeſſion, praying that he may be held as finally diſcharged of all his debts contracted before the application for ſequeſtration, ſo far as the ſame may affect his perſon, or any perſonal eſtate to be acquired by him after the date of the diſcharge; and this petition being intimated upon the wall, and in the two newſpapers, the court ſhall, at not leſs than three months after, reſume the conſideration thereof; and if no objection is made, they ſhall pronounce an act, in terms of the prayer of the petition; but if appearance is made by any of the creditors, objecting the diſcharge ought not to be granted, on account of the bankrupt's not having made a fair diſcovery and ſurrender of his eſtate, or that he has refuſed to grant a diſpoſition to the truſtee, as ordered by the court, or has wilfully not attended the diets of examination, or has been guilty of any colluſion, or that his bankruptcy did not ariſe from innocent misfortunes, or loſſes in buſineſs, but from culpable conduct, the court ſhall judge of theſe objections, and allow a proof of them, and ſhall either grant or refuſe the diſcharge; the bankrupt always taking an oath before the court, or upon commiſſion, when judgment is pronounced in his favour, and before the act can be extracted, that he has faithfully complied with the ſtatute, and has uſed no undue influence, nor had recourſe to any compromiſe with his creditors, to obtain their concurrence; and if it appear that there has been any ſuch compromiſe, the ſame is unlawful; and no action ſhall lie upon any bill, or other ſecurity granted in conſequence thereof. *ſ.* 43.

If the bankrupt ſhall afterwards either ſet up an equipage, or become poſſeſſed of heritable property, before he has paid all his debts, ſuch equipage or property ſhall be liable to be attached by his creditors, whether prior or ſubſequent to the diſcharge, as if no diſcharge had taken place; and the ſame ſhall only be effectual to protect his perſon or other effects. *ſ.* 44.

If the bankrupt ſhall obtain a final diſcharge, it ſhall be in the power of four-fifths of the creditors in number and value, convened at any meeting thereafter, to make him an allowance of three *per cent.* upon the nett funds divided, but not exceeding 200*l.* ſterling in all, if the dividends amount to leſs than 10*s.* in the pound; and 5*l.* *per cent.* but not exceeding 250*l.* ſterling, if they amount to 10*s.* and under 12*s.* 6*d.*; or ſeven and an half *per cent.* but not exceeding 300*l.* ſterling, if they amount to 12*s.* 6*d.* and under 15*s.*; or 10*l.* *per cent.* but not exceeding 400*l.* ſterling in all, if the dividends amount to 15*s.* in the pound, or upwards; the ſaid allowance to be calculated on the nett amount of the ſums divided; and in making the dividends, the truſtee ſhall have in view to deduct ſo much from each as ſhall leave a fund on hand for anſwering this allowance; and if the allowance ſhall in the end be refuſed, a final dividend ſhall be made thereof among the creditors; declaring always, that preferable creditors who are fully ſecured, ſhall not be counted either in the queſtion about the allowance, or in applying for the perſonal protection, or the diſcharge. *ſ.* 45.

The ſederunt book ſhall contain a full record of all the proceedings of the truſtee, minutes of general meetings, ſtates of accounts, ſchemes of diviſion, and all other matters relative to the truſt; and another duplicate of the whole proceedings, ingroſſed in the book, ſhall be ſubſcribed by the truſtee, and within 14 days after the proceedings take place, or the caſts, ſchemes, and accounts are made out, ſhall be tranſmitted by him to the clerk to the ſequeſtration in the court of ſeſſion, to lie among the records of court; and the ſaid book, and the bankrupt's books and papers, and other papers in the truſtee's hands, ſhall be made patent to any creditor who deſires to ſee the ſame. *ſ.* 46.

When any application for ſequeſtration ſhall be made to the court of ſeſſion when ſitting, and any thing ſhall be left undone at the end of any ſeſſion by the want of time, the lord ordinary on the bills is to do every thing neceſſary in execution of this act during the vacation, that he is to do when the petition for ſequeſtration is originally preſented to him; and, in like manner, when the application for ſequeſtration is made to the lord ordinary on the bills in time of vacation, and any thing is to be done in time of ſeſſion, the court ſhall proceed therein in the ſame way as if the petition had been originally preſented to themſelves. *ſ.* 47.

If any appeal ſhall be taken againſt any order of the court of ſeſſion, or againſt any act of the lord ordinary upon the bills, in the execution of this act, it ſhall be lawful to the court in time of ſeſſion, and lord ordinary on the bills in time of vacation, notwithſtanding ſuch appeal, to make ſuch orders, and direct ſuch proceedings, as ſhall appear to be expedient for preventing the eſtate of the debtor from being embezzled, ſecreted, damaged, or dilapidated, while the appeal is pendant. *ſ.* 48.

When any petition for ſequeſtration under this act is preſented, it ſhall be competent for any other creditor to concur therein, and to follow forth the ſame, even without the conſent or after the death of the creditor petitioning; and the expence ſhall be repaid by the factor or truſtee, out of the firſt end of the debtor's eſtate, to the creditor by whom the ſame is diſburſed; and if the bankrupt ſhall happen to die in the mean time, the proceedings under this act ſhall notwithſtanding be carried on and followed to concluſion, as if he were in life. *ſ.* 49.

It ſhall be lawful for the court of ſeſſion to eſtabliſh ſuch further regulations as ſhall appear to them moſt proper for carrying this act into execution according to the intent thereof, and to publiſh the ſame in any act of ſederunt, which ſhall be in force ſo far as is conſiſtent with this act. *ſ.* 50.

If at the meeting held for appointing a truſtee, or any ſubſequent meeting called for the purpoſe, it is determined by a majority of creditors in value, that the eſtate ought to be veſted in a factor accountable to the court of ſeſſion, and not in the perſon of a truſtee; the perſon choſen by the majority in value aforeſaid ſhall be, by the court of ſeſſion, or lord ordinary on the bills, appointed factor on the ſaid eſtate, and ſhall be veſted in the ſame, and obliged to manage and diſpoſe of the ſame, and to divide the proceeds, in the ſame way as the truſtee, and under ſuch regulations as the court of ſeſſion may lay down; and the bankrupt may alſo be diſcharged, and entitled to the ſame allowances as aforeſaid. *ſ.* 51.

This act ſhall be conſtrued by all judges in the moſt beneficial manner for promoting the ends intended; and the ſame ſhall be extended to all women as well as men, who fall under the deſcription before. *ſ.* 52.

No

No duties upon eſtates ſold by auction ſhall be exigible upon any eſtates ſold under this act. *ſ.* 53.

Equivalent.

By 3 *Geo.* 1. *c.* 14. No equivalent debentures, or the intereſt thereon, ſhall be liable to be ſtopped on account of any arreſtment or attachment that ſhall be laid on them in the hands of the commiſſioners or otherwiſe. *ſ.* 4.

The commiſſioners of the equivalent are authoriſed to retain 14,000 *l.* appointed by the 15th article of the union for the encouragement of the manufacture of coarſe wool. *ſ.* 5.

Evidence.

By 21 *Geo.* 2. *c.* 34. In all trials in *Scotland* for theft of cattle, or the maſterful taking away or detaining the ſame, it ſhall not be allowed to be a good objection to any witneſs produced for proving the libel, that he was *ſocius criminis*, nor ſhall ſuch witneſs be liable to be proſecuted for his acceſſion to the offence which he ſhall give evidence was committed by the pannel, or that ſuch pannel was art and part thereof. *ſ.* 20.

Exchequer.

By 6 *Ann.* *c.* 26. A court of exchequer, to be called *The Court of Exchequer in Scotland*, ſhall be conſtituted in *Scotland*, and ſhall be a court of record, revenue, and judicature for *Scotland*, and have continuance for ever, and be held within the city of *Edinburgh*, where the former exchequer of *Scotland* was uſually held, or at ſuch other places in *Scotland*, as by authority from the queen, and in default thereof by the judges of the ſaid court, ſhall be directed. *ſ.* 1.

The lord high treaſurer of *Great Britain*, and ſuch perſons as by commiſſions under the ſeal kept in *Scotland* ſhall be appointed chief baron and other barons of the ſaid court, ſhall be the judges of the court; and the ſaid lord high treaſurer and barons, and the ſaid barons in the abſence of the lord high treaſurer, ſhall have all judicial and other powers belonging to the court, and the barons ſhall have continuance in their offices *quamdiu ſe bene geſſerint*; which barons are to be made of ſuch as ſhall be ſerjeants at law, or barriſters of law five years ſtanding in ſome of the four inns of court in *England*, or elſe of ſuch perſons as ſhall be advocates in the college of juſtice in *Scotland* for five years; and the ſaid barons ſhall take the ſame oaths of office, and other oaths, as the barons of the exchequer in *England*; the ſaid oaths to be taken before the ſaid court of exchequer; and the chief baron and barons ſhall uſe ſuch robes as the chief baron and barons of the exchequer in *England*, or ſuch other robes as her majeſty ſhall appoint. *ſ.* 2.

There ſhall be in the ſaid court the offices following, *viz.* the office of queen's remembrancer, of lord treaſurer's remembrancer, of clerk of the pipe, and ſuch other offices now in being in the court of exchequer in *England* or in *Scotland*, relating to ſignatures, gifts, and tutories, as the queen ſhall think fit, to be appointed under the ſeal kept in *Scotland*; and ſuch perſons ſhall be the maſters or chief officers of the ſaid offices, and for ſuch term as the queen ſhall by letters patent under the ſeal aforeſaid appoint; and the ſaid maſters ſhall appoint under them, ſo many attornies and clerks as ſhall be fit; which maſters, as alſo the ſaid attornies and clerks, ſhall take ſuch oaths before the barons, for their faithful and honeſt behaviour in their offices, as the like officers in the court of exchequer in *England*, or as by the barons of the exchequer in *Scotland* ſhall be appointed. *ſ.* 3.

The ſaid chief officers, as alſo the ſaid attornies, clerks, and other officers, ſhall be obedient to the court, and may be ſuſpended, puniſhed, or amoved, for neglect of duty, or miſdemeanors in their offices, or other juſt cauſes. *ſ.* 4.

There ſhall be a ſeal for the ſealing ſuch letters patent, grants, commiſſions, writs, precepts, and other proceſs, which ſhall iſſue out of the ſaid court, or ought to paſs under the ſeal of the ſaid court; which ſeal ſhall be in the cuſtody of the chief baron; and the chief baron, or ſuch perſon as he ſhall depute, and for whom he will be anſwerable, ſhall therewith ſeal all letters, patents, *&c.* and for that purpoſe ſhall attend at times and places to be directed by the court, or any of the barons; and the ſaid court is empowered to appoint all ſuch other officers and attendants as ſhall be convenient. And all ſheriffs, by themſelves or their deputies, and other officers and ſubjects in *Scotland*, are to be obedient to and attendant upon the ſaid court, and ſhall be ſubject to ſuch penalties for neglect of their duties, or for any contempts or diſobedience, as ſhall be impoſed by the court. *ſ.* 5.

The cuſtoms and exciſe, and all other revenues appertaining to the queen within *Scotland*, either as queen of *Great Britain*, or as prince and ſteward of *Scotland*, and all honours, caſtles, manors, lands, and hereditaments, in *Scotland*, which ſhall appertain to the queen, and all the goods and perſonal eſtates within *Scotland*, any ways belonging to the queen, and all the remedies for recovering the ſame, and all accounts relating thereto, and all penalties by force of any ſtatute relating to the cuſtoms or exciſe, or by force of any other ſtatutes, and all fines, iſſues, forfeitures, or penalties, of what nature ſoever, ariſing within *Scotland*, and all informations or actions, and alſo all obligations, recognizances, ſpecialties, and other ſecurities, touching the before mentioned matters, ſhall be within the juriſdiction of the ſaid court; and the barons of the ſaid court ſhall be inveſted with all powers, as well judicial as otherwiſe, for the hearing and determining of all actions and queſtions in law or equity touching the aforeſaid revenues, *&c.* and the ſaid court may proceed therein as the court of exchequer in *England* hath uſed in like caſes; all which proceedings ſhall be in the office of the remembrancer of the queen's majeſty. And upon iſſues joined in any cauſes triable in the ſaid court upon matters of fact, the barons are authoriſed to cauſe the ſame to be tried, either at the bar of the court or elſewhere, at ſuch times and places as ſhall be by the court appointed, by a jury of 12 perſons of that county or place where the matters in iſſue did ariſe, or of ſuch other county or place in *Scotland* where the court ſhall direct the ſame to be laid; each of which jurymen ſhall have in his own right, or right of his wife, lands or tenements of inheritance, or for life, within the county, of the yearly value of 5 *l.* or ſhall be worth in goods 200 *l.* and for want thereof, or for any other juſt cauſe, ſhall be ſubject to be challenged; and in all verdicts to be given, the whole number of 12 muſt agree: and the ſaid barons, and ſuch of them before whom any ſuch trials ſhall be, ſhall have power to award proceſs; and all powers relating to ſuch trials, and for awarding new trials, as the barons of the exchequer in *England*; and the

the barons and officers ſhall do all other things in order for judgments upon the records of trials at bar, and of the returns of records of *niſi prius* in caſe of trials in the countries, as are practiſed in like caſes in the exchequer in *England*; and the barons ſhall proceed to give judgment, and to award executions, and do every thing touching ſuch trials, judgments, or executions, as by law, or the rules of the court of exchequer in *England*, or by the laws or ſtatutes in *England*. *ſ.* 6.

The ſaid barons of the exchequer in *Scotland*, or any of them, ſhall have power to take recognizances and ſecurities for debts; and all obligations, recognizances, and other ſecurities, for any the revenues, debts, or other things, due to the queen within *Scotland*, or which ſhall relate thereto, or which ſhall be taken by order of the ſaid court, or for the uſe of the crown, ſhall be taken in the name of the queen, her heirs and ſucceſſors, and ſhall have the force of any obligations, recognizances, and ſpecialties, which may be taken in the court of exchequer in *England*, according to the ſtatute of 33 *Hen.* 8. *c.* 39. or any other law or uſage in the exchequer in *Scotland*, or by virtue of the prerogative royal: and all ſuits upon the ſaid obligations, *&c.* or for any revenues or duties payable to the queen within *Scotland*, ſhall be in the court of exchequer in *Scotland*, and her majeſty ſhall be preferred in all ſuits in the ſaid court, according to the ſaid ſtatute and the practice of the court of exchequer in *England*; and as well the bodies as the lands and tenements, debts, credits and ſpecialties, goods and perſonal eſtate, of all debtors or accountants to the crown, or their debtors, in *Scotland*, ſhall be liable by extent, inquiſition, and ſeizures, or by any other proceſs, to the payment of ſuch debts to the crown, in the ſame manner as hath been uſed in the court of exchequer in *England*. *ſ.* 7.

Provided, that no debt to the crown in *Scotland* ſhall affect any real eſtate in *Scotland*, further than ſuch real eſtate may be ſubject thereto by the laws of *Scotland*; and that the laws of *Scotland* ſhall in all ſuch caſes hold place. *ſ.* 8.

The ſeveral ſtatutes in *England* of jeofails, and for amendments, ſhall extend to all ſuits in the court of exchequer in *Scotland* for the recovery of any debt due to the crown, as fully as they do to the court of exchequer in *England*. And in the court of exchequer in *Scotland* there ſhall be kept four terms in every year, whereof one ſhall be called *Martinmas* term, and ſhall commence upon the 3d of *November*, and end on the 29th of *November*; and another ſhall be called *Candlemas* term, and ſhall commence upon the 23d of *January*, and end upon the 12th of *February*; and another ſhall be called *Whitſuntide* term, (and ſhall commence upon the 12th of *May*, and end on the 2d of *June*, by 30 *Geo.* 3. *c.* 17. *ſ.* 2.;) and the fourth ſhall be called *Lammas* term, (and ſhall commence on the 17th of *June*, and end on the 5th of *July*, by 30 *Geo.* 3. *c.* 17. *ſ.* 2.;) and if any of the ſaid days ſhall be a *Sunday*, ſuch term ſhall begin the day following, and end (by 30 *Geo.* 3. *c.* 17. *ſ.* 2. *on the* Saturday *preceding*;) during which terms the barons of the ſaid court ſhall ſit therein, and hear and determine the buſineſs depending in the court, and that either with or without adjournment to any time or place: and the barons ſhall appoint the days for the returns of writs; and ſet upon all ſuch ſheriffs, and other perſons, to whom the execution of ſuch writs ſhall appertain, ſuch iſſues, fines, amercements, and penalties, as ſhall ſeem fit: and the ſaid barons ſhall take bails, recognizances, and other ſecurities, informations, bills, anſwers, and affidavits, and take and declare accounts, and do all things relating to the buſineſs of the court, as fully as the barons of the exchequer in *England:* and the barons of the exchequer in *Scotland* are authoriſed to hold plea in equity by *Engliſh* bill, petition, or ſuit, brought by or againſt the attorney or advocate general of the queen on her behalf, or by or againſt any other perſons touching the revenues, as is uſed in the court of exchequer in *England*; ſave only that all iſſues at law directed for the information of the conſcience of the court ſhall be made up in the queen's remembrancer's office, in ſuch manner as ſuch iſſues are uſed to be made up in the office of pleas in the exchequer in *England*. *ſ.* 9.

The barons of the exchequer in *Scotland*, and the officers and members of the ſaid court, ſhall have the ſame privileges and immunities as the members of the college of juſtice have by the law in *Scotland*; excepting only that they may be purſued in juſtice before the lords of ſeſſion for cauſes not competent to the court of exchequer. *ſ.* 10.

All perſons employed about the collecting or accounting for the revenues of cuſtoms or exciſe, or other crown revenues in *Scotland*, ſhall be under the juriſdiction of the court of exchequer in *Scotland* in all things touching the revenues, which are not inconſiſtent with the commands of the queen's majeſty, or of the treaſury: and all perſons appointed under the ſeal kept in *Scotland*, to be auditors of the revenues in *Scotland*, ſhall take the like oath for the due execution of their offices before the barons of the exchequer in *Scotland*, as any auditor of any the crown revenues in *England* ought to take: and ſuch auditors ſhall have the taking all the ſaid accounts, which being ſworn to by the accountants, and allowed and declared by the court of exchequer, or before the chief baron, or ſome of the barons, the ſame ſhall be examined and inrolled in the offices of remembrancer of the queen, and vouchers of ſuch account ſhall be there left, and ſuch account ſhall be alſo entered in the office of the lord treaſurer's remembrancer, in like manner as in *England*, and then ſhall be delivered into the pipe office; and the clerk of the pipe ſhall cauſe the ſaid accounts to be examined, and if found true, to be inrolled in the office, and ſhall give a *quietus* or diſcharge to the accountant thereupon; and if any *ſupers* or arrears ſhall be ſet upon the accountant, or any other perſon, by the ſaid account, the court of exchequer ſhall award proceſs to be iſſued out of ſuch of the two remembrancers offices as the court ſhall direct, for the accounting for, levying, and receiving, of all ſuch *ſupers* and arrears, in ſuch ſort as hath been uſed in the court of exchequer in *England*. *ſ.* 11.

It ſhall be lawful for any perſons, parties to any judgment given in the court of exchequer in *Scotland*, or who ſhall be privy to and affected by ſuch judgment, and who by law are entitled to a writ of error, to ſue out of the chancery writs of error returnable in parliament; and the like ſecurities and method of proceedings ſhall be had thereupon as have been in *England:* and every perſon againſt whom any orders or decrees in *Engliſh* cauſes ſhall be made in the ſaid court of exchequer, may have like relief therein as any perſons againſt whom any orders or decrees in the court of exchequer in *England* may have. *ſ.* 12.

The lord high treaſurer of *Great Britain* ſhall have all ſuch powers relating to any the revenues of cuſtom and exciſe, and other the crown revenues or treaſure within *Scotland*, as he may have concerning any the revenues in *England*. *ſ.* 13.

All fines, iſſues, amercements, forfeited recognizances, or penalties, incurred or forfeited in the court of exchequer in *Scotland*, ſhall be levied by the proceſs of the ſaid court to the uſe of her majeſty, although the perſons, or their lands or goods, be in any part of *Scotland* whatſoever. *ſ.* 14.

In caſe any perſon ſhall alledge, plead, or ſhew, in the court of exchequer in *Scotland*, good, perfect, ſufficient cauſe and matter in law, reaſon, or good conſcience, in bar or diſcharge of any fines, forfeitures, debts, or duties, payable to the crown, or why ſuch perſon ought not to be charged with the ſame, and the ſame matter ſo alledged ſufficiently proved, the ſaid court ſhall have power to allow the ſame, and to diſcharge the perſons ſued for the ſame, or to take any fitting compoſition, as in the diſcretions of the barons, upon hearing of the attorney or advocate general, or other learned council of her majeſty, ſhall be thought juſt, in ſuch manner as is uſed in *England*. *ſ.* 15.

The barons of the exchequer in *Scotland* ſhall have power to take and paſs the accounts of all ſheriffs and other officers in *Scotland*, who have the execution of any the proceſs iſſuing out of the ſaid court, for the levying of any money for the crown, and to charge and diſcharge them according to juſtice, in ſuch manner as the ſaid ſheriffs and officers before the union were uſed to be charged and diſcharged. *ſ.* 16.

All acts of parliament made in *England*, and in force there, concerning any cuſtoms or ſubſidies there, and all acts of parliament made in *England*, and now in force, concerning any exciſes there, and all directions for navigation, and for carrying goods coaſtwiſe, and all other things in them contained, which are not inconſiſtent with the articles of the union, ſhall extend to *Scotland*, and ſhall be put in execution by the court of exchequer in *Scotland*; and perſons entitled to any benefits or remedies touching the cuſtoms or exciſes in *Scotland*, ſhall enjoy the ſame as fully as if the ſame aroſe in *England:* and the barons of the exchequer in *Scotland* are to cauſe right to be done to all perſons concerned therein. *ſ.* 17. *See* ſ. 18. *under Cuſtoms, ſupra.*

The court of exchequer in *Scotland* ſhall have power to receive reſignations in her majeſty's name of all baronies, lands, lordſhips, tithes, juriſdictions, offices, and all other rights which were in uſe, to be reſigned in the exchequer; and ſignatures, gifts, tutories, and other things, which were preſented, reviſed, and compounded, or which were paſſed or given, by the lord high treaſurer, or commiſſioners of the treaſury, or court of exchequer there, ſhall be given in, reſigned, preſented, reviſed, compounded, and expedited, as formerly, with this alteration, that the preſenter of ſignatures ſhall preſent the ſaid ſignatures and other things to the chief baron and barons of the exchequer in *Scotland*, who are authoriſed to reviſe and compound the ſame, in the ſame manner as the lord high treaſurer or commiſſioners of treaſury of *Scotland* might have done, and thereafter in court to hear parties, and to paſs all ſuch ſignatures, *&c.* and eſpecially to declare and appoint fines, as the court of exchequer might have done; and ſuch ſignatures, *&c.* being paſſed in the exchequer, ſhall be recorded by the clerks, and thereafter be expedited at the proper ſeals, as by the law and practice of *Scotland* was required; reſerving power to her majeſty to receive reſignations immediately in her royal hands, and to grant all ſignatures and other things, in the ſame manner as her majeſty could have done at the time of the ſaid treaty. *ſ.* 19.

All barriſters at law, advocates, or counſellors, who may plead and practiſe before the court of exchequer in *England*, or before the court of ſeſſion in *Scotland*, ſhall have right to plead and practice before the ſaid court of exchequer. *ſ.* 10.

The validity and preference of the title of the crown to any honours, manors, lands, or hereditaments, or to caſualties, belonging to the crown, ſhall continue to be tried in the court of ſeſſion by the law and practice of *Scotland*, and not otherwiſe. *ſ.* 22.

No officer, clerk, or other perſon employed in the exchequer in *Scotland*, ſhall take any other fee, in reſpect of any thing done in the ſaid court, than ſuch as ſhall be ſettled and allowed by the barons; which fees ſhall be contained in a table to be hung up in the moſt public place of the court; and each of the maſters in the offices of queen's remembrancer, lord treaſurer's remembrancer, clerk of the pipe, and clerk of the pleas, and auditor, ſhall take care that a table of the fees relating to their offices be hung up in ſome public place in their offices; and if any perſon ſhall offend in the premiſſes, the barons of the exchequer ſhall cauſe right to be done, and puniſh the offenders by fine, ſuſpenſion, or deprivation, as to them ſhall ſeem juſt, and recompence the complainer with coſts. *ſ.* 23.

The number of the barons of her majeſty's court of exchequer in *Scotland* ſhall not exceed five. *ſ.* 24.

By 30 *Geo.* 3. *c.* 17. *ſ.* 2. *Whitſuntide* term for the court of exchequer in *Scotland* ſhall begin upon the 12th of *May*, and end upon the 2d of *June*; and *Lammas* term ſhall begin upon the 17th of *June*, and end upon the 5th of *July*; except the ſaid days happen upon *Sunday*, in which caſe the beginning of ſuch term ſhall be upon the day following, and the ending on the *Saturday* preceding.

Excommunication.

By 10 *Ann. c.* 7. No civil forfeiture or diſability ſhall be incurred by reaſon of any excommunication, or proſecution, in order to excommunication, by the church judicatories in *Scotland*; and all civil magiſtrates are prohibited to compel any perſons to appear when ſummoned, or to give obedience to ſuch ſentence when pronounced. *ſ.* 10.

Fiſhery.

By 13 *Geo.* 1. *c.* 30. It ſhall be lawful for his majeſty, by letters patent under the great ſeal kept in *Scotland*, to eſtabliſh a method whereby the funds due by 5 *Geo.* 1. *c.* 20. *(in Funds, infra)*, for improvement of the fiſhery and manufactures in *Scotland*, ſhall be applied according to the fifteenth article of the union. *ſ.* 1.

It ſhall be lawful for his majeſty, by letters patent under the ſaid ſeal, to appoint any perſons reſiant in *Scotland*, not exceeding 21, to be truſtees and commiſſioners for directing the application of the ſaid ſums, according to the method aforeſaid. *ſ.* 2.

It ſhall be lawful for his majeſty to appoint the receiver general of the crown rents and caſualties in *Scotland* to be caſhier for the commiſſioners above mentioned. *ſ.* 3.

The commiſſioners of the treaſury ſhall iſſue their orders for making payment of all money for encouraging fiſheries and manufactures in *Scotland*, as the ſame ſhall become due, to the receiver general of the crown rents and caſualties in *Scotland*, without fee, to be by him iſſued in like manner without fee, by order of the commiſſioners and truſtees. *ſ.* 4.

The commiſſioners ſhall annually at *Chriſtmas* make up an account of all the monies received and iſſued by their orders, together with a report of the ſtate of the fund, and of their proceedings in the execution of their truſt, which they ſhall within 30 days lay before his majeſty; and ſhall alſo within the like ſpace lay copies of the ſaid accounts and reports before the annual committee of the convention of the royal boroughs of *Scotlond*, that they may lay before his

his majeſty ſuch obſervations as they ſhall make thereon. *ſ.* 5.

The commiſſioners may annually at *Chriſtmas* lay before his majeſty ſuch alterations as to them ſhall ſeem expedient for improving the method for encouraging the ſaid fiſheries or manufactures; and it ſhall be lawful for his majeſty, by letters patent under the ſaid ſeal, to alter the method upon the repreſentation of the commiſſioners. *ſ.* 6.

By 29 *Geo.* 2. *c.* 23. All inhabitants of *Great Britain* ſhall, when they think proper, freely take, buy from fiſhermen, and cure, any herrings, cod, ling, or any other ſort of white fiſh, in every part of the ſeas or other waters where ſuch fiſh are to be found, on the coaſts of *Scotland*, and of *Orkney*, *Shetland*, and all other iſlands belonging to *Scotland*; and if any perſon obſtruct any perſon in fiſhing in moonlight nights, or at any other time, in any part of the ſaid ſeas or other waters, or demand any gratuity in money, fiſh, or otherwiſe, under the name of *Saturday*'s night fiſhing, or under any other name, for the liberty of fiſhing, every ſuch perſon ſhall for every ſuch offence forfeit 100 *l.* ſterling. *ſ.* 1.

All perſons employed in the fiſhery on the coaſts of *Scotland*, or of *Orkney*, *Shetland*, or any of the ſaid iſlands, ſhall have the free uſe of all ports, harbours, ſhores, and forelands, in *Scotland*, or in *Orkney*, *Shetland*, or any of the ſaid iſlands, below the higheſt water mark, and for 100 yards on any uncultivated land beyond ſuch mark within the land, for landing their nets, caſks, and other ſtores, and for erecting tents and ſtages, and for the landing, pickling, curing, drying, and reloading their fiſh, without paying any foreland or other dues, or any other conſideration for ſuch liberty, except as hereafter excepted; and if any perſon demand or receive any money or other conſideration for the uſe of any ports, ſhores, or forelands, within the limits aforeſaid, ſo made uſe of, or obſtruct the perſons employed in the taking, buying, or curing of fiſh, in the uſe of the ſame, every perſon ſo offending, ſhall, for every ſuch offence, forfeit 100 *l.* ſterling. *ſ.* 2.

Nothing in this act ſhall exempt the veſſels employed in the ſaid fiſhery from the payment of ſuch harbour or pier duties as are, and by law ought to be, demanded for veſſels in piers or harbours which are artificially made, but ſuch harbour or pier dues ſhall be paid before the paſſing of this act. *ſ.* 3.

The ſtaves of all barrels in which ſuch fiſh ſhall be packed ſhall be at leaſt one half of an inch in thickneſs throughout of made work; and if any barrel containing ſuch fiſh be found to be of a leſs thickneſs than one half of an inch in any part, any officer of cuſtoms or exciſe, or any curemaſter in *Scotland*, are to ſeize the ſame, and, upon proof before any two juſtices of peace, the owner ſhall forfeit both fiſh and barrel. *ſ.* 4.

It ſhall be lawful for any perſon in *Scotland* to import foreign ſalt, and to take *Britiſh* ſalt there from the ſalt works, without paying any duty for the ſame, for curing of fiſh for exportation only, except the cuſtoms payable upon the importation of ſuch foreign ſalt; and it ſhall be lawful for any perſon in *Scotland* to uſe any ſuch foreign or *Britiſh* ſalt delivered duty free for curing of fiſh for exportation, in the curing white herrings for home conſumption; and the 5 *Geo.* 1. *c.* 18. & 8 *Geo.* 1. *c.* 16. *ſee the general title* SALT, ſo far as relates to the curing of fiſh for exportation with ſalt, without payment of duty, and to the rates allowed upon the exportation of fiſh from *England*, and to the curing of white herrings for home conſumption, (except the duty of 3 *s.* 4 *d. per* barrel,) ſhall be extended to *Scotland*. *ſ.* 5.

For every barrel of white herrings containing 32 gallons, entered for home conſumption in *Scotland*, the proprietor ſhall pay a duty of 1 *s.* and ſo in proportion for every half barrel; under the regulations and penalties in the laſt mentioned act for aſcertaining and recovering the ſaid duty of 3 *s.* 4 *d. per* barrel. *ſ.* 6.

It ſhall be lawful to carry from any port of *Scotland* to any port of *England* white herrings cured with *Britiſh* or foreign ſalt, the perſons bringing the ſaid herrings into *England*, *Wales*, and *Berwick*, paying at the port to which the ſame are brought, 3 *s.* 4 *d.* for every barrel containing 32 gallons, which ſhall be entered there for home conſumption, and ſo in proportion for every half or quarter barrel. *ſ.* 7.

It ſhall be lawful to carry from any port in *Scotland* to any port of *England* for home conſumption, any ſalmon, cod, ling, tuſk, and other white fiſh, cured with ſalt made in *Scotland*, for which the duty hath been there paid or ſecured, the perſon bringing ſuch fiſh into *England*, *&c.* paying at the port to which the ſame ſhall be brought, 2 *s.* 4 *d.* for every barrel, containing 32 gallons of ſuch fiſh wet, and ſo in proportion for a greater or leſſer quantity; and 1 *s.* 2 *d.* for every hundred weight of ſuch fiſh dry, and ſo in proportion for a greater or leſſer quantity. *ſ.* 8.

It ſhall be lawful to carry from any place of *Scotland*, or the iſlands thereunto belonging, to any port of *England* for re-exportation, any herrings, ſalmon, cod, ling, tuſk, and other white fiſh, the owner of the fiſh, or maſter of the veſſel, making oath that ſuch fiſh was caught in *North Britain*, or on the coaſts thereof, and cured with ſalt delivered duty free from ſome part of *Great Britain*, and when and where the ſame was ſo delivered. *ſ.* 9.

All ſuch herrings, ſalmon, cod, ling, tuſk, and any other white fiſh, ſo brought coaſtwiſe from *Scotland* into *England*, *&c.* ſhall, upon exportation to foreign parts, be entitled to the ſame bounties as by 5 *Geo.* 1. *c.* 18. *ſee* SALT, are granted on the exportation of fiſh cured in *England*; ſuch fiſh being ſubject to the ſame regulations to prevent the re-landing, and the owners ſubject to the ſame penalties in caſe of re-landing, or any other fraudulent proceeding. *ſ.* 10.

No bounty granted by this act ſhall be paid in *England*, *&c.* but the chief officer of the cuſtoms, or his deputy, at the port from which ſuch fiſh is exported, ſhall, upon the requeſt of the exporter, and oath made before the principal officers of the ſaid port of the ſhipping the ſaid fiſh, and its not being re-landed, or intended to be re-landed, in *Great Britain*, give a debenture under his hand, without fee, for payment of the ſaid bounties; which debenture being produced to the commiſſioners of the cuſtoms, or of the exciſe, (at the option of the exporter or his aſſigns,) in *Scotland*, ſhall entitle the exporter or his aſſigns to the payment of the bounties granted by this act, which the ſaid commiſſioners are to pay, out of any money in their hands, ariſing by any branch of the cuſtoms or exciſe, regard being had to the priority of the dates of the debentures. *ſ.* 11.

The proprietor of herrings, ſalmon, and white fiſh, ſhipped in any port in *Scotland*, or the iſlands thereunto belonging, to be carried to *England*, *&c.* whether for home conſumption or exportation to foreign parts, or his agent, ſhall, before any ſuch veſſel depart from ſuch port, make an entry with the collector, or other principal officer of the cuſtoms there, of the fiſh ſo ſhipped, expreſſing the number of barrels of wet fiſh, with the marks and numbers thereof, and the number and weight of each ſpecies of dry

fiſh, and declare upon oath that the ſaid fiſh were cured in *Scotland*, or on the coaſts thereof, and whether they were cured with ſalt delivered duty free, or with ſalt for which the duty payable by the above mentioned act hath been paid or ſecured, and that the ſaid ſalt was taken on board from ſome place in *Great Britain*, and when and where it was put on board, and that no drawback for the ſame hath been had, or intended to be had, upon the exportation of the ſaid ſalt; and the ſaid collector, or other principal officer of the cuſtoms, ſhall deliver to the maſter of ſuch veſſel, without fee, a certificate under his hand, that ſuch entry and oath have been made; and the maſter of every veſſel wherein ſuch fiſh ſhall be ſhipped to be carried coaſtwiſe, or the proprietor, or his agent, ſhall, before landing the fiſh, or putting it on board any other ſhip or boat in any place in *England*, &c. deliver the ſaid certificate to the proper officer of the cuſtoms in the port where the ſame is imported or put on board any other ſhip or boat, upon pain of forfeiting all ſuch fiſh, and double the value thereof, that ſhall be imported or put on board any other ſhip or boat contrary to the meaning hereof, and the caſks; to be recovered of the importer, or proprietor, or maſter of the ſhip; one moiety of all which penalties to the uſe of his majeſty, and the other moiety to the officer who ſhall ſeize, ſue, or inform, to be levied in ſuch manner, and with ſuch power of mitigation, as any fine by any law of exciſe, or by action of debt, &c. in any court of record at *Weſtminſter*, wherein no eſſoign, &c. ſhall be allowed; and all officers of the cuſtoms or duties upon ſalt are to ſeize all ſuch herrings, ſalmon, cod, ling, tuſk, or any other white fiſh, imported or put on board any other ſhip contrary to the meaning of this act, and the caſks. *ſ.* 12.

The duties charged by this act upon fiſh brought from *Scotland*, or the iſlands thereunto belonging, into *England*, &c. ſhall be levied and diſpoſed of to the ſame purpoſes, and in the ſame proportions, as the duties upon ſalt and rock ſalt, and the duties upon red herrings and white herrings. *ſ.* 13.

If any perſon counterfeit, raſe, or alter, any certificate or cocquet by this act directed to be made, or uſe any ſuch certificate or cocquet, knowing the ſame to be counterfeited, raſed, or altered, ſuch perſon ſhall incur the pains by law inflicted on perſons found guilty of forgery. *ſ.* 14.

So much of 5 *Geo.* 2. *c.* 6. as relates to the importation of white herrings from *Scotland* into *England* is hereby repealed. *ſ.* 15.

If any perſon falſely make any oath by this act directed, and be convicted in any court of record in *Great Britain*, ſuch perſon ſhall forfeit 200*l.* and be impriſoned for 12 months. *ſ.* 16.

The penalties in this act mentioned ſhall be proſecuted and determined by bill, &c. in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, reſpectively, wherein no eſſoin, &c. ſhall be allowed; and one moiety of the ſaid penalties ſhall be to the uſe of his majeſty, and the other moiety to ſuch perſon as will ſue for the ſame. *ſ.* 17.

The truſtees for the fiſhery and manufactures of *Scotland* ſhall, as ſoon as may be, tranſmit one copy of this act to each of the miniſters of the pariſhes within the ſynods of *Argyle*, *Roſs*, *Murray*, *Sutherland*, and *Caithneſs*, and *Orkney*; and each of the ſaid miniſters ſhall immediately after divine ſervice, on the laſt *Sunday* of the month of *May* in every year, for four ſucceſſive years, commencing with the year 1757, publicly read to the pariſhioners, in the language beſt underſtood by them, the former part of this act, from the beginning to the concluſion of the third enacting clauſe; and the judges of *Scotland* ſhall order the ſaid part of this act to be publicly read at the opening of each circuit court, to be held at *Inverara* and *Inverneſs* every year for four years ſucceſſively, beginning in the year 1757. *ſ.* 18.

If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, &c. the defendant ſhall recover treble coſts. *ſ.* 19.

The 26 *Geo.* 3. *c.* 106. paſſed for incorporating certain perſons therein named, by the name of *The Britiſh Society for extending the fiſheries, and improving the ſea coaſts of this kingdom*; and to enable them, when incorporated, to ſubſcribe a joint ſtock, and therewith to purchaſe lands, and build thereon free towns, villages, and fiſhing ſtations, in the highlands and iſlands in that part of *Great Britain* called *Scotland*; and for other purpoſes. *See the general title* SALT.

Funds.

By 5 *Geo.* 1. *c.* 20. Yearly from the feaſt of *St. John Baptiſt* 1719, the ſum of 10,000*l.* ſhall be one yearly fund, and 2000*l.* ſhall be another yearly ſum, for the purpoſes in this act, and ſhall be payable out of the cuſtoms and exciſe in *Scotland*, which ſhall remain after paying the charges of keeping up the three courts, and other charges of the civil government in *Scotland*, and with preference to all other payments, other than drawbacks ſettled by act of parliament. *ſ.* 1.

In caſe the produce of the ſaid revenues ſhall not be ſufficient to ſatisfy the ſaid yearly funds, the deficiences ſhall be made good out of any other revenues in *Scotland*, which were introduced by virtue of the treaty of union, other than ſuch as are expreſly appropriated by any act of parliament in *Great Britain*. *ſ.* 2.

The ſaid funds ſhall be paid at the four uſual feaſts, by equal portions, until redemption, and ſhall be free from taxes. *ſ.* 3.

The treaſury ſhall iſſue warrants for making the payments of the ſaid yearly funds, and the payments ſhall be made without fee; and if any officer, who ſhall have in his hands any of the monies appointed for the ſaid funds, ſhall miſapply the ſame, he ſhall be rendered incapable to ſerve his majeſty in any office of truſt or profit, and be liable to pay double the value of the money miſapplied, to the uſe of the corporation which ſhall be erected in purſuance of this act, for the benefit of the creditors of *Scotland*; to be recovered by action of debt, &c. in any of the courts at *Weſtminſter*, or in the exchequer in *Scotland*. *ſ.* 4.

It ſhall be lawful for the king, by letters patent under the great ſeal of *Great Britain*, to incorporate all the proprietors of the public debts of *Scotland*, ſtated to amount to 248,550*l.* 9*d.* ½; and all perſons entitled to any intereſt in the ſaid capital ſums ſhall be one body politic or corporate, and ſhall be capable in law to ſue and be ſued in all cauſes concerning the receiving the ſaid ſum of 10,000*l. per ann.* and the diſtribution thereof. *ſ.* 5.

The ſaid capital ſums, amounting to 248,550*l.* 9*d.* ½ ſhall be the joint ſtock of the ſaid corporation, and the ſhares of the members ſhall be transferrable and deviſable as the letters patent ſhall preſcribe. *ſ.* 6.

Every member of the corporation ſhall be entitled to an annuity in proportion to his ſhare in the capital. *ſ.* 7.

Upon

Upon payment by parliament of the ſaid capital ſum of 248,550*l.* 9*d.* ½ and all arrears of the ſaid yearly fund of 10,000*l.* the ſaid annuity ſhall ceaſe. *ſ.* 12.

The ſaid fund of 2000*l. per ann.* ſhall be wholly applied toward the encouraging the fiſheries, and ſuch manufactures and improvements in *Scotland* as may moſt conduce to the good of the united kingdom, according to the tenor of the 15th article of the treaty of union. *ſ.* 14.

The ſaid funds of 19,000*l.* and 2000*l. per ann.* and the ſeveral ſhares of the proprietors, ſhall be deemed perſonal eſtates, and ſhall go to executors or adminiſtrators, and not to heirs, nor be liable to arreſtments or attachments. *ſ.* 15.

No perſon ſhall incur any incapacity, *&c.* for executing this act, or for accepting any office or charter to be granted by his majeſty in purſuance thereof. *ſ.* 16.

Upon payment by parliament of the ſum of 40,000*l.* and of all arrears of the annuity of 2000*l.* the ſaid annuity ſhall ceaſe. *ſ.* 17.

The ſaid yearly funds of 10,000*l.* and 2000*l.* ſhall be in diſcharge of all equivalents that may be claimed on behalf of *Scotland*. *ſ.* 18.

The preſent commiſſion for ſtating the equivalent ſhall be continued till *Midſummer* 1719, and no longer. *ſ.* 19.

His majeſty's ſubjects in *Scotland* ſhall not be anſwerable for any deficiency in the proviſion that ſhould have been made by the parliament of *Scotland* for the ſervice of the year 1707. *ſ.* 20.

Over and above the ſaid annuity of 10,000*l.* there ſhall be paid to the corporation, till the ſaid annual ſum ſhall be redeemed, the farther annual ſum of 600*l.* for the charge of management, out of the ſame funds as the ſaid annuity of 10,000*l.* *ſ.* 21.

By 23 *Geo.* 2. *c.* 21. The yearly funds of 10,000*l.* and 2000*l.* made payable out of the cuſtoms and exciſe in *Scotland* by 5 *Geo.* 1. *c.* 20. ſhall, during the continuance thereof, be payable out of all the cuſtoms, duties, exciſes, and revenues, impoſed upon *Scotland*, that are under the management of the commiſſioners of the cuſtoms and commiſſioners of the exciſe in *Scotland*, or of any managers of theſe revenues, ſince the making the ſaid act, as well as out of the duties that ſubſiſted under the management aforeſaid, at the time of making the ſaid act. *ſ.* 5.

Game.

By 13 *Geo.* 3. *c.* 54. Every perſon who ſhall take, kill, deſtroy, carry, ſell, buy, or have in his poſſeſſion, or uſe any muir fowl or tarmagan, between the 10th of *Dec.* and 12th of *Auguſt* in any year; or any heath fowl, between the 10th of *Dec.* and 20th of *Auguſt* in any year; or any partridge, between the 1ſt of *Feb.* and the 1ſt of *Sept.* in any year; or any pheaſant, between the 1ſt of *Feb.* and 1ſt of *Oct.* in any year; ſhall, for every bird, forfeit 5*l.* ſterling: and in caſe of not paying the ſum decreed within 10 days after conviction by a final ſentence, ſhall ſuffer impriſonment for two months for each 5*l.* *ſ.* 1.

Nothing in this act ſhall extend to any pheaſant or partridge taken in the ſeaſons allowed, and kept in any mew or breeding place. *ſ.* 2.

Every perſon whatſoever, not qualified to kill game in *Scotland*, who ſhall have in his cuſtody, or carry, at any time of the year, upon any pretence whatſoever, any hares, partridges, pheaſants, muir fowl, tarmagans, heath fowl, ſnipes, or quails, without the leave or order of a perſon qualified to kill game in *Scotland*, for carrying ſuch hares or game, or for having the ſame in his cuſtody, ſhall, for the firſt offence, forfeit 20*s.* ſterling; and for the ſecond, and every ſubſequent offence, 40*s.* ſterling: and in caſe of not paying within 10 days after conviction, ſhall ſuffer impriſonment for ſix weeks for the firſt offence, and for three months for the ſecond, and every ſubſequent offence. *ſ.* 3.

Every perſon who ſhall make muirburn, or ſet fire to any heath or muir, in *Scotland*, from the 11th of *April* to the 1ſt of *Nov.* in any year, ſhall forfeit 40*s.* ſterling for the firſt offence, 5*l.* for the ſecond, and 10*l.* for the third and every other offence: and in caſe of not paying the ſum decreed within 10 days after conviction, ſhall ſuffer impriſonment for ſix weeks for the firſt offence, two months for the ſecond, and three months for the third and every other offence. *ſ.* 4.

The tenant of the ground upon which ſuch muirburn ſhall be made or diſcovered within the forbidden time, ſhall be deemed guilty of the offence, and ſhall be liable to the penalties, unleſs ſuch tenant prove, to the ſatisfaction of the court before which he ſhall be proſecuted, that ſuch fire was communicated from ſome neighbouring ground, or was raiſed upon his ground by ſome other perſon not in his ſervice or family. *ſ.* 5.

Every proprietor of high and wet muir lands, the heath upon which frequently cannot be burnt ſo early as the 11th of *April*, may, when ſuch lands are in his own occupation, burn the heath upon the ſame, at any time between the 11th and 25th of *April* in any year, without incurring any of the penalties; and when ſuch lands are let, the proprietor, or his commiſſioner or factor, may, by a writing under his hand, authoriſe his tenant in ſuch lands to burn the heath thereon, at any time between the 11th and 25th of *April* in any year, without incurring any of the penalties. *ſ.* 6.

The writing authoriſing ſuch burning, when the lands are in the occupation of a tenant, ſhall, previous to ſuch burning, be recorded in the ſheriff or ſtewart court books of the county or ſtewartry within which the lands are, and which the ſheriff or ſtewart clerk is to do, upon receiving the fees uſually paid for recording writings. *ſ.* 7.

All offences againſt this act may be determined, either by the oath of one witneſs, or by the confeſſion or oaths of the parties accuſed, before two juſtices, or before the ſheriff, or ſtewart-depute, or ſubſtitute, of the county where the offence ſhall be committed, or where the offender ſhall be found; and all proſecutions ſhall be carried on, either at the inſtance of the fiſcal of the court in which the proſecution is brought, or of any other perſon who will inform. *ſ.* 8.

If any perſon convicted ſhall not pay the penalty within 10 days after a final judgment, it ſhall be lawful for the juſtices, ſheriff, or ſtewart-depute, or ſubſtitute, before whom the information may have been brought, upon the application of the proſecutor, to grant warrant for levying the penalties, by diſtreſs and ſale of the offender's goods, together with the coſts thereof, returning the overplus, if any, to the owner; or to grant warrant for committing the offender to the common gaol of the county, as ſatisfaction for the penalty, or until payment: and in caſe a warrant for levying the penalty by diſtreſs and ſale of the offender's goods ſhall be firſt applied for and obtained, and the penalty ſhall not be recovered, it ſhall be lawful for the juſtices, *&c.* who granted the warrant for levying the penalty, upon its being certified to him by the officer employed in executing the warrant, either that he has been able to recover no part of the penalty, or that a certain part, to be certified by him, ſtill remains unrecovered, to grant warrant for committing

mitting the offender to the common gaol of the county. *ſ.* 9.

One moiety of the penalties ſhall be paid to the proſecutor, and the other moiety ſhall be applied to the uſe of the poor of the pariſh, or to the repairing of the high roads within the pariſh where the offence ſhall be committed, as the juſtices, *&c.* ſhall direct. *ſ.* 10.

It ſhall be lawful for any perſon aggrieved by any decree of the juſtices to appeal to the next circuit court of juſticiary of the circuit wherein the county is where the decree is pronounced; or where there are no circuit courts, to the court of juſticiary at *Edinburgh*, by entering an appeal in open court, at the time of pronouncing ſuch decree, or at any time thereafter within 10 days, by lodging the ſame in the hands of the clerk of the court, and ſerving the adverſe party with a duplicate thereof perſonally, or at his dwelling houſe, or his procurator or agent in the cauſe; and ſuch ſervice ſhall be ſufficient ſummons to oblige the proſecutor to anſwer at the next circuit court 15 days after ſervice, or at the firſt court of juſticiary which ſhall be held at *Edinburgh*, in the caſe where there are no circuit courts, 15 days after ſuch ſervice; and thereupon the judge at ſuch circuit court, or in the court of juſticiary at *Edinburgh*, ſhall cognoſce and determine: and in caſe they ſhall find the reaſons of ſuch appeal not relevant, or not inſtructed, or ſhall determine againſt the party appealing, the judge ſhall condemn the appellant in coſts, and the decree ſo pronounced ſhall be final to the parties. *ſ.* 11.

When an appeal is taken, the appellant, at the time of entering his appeal, ſhall lodge with the clerk of the court from which the appeal is taken, a bond, with a ſufficient cautioner, for paying the ſum contained in the decree appealed againſt, ſo far as affirmed upon the appeal, and for paying the coſts; and the clerk of court ſhall be anſwerable for the ſufficiency of ſuch cautioner. *ſ.* 12.

In caſe any circuit court ſhall, on hearing ſuch appeal, find ſuch difficulty to ariſe, that by means thereof ſuch circuit court cannot proceed to the determination of the ſame, conſiſtently with juſtice and the nature of the caſe; in ſuch caſe, and not otherwiſe, it ſhall be lawful for ſuch circuit court to certify ſuch appeal, together with the reaſons of ſuch difficulty, and the proceedings thereupon had before ſuch circuit court, to the court of juſticiary at *Edinburgh*, which is to determine the ſame. *ſ.* 13.

No penalty ſhall be recovered, unleſs the proſecution be commenced within ſix months. *ſ.* 14.

Highways.

By 5 *Geo.* 1. *c.* 30. All the laws now in force made in *Scotland* before the union for repairing highways, bridges, and ferries, not hereby altered or repealed, ſhall be put in execution; excepting ſuch as relate to the powers of the privy council of *Scotland*. *ſ.* 1.

The juſtices of peace and commiſſioners of ſupply in the ſeveral ſhires and ſtewartries ſhall convene at the head boroughs on the third *Tueſday* of *May* yearly, with power to them, or any five of them, to adjourn themſelves, and to chooſe clerks, ſurveyors, and other officers, for putting the laws in execution relating to the highways, bridges, and ferries; and if any clerk or ſurveyor ſhall refuſe to accept of the ſaid offices, ſuch perſon ſhall be liable to the penalty of 5 *l.* *ſ.* 2.

The ſaid juſtices, commiſſioners, or the officers or overſeers to be appointed by them, are required to convene the tenants, cottars, and other labouring men, within their bounds, to work three days before the laſt of *June*, not being in ſeed time, and three days after harveſt, every year, till the highways, *&c.* are ſufficiently repaired, on ſuch days and at ſuch places as the commiſſioners or their officers ſhall appoint. *ſ.* 3.

Every tenant, *&c.* failing to come to work (on notice at the pariſh churches where ſuch perſons reſide, on the Lord's day immediately preceding) ſhall pay 18 *d.* for every day's failure, unleſs he ſend a man to work for him; which penalty ſhall be levied by warrant under the hands of any two juſtices or commiſſioners of ſupply, on a certificate of the overſeer, that ſuch perſon was abſent; which juſtices or commiſſioners are authoriſed to cauſe their officers to diſtreſs and poind the readieſt goods of any perſon ſo abſent for the penalty. *ſ.* 4.

The ſurveyors ſhall every ſix months, or ſooner if required, by warrant of two juſtices, ſurvey all the highways, bridges, and ferries, within the precinct, and give account in writing of the condition of ſuch highways, *&c.* and more eſpecially of defects and nuiſances, or encroachments committed on the highways, as alſo what repairs are wanting, to the juſtices and commiſſioners of ſupply, at their firſt meeting thereafter; and all ſurveyors neglecting to give ſuch account, or to proſecute offenders againſt this act, ſhall ſuffer the ſame penalties as if they refuſed to execute the offices. *ſ.* 5.

The juſtices and commiſſioners of ſupply ſhall draw up a report of the condition of the highways, *&c.* within their bounds yearly, containing an account of the number of men and horſes employed in amending the highways, *&c.* for the year preceding; which report they ſhall deliver to the lords of juſticiary at their circuits, to be recorded in their journals by the clerks of the commiſſioners of peace, or by the clerk of the ſupply. *ſ.* 6.

The penalties in this act (other than ſuch as ſhall be incurred by the tenants, *&c.*) ſhall be levied by ſentence of the juſtices and commiſſioners of ſupply, or any five of them; and the expences of the proſecution ſhall be defrayed by the ſhires and ſtewartries, at the ſuit of ſuch ſurveyors: And ſuch penalties ſhall be applied for repairing ſuch highways, *&c.* as the juſtices or commiſſioners of ſupply ſhall appoint; and in default of ſuch appointment, for repairing ſuch highways, *&c.* as the lords of juſticiary in their circuits ſhall direct. *ſ.* 7.

No perſon ſhall be proſecuted for any offence againſt this act, unleſs ſuch proſecution be begun within a year after the offence. *ſ.* 8.

By 32 *Geo.* 2. *c.* 15. Where any waggon or other carriage is drawn by four or more horſes or beaſts of draught, it ſhall be lawful for all truſtees or commiſſioners appointed or to be appointed by any act of parliament for the repair of any highway in *Scotland*, in their reſpective diſtricts, or five of them, or any perſon empowered by them to take, and they are required to take at all the gates erected for collecting any toll, before ſuch waggon, *&c.* be permitted to paſs through, over and above the tolls already granted or to be granted, the ſum of 5 *s.* ſterling for each horſe or other beaſt drawing ſuch waggon, *&c.* which additional toll ſhall be levied upon any perſon who ſhall refuſe or neglect to pay, as any other toll payable at the ſame turnpike-gate; and the money ariſing from ſuch additional duty ſhall be applied to the repair of the highway where collected. *ſ.* 1.

If any perſon take off any horſe or other beaſt of draught from any carriage, at or before the ſame come to any turnpike, with intent to avoid paying the additional toll, every perſon ſo offending and convicted before the ſaid truſtees,

or five of them, upon the oath of one witneſs, ſhall forfeit 20*s.* ſterling; one half to the informer, and the other half to be applied to repairing ſuch part of the road as the truſtees appoint. *ſ.* 2.

Every perſon who ſhall drive any waggon, *&c.* upon any part of any turnpike road, with more horſes than ſuch carriage ſhall on the ſame day paſs through any turnpike-bar with, ſhall be deemed to have taken off the ſaid horſes with intent to avoid paying the additional toll. *ſ.* 3.

No waggon or other carriage ſhall be drawn by more than eight horſes or other beaſts of draught upon any turnpike road in *Scotland*, on pain of forfeiting 5 *l.* ſterling for every ſuch offence; one half to the informer, and the other half to be applied to repairing the road where the offence is committed, as the truſtees appoint. *ſ.* 4.

Nothing in this act ſhall reſtrain the owner of any carriage or his ſervants drawing with as many horſes or beaſts of draught as ſhall be neceſſary for drawing up any ſteep hill, as the truſtees within their reſpective diſtricts where ſuch ſteep hills lie, ſhall direct; a copy of which direction, under the hand of the clerk of the truſtees, ſhall be kept by the perſon empowered to levy the tolls at the toll-gate next to ſuch hills; and ſhall, without fee, be made patent to the owners of ſuch carriages paſſing the road, or their ſervants. *ſ.* 5.

Nothing in this act ſhall impoſe the additional duty on any waggon or other carriage, the fellies of the wheels whereof are of the breadth of nine inches; nor on any waggon, *&c.* employed in carrying one tree or piece of timber, one ſtone or block of marble, or any machine in one piece, which cannot be drawn by fewer than four horſes; nor on any waggon, *&c.* drawn by oxen or neat cattle only, or along with two horſes and no more. *ſ.* 6.

All waggons and carts, whereof the fellies of the wheels are of the breadth of ſix inches, drawn by three horſes, ſhall only be liable to ſuch toll as is impoſed, by the acts already made, upon waggons and carts drawn by two horſes. *ſ.* 7.

Nothing in this act ſhall extend to any chaiſe marine, coach, chariot, landau, berlin, chaiſe, chair, or calaſh. *ſ.* 8.

It ſhall be lawful for the truſtees appointed by any act made or to be made for repairing any highway within *Scotland*, or five of them, and they are required, by writing under their hands, to order the fellies of the wheels of all waggons and other carriages, which ought to be of the breadth before directed, to be meaſured at any turnpike upon any part of the highway upon which ſuch carriage travels. *ſ.* 9.

In caſe it appear to the perſon appointed to meaſure the ſaid wheels, that the fellies of the wheels were originally of the breadth of nine or ſix inches reſpectively, and by wearing have been reduced to leſs breadth, it ſhall be lawful for ſuch carriage to travel upon any turnpike road, ſo as the fellies of all the wheels reſpectively be not diminiſhed more than one inch. *ſ.* 10.

If any perſon ſhall attempt to prevent the meaſuring the fellies of ſuch wheels, or uſe any violence to any perſon employed in ſuch meaſuring, every perſon ſo offending, and convicted before the truſtees, or five of them, upon the oath of one witneſs, ſhall forfeit 5 *l.* ſterling; one half to the informer, and the other half to be applied to repairing ſuch part of the road as the truſtees ſhall appoint. *ſ.* 11.

All tolls and forfeitures by this act impoſed, if not otherwiſe directed, ſhall be levied by diſtreſs of the offender's goods by warrant of any two juſtices of peace for the county or place where the offence is committed; and the perſons diſtraining are to ſell the goods diſtrained, and return the overplus money, if any, upon demand, to the owners, after ſuch tolls or forfeitures, with the charges of diſtreſs, are paid. *ſ.* 12.

If any perſon think himſelf aggrieved by any order of the truſtees or juſtices, it ſhall be lawful for him to appeal to the juſtices of peace for the county or place where the cauſe of appeal ariſes in their general quarter ſeſſions, who are to determine the matter in diſpute, and whoſe order therein ſhall be final. *ſ.* 13.

If any action be brought for any thing done in purſuance of this act, every ſuch action ſhall be brought within one month after the fact done. *ſ.* 14.

By 11 *Geo.* 3. *c.* 53. Juſtices, and commiſſioners of ſupply, for the ſhires and ſtewartries, are to make, repair, clear, widen, and extend, the highways under their directions; which are to be 20 feet in width. *ſ.* 1.

Juſtices, *&c.* are to order the roads to be farther enlarged. *ſ.* 2.

Breadth of the roads to be widened and enlarged, not to exceed 30 feet. *ſ.* 3.

Inſtead of a meeting appointed by act 5 *Geo.* 1. two general meetings to be held annually; conveners of ſhires, *&c.* to give previous notice of ſuch meetings. *ſ.* 4.

Juſtices, *&c.* to examine and ſurvey the highways, *&c.* *ſ.* 5.

Heritors or occupiers of lands may appeal to general meetings, which ſhall be final. *ſ.* 6.

In caſe of general meetings being of opinion that the roads ſhould be further widened, *&c.* application to be made to the ſheriff to ſummon a jury to value the ground, *&c.*; intimation to be made to owners, *&c.*; jury to be impannelled, who are to aſcertain damages to owners, and adjudge payment. *ſ.* 7.

Thirty days notice to be given to owners of grounds, and fences to be valued or altered. *ſ.* 8.

Commiſſioners of ſupply to lay additional aſſeſſment for payment of ſums adjudged by the ſheriff the preceding year. *ſ.* 9.

By 12 *Geo.* 3. *c.* 45. After *September* 1, 1772, no perſon ſhall drive any cart, car, or waggon, without the name of the owner, and his place of reſidence, to be placed on a conſpicuous part of ſuch cart; and alſo the number of ſuch carriage. *ſ.* 1.

Offenders driving carts, *&c.* without ſuch names and numbers, to forfeit, not exceeding 20*s.* nor leſs than 5*s.* for every offence. *ſ.* 2.

Names on carriages to be altered with the property, by ſucceeding owners, within 14 days after they become owners; on penalty of 20*s.* and not leſs than 5*s.* for every offence. *ſ.* 3.

Perſons placing falſe names on carriages to forfeit 40*s.* *ſ.* 4.

After *September* 1, 1772, every chaiſe driver found ſitting in his chaiſe, without another perſon on one of the horſes; or any carter, *&c.* riding on his carriage without a proper perſon on foot to guide it; within ſix miles of *Edinburgh*, four of *Glaſgow*, or two of any other city, *&c.*; or if any driver ſhall negligently occaſion any hurt or damage, or prevent the paſſage of any other carriage; or ſhall not diſmount when required by any perſon apprehending danger; offenders in any of the ſaid caſes ſhall forfeit 10*s.* if not the owners, and, if the owner, 20*s.* for each offence. *ſ.* 6.

No drivers of carts, *&c.* to drive alongſide of other carriages, ſo as to obſtruct the free paſſage, but ſhall follow one after another, and have bridles or halters upon every

every horſe, which the driver ſhall have in his hand, &c.; on penalty of 20 *s.* and not leſs than 5 *s.* *ſ.* 7.

No drivers to drive their horſes, &c. abreaſt, ſo as to obſtruct the free paſſage, but ſhall drive them in a line, one after another, with a bridle affixed to the head of each horſe, &c.; nor ſhall the drivers of carts, &c. leave ſuch upon any ſtreet, &c. unyoked, except when loading and unloading; nor ſhall any perſon leave any ſtones, &c. upon ſtreets, &c.; on penalty of 20 *s.* nor leſs than 5 *s.* *ſ.* 8.

Drivers of loaded horſes, &c. and drivers of carts, coaches, and carriages, ſhall, on meeting other horſes or carriages, drive to the left hand or near ſide; penalty not exceeding 20 *s.* nor leſs than 5 *s.* *ſ.* 9.

Proſecutions againſt offenders to be brought before the ſheriff depute, or ſubſtitute, &c. of the county or place where the offence is committed; and judgment to proceed on confeſſion, or by credible witneſſes. *ſ.* 10.

Offenders to be apprehended for offences committed, by authority of the act, and carried before any juſtice or judge competent. Perſons who ſhall ſee offences committed, may, by authority hereof, detain horſes, carts, &c. till ſentence is pronounced; and in caſe the penalties adjudged ſhall not be paid, the judge to cauſe ſale to be made of the ſubjects detained. Offenders may be committed till ſatisfactory ſecurity be found. *ſ.* 11.

Offenders puniſhable by the act for maltreating any perſon whatever, to forfeit 20 *s.* for every offence. *ſ.* 12.

Perſons apprehended for offences, refuſing to diſcover their names to the judge, to be committed. *ſ.* 13.

Forfeitures ariſing by the act to be applied one half to the informer, and the other to the collector of the land-tax. *ſ.* 14.

No proſecution to lie, unleſs brought within three months after the offence was committed. Determination of the quarter ſeſſions to be final. *ſ.* 15.

Nothing herein to leſſen the juriſdiction of the royal boroughs. *ſ.* 16.

Houſes.

By 26 *Geo.* 2. *c.* 17. Whereas the acts 20 *Geo.* 2. *c.* 3. & 21 *Geo.* 2. *c.* 10. *ſee the general title* TAXES, *diviſion Houſes*, have not proved effectual for raiſing the duties upon windows or lights in *Scotland*; be it enacted, that the duties by the ſaid acts impoſed upon windows in *Scotland*, ſhall, after the 15th of *May* 1753, be raiſed in manner after-mentioned, *viz.* The commiſſioners of the land tax ſhall, upon the firſt day of their meeting, or at any ſubſequent meeting, before the 2d of *Auguſt* yearly, appoint one or more aſſeſſors for ſurveying and numbering the windows of all houſes ſubject to the ſaid duty within the ſeveral pariſhes belonging to the ſeveral counties or boroughs wherein the ſaid commiſſioners act; and the clerk to the ſaid commiſſioners of every ſhire or borough ſhall give notice to the aſſeſſors of their being named, by a note in writing ſubſcribed by the clerk, to be delivered to them perſonally, or left at their dwelling-houſes, within 10 days after their being appointed; and the aſſeſſors ſhall, upon ſuch day as the commiſſioners appoint, within one calendar month after their appointment, appear before the commiſſioners of ſupply at their ordinary place of meeting, and be there inſtructed by the commiſſioners as to their duty, and the manner of ſurveying and numbering of the windows ſubject to the duty. *ſ.* 1.

The aſſeſſors ſhall, at the time of their ſurveying and numbering the windows, leave a note in writing with the occupier of the houſe, or at the houſe itſelf, bearing the number of the windows, and the amount of the duty with which the ſaid occupier is charged. *ſ.* 2.

The aſſeſſors ſhall report the ſurvey by them made, and the number of windows in each houſe, and duty with which the occupier is charged, to the commiſſioners of ſupply, upon ſuch day as the commiſſioners appoint at the time they give their inſtructions; which ſhall be within 20 days after the day of giving the inſtructions. *ſ.* 3.

A note of theſe aſſeſſments ſhall forthwith be lodged by the clerk of the commiſſioners in the hands of the collector of the land tax for the county; and the collector of the land tax for each county and burgh within *Scotland* ſhall be collector of the duty upon windows; and the cautioners or ſureties for every ſuch collector of the land tax, ſhall be farther *ipſo facto* bound by virtue of this act for the faithful performance by ſuch collector of the office hereby committed to him in reſpect of the duties on windows, and that under the penalty of 100 *l.* ſterling; and every ſuch collector ſhall likewiſe be entitled to have an allowance from the receiver general of 3 *d.* *per* pound, of the money ariſing from the window tax. *ſ.* 4.

As often as there is a vacancy in the office of collector of the land tax, in any ſhire or borough in *Scotland*, it ſhall be lawful for the barons of the exchequer in *Scotland*, or two of them, upon the application of the receiver general or ſurveyor general of the duties on windows, to appoint a perſon to officiate as collector of the duty on windows within ſuch county or borough, during the vacancy of the office of collector of the land tax; and the perſon ſo appointed ſhall have all the powers and duties concerning the raiſing and paying over the ſaid duty on windows, that the collector of the land tax and of the ſaid duty had by this act; and ſhall alſo be entitled to receive from ſuch ſhire or borough during his ſervice the like ſalary as was given to the laſt collector of the land tax; and that over and above the allowance of 3 *d.* in the pound of the duties on windows to be collected by him. *ſ.* 5.

The occupiers of each houſe charged with the ſaid duty ſhall pay in the duty charged on or before the 29th of *September* yearly, for the half year betwixt *Whitſunday* and *Martinmas*, and on or before the 25th of *March* yearly, for the half year betwixt *Martinmas* and *Whitſunday*, to the collector of the ceſs perſonally, or at his office, unleſs ſuch occupier enter an appeal againſt the aſſeſſment; in which caſe ſuch appeal ſhall be diſcuſſed before payment, and ſhall be made only within 10 days after diſcuſſing or diſmiſſing ſuch appeal; and every ſuch occupier ſhall, in caſe of his not paying the duties upon the day hereby appointed, or within three days thereafter, forfeit treble the duty charged. *ſ.* 6.

The duties by the ſaid acts impoſed, and likewiſe all penalties, triple values, and forfeitures incurred by this act, ſhall be recovered at the ſuit of the reſpective collectors, by diſtraining or poinding according to the law of *Scotland*, upon warrants granted and ſubſcribed by any two commiſſioners of ſupply, or by the ſheriff, or depute ſheriff, of the county; who are to grant the ſame under the penalty of 10 *l.* ſterling, *toties quoties*, upon certificate made to them by the collector of the ceſs, that ſuch penalties are incurred, and ſuch duties not duly paid; which warrants ſhall be executed by the conſtables or ſheriff officers of the county; and the goods ſo poinded ſhall be valued by any two perſons appointed by the ſheriff officer or conſtable, which two perſons ſhall be obliged to value the ſame under the penalty of 40 *s.* ſterling for each neglect; and which valuation ſhall be made upon the ground, or at the houſe where

where the ſame were poynded, and ſhall be ſold at the value by the officer who does poynd the ſame; and the value applied, in the firſt place, to the payment of the duty, triple value, or penalty; and in the ſecond place, to the payment for the trouble of the officer ſo poynding, at the rate of 2 *s. per* pound of the duty, *&c.* for which the goods ſhall be poynded, unleſs the owner redeem the ſame by payment of the appraiſed value, within four days after the poynding and valuation, to the officer who poynded the ſame, and the ſurplus ſhall be returned to the owner: and in caſe no purchaſer appear at the ſale, the goods ſhall be conſigned and lodged in the hands of the ſheriff depute or his ſubſtitute; and if not redeemed by the owner within four days after the conſignment, the ſame ſhall be rouped, ſold, and diſpoſed of, by order of the ſheriff, in ſuch manner as he ſhall appoint, he always being liable to the payment of the duty, *&c.* to the collector, and to the officer who poynded the ſame, for their trouble, in caſe the value of the goods amount to the extent of the duty and penalties, and to the fees to the officer; and ſhall be in the third place entitled to 1 *s. per* pound of the value of the goods for his own trouble, after allowance of the duty or penalties, and of what is to be paid to the officer: and there ſhall likewiſe be allowed to the officer ſo poynding, the expence of preſerving the goods or cattle ſo poynded, during the four days allowed to the owner to redeem them, and the expence of the ſale; and in like manner the expence ſhall be allowed to the ſheriff for preſerving the goods or cattle diſtrained, during the four days that the owner is allowed to redeem after conſignment in his hands, as alſo the expence of the ſale. *ſ.* 7.

The officer or conſtable who diſpoſes of ſuch goods or cattle, ſhall pay in the ſums ariſing from the ſale, ſo far as extends to the duties or penalties for which the ſame were poynded, to the collector of the land tax, within 10 days after receipt of the price, allowing what is above allowed for his own pains and expence; and in like manner, if the goods or cattle diſtrained be diſpoſed of by the ſheriff, he ſhall within four days after receipt of the price, pay in the ſame to the collector, after deduction of what is to be paid to the officer who made the poynding, and of what is above allowed for his own pains and expence, and ſhall remain liable to the collector until payment, and ſubject to be poynded therefore in the ſame manner as is above provided with regard to any perſon liable to duties or penalties by this act. *ſ.* 8.

Every ſuch collector of the land tax and duties on windows ſhall pay over to the receiver general at *Edinburgh*, all monies received of the duties or penalties in manner following, *viz.* the duties or penalties ariſing half-yearly, betwixt *Whit-ſunday* and *Martinmas*, on or before the 25th of *December* in ſuch year; and the duties and penalties ariſing between *Martinmas* and *Whit-ſunday*, on or before the 24th of *June* following. *ſ.* 9.

It ſhall be in the power of the perſons aſſeſſed for the duties aforeſaid, in caſe they conceive themſelves injured by the charge of the aſſeſſor, or to the ſurveyor or collector, if he judges the crown to be leaſed, to appeal to the commiſſioners of ſupply. *ſ.* 10.

Every occupier of a houſe aggrieved by the aſſeſſment ſhall, within 15 days after the note in writing, of his charge delivered to him or left at his houſe, cauſe to be delivered to the collector of the ceſs at his office, a note in writing, of the grievance of which he ſeeks redreſs by appeal; and ſuch collector is to make an entry in a book of all ſuch notices, and to lay the ſame before the commiſſioners at their firſt meeting, and ſhall upon demand by the aſſeſſors, give them leave to take a copy of all ſuch notices of appeals, that they may attend the meeting of the commiſſioners, prepared to anſwer the ſame. *ſ.* 11.

In caſe the party giving ſuch notice of appeal neglect to inſiſt therein before the commiſſioners at the next general meeting for diſcuſſing appeals, ſuch appeal ſhall be held to be fallen from, and the aſſeſſment ſhall ſtand in force. *ſ.* 12.

The commiſſioners ſhall hold a general meeting for diſcuſſing of appeals upon the firſt *Tueſday* of *Auguſt* yearly, and another upon the firſt *Tueſday* of *March* yearly, and upon ſuch other days as they ſhall appoint. And in caſe either the ſurveyor or the perſon ſo appealing be diſſatisfied with the determination of the commiſſioners upon ſuch appeal, it ſhall be lawful for either of them to proceed and take the benefit of the proviſion made in ſuch caſe in 21 *Geo.* 2. *c.* 10. *ſ.* 10.—*See general title*, TAXES, diviſion *Houſes*.

In caſe the aſſeſſors perform their duty by making their aſſeſſments and bringing in their certificates as by the former acts is directed, then the ſurveyors and inſpectors appointed as is directed by 20 *Geo.* 2. *c.* 3. ſhall proceed according to the powers thereby given to examine ſuch aſſeſſments; and as often as they find any perſon under-rated, give notice in writing of ſuch neglect to the occupier of the houſe, and to the collector, and ſuch additional charge ſhall be paid, or the juſtice thereof tried and diſcuſſed in the manner herein mentioned. And in caſe the commiſſioners neglect to appoint aſſeſſors, or the aſſeſſors neglect to make the inſpection and bring in the certificates, it ſhall be lawful for the ſurveyors to make a certificate in writing, under their hands, of every dwelling houſe inhabited, or charged by the ſaid acts, within the limits of thoſe places in which they ſeverally act, and of the number of windows in each houſe, with the names of the occupiers, and of the ſums which they ought to pay, and to leave a note in writing with the occupier, or at the houſe itſelf, bearing the number of the windows and the extent of the duty charged; and ſhall alſo deliver ſuch certificate to the reſpective collectors; whereupon the occupiers ſhall, in the manner, at the times, and under the penalties above-mentioned, pay their reſpective duties to ſuch collectors; and in caſe of failure ſuch collector ſhall recover the duties and penalties, and pay over the ſame to the receiver-general at *Edinburgh* in manner above directed. *ſ.* 14.

In caſe the occupier of any houſe give notice of appeal as aforeſaid, the collector ſhall not proceed to recover by diſtreſs the charge complained of, until the appeal is fallen from, or proſecuted to a final deciſion. *ſ.* 15.

By 7 *Geo.* 3. *c.* 33. All the powers, authorities, rules, directions, penalties, forfeitures, clauſes, matters, and things, contained in 26 *Geo.* 2. *c.* 17. except ſuch as are varied by 6 *Geo.* 3. *c.* 38. or this act, ſhall be put in execution in *Scotland*, for raiſing the duties on houſes, windows, and lights.—*See the general title* TAXES, diviſion *Houſes*.

Judges.

By 26 *Geo.* 3. *c.* 46. "As the ſalaries of the lords of ſeſſion, "lords commiſſioners of juſticiary, and barons of exchequer, "in *Scotland*, are inadequate to the importance of their "offices; and additional allowances have been made to "ſome of the judges, by warrants under the privy ſeal in "*Scotland*, which ought to be permanent; and as the lords "of ſeſſion are poſſeſſed of a fund called *the ſtock of the* "*court*, by grants before the union, amounting to 22,700*l.* "ſterling,

" ſterling, of capital money, the yearly intereſt of which " they divide among them, but which ought now to be re- " ſtored to the public:" be it enacted, that the ſaid 22,700*l.*, together with 1135*l.* ſterling, being one year's intereſt on the ſaid capital, ſhall be paid in to the receiver-general of his majeſty's land rents in *Scotland*, to be by him remitted to the Exchequer in *England*, for the uſe of the public. *ſ.* 1.

In time coming there ſhall be paid, in every year, out of the revenue in *Scotland*, which by acts made 7 and 10 *Ann.* were charged with the payment of the ſalaries allowed, for keeping up the courts of ſeſſion, juſticiary, and exchequer, in *Scotland*, the ſeveral ſalaries following, to the judges after mentioned; 2000*l.* ſterling to the lord preſident of the court of ſeſſion; 1000*l.* to each of the other lords of ſeſſion; 2000*l.* ſterling to the lord chief baron of the exchequer in *Scotland*; 1000*l.* to each of the other barons; 600*l.* ſterling to the lord juſtice clerk; and 300*l.* ſterling to each of the other lords commiſſioners of juſticiary. *ſ.* 2.

The ſaid ſums ſhall be paid quarterly in every year, in ſuch manner as the ſalaries have accuſtomarily been paid ſince the union; and the ſums hereby granted ſhall be in place of the different ſalaries, which the judges of the courts do at preſent, or have been in uſe to enjoy, whether by ſtated ſalary, additions by privy ſeal, or intereſt of the ſaid money; excepting always any additional yearly ſum which may be granted by his majeſty, by warrant under the privy ſeal in *Scotland*, to one of the puiſne barons of the court of exchequer, when appointed to that office from the bar of *England*; and excepting alſo the ſums iſſued in every year for defraying the expences of the juſticiary judges at their circuits. *ſ.* 3.

By 26 *Geo.* 3. *c.* 47. It ſhall not be lawful for the judge of the court of admiralty, directly or indirectly, to aſk or take from any ſuitor or other perſon, any fee for doing buſineſs as a judge, in name of ſentence money, poundage, droits of admiralty, or upon any pretence whatever; and in lieu of all fees heretofore paid, the judge ſhall be entitled to and receive a yearly ſalary, amounting to 400*l.* ſterling, payable in the ſame form, and upon the ſame eſtabliſhment, as the ſalaries of the judges of the courts of ſeſſion, juſticiary, and exchequer are. *ſ.* 1.

It ſhall not be lawful for the judges of the commiſſary court in *Edinburgh*, directly or indirectly, to aſk or take, from any ſuitor, or from any other perſon, any fee, for doing buſineſs as judges, in name of ſentence money, upon the decrees pronounced by them; and in lieu of ſuch ſentence money, heretofore in uſe, as well as for the better proviſion of the ſaid commiſſaries, they ſhall be entitled to, and receive 100*l.* ſterling *per annum* each of ſalary, payable in the ſame form, and upon the ſame eſtabliſhment, as the ſalaries of the judges of the courts of ſeſſion, *&c.* *ſ.* 2.

The allowances to the ſaid commiſſaries out of the biſhop's rents ſhall continue as before; and nothing herein ſhall enlarge or diminiſh their cuſtomary dues, on the confirmation of teſtaments, or other articles, except that of ſentence money. *ſ.* 3.

Nothing herein ſhall either enlarge or diminiſh the cuſtomary dues of the clerks and fiſcals of any of the ſaid courts, but the ſaid clerks ſhall ſtill receive what they are by law or cuſtom entitled to in the name of ſentence money, or otherwiſe; and for better aſcertaining the extent thereof, in thoſe caſes where the judges and the clerks and fiſcals have heretofore been in uſe to receive joint fees, and where the judges are not in future to receive them, the ſaid judges of the two courts aforeſaid, are before *Nov.* 1, 1786, to eſtabliſh regulations for the payment of clerks and fiſcals dues in their ſeveral courts, according to the juſt amount of the proportions which the ſaid clerks have been in uſe to receive in time paſt in the caſes aforeſaid, and which regulation ſhall be entered in their books of ſederunt; and it ſhall be lawful to any party concerned, to complain to the court of ſeſſion againſt ſuch determination, at any time within ſix months, whoſe judgment upon the ſame, or that of the judges not complained of, ſhall continue to be the rule for levying the ſaid dues. *ſ.* 4.

No perſon ſhall be appointed to the office of judge of the court of admiralty, or to the office of any of the commiſſaries, unleſs he has, during three years, immediately preceding his appointment, attended the court of ſeſſion regularly as a practitioner in the time of ſeſſion; and if any appointment ſhall happen to be made contrary to the meaning hereof, the ſame ſhall be void. *ſ.* 5.

By 26 *Geo.* 3. *c.* 48. There ſhall be paid throughout *Scotland*, the duties following, *viz.*

Upon every piece of vellum or parchment, or ſheet of paper, upon which ſhall be engroſſed, printed, or written, any depoſition of a witneſs, taken in any cauſe before the court of ſeſſion, or commiſſion of teinds, or court of admiralty in Scotland, *or commiſſary court of* Edinburgh, *or in any civil cauſe before any inferior court in* Scotland, *or whereupon any affidavit, or written depoſition produced in the exchequer in* Scotland, *ſhall be engroſſed*, &c. *there ſhall be charged a ſtamp duty of* 1 s. *ſterling.*

Upon every ſkin, &c. *upon which ſhall be engroſſed*, &c. *any extract or atteſted copy from any deed, inſtrument, or writing, (except proteſts upon bills or promiſſory notes under* 40 s. *ſterling), given out from any public regiſter, or from the books or record of any court in* Scotland, *there ſhall be charged a ſtamp duty of* 1 s. *ſterling.*

Nothing in this act ſhall charge with the ſaid duties any depoſition taken in any cauſe inſiſted in at the inſtance of the public proſecutor, for the public intereſt, or where the public revenue is concerned; or any depoſition taken in any civil cauſe, before any inferior court aforeſaid, where the ſum is under 5*l.* ſterling, excluſive of coſts; or ſuch depoſition taken at the inſtance of any perſon on the poor's roll, and who is admitted to ſue or defend *in forma pauperis*; or any extracts in the decrees of courts, other than ſuch formal decrees of regiſtration as are uſually annexed to the extracts of writings. *ſ.* 2.

' Duties to be under the management of the commiſ- ' ſioners of ſtamps. *ſ.* 3.

' Vellum, *&c.* to be ſtamped before written on, and ' the commiſſioners are to furniſh ſtampt vellum, *&c.* to ' to be ready for ſuch as may call for it. *ſ.* 4.

' Uſual allowance to be made on prompt payment. ' *ſ.* 5.'

If any perſon ſhall engroſs, print, or write, or cauſe to be engroſſed, *&c.* upon any vellum, *&c.* any of the matters for which the ſaid vellum, *&c.* ought to have a ſtamp as aforeſaid, before ſuch time as the ſaid vellum, *&c.* ſhall be ſtamped, or ſhall engroſs, *&c.* any ſuch matter, upon any vellum, *&c.* that ſhall be ſtamped, for any lower duty than the duty by this act payable for what ſhall be ſo engroſſed, *&c.* ſuch perſon ſo offending ſhall forfeit 10*l.* ſterling, to be recovered as after directed; and in caſe any extractor, clerk, officer, or perſon, who, in reſpect of any public office, is entitled or entruſted to make, *&c.* any depoſition, extract, or other writing, by this act charged to pay a duty, ſhall be guilty of any fraud, by making, *&c.*

ſuch depoſition, &c. to be made upon vellum, &c. ſtamped with any ſtamp, knowing the ſame to be counterfeited, or by engroſſing, &c. the ſame upon vellum, &c. ſtamped for a lower duty, then ſuch extractor, &c. thereof lawfully convicted, ſhall (over the penalty aforeſaid) forfeit his office, and be diſabled to hold the ſame for the future; and if any attorney, conveyancer, agent, writer to the ſignet, writer, ſolicitor, or procurator, belonging to any of the courts, ſhall be guilty of any ſuch fraud, and be convicted thereof, he ſhall, (over the penalty aforeſaid) be diſabled for the future to practiſe; and if any depoſition, &c. ſhall, contrary to the meaning thereof, be engroſſed, &c. by any perſon whatſoever, upon vellum, &c. not ſtamped according to this act, or upon vellum, &c. ſtamped for a lower duty, then there ſhall be paid to his majeſty, over the duty aforeſaid, for every ſuch depoſition, &c. 10*l.* ſterling; and no ſuch depoſition, &c. ſhall be pleaded or given in evidence in any court in *Great Britain*, or admitted in any court to be good, until as well the duty, as the 10*l.* be firſt paid, and a receipt produced for the ſame, under the hand of ſome of the officers who ſhall be appointed to receive the duties, and until the vellum, &c. ſhall be ſtamped according to this act; and the proper officers are, upon payment or tender of the duty, and the 10*l.* unto them, to give a receipt for the ſame, and to ſtamp the ſaid vellum, &c. *ſ.* 6.

'Commiſſioners may appoint inſpectors of the papers 'uſed in courts, and the judges are to aſſiſt in ſecuring the 'duties. *ſ.* 7.

'Commiſſioners, &c. to follow the directions of the 'treaſury, and not to take any fees: perſons neglecting 'their duty, to be liable to proſecution. *ſ.* 8.

'Perſons counterfeiting or uſing forged ſtamps, guilty 'of felony without clergy. *ſ.* 9.

'Proviſions of former acts to extend to this. *ſ.* 10.

'Duties to be paid to the receiver general, and by 'him into the exchequer, where a ſeparate account is 'to be kept, and the money carried to the ſinking fund. '*ſ.* 11.

'From *Jan.* 1, an annual account to be laid before 'the commons, of the ſums paid for augmentation of 'judges ſalaries, and of the produce of the duties. '*ſ.* 12.'

No ſkin, &c. whereon any matter for which a duty is payable by this act, is engroſſed, &c. within *Scotland*, ſhall be divided into more than four pages, whereof each ſhall contain 36 lines, and each line nine words, and no more; and every ſuch matter ſhall be engroſſed conformable to the ſaid regulations, and according to the courſe of the courts; and if any attorney, or other perſon uſed to write for payment, within *Scotland*, ſhall engroſs, &c. upon any ſkin, &c. chargeable with any ſtamp duty by this act, any more words than according to the rate above, or in any other manner, ſo as to inſert in one ſkin, &c. above 1236 words, ſuch perſon ſhall forfeit 10*l.* ſterling, to be recovered as after directed, and ſhall be incapable to maintain any action for the recovery of any fee, on account of the engroſſing, &c. any ſuch depoſition, extract, or other writing. *ſ.* 13.

All pecuniary penalties ſhall be divided (if ſued for within ſix months), one moiety to his majeſty, in the manner after-mentioned, and the other moiety to the perſon who ſhall inform, &c. *ſ.* 14.

All ſuch penalties ſhall be recovered with coſts, in the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, by action of debt, &c. *ſ.* 15.

Such diviſion of the penalties ſhall be reſtricted to the proſecuting for the ſame, within the time before limited; and in default, no informer ſhall have any part of ſuch penalties, but the whole ſhall belong to his majeſty. *ſ.* 16.

'His majeſty's ſhare to be paid by the receiver-general 'into the exchequer on *Auguſt* 1, annually, and to be ap- 'plied like other penalties. *ſ.* 17.'

It ſhall be lawful for any juſtice reſiding near the place where the offence ſhall be committed, to hear and determine any offence againſt this act, which ſubjects the offender to any pecuniary penalty, which ſaid juſtice is, upon any information exhibited within ſix months, to ſummon the party accuſed, and alſo the witneſſes, and ſhall examine into the fact, and upon proof thereof, either by confeſſion of the party, or by the oath of one witneſs, to give judgment for the penalty, according as in this act is directed (all which penalties ſo adjudged, ſhall be divided, one moiety to the informer, and the other, the charges for the recovery thereof being firſt deducted, ſhall be paid to his majeſty), and to award his warrant under his hand and ſeal for the levying any ſuch penalties on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus (if any); and where goods cannot be found to anſwer the penalty, to commit the offender to the houſe of correction for three months; and if any perſon ſhall find himſelf aggrieved by the judgment of ſuch juſtice, then he may, upon giving ſecurity to the value of ſuch penalty, together with ſuch coſts as ſhall be awarded in caſe ſuch judgment ſhall be affirmed, appeal to the next general quarter ſeſſions, who are to ſummon and examine witneſſes upon oath, and finally determine the ſame; and in caſe the judgment ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay coſts occaſioned by ſuch appeal. *ſ.* 18.

If any perſon ſummoned as a witneſs, ſhall neglect or refuſe to appear, without reaſonable excuſe, to be allowed of by ſuch juſtice, ſuch perſon ſhall forfeit 10*l.* ſterling, to be levied as before directed as to other penalties. *ſ.* 19.

The ſaid juſtice, where he ſees cauſe, may mitigate ſuch penalties, reaſonable coſts being always allowed over ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than one moiety of the penalties above the coſts; and no ſuch conviction ſhall be removed by *certiorari* into any court whatſoever. *ſ.* 20.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, &c. ſuch defendant ſhall have treble coſts. *ſ.* 21.

Juriſdictions.

By 20 *Geo.* 2. *c.* 43. All heretable juriſdictions of juſticiary, and all regalities and heretable baillieries, and all heretable conſtabularies, other than the office of high conſtable of *Scotland*, and all ſtewartries, being parts only of counties, and all ſheriffſhips and deputy-ſheriffſhips of diſtricts, being parts only of counties within *Scotland*, belonging unto or poſſeſſed by any ſubject, and all juriſdictions and privileges thereunto appurtenant, ſhall be after the 25th of *March* 1748, totally diſſolved. *ſ.* 1.

All lands annexed or belonging to the ſaid heretable baillieries, ſtewartries, and conſtabularies, hereby diſſolved, and the rents and duties payable to the poſſeſſors of the ſaid heretable baillieries, &c. ſhall remain with them their heirs and ſucceſſors. *ſ.* 2.

All juriſdictions and powers belonging to any ſuch juſticiary, regalities, baillieries, conſtabularies, ſtewartries, ſheriffships, and deputy-ſheriffships, ſhall be veſted in the court of ſeſſion, court of juſticiary at *Edinburgh*, the judges in the circuits, and the courts of the ſheriffs, and ſtewarts of ſhires or counties, and other of the king's courts in *Scotland*, reſpectively, to which ſuch juriſdictions, *&c.* would have belonged in caſe ſuch juſticiary, *&c.* had never been granted; and the ſeveral towns, places, and bounds, ſubject to ſuch juſticiary, *&c.* and the inhabitants within the ſame, ſhall be ſubject to ſuch of the king's court as aforeſaid reſpectively, in the ſame manner as they would have been in caſe ſuch juſticiary, *&c.* had never exiſted. *ſ.* 3.

All ſheriffships of any county, and all ſtewartries not hereby extinguiſhed, within *Scotland*, granted unto or poſſeſſed by any ſubject either heretably or for life, and all juriſdictions or privileges thereunto belonging, ſhall be reſumed and annexed to the crown; and the ſheriffs and ſtewarts of ſuch counties and ſtewartries ſhall be nominated by his majeſty. *ſ.* 4.

No ſheriffship or ſtewartry, of any county or diſtrict within *Scotland*, ſhall hereafter be granted to any perſon, either heretably or for life, or for any term exceeding one year; and no juſticiary, regality, conſtabulary, or baillierie, nor any juriſdiction or immunity of the like kind within *Scotland*, ſhall hereafter be created or granted, but all grants of any of the premiſes contrary to the meaning of this act ſhall be void. *ſ.* 5.

Reaſonable ſatisfaction ſhall be made, out of the next aids to be granted in parliament, for every ſuch juſticiary, *&c.* hereby diſſolved or reſumed to the crown, to all perſons lawfully poſſeſſed of any ſuch juſticiary, *&c.* and to every clerk thereof, who was on the 11th of *November* 1746, lawfully poſſeſſed for life of his clerkſhip, in caſe ſuch office be neceſſarily extinguiſhed in conſequence of this act. *ſ.* 6.

All perſons lawfully poſſeſſed of any ſuch juſticiary, *&c.* or clerkſhip, ſhall, on or before the 11th of *November* 1747, enter their claims thereto in the court of ſeſſion in *Scotland*; and all ſuch claims, with the titles or vouchers, ſhall be given out in the uſual manner to his majeſty's advocate for *Scotland*, or his deputy, or to his majeſty's ſolicitor-general there, who are to appear on behalf of his majeſty to defend againſt all ſuch claims, as they find cauſe to oppoſe, either in reſpect of the validity of the claimant's title, or of the value; and the court of ſeſſion ſhall, in a ſummary way, examine the ſeveral titles; and in caſe they find any perſon to have been lawfully poſſeſſed of any ſuch juſticiary, *&c.* or clerkſhip, they ſhall declare their opinion touching the value, and cauſe all ſuch opinions to be entered in a roll, and make certificates thereof to his majeſty in his privy council, copies of which ſhall be laid before both houſes of parliament. *ſ.* 7.

The court of ſeſſion ſhall be empowered to meet and proceed on all ſuch claims in the times of vacation, and on *Monday* as well as other days, during the time of ſeſſion; and the ſaid court is to ſit for the purpoſes aforeſaid, during the whole month of *March* next after the ſaid 11th of *November*, unleſs they ſooner have diſcuſſed the matters hereby directed. *ſ.* 8.

The ſaid court ſhall compel the production of all books and writings relating to the matters which they are hereby empowered to determine, and examine any perſons upon oath concerning the ſame. *ſ.* 9.

Where any ſuch heretable juſticiary, *&c.* is ſubject to any ſtrict tailzie affected with irritant and reſolutive or prohibitive clauſes, or ſo ſettled or incumbered that the poſſeſſor cannot alien the ſame, the money allowed for the value ſhall, by order of the court of ſeſſion, be laid out in the purchaſe of lands or heretages within *Scotland*, which ſhall be ſettled to the ſame uſes, and under the ſame limitations, for the benefit of ſuch perſons, and in the ſame courſe of ſucceſſion, and ſubject to the ſame incumbrances, to which ſuch heretable juſticiary was ſettled or ſubject. *ſ.* 10.

In ſuch caſes, and where the entailed eſtate is ſubject to any debts of the maker of the entail, or other debts effectual to charge the eſtate, not being contracted by the preſent proprietor, it ſhall be lawful to apply the money for paying off ſuch debts, and the reſidue only ſhall be laid out in the purchaſe of other lands or heretages. *ſ.* 11.

It ſhall be lawful for any perſon having any eſtate, right, or intereſt, in any ſuch juſticiary, *&c.* either in poſſeſſion or expectancy, and for any heir or ſubſtitute in any tailzie, or for any guardian, tutor, curator, or truſtee, on behalf of any infant, ideot, or lunatic, or for any mortgagee or incumbrancer, to enter his claim in manner before directed, and to petition the court of ſeſſion for directions for laying out ſuch money in the purchaſe of lands or heretages; and the ſaid court are to proceed in a ſummary way, and give directions thereupon; and until ſuch directions ſhall be given, the money allowed for the value of ſuch juſticiary, *&c.* ſhall be paid unto and remain in either of the banks of *Scotland*. *ſ.* 12.

Every perſon who ſhall omit to enter his claim within the time and in the manner before directed, ſhall be excluded from the ſatisfaction hereby provided. *ſ.* 13.

All ſuits, decrees, and proceedings, of any court hereby diſſolved, which were depending, pronounced, or had, before the ſaid 25th of *March*, ſhall be of the ſame force and in the ſame condition, as if this act had not been made; and all records and entries of any ſuch ſuits, *&c.* relating to any civil or criminal cauſe, in any ſuch court, ſhall, on or before the 24th of *June* 1748, be tranſmitted by the poſſeſſor of any ſuch juſticiary, *&c.* to the courts of the reſpective ſheriffs or ſtewarts of counties, and there kept amongſt the records, which courts ſhall proceed thereupon, as if the ſaid civil or criminal cauſes had been commenced originally in ſuch courts; and the regiſter books of hornings, inhibitions, and interdictions, heretofore kept in any baillieries of royalty or regality, or ſtewartries hereby abrogated, ſhall, on or before the ſaid 24th of *June*, be tranſmitted to the general regiſter houſe at *Edinburgh*. *ſ.* 14.

Every act or grant whereby any lands lying anciently within one ſhire in *Scotland* were diſunited from the ſame and annexed to another ſhire, to which they were not adjacent, ſhall be repealed, with reſpect to the juriſdiction of the ſheriffs or ſtewarts courts; and ſuch lands ſhall, with reſpect to ſuch juriſdiction only, be reſtored or annexed to the ſhire within which they locally lie; and ſuch lands interjected between two ſhires ſhall be annexed to the ſhire to the head borough of which they are neareſt adjacent. *ſ.* 15.

This reſtitution ſhall not alter the right of voting for members of parliament in reſpect of ſuch lands, or the payment of the ceſs or land tax. *ſ.* 16.

After the ſaid 25th of *March* 1748, no heretor or proprietor of lands in *Scotland*, erected into a barony, or granted with lower juriſdiction, or their baillies, ſhall by virtue thereof have any juriſdiction in capital caſes; and no ſuch baron or other heretor infeofft *cum curiis*, or their baillies, ſhall by virtue thereof have any juriſdiction in any criminal

criminal cauſe, other than aſſaults, batteries, and ſmaller crimes, for which the puniſhment ſhall be by a fine not exceeding 20 *s.* ſterling, or by ſetting the delinquent in the ſtocks for any time not exceeding three hours, in the day-time; which fine ſhall be levied by diſtreſs or poynding of the goods of the delinquent, and in default of ſuch diſtreſs, by impriſonment of his perſon for any time not exceeding one month; and as to civil cauſes, it ſhall not be lawful for any ſuch baron or heretor, or their baillies, to judge in any cauſe where the debt or damages exceed 40 *s.* ſterling, other than for recovering their mails and duties, rents and profits, multures or mill-ſervices. *ſ.* 17.

Every baron or heretor of lands in *Scotland*, having any criminal juriſdiction not hereby taken away, ſhall enter in a book, to be kept by the ſheriff clerk of the county, the place provided for a priſon; and every ſuch priſon ſhall have windows or grates open to inſpection from without, and every baron or heretor ſhall for every offence againſt this act forfeit 20 *l.* ſterling, with coſts, to the party injured; and all ſheriffs ſtewarts or their deputies in *Scotland*, ſhall inſpect ſuch priſons, and diſallow the ſame, in caſe they appear grievous or unhealthy, or not agreeable to this act. *ſ.* 18.

No perſon ſhall be committed to priſon for cuſtody in order to trial, for any aſſaults, batteries, or ſmaller crimes, without a warrant in writing, expreſſing the cauſe for which ſuch perſon is impriſoned; which ſhall be entered at large in a book; and extracts thereof ſhall be tranſmitted every ſix months to the ſheriff or ſtewart's court there to remain on record. *ſ.* 19.

It ſhall be lawful for every heretor and proprietor of lands in *Scotland* entitled to any fair or market, to exerciſe ſuch juriſdiction as is competent to him by law, for preſerving the peace, determining controverſies, and reſtraining riots or diſorders which may ariſe within ſuch fair or market. *ſ.* 20.

Every heretor or proprietor of lands in *Scotland* within which any coal works, ſalt works, or mines ſhall be carried on, may exerciſe ſuch juriſdiction as is competent to him by law over his colliers, ſalters, or miners. *ſ.* 21.

The juriſdiction hereby reſerved to the propriets of fairs or markets, and of coal works, ſalt works, and mines, ſhall not extend to any juriſdiction in caſes inferring the loſs of life or demembration. *ſ.* 22.

No baillie or other perſon ſhall officiate as judge in any baron's or other court for executing ſuch juriſdiction as aforeſaid, without firſt taking the oaths appointed to be taken by perſons in offices of public truſt, and cauſing a certificate of his having done ſo to be regiſtered by the clerks of the ſhires, ſtewartries, or burghs, where he reſides; and every perſon ſo offending therein, being convicted before two juſtices of peace or other judge competent ſummarily, ſhall forfeit 10 *l.* ſterling; one moiety to his majeſty, and the other moiety to the informer; and ſhall ſuffer impriſonment for ſix months, unleſs or until the ſame be paid. *ſ.* 23.

All perſons lawfully poſſeſſed on the ſaid 25th of *March* 1748, of any juſticiary or other juriſdiction hereby abrogated, ſhall retain ſuch juriſdiction of barony or lower juriſdiction, as they would have been intitled to in caſe ſuch juſticiary or other juriſdiction abrogated had never exiſted; ſuch lower juriſdiction being always ſubject to the regulations hereby enacted. *ſ.* 24.

No patent or grant by his majeſty or the barons of the exchequer in *Scotland*, after the 6th of *June* 1747, for erecting any lands in *Scotland* into a barony, lordſhip, or earldom, or under any other denomination, or for annexing any lands in *Scotland* to any barony, *&c.* heretofore erected, ſhall be ſufficient to convey to the grantee or any other perſon, any greater or other juriſdiction than for recovering the mails and duties or rents and profits thereof or the multures or mill-ſervices; and all patents and grants contrary to the meaning of this act ſhall be void. *ſ.* 25.

Nothing in this act ſhall extend to take away or prejudice any juriſdiction or privilege competent to any royal borough in *Scotland*. *ſ.* 26.

Nothing in this act ſhall extend to take away or prejudice any juriſdiction or privilege competent to any burgh of regality, or of barony, in *Scotland*, or to the magiſtrates of any ſuch burgh reſpectively, which are independent of the lord of regality or baron, except any power of repledging from the ſheriff's or ſtewart's court or any other of the king's courts; and the juriſdiction hereby reſerved to ſuch corporation or community or the magiſtrates thereof ſhall be cumulative only. *ſ.* 27.

In the execution of poyndings in *Scotland*, it ſhall be lawful for the officer to carry the goods poynded, or ſamples thereof in ſuch caſes where the carrying of ſamples is practiſed, to the market croſs of that royal burgh, or burgh of regality, or barony (as well ſuch whereof the juriſdiction is hereby abrogated or regulated, as thoſe whereof the juriſdiction is ſaved entire) which lie neareſt to the place where ſuch poynding was inchoated, which ſhall be as ſufficient as if ſuch goods or ſamples had been carried to the head burgh of the ſhire. *ſ.* 28.

There ſhall be but one ſheriff depute, or ſtewart depute, in every county, ſhire, or ſtewartry in *Scotland*, not hereby taken away, and he ſhall be an advocate of three years ſtanding at the leaſt, and ſhall for ſeven years, from the ſaid 25th of *March*, be appointed by his majeſty, by warrant under his ſign manual, with ſuch continuance as his majeſty ſhall think fit; [*the time is enlarged for* 15 *years more by* 28 Geo. 2. c. 7.] and after the end of the ſaid ſeven years, the offices of ſheriff depute, and ſtewart depute, ſhall be granted and held *ad vitam aut culpam* only, with competent ſalaries for the time of their continuance; and every ſuch ſheriff depute, or ſtewart depute, ſhall have power to nominate one or more ſubſtitutes throughout the whole county or ſtewartry, or within ſuch diſtricts as ſhall be expreſſed in the commiſſion of ſuch ſubſtitute, during his pleaſure, for whom he ſhall be anſwerable; and ſuch ſubſtitutes are to take and ſubſcribe, in ſuch ſheriffs or ſtewarts courts the oaths appointed to be taken by perſons in offices of public truſt, to be there recorded before they enter upon their offices; and it ſhall be lawful for all ſheriffs depute, and ſtewarts depute, and their ſubſtitutes, to hold their courts at any time in the year, without any diſpenſation from the court of ſeſſion, and not only to hold the ſtated courts at their head boroughs, but alſo itinerant courts, at ſuch times and places within their juriſdictions as they judge expedient, or as they ſhall be directed by his majeſty, by warrant under his ſign manual; which ſheriffs depute, or ſtewarts depute, are to cauſe notice to be given, within a reaſonable time before ſuch itinerant courts be held, at the ſeveral pariſh courts within the diſtrict for which the ſame are to be ſo held; and every ſuch ſheriff depute, and ſtewart depute, ſhall reſide perſonally within his county or ſtewartry during four months at leaſt in the year; and it ſhall not be lawful for any ſheriff depute, or ſtewart depute, to adviſe, plead, or otherwiſe act as an advocate, before any of the king's courts at *Edinburgh*, or at the circuit courts, in any cauſe civil or criminal, ariſing within, or coming from his county, or ſtewartry; and in caſe any ſuch ſheriff depute, or ſtewart depute, ſhall not ſo reſide, or

ſhall

ſhall ſo adviſe, plead, or otherwiſe act as an advocate, or be guilty of any groſs miſbehaviour or neglect of duty, being convicted upon a ſummary trial before the court of ſeſſion, at the ſuit of his majeſty's advocate, or of any four freeholders entitled to vote in elections of members of parliament for ſuch county or ſtewartry, he ſhall be deprived of his office. *ſ.* 29.

It ſhall not be lawful for any principal, or high ſheriff, or ſtewart, in *Scotland*, perſonally to judge in any caſe, civil or criminal, within his ſhire or ſtewartry, in virtue of ſuch his office. *ſ.* 30.

After the ſaid 25th of *March* 1748, the circuit courts ſhall be held twice in every year, within *Scotland*, and the judges thereof ſhall continue ſix days at leaſt at each town or place where the circuit courts ſhall be held. *ſ.* 31.

It ſhall be lawful for any one of the judges in ſuch circuit courts to diſpatch buſineſs whenever it ſhall happen that his colleague ſhall, through indiſpoſition, or other neceſſary avocation, be abſent, and the juſtice general not be preſent. *ſ.* 32.

The ſhire of *Argyll*, and all the places and bounds ſubject to the juriſdiction of the juſticiary belonging to the duke of *Argyll*, ſhall be deemed within the limits of the weſtern circuit, or of ſuch circuit in *Scotland* as ſhall be appointed by his majeſty, purſuant to the power herein after mentioned; and the burgh of *Inverary* ſhall be the place where the circuit court ſhall be held twice in the year for the ſhires of *Argyll* and *Bute*. *ſ.* 33.

It ſhall be lawful for any party conceiving himſelf aggrieved by any interlocutor, decree, or ſentence, of the ſheriff's or ſtewart's court of any county or ſtewartry, or of the courts of any royal borough, or burgh of regality or barony, or of any court of any baron, or other heretor having ſuch juriſdiction as is not hereby taken away, in matters criminal, not inferring the loſs of life or demembration, or in matters civil, not exceeding 12 *l.* ſterling, to appeal to the next circuit court wherein ſuch court lies, ſo as no ſuch appeal be competent before a final decree pronounced; and ſuch appeal the party aggrieved may take and enter in open court at the time of pronouncing ſuch decree, or within ten days after, by lodging the ſame in the hands of the clerk of court, and ſerving the adverſe party with a duplicate perſonally, or at his dwelling-houſe, or his procurator or agent in the cauſe, and ſerving in like manner the inferior judge in caſe the appeal contain any concluſion againſt him; and ſuch ſervice ſhall be ſufficient ſummons to oblige the reſpondents to attend and anſwer, at the next circuit which ſhall happen 15 days at leaſt after ſuch ſervice; and the judges at ſuch circuit courts ſhall cognoſce and determine any ſuch appeal by the like rules as the court of ſeſſion, or court of juſticiary, reſpectively, may now cognoſce and determine in ſuſpenſions of the interlocutors, decrees, or ſentences, of ſuch inferior courts; but the ſaid circuit court ſhall proceed therein in a ſummary way; and if they find the reaſons of any ſuch appeal not to be relevant, or not inſtructed, or determine againſt the party appealing, they ſhall condemn the appellant in ſuch coſts as they think proper to be paid to the other party, not exceeding the real coſts *bona fide* expended; and their decree ſhall be final. *ſ.* 34.

So much of this act as relates to appeals in civil cauſes to the circuit courts as aforeſaid, ſhall be in force for ten years from the ſaid 25th of *March* 1748, and to the end of the then next ſeſſion of parliament. *ſ.* 35. *Made perpetual by* 31 Geo. 2. c. 42. ſ. 7.

Wherever ſuch appeal ſhall be brought, ſuch complainer, at the time he enters his appeal, ſhall lodge in the hands of the clerk of court from which the appeal is taken, a bond, with a ſufficient cautioner for abiding by the judgment of the circuit court, and for paying the coſts, if any be awarded; and the clerk of court ſhall be anſwerable for the ſufficiency of ſuch cautioner. *ſ.* 36.

In caſe ſuch circuit court in proceeding upon ſuch appeal find any ſuch difficulty to ariſe that they cannot proceed to the determination of the ſame, it ſhall be lawful for ſuch circuit court to certify ſuch appeal, together with the reaſons of ſuch difficulty, and the proceedings thereupon, to the court of ſeſſion, or court of juſticiary, reſpectively; which courts are to proceed in and determine the ſame. *ſ.* 37.

The act of parliament made in *Scotland* in 1663, intituled, *Act anent the diſcharging of advocations for ſums within* 200 *merks*, ſhall be extended to all advocations in cauſes not exceeding the value of 12 *l.* ſterling. *ſ.* 38.

It ſhall be lawful for his majeſty, by an order in his privy council, to make a new diviſion of the circuits in *Scotland*, and to appoint what counties, ſtewartries, places, and bounds, ſhall be comprehended within any ſuch circuit, and at what times and places the circuit courts ſhall be held for ever after; and ſuch order ſhall be obeyed; and the judges in ſuch new circuits ſhall have the ſame juriſdiction and powers, as in the circuits already eſtabliſhed in *Scotland*. *ſ.* 39.

Circuit courts ſhall continue to be held at the towns appointed by an act of parliament in the year 1672, intituled, *Act concerning the regulation of the judicatories*, or by this act, but without prejudice to the power hereby veſted in his majeſty, to diminiſh, augment, or alter the diſtricts, for which ſuch circuit court ſhall be held purſuant to the proviſion herein before made; and the court of ſeſſion in *Scotland* is to take into their conſideration what fees ſhall be paid to the clerks or other officers in the circuit courts, or in the courts of ſheriffs or ſtewarts in civil cauſes, and regulate the ſame by act of *ſederunt* on or before the ſaid 25th of *March* 1748; and the court of juſticiary ſhall in like manner take into their conſideration what fees ſhall be paid to the clerks or other officers in the circuit courts, or in the ſheriffs or ſtewarts courts, in criminal cauſes, and regulate the ſame by act of journal, on or before the ſaid 25th of *March*. *ſ.* 40.

So much of the fourth act of the parliament of *Scotland* held in the year 1695, intituled, *Act anent the juſtice court*, as directs, that after the debate of the relevancy is ended, the king's advocate or procurators for the purſuer, and for the pannel, reſpectively, ſhall give in to the clerk informations in writing, to be recorded in the books of adjournal, to be read in open court at adviſing, is hereby repealed; and in place thereof, and of the ancient uſe in that court, of advocates or procurators dictating, and the clerks writing the debate on the relevancy, (which uſe is by the ſaid act diſcharged), the pannel ſhall give in to the clerk the day before trial, in writing ſubſcribed by the pannel or one of his procurators, ſuch account of the facts relating to the matters charged upon him, and thereto briefly ſubjoin the heads of ſuch objections or defences as he thinks fit to make at his trial; and after the debate on the relevancy *viva voce*, the minutes whereof ſhall be made up in the ſame manner in the juſticiary court at *Edinburgh*, as is now practiſed at the circuit courts, or in the court of ſeſſion, it ſhall be lawful for the court to pronounce their interlocutor upon the relevancy, and to proceed to the trial, or to adjourn their interlocutor upon the relevancy, or the trial, to a further day, as they ſee cauſe. *ſ.* 41.

Provided,

Provided, it ſhall be lawful for the ſaid court of juſticiary, in the trial of any crimes other than high treaſon, to direct by a ſpecial order in ſuch caſes as for their difficulty or importance appear to require ſuch direction, that informations in writing be given in by the procurators for the purſuer, and the pannel, reſpectively, in any part of the trial, or upon any matters alleged for the pannel before judgment. *ſ.* 42.

No fines, forfeitures, or penalties, impoſed in the ſheriff's or ſtewart's court in *Scotland*, ſhall belong to the ſheriff or ſtewart, or any ſheriff depute or ſtewart depute; but all ſhares of ſuch fines, *&c.* as heretofore went to the judge, ſhall belong to his majeſty, and ſhall be accounted for and paid into the exchequer of *Edinburgh*; and the like proceſs and rules ſhall be iſſued and obſerved for levying any penalties due to his majeſty; and no fees, poundage, or profits, called ſentence money, ſhall be taken by any ſheriff or ſtewart, ſheriff depute or ſtewart depute, or any of their officers, or clerks. *ſ.* 43.

By 21 *Geo.* 2. *c.* 19. Until a new diſtribution of the circuits in *Scotland* be made in purſuance of 20 *Geo.* 2. *c.* 43. *ſ.* 39. the judges appointed to hold the circuit courts in *Dumfreis* and *Jedburgh*, ſhall likewiſe be appointed to hold the circuit court at *Air*, which ſhall be deemed within the limits of the ſouthern circuit, until ſuch new diſtribution of the circuits. *ſ.* 13.

By 28 *Geo.* 2. *c.* 7. So much of 20 *Geo.* 2. *c.* 43. as enacts, that after the end of ſeven years from the 25th of *March* 1748, the offices of ſheriff depute and ſtewart depute, ſhall be held *ad vitam aut culpam*, ſhall be repealed; and the ſheriff deputes, and ſtewart deputes, already named or to be named, ſhall, during the ſpace of 15 years from the expiration of the ſaid ſeven years, hold their reſpective offices, for ſuch continuances as his majeſty hath or ſhall think fit to appoint by warrant under his ſign manual, and from the end of the ſaid 15 years, the offices of ſheriff depute, and ſtewart depute, ſhall be granted and held *ad vitam aut culpam* only, with competent ſalaries.

Juſticiary.

By 8 *Ann.* *c.* 16. No perſon ſhall be obliged to attend the lords of juſticiary, either in going to or coming from the places where the circuit courts are held, except the ſheriff, or his deputies, and their officers; and no ſheriff, or his officers, ſhall be obliged to attend out of the bounds of the county, except at the place, and during the time, where the ſeveral circuit courts of the reſpective diſtricts ſhall be held. *ſ.* 1.

No perſon ſhall be obliged to attend where the circuit court is held, except perſons ſummoned upon any grand or petty jury, or who ſhall be ſummoned or bound to give evidence, or who ſhall be bound over to appear at ſuch juſtice court, or ſuch perſons as ſhall make preſentments in order to trials before the juſtices at their circuits: provided, that when preſentments are made by the juſtices of peace at their quarter ſeſſions, or at the yearly meetings in *July* and *February*, it ſhall be lawful to the juſtices to depute of their number to attend in place of the whole; and except ſuch other perſons, who by the duty of their offices or truſts are bound to attend the ſaid court. *ſ.* 2.

The method of taking up dittay, and exhibiting information, by the ſtreſs and porteous roll, ſhall be aboliſhed. *ſ.* 3.

Informations in order to making up of dittays, concerning crimes to be tried in the circuits in *Scotland*, ſhall be by preſentments to be made by the juſtices of peace at their quarter ſeſſions, or upon informations to be taken by the ſheriffs, ſtewarts, baillies of regalities, and their deputies, magiſtrates of boroughs, or other inferior judges and magiſtrates, concerning ſuch crimes as are to be tried before the lords of juſticiary in their circuits in *July* and *February* yearly; and the ſaid juſtices of peace, at leaſt two of them, are required to meet at the head burgh of the reſpective ſhires, at the ordinary place of meeting, upon the 21ſt days of *July* and *February* yearly, or on the next lawful day, to receive informations concerning matters criminal to be tried in the circuits, and to reviſe ſuch informations as have been taken before the ſaid meetings, by juſtices of peace, otherwiſe than at their quarter meetings; and the ſaid ſheriffs, ſtewarts, baillies of regalities, and their deputies, magiſtrates of boroughs, and other inferior judges and magiſtrates reſpectively, ſhall meet upon the 22d days of *July* and *February* yearly, *&c.* to receive informations concerning matters criminal, to be tried in the circuits; and the ſaid juſtices, ſheriffs, ſtewarts, bailies of regalities, and their deputies, magiſtrates of burghs, and other inferior judges and magiſtrates, are required to make up accounts of ſuch criminal facts happening within their bounds, as are to be tried before the circuits, containing the names and deſignation of the offenders, the facts committed, with the circumſtances of time, place, and others that may ſerve to diſcover the truth; containing alſo the names and deſignations of the witneſſes, and titles of ſuch writs as are to be made uſe of at the trials; which informations are to be ſigned by the juſtices and their clerk, or by the ſheriffs, ſtewarts, baillies of regalities, or their deputies and clerks, or by magiſtrates of boroughs, or other inferior judges or magiſtrates and their clerks reſpectively; and the clerks are alſo required to tranſmit the ſame, together with ſuch writs or other evidence as are to be made uſe of in the trials, to the lord juſtice clerk, or his deputies at *Edinburgh*, 40 days before the holding of the circuit courts; that being given to her majeſty's advocate, libels and indictments may be raiſed and executed againſt parties, aſſiſers, and witneſſes. *ſ.* 4.

The magiſtrates of ſuch cities and boroughs, where the circuit courts are held, ſhall be obliged to attend the lords of juſticiary, during their abode in their reſpective cities and boroughs; and prepare convenient places for the juſtices of peace to ſit at the ſaid courts; who are to have the ſame privileges in court, as the juſtices of peace enjoy in *England*. *ſ.* 5.

Nothing in this act ſhall reſtrain her majeſty's advocate, in her majeſty's name, or any perſon, to inform and proſecute any criminal action or cauſe before the circuit court, in the ſame way as is in uſe before the juſticiary court at *Edinburgh*; or alter the method of returning jurymen or aſſiſers by the ſheriffs, upon precepts. *ſ.* 6.

By 10 *Ann.* *c.* 33. The circuit courts in *Scotland* ſhall be kept only once in the year, in *April* or *May*; and the circuit courts formerly appointed to be kept in *October* ſhall ceaſe; except when it ſhall pleaſe her majeſty by proclamation to be iſſued in the month of *July* preceding, to order the ſaid circuit courts for the *October* following, to be kept at all or any of the places mentioned in an act of parliament in *Scotland*, paſſed in the third ſeſſion of the ſecond parliament of king *Charles* II.

By 23 *Geo.* 3. *c.* 45. *made perpetual by* 27 Geo. 3. *c.* 18. Court of juſticiary ſhall determine how long the judges ſhall remain in each circuit town. *ſ.* 1.

All trials begun before the limited time is elapſed, ſhall be finiſhed. *ſ.* 2.

Altera-

Alteration introduced by act 21 *Geo.* 2. *c.* 29. having been found to be beneficial, the court of juſticiary, and circuit courts, may try cauſes for capital in the ſame manner as thoſe for leſs crimes. *ſ.* 3.

If in the trial of any of the crimes which may infer the puniſhment of death, or demembration, it ſhall appear to the judges more expedient to take down into writing the teſtimony of the witneſſes, according to the preſent practice, it ſhall be lawful for them to proceed in that manner. *ſ.* 4.

Council, or priſoner, may interrogate witneſſes. *ſ.* 5.

Not to alter form of trials for high treaſon, *&c.* *ſ.* 6.

Three judges of the court of juſticiary to be a quorum, during the ſittings of the court of ſeſſion. *ſ.* 7.

By 30 *Geo.* 3. *c.* 17. The ſpring circuits of the court of juſticiary ſhall be held between 12 *March* and 12 *May*.

Leather.

See TANNERS, *poſt*.

Linen.

By 10 *Ann.* *c.* 21. All ſorts of linen cloth made in *Scotland*, ſhall be made of well ſorted yarn for each piece, and equally wrought and fine from one end to the other; and all linen cloth ſhall be made by the ſtandard yard-wand, of the lengths and breadths following, each piece called *Saint Johnſtons* cloth, when brown or green, and all other plain brown or green linen cloth made for whitening, ſhall be full yard and nail, or three quarters of a yard and nail, that when whitened, it ſhall be full yard or full three quarters in breadth; and all other ſorts of plain linen cloth, whether white, brown, or green, ſhall be full yard, or full three quarters of a yard in breadth; and every ſuch piece of plain brown or green linen cloth ſhall be in length 84 yards, the half piece 42 yards, the quarter piece 21 yards; and every piece of plain white linen cloth ſhall be in length 40 yards, the half piece 20 yards: and all linen checks ſhall be made yard and half quarter, or full yard, or full three quarters in breadth; and all ſtriped linen cloth ſhall be made full yard and quarter, or full yard, or full three quarters in breadth; and all linen for neckcloths ſhall be made the piece to contain twelve neckcloths, the half piece to contain ſix neckcloths; and all ſorts of ticking ſhall be made full yard, or full three quarters in breadth; and all white, brown, or green, linen cloth, ſhall be ſold in the water fold, or in folds of one yard or half yard in each fold of length, and not rolled or battered. *ſ.* 1.

If any perſon ſhall make any of the aforeſaid linen cloth, otherways than according to the lengths and breadths aforeſaid, and with well ſorted yarn, and equally wrought and fine from one end to the other, ſuch perſon being thereof convicted by the oath of any overſeer or ſearcher of linen cloth, appointed within the boroughs royal, counties, ſtewartries, boroughs of regalities and barony, in *Scotland*, or by the oath of two witneſſes before any juſtice of peace, magiſtrate, or other judge competent, ſhall, for every inch in the breadths, and for every half a quarter, the three quarters yard and nail plain cloth ſhall exceed the ſaid breadths, forfeit 5*s.* and for every yard, the ſaid white, brown, or green, plain linen cloth, ſhall be leſs in length than the ſaid lengths, ſhall forfeit 5*s.*; and for every piece of linen cloth that is not made of well ſorted yarn, and equally wrought and fine, from one end to the other, ſhall forfeit 5*s.*; and if any perſon ſhall buy or expoſe to ſale, or bring to any place in order for ſale, any of the aforeſaid cloth, not being made of well ſorted yarn, equally wrought and fine, and of the lengths, breadths, and foldings aforeſaid, ſuch perſons being convicted in any time not exceeding ſix months after the time of ſale, *&c.* ſhall forfeit for each piece 5*s.* *ſ.* 2.

Every owner of linen cloth made in *Scotland*, before expoſing the ſame to ſale, ſhall bring the ſame to any borough royal, or place where ſtamps are kept, and there receive the ſtamp of the place; for which ſtamp the ſtamp maſter ſhall be paid for each piece one penny, the half piece halfpenny, the quarter piece one farthing; and if any perſon ſhall expoſe to ſale, or carry to the water ſide, in order for exporting, any linen cloth before the ſtamp is affixed, or not made as aforeſaid, ſuch perſon being convicted as aforeſaid, ſhall forfeit for each piece 5*s.* *ſ.* 3.

The magiſtrates of each borough royal in *Scotland* ſhall be empowered to cauſe make a ſtamp bearing the arms of the boroughs, and to appoint a perſon for inſpecting and ſtamping linen cloth of the lengths, breadths, and qualities aforeſaid; which perſons ſhall, before their admiſſion to that office, take an oath *de fideli*, and likewiſe find ſurety for the faithful adminiſtration, for ſuch ſum as the magiſtrates ſhall appoint; and the juſtices of peace in their counties and ſtewartries, are empowered at their quarterly ſeſſions in *Scotland*, to appoint ſtamps to be kept at ſome places where linen cloth is ſold; and the juſtices are empowered to appoint perſons for ſtamping of linen cloth, who ſhall take an oath *de fideli*, and likewiſe find ſuch ſurety as the juſtices ſhall appoint: and no ſtamp maſter ſhall buy or diſpoſe of any linen cloth, or ſhall ſtamp any linen, that is not made of well ſorted yarn, equally wrought, and of equal fineneſs from one end to the other, and of the breadths and foldings aforeſaid, and not rolled or battered; he ſo neglecting or offending, ſhall forfeit for each piece of linen cloth 5*s.* and be made incapable of ſerving in any ſuch office for the future: and if any perſon in *Scotland* ſhall buy, export or tranſport, or carry to the water ſide, in order to be exported, any linen cloth of *Scotland*, before the ſtamp be fixed, he, being convicted in *Scotland*, ſhall for each piece forfeit 5*s.*; and if any perſon ſhall affix or counterfeit any ſtamp without authority, ſuch perſon ſhall forfeit 50*l.* or one year's impriſonment, if inſolvent. *ſ.* 4.

If any perſon ſhall make uſe of any lime or pigeons dung, for whitening or bleaching any linen cloth, and be thereof convicted by oath of two witneſſes, or by the oath of the offender, and before any judge competent in *Scotland*, ſuch perſon ſhall forfeit for each piece of linen ſo bleached, 20*s.*; and if any offender ſhall, being convict, neglect to pay any forfeiture incurred by this act, it ſhall be lawful for the magiſtrate or juſtice before whom ſuch conviction ſhall be, to iſſue warrants to the conſtables or officers of the place where ſuch offender doth inhabit, or can be found, within the limits of their juriſdictions, to levy the ſame by diſtreſs and ſale of goods; and where no diſtreſs can be found, to commit the offender to the houſe of correction, or gaol of the borough or county, to be kept at hard labour for ſuch time as the judge ſhall direct, not exceeding 12 months; and all forfeitures by this act ſhall be one half to the informer, and the other half for the poor of the pariſh where the offence is committed. *ſ.* 5.

Provided, that all retailers and pedlars may retail any ſort of linen cloth, being made of the breadths, well ſorted yarn, and equally wrought and fine in each piece, and having always the ſtamp affixed. *ſ.* 7.

By 12 *Ann.* *ſt.* 2. *c.* 20. All ſorts of *Dornick*, towelling, or plain linen cloth, made in *Scotland*, ſhall be of well ſorted yarn for each piece, and equally wrought and equally fine, from one end of the piece to the other, and

ſhall be, by the ſtandard yard-wand, of the lengths and breadths following, that each piece of broad double or ſingle *Dornick* table cloths ſhall be in length twelve yards and a quarter, the half piece ſix yards and one eighth, and ſhall be full two yards in breadth; and each piece of double or ſingle *Dornick* for naprie or towelling ſhall be 24 yards, and the half piece twelve yards in length, and ſhall be full three quarters or full half yard in breadth, and each quarter piece of plain white linen cloth ſhall be ten yards in length, and full yard, or full three quarters, or full half yard, in breadth. *ſ.* 1.

Every perſon offending contrary to this act ſhall forfeit 5*s.* for every yard of cloth; and the offences ſhall be examinable and determinable as the penalty of 5*s.* in the ſaid former act 10 *Ann. c.* 21. *ſ.* 2.

By 13 *Geo.* 1. *c.* 26. No perſon ſhall import into *Scotland* any bad, mixed, or damnified, lintſeed or hempſeed; but all lintſeed or hempſeed imported, of the growth of the *Netherlands*, *Ruſſia*, *Livonia*, *Poland*, *Germany*, and other places, ſhall be freſh, good, and clean, without mixture. *ſ.* 1.

No perſon ſhall expoſe to ſale in *Scotland*, any mixed or damnified lintſeed or hempſeed, or ſhort lintſeed; and no perſon ſhall mix lintſeed or hempſeed of different countries or growths; and every perſon who ſhall ſell any lintſeed or hempſeed in *Scotland*, ſhall, together with the parcel, deliver to the buyer, in writing, an account of the parcel, expreſſing the quantity thereof, the place from whence the ſame was imported, and where it grew, and the year of its growth. *ſ.* 2.

Every perſon who ſhall ſell, or expoſe to ſale, bad, ſhort, or damnified, lintſeed or hempſeed, or who ſhall mix what is left of the former year, with what is imported in a ſubſequent year, or ſhall mix diſtinct parcels, or who ſhall ſell any of a different growth or age from what he hath expreſſed in the account, ſhall, being convicted, forfeit the lintſeed or hempſeed, or the price thereof; and likewiſe a ſum, not exceeding 5*l.* nor leſs than 50*s.* for every hogſhead: and every perſon who ſhall ſell any lintſeed or hempſeed by any other meaſure than the *Linlithgow* meaſure ſtreaked, ſhall forfeit the meaſure, and a ſum, not exceeding 40*s.* *ſ.* 3.

No hemp or lint in *Scotland* ſhall be ſteeped or watered in any bog-hole, peat, moſs, or turf-pit; and no lint or hemp ſhall be ſteeped for two years ſucceſſively in any ſtanding pool, or in any hole or pit with ſtanding water, unleſs ſuch hole or pit is dug near to the ſide of a running river or rivulet; and all perſons ſteeping lint or hemp contrary to the meaning hereof, ſhall for every offence, being convicted, forfeit ſuch lint or hemp. *ſ.* 4.

No perſon ſhall ſell or expoſe to ſale, or import into *Scotland*, or tranſport from one part of *Scotland* to another, any linen yarn, other than ſuch as hath been made up into cuts, and heſps, or hanks, each heſp or hank conſiſting of 12 cuts, and each cut containing 120 threads, and no more; and all yarn contained in the heſp or hank ſhall be lint-yarn only, or tow-yarn, and of the ſame colour and fineneſs; and no tow-yarn and lint-yarn ſhall be mixed together in one hank, and the ſame ſhall be tied up with packthread, and not yarn; and the yarn ſhall be well reeled, and each cut or hank ſhall be ſeparated as it ſhall be reeled; and the uniform ſtandard reel of *Scotland* ſhall be two yards and a half in circumference; and all perſons who ſhall ſell, or expoſe to ſale, or carry from one part in *Scotland* to another, any lint or hemp-yarn made up in any other manner, and ſhall be convicted, ſhall forfeit the hank made up of fewer cuts, or in which any cut ſhall be falſely made up, to the informer. *ſ.* 5.

It ſhall be lawful for any juſtice of peace or magiſtrate, within any borough, or for any perſon authoriſed by warrant of ſuch juſtice or magiſtrate, to enter into any houſe, the doors being open, at all times of the day; and if any reel be there found, other than two yards and an half in circumference, it ſhall be carried before ſuch juſtice or magiſtrate, who are required to deſtroy the ſame. *ſ.* 6.

It ſhall be lawful for the officers herein-after named, at all times by day, to enter into any warehouſes, rooms, cellars, and other places, made uſe of for keeping or making any linen yarn, and ſeize all ſuch linen yarn as they ſhall find made up contrary to the direction before mentioned, and detain the ſame till it be tried whether ſuch yarn be made contrary to this act; and the ſame is to be tried in the ſame way, and under the ſame penalties, as herein-after directed concerning linen cloths ſeized as made up contrary to this act: and if any perſon ſhall obſtruct the officers from entering ſuch places, or in ſeizing or carrying away ſuch linen yarn, he ſhall forfeit 5*l.* *ſ.* 7.

No weaver ſhall ſet up as maſter-weaver, till he give ſecurity before a juſtice of peace, or magiſtrate within any borough, under ſuch penalties as the juſtice or magiſtrate ſhall think fit, that neither he, nor any perſon to be employed by him, ſhall weave any linen cloth for ſale, otherwiſe than according to this act; and if any perſon ſhall ſet up as maſter-weaver, without giving ſuch ſecurity, and be thereof convicted, he ſhall forfeit every web of linen cloth wrought by him, or the value thereof, for the benefit of the informer, and alſo 5*l.* *ſ.* 8.

Every weaver of linen cloth ſhall make all the warp of every piece of equal fineneſs, and the woft all of one fineneſs, and proportionable to the warp; and every piece of linen cloth ſhall be of equal fineneſs and thickneſs throughout the whole; and no weaver ſhall put lint and tow yarn in the ſame piece; and if any weaver ſhall weave any piece of linen cloth contrary to the directions aforeſaid, and be thereof convicted, he ſhall forfeit his ſecurity, or ſo much thereof as the juſtice or magiſtrate within any borough, before whom he ſhall be convicted, ſhall direct; and ſhall be diſabled to carry on his trade as a weaver, till he renew his ſecurity. *ſ.* 9.

If any weaver ſhall neglect to weave any linen yarn delivered to him, into ſuch cloth, and within ſuch time, and in ſuch manner, as was contracted for; or ſhall waſte, embezzle, or damnify, any linen yarn delivered to him, ſuch weaver being convicted, ſhall make good the party's damages, and forfeit to the perſon aggrieved a ſum not exceeding 40*s.* nor leſs than 5*s.* *ſ.* 10.

All linen cloth made in *Scotland* ſhall be made and meaſured by the ſtandard yard-wand, and of the ſeveral lengths and breadths following, *viz.* each piece of plain linen intended to be whitened, ſhall be in breadth, when whitened, full half yard, or five eighths, or three quarters, or ſeven eighths, or full yard, or yard and eighth, or yard and quarter, or yard and half; and all brown or green linen not intended to be whitened, ſhall be in breadth full half yard or five eighths, or three quarters, or ſeven eighths, or full yard, or yard and quarter, or yard and half; and every piece of plain linen cloth whitened, ſhall contain in length, at leaſt twelve yards and an half; and all ſtriped linen cloth ſhall be in breadth full three quarters of a yard, or ſeven eighths, or full yard, or yard and eighth, or yard and quarter; and all ſorts of ticking ſhall be in breadth full five eighths, or three quarters, or ſeven eighths, or full yard;

and all checks ſhall be in breadth full three quarters, or ſeven eighths, or full yard, or yard and eighth; and all chequered handkerchiefs made of linen only, or of linen and cotton, or of cotton only, ſhall be in breadth full half yard, or five eighths, or three quarters, or ſeven eighths, and ſhall be of the ſame length with the breadth, that they may be ſquare; and all ſtriped, plain, dropped, or ſpotted, muſlins, when whitened, ſhall be in breadth full three quarters, or ſeven eighths, or full yard, or yard and eighth, or yard and quarter, or yard and half; and all cambricks, when whitened, ſhall be in breadth full five eighths, or three quarters, or ſeven eighths, or full yard, and ſhall not contain leſs in length than ſeven yards and an half; and all muſlins made for aprons, when whitened, ſhall be full yard and eighth in breadth, and the ſame in length; and all muſlin handkerchiefs, when whitened, ſhall be full three quarters, or ſeven eighths, in breadth, and the ſame in length; and all muſlins for neckcloths ſhall, when whitened, be in breadth full half yard, or five eighths, and in length full three quarters, or yard and half, of made cloth; and all ſorts of *Bengals* made of cotton and linen, ſhall be in breadth full five eighths, or three quarters, or ſeven eighths, or full yard, or yard and ſixteenth, or yard and eighth, or yard and quarter; and each piece of broad double or ſingle *Dornick* or diaper, made for table cloths, ſhall be full two yards, or two yards and quarter, in breadth; and each piece of whole or double *Dornick* or diaper, made for table napkins or towelling, ſhall be in breadth full half yard, or five eighths, or three quarters, or ſeven eighths, or full yard; and all dyed yarn, that ſhall be wrought into any chequered linen or handkerchiefs, tickings, or *Bengals*, ſhall be of a ſufficient dye that will hold in waſhing. *ſ.* 11.

When any cloth ſhall be offered to be inſpected and ſtamped, the ſtamp-maſter or lapper ſhall, after inſpecting the cloth, meaſure the ſame, and mark upon each end the juſt length, and likewiſe the breadth; and if any piece, which ſhall be offered to be ſtamped as of five eighths of a yard broad, come ſhort of that breadth in any part, it ſhall be marked as of the next lower denomination, *viz.* half a yard, and ſo of all the other breadths. *ſ.* 12.

Every weaver ſhall, at the end of every piece of plain brown or white linen cloth, run a courſe coloured thread through every 200 threads of the warp of the cloth, ſo as to diſtinguiſh the number of hundreds of threads in the warp, and another coarſe coloured thread within a quarter of an inch of the former, through every 40 threads of the warp; and if any weaver ſhall omit to weave ſuch threads, or ſhall ſo mark his cloth with a coloured thread, as to make it appear to contain more threads in the breadth than it does, he ſhall, being convicted, forfeit not more than 5*l.* nor leſs than 20*s.* to the informer. *ſ.* 13.

No perſons ſhall make uſe of lime, pigeons dung, or ſoap dregs, for bleaching or whitening linen cloth, or linen yarn, on pain, on conviction, to forfeit to the informer the linen cloth or yarn ſo whitened or bleached, and alſo 5*l.*; and if the linen or yarn ſhall not be found, it ſhall be lawful for the juſtice of peace, or magiſtrate within any borough, before whom ſuch complaint ſhall be made, to ſet a fine upon the offender, not exceeding 5*l.* ſterling, to be levied together with the former penalty of 5*l.* in the manner herein-after directed; and the offender ſhall alſo be incapable to bleach or whiten any linen cloth or linen yarn, for two years after ſuch conviction. *ſ.* 4.

It ſhall be lawful for one juſtice of peace, or any magiſtrate within any borough, by warrant under his hand, to ſummon the ſervant of any bleacher, or dealer in hempſeed or lintſeed, or any other perſons, to appear before him, and to examine him on oath what he knows of his maſter, or any other perſons, uſing of lime, pigeons dung, or ſoap dregs, in the bleaching of linen cloth or linen yarn, during three months immediately preceding, and of their mixing different parcels of hempſeed or lintſeed together, or of their vending or offering to ſale hempſeed or lintſeed of a different growth, or as imported from a different country from that it really was; and if ſuch perſon ſhall refuſe to appear, the juſtice or magiſtrate may iſſue his warrant to apprehend and bring before him ſuch perſon; and if he ſhall appear, and refuſe to be examined upon oath to the ſaid purpoſes, the juſtice or magiſtrate may commit ſuch offender to the adjacent gaol or tolbooth, till he ſubmit to be examined; the perſon deſiring ſuch oath to be adminiſtered to ſuch ſervant or other perſon, firſt making oath (if required) that he believes the perſon, whom he deſires may be examined, can diſcover ſome breach of this act committed in the ſaid matters; provided, that ſuch perſon ſhall not be liable to any puniſhment for any thing relating to the crime, which he ſhall upon his examination diſcover. *ſ.* 15.

It ſhall be lawful for all perſons appointed by the truſtees for improving the hempen and linen manufactures, or by any juſtices of peace or magiſtrates, within any borough, by warrant to enter into any bleach-yard, buck-houſe, and places thereto belonging, at any hour of the day, and ſearch all places and boilers therein, and view the lees and refuſe thereof; and if any lime, pigeons dung, or ſoap dregs, have been mixed with the lees, the poſſeſſors of ſuch bleach yards, *&c.* and the perſons working therein, ſhall incur the penalties. *ſ.* 16.

The conſtable, who by warrant from any ſuch juſtice and magiſtrate within any borough, ſhall ſeize ſuch cloth or yarn, bleached with lime, pigeons dung, or ſoap dregs, or levy the value thereof, or the penalties in this act, ſhall be allowed by the proſecutor 2*s.* in the pound: and if any conſtable neglect to execute any ſuch warrant, and be convicted thereof, he ſhall forfeit 5*l.* to the proſecutor; and it ſhall be lawful for the perſon aggrieved to complain thereof to any juſtice or magiſtrate; who is to ſummon the perſon concerned before him, and ſummarily to hear and determine the complaint, and iſſue a warrant to any conſtable to levy the ſaid penalty of 5*l.* *ſ.* 17.

It ſhall be lawful for his majeſty, by letters patent under the great ſeal kept in *Scotland*, to appoint any number of perſons reſiant in *Scotland*, not exceeding 21, to be truſtees for overſeeing, directing, and improving, the ſaid linen and hempen manufactures in *Scotland*, with power to make rules for the improvement of the ſaid manufactures. *ſ.* 18.

It ſhall be lawful for the truſtees to appoint perſons in ſuch places of *Scotland* as they ſhall judge convenient, to examine, lap up, and ſtamp, all ſuch linen cloth as ſhall be expoſed to ſale. *ſ.* 19.

All dealers in linen cloth, before they ſell or expoſe any ſuch cloth to ſale, (if the ſame be white), ſhall, as ſoon as it is whitened and dried, carry it in a waterfold of a yard or half yard to the place where the lapper or ſtamp-maſter ſhall reſide, to be inſpected, marked, lapped up, and ſtamped; and if the lapper or ſtamp-maſter ſhall find ſuch piece of cloth to be of an equal breadth, and to be of equal fineneſs and thickneſs throughout, and to have two coarſe coloured threads worked in the end of the piece, as before directed, and that the number of threads in the warp agrees with the number marked by the two coarſe coloured threads,

and to be wrought and whitened purſuant to the rules for regulating the linen manufacture, the lapper and ſtamp-maſter ſhall, upon both ends of the piece, affix a ſeal, with the name of the lapper, and county in which he reſides, or ſuch other impreſſion as the truſtees ſhall appoint, and ſhall likewiſe on each end of the piece mark the breadth of it and the exact number of yards, and thereafter lap it up. For all which the lapper or ſtamp-maſter may demand, for each forty yards of linen cloth, not exceeding 10 *d. per* yard, 1 *d.* and for each forty yards of linen cloth of a higher value, 2 *d.* but if he be employed to beetle the ſame, he may demand 1 *d.* more for each forty yards; and if any diſpute ariſe between the ſtamp-maſter and the proprietor of any cloth, about the value, it ſhall be lawful for the ſtamp-maſter to take the cloth himſelf at the rate of 10 *d. per* yard; otherwiſe, if the ſtamp-maſter refuſe to take the cloth at 10 *d. per* yard, he ſhall be obliged to ſtamp it as of that value; provided the cloth be made according to the directions preſcribed by this act. *ſ.* 20.

No perſon ſhall ſell, or expoſe to ſale, any manufacture made of linen yarn, till the ſame be brought to the lapper, and by him inſpected; and if the lapper find that the ſame is made according to this act, he ſhall meaſure, ſtamp, and lap up the ſame within 24 hours after it ſhall be offered to be inſpected, *&c.*; and if any lapper ſhall mark any piece of cloth that is not made according to the rules before mentioned, or ſhall mark on the ſame a greater number of yards than each piece contains, or ſhall mark the ſame as of a greater breadth than it is, or commit any other offence in relation to the premiſes, ſuch lapper being thereof convicted, ſhall make good the damages to the party who bought the cloth on the credit of the ſtamp, and ſhall likewiſe forfeit 5 *l.* for every inſufficient piece of cloth ſtamped or wrong marked, for the uſe of the informer, and ſhall be diſmiſſed from his office as lapper or ſtamp-maſter, and rendered incapable of ſerving in any ſuch office. *ſ.* 21.

If any perſon ſhall ſell, expoſe to ſale, or pack up for ſale, or in order to be ſent by land or water, or entered for exportation, any linen cloth, not being ſtamped as aforeſaid, the perſon ſo offending, being convicted, ſhall forfeit 5 *l.* for each piece. *ſ.* 22.

Every perſon, who ſhall buy any linen cloth of the manufacture of *Scotland* not being marked, ſhall forfeit for every piece 5 *l.* to the informer. *ſ.* 23.

It ſhall be lawful for any perſons authoriſed by the truſtees, or five of them, or by a warrant of one juſtice of peace, or of any magiſtrate within any borough, to ſearch in the day time all warehouſes, ſhops, cellars, or other places, where they have reaſon to ſuſpect there is any cloth not duly ſtamped, and to open any packs; and if any ſuch ſhall be found, they may ſeize and bring the ſame before the next juſtice or magiſtrate, who are to declare the ſame to be forfeited for the uſe of the ſeizer, and may impoſe fines on the poſſeſſors or owners of ſuch warehouſes, *&c.* where ſuch linen ſhall be found, and on the perſons who packed it up, not exceeding 5 *l.* for the informer. *ſ.* 24.

If any perſon ſhall counterfeit any ſtamp made in purſuance of this act, and be thereof convicted before the court of juſticiary at *Edinburgh*, or in the circuits, he ſhall incur the ſame penalties, as perſons by the law of *Scotland* convicted of forgery. *ſ.* 25.

No linen cloth ſhall be lapped up for ſale when it is wet or damp, nor with any chalk, duſt, or flour; and all perſons who ſhall make up linen cloth for ſale when it is wet, *&c.* being convicted, ſhall forfeit ſuch cloth for the benefit of the informer. *ſ.* 26.

When any piece of linen cloth, or any manufacture made of linen yarn, ſhall be brought to a lapper to be inſpected and ſtamped, and ſuch lapper ſhall be of opinion that the ſame is not merchantable cloth, and made according to the rules before preſcribed, he may detain the ſame, till ſuch time as it may be tried how far the ſame is proper to be ſtamped; and every ſuch lapper ſhall, on requeſt made by the owner of the cloth, within 24 hours after ſuch cloth ſhall be ſo ſeized and detained, apply to one juſtice, or to any magiſtrate within any borough, who are to direct two or more perſons ſkilled in ſuch manufacture, to inſpect the cloth, and on oath to report their opinion; and if they report that it is not merchantable cloth, nor made according to the laws for regulating the ſame, the cloth ſhall be forfeited, and cut into ſeveral pieces, and delivered to the ſtamp-maſter or lapper for his own uſe; and the owner ſhall incur the penalties impoſed on ſuch perſons as ſhall make cloth contrary to the rules herein before preſcribed; but if the perſons ſo to be named ſhall report that the cloth is duly made, the lapper is to ſtamp and lap up the ſame without fee. *ſ.* 27.

When any juſtice or magiſtrate ſhall condemn a linen cloth for not being made according to law, he ſhall, before he deliver it to the informer, cauſe it to be cut into ſeveral pieces, none of which ſhall exceed ſix yards in length. *ſ.* 28.

It ſhall be lawful for the truſtees to give particular names to the ſeveral pieces of cloth of different ſorts, breadths, and lengths; and all perſons ſelling any linen cloth, may affix a label of parchment to each piece, containing the name of the ſpecies of the cloth, with the length and breadth. *ſ.* 29.

It ſhall be lawful for every trader or weaver of linen manufacture, to weave his name, or fix ſome known mark, in any piece of linen by him made; and if any other perſon ſhall counterfeit ſuch mark or name, being thereof lawfully convicted on the oath of one witneſs, before two juſtices of peace, or magiſtrates within any borough, he ſhall forfeit 100 *l.* for the uſe of the perſon whoſe mark ſhall be ſo counterfeited. *ſ.* 30.

All offences againſt this act (except the counterfeiting the ſtamps or the marks of private dealers) ſhall be heard and determined by one juſtice of peace, or any magiſtrate within any borough, who upon complaint ſhall, upon examination of witneſſes on oath, adjudge and determine the ſame, and iſſue his warrant to the conſtables or officers of the county, city, *&c.* requiring them to poind and diſtrenzie according to the practice of the law of *Scotland* in caſes of poinding, ſo much of the offenders goods as will ſatisfy the penalties; which warrant for poinding ſhall not be ſtopped or ſiſted by any ſuſpenſion, ſiſts or other proceſs, except an appeal: which penalties ſhall belong to the informer, firſt deducting 2 *s.* in the pound, to be paid to the conſtable or officer for executing the warrant; and in caſe no diſtreſs can be found, the juſtices or magiſtrates, by warrant, ſhall commit ſuch offenders to the houſe of correction, or next gaol or tolbooth, for ſo long time as they ſhall think proper, not exceeding one year. *ſ.* 31.

Any perſon aggrieved by the determination of the juſtices or magiſtrates, may immediately after ſentence pronounced enter his appeal, in preſence of the juſtices or magiſtrates, to the determination of the juſtices of the county or borough, at the next quarter ſeſſions; of which appeal the ſaid juſtices are to make a minute, and by warrant to ſtop execution of the ſentence till the end of the next quarter ſeſſions: and the juſtices at their quarter ſeſſions are required to proceed upon, and to

hear and finally determine in the appeal; and if they give judgment againſt the appellant, to decree him to pay the coſts of the appeal, and further to pay a fine not exceeding double the penalty for which the original ſentence was given. *ſ.* 32.

If any juſtice or magiſtrate ſhall neglect to execute the powers of this, (to the diſcouragement of the linen manufacture), ſuch neglect ſhall be a point of *dittay*; and it ſhall be lawful for any perſon aggrieved thereby, with the approbation of any five of the truſtees, to be ſignified under their hands, to proſecute the ſaid juſtice or magiſtrate before the lords of the juſticiary at *Edinburgh*, or in their circuits for the diſtrict; and if the juſtice or magiſtrate ſhall be convicted, the lords of the juſticiary may ſet a fine on him, not exceeding 100*l.* *ſ.* 33.

By 24 *Geo.* 2. *c.* 31. All perſons who ſhall import into *Scotland*, any bad, mixed, or damnified lintſeed or hempſeed, or any lintſeed or hempſeed not thoroughly cleanſed, or any lintſeed commonly called *ſhort lintſeed*, ſhall, for every ſuch offence, forfeit ſuch lintſeed or hempſeed, and be liable to a penalty, not exceeding 3*l.* ſterling for every hogſhead of ſuch ſeed, and ſo in proportion for any leſs quantity. *ſ.* 1.

If any ſuch damnified lintſeed or hempſeed be only damaged at ſea, the importer or proprietor ſhall not be liable to the penalty, in caſe he immediately upon the landing produce proof before ſome juſtice of peace, or other magiſtrate, that ſuch damage was occaſioned in the conveyance by ſea; and give ſufficient ſecurity unto the truſtees appointed in purſuance of 13 *Geo.* 1. *c.* 26. that ſuch ſeed ſhall not be ſown, but ſhall be made into oil, or exported, under the penalty of 5*l.* for every hogſhead of ſuch damnified ſeed, and ſo in proportion for any leſs quantity. *ſ.* 2.

If any lintſeed or hempſeed of the growth of *Scotland* be bad, ſhort, damnified, or otherwiſe unfit for ſowing, the proprietor ſhall not be liable to any penalty inflicted by the ſaid former act, for the ſelling, or expoſing the ſame to ſale, in caſe he firſt give ſufficient ſecurity to the ſaid truſtees, that ſuch ſeed ſhall not be ſown, but made into oil, or exported, under the penalty of 5*l.* for every hogſhead, and ſo in proportion for any leſs quantity. *ſ.* 3.

All lintſeed and hempſeed ſhall be ſold by the *Linlithgow* barley meaſure ſtreaked, and all ſuch meaſures ſhall be firſt ſtamped by the dean of guild or ſome royal borough, with the uſual mark of ſuch borough, and alſo with theſe words *Linlithgow* barley meaſure; and if any perſon ſell any lintſeed or hempſeed by any meaſure not ſtamped as aforeſaid, he ſhall forfeit for every ſuch offence ſuch meaſure, and 40*s.* ſterling. *ſ.* 4.

Every perſon who ſhall ſell and deliver to any buyer at one time ten pecks, or any larger quantity of lintſeed or hempſeed without delivering therewith a certificate ſubſcribed by him, expreſſing the quantity and price of the ſeed; and if the ſame be of foreign production, the port from whence it was imported, and the name of the country where it grew, and the year of its growth; and if ſuch ſeed be of the produce of *Britain*, the year of its growth, and the name of the county where it grew; ſuch perſon ſhall forfeit a ſum not exceeding 5*l.* nor leſs than 50*s.* ſterling, for every hogſhead of ſuch ſeed, and ſo proportionably. *ſ.* 5.

All ſtamp-maſters, riding officers, ſurveyors, or other officers acting under the directions of the ſaid truſtees, may at all time by day enter into any place where they ſuſpect that lintſeed or hempſeed is kept, and may ſeize all bad, ſhort, damnified, or mixed, lintſeed or hempſeed, and ſuch as ſhall not be clean and good, and detain the ſame until it be legally tried, whether ſuch lintſeed or hempſeed is by the ſaid former or this act prohibited to be imported or ſold, or exported to ſale, or to be ſown; and in caſe it be adjudged that ſuch ſeed is prohibited, the ſame ſhall be forfeited, and the proprietor ſhall be ſubject to a penalty not exceeding 3*l.* ſterling for every hogſhead of ſuch ſeed, and ſo in proportion; and in caſe it ſhall be adjudged that the ſeed ſo ſeized is prohibited to be ſown, and the proprietor ſhall not make it appear that ſufficient ſecurity hath been given to the ſaid truſtees, for the exporting or making of ſuch ſeed into oil, or that application hath been made, and ſufficient ſecurity tendered to the ſaid truſtees, ſuch ſeed ſhall be forfeited, and the proprietor ſubject to the penalty aforeſaid. *ſ.* 6.

In all caſes where application hath been only made for giving ſufficient ſecurity, ſuch ſeed ſo ſeized ſhall not be delivered to the proprietor until ſuch ſecurity be actually entered into. *ſ.* 7.

All perſons who ſhall ſell or diſpoſe of any hemp or flax, by any other weight than by the ſtone, conſiſting of 16 pound weight averdupois; all flax raiſers and hecklers who ſhall not affix their names and places of abode upon every mat or quantity of flax by them ſold, ſhall, for every ſuch offence, forfeit a ſum not exceeding 5*l.* ſterling. *ſ.* 8.

Every perſon who ſhall ſell or expoſe to ſale, in one and the ſame mat or other package, flax or hemp of different quality or fineneſs, ſhall forfeit a ſum, not exceeding 5*l.* ſterling, for every ſuch mat or other package. *ſ.* 9.

Provided, the ſaid penalty ſhall not extend to any perſon ſelling a ton or any larger quantity of hemp or flax to any one perſon at one time. *ſ.* 10.

It ſhall be lawful to manufacture plain linen cloth with flaxen and tow yarn mixed, by making the woof of one of the ſaid yarns, and the warp of the other; but the yarn uſed for the warp ſhall be of the ſame quality and fineneſs throughout, and the yarn uſed for the woof ſhall be of the ſame quality and fineneſs throughout, under the penalties of a ſum, not exceeding 40*s.* nor leſs than 10*s.* ſterling, to be paid by the weaver. *ſ.* 11.

It ſhall be lawful to make uſe of yarns of different ſorts, qualities, and fineneſs, in the manufacturing ſtriped, chequered, and flowered linens, but ſo that each ſort of ſuch yarn ſhall be of equal quality and fineneſs, throughout each piece, under the penalty of a ſum, not exeeding 40*s.* nor leſs than 10*s.* ſterling, to be paid by the weaver. *ſ.* 12.

All perſons, who ſhall make, ſell, or expoſe to ſale, or ſhall buy any reel not of the dimenſions preſcribed by the ſaid act, 13 *Geo.* 1. *c.* 26. ſhall, over and above the forfeiting of ſuch reel, forfeit a ſum, not exceeding 40*s.* nor leſs than 10*s.* ſterling, for every ſuch reel; and all perſons convicted of falſe reeling and making up yarn, or expoſing to ſale, ſelling or buying yarn of the produce of *Scotland*, knowing the ſame to be reeled or made up contrary to the directions of the ſaid act, ſhall, over and above the forfeiting of ſuch yarn, forfeit a ſum, not exceeding 10, nor leſs than 2*s.* ſterling, for every ſpindle thereof, and ſo proportionally. *ſ.* 13.

It ſhall be lawful to import, ſell, and expoſe to ſale, any foreign yarn, although ſuch yarn be not reeled and made up according to the directions of the ſaid act or this act. *ſ.* 14.

Every maker of heckles, wheels, reels, weaving-looms, and weaving reed, ſhall mark thereon, in legible and durable characters, his chriſtian name, ſurname, and place of reſidence, as alſo upon each reed, the hundreds of ſuch reed, under the penalty of forfeiting all ſuch heckles, &c.

and

and alſo of a ſum, not exceeding 20, nor leſs than 10*s.* ſterling, for each. *ſ.* 15.

All perſons, who ſhall practiſe the trade of whitening or bleaching of linen in the piece, ſo as to bleach a quantity of cloth of the value of 500*l.* ſterling in one year, and all perſons who ſhall keep any public lapping-preſs, or lapping-houſe, ſhall reſpectively, firſt give ſecurity to the ſaid truſtees, to the extent of 100*l.* ſterling for every ſuch bleacher, and of 50*l.* ſterling for every keeper or maſter of ſuch public lapping-preſs and lapping-houſe, for their faithful performance of the ſaid trades; and alſo for making good any damage to their employers by any neglect or want of ſkill; and the ſaid truſtees are, upon their acceptance of ſuch ſecurities, to grant licences under their hands and ſeals to exerciſe the ſaid trades; and no fee ſhall be taken upon account of ſuch ſecurity or licence; and if any perſon without ſuch licence bleach a quantity of cloth of the value of 500*l.* ſterling in one year, or ſhall keep and uſe any public lapping-preſs or lapping-houſe, ſuch bleacher ſhall forfeit 100*l.* ſterling; and ſuch maſter and keeper of a public lapping-preſs or lapping-houſe 50*l.* ſterling, for every year they ſhall carry on ſuch reſpective trades without ſuch licence. *ſ.* 16.

All ſuch licenſed bleachers ſhall ſtamp in legible letters on each end of every piece of cloth by them bleached, their names and places of abode, with the addition of *Bleacher*, under the penalty of a ſum, not exceeding 20*s.* for every piece of cloth not ſo marked. *ſ.* 17.

If any perſon lap up any cloth for ſale, when wet, or with any chalk, duſt, flower, or other material which may be prejudicial to the quality of ſuch cloth, or lap up any piece of cloth for ſale not duly ſtamped as preſcribed by the ſaid former act or this act, he ſhall, for every ſuch offence, forfeit a ſum, not exceeding 40*s.* nor leſs than 10*s.* ſterling, for every piece. *ſ.* 18.

In all caſes where cloth ſhall through unavoidable accidents be damnified in the weaving or bleaching, or not be of equality throughout the piece, as is directed by the ſaid former act or this act, the ſtamp-maſter appointed by the ſaid truſtees may cut ſuch damaged or inſufficient cloth into ſuch pieces as he ſhall find ſufficient and free of holes and rents, and affix his ſtamps to ſuch cuttings, as by the ſaid act is directed with regard to whole pieces, returning the damaged or inſufficient cuttings to the owners; but if the ſtamp-maſter be not ſatisfied that the cloth received ſuch damage, or was rendered inſufficient, through unavoidable accidents, and believe that the ſame was occaſioned by the negligence or ignorance of the weaver or bleacher, and that the cloth was preſented to be ſtamped with a fraudulent intention to deceive the buyer, he ſhall ſeize the ſame; and if upon trial it appear that ſuch damage or inſufficiency was occaſioned by the negligence or ignorance of the weaver or bleacher, and not by unavoidable accident, it ſhall be condemned and forfeited, as is preſcribed by the aforeſaid act with reſpect to all inſufficient and unmerchantable cloth offered to be ſtamped. *ſ.* 19.

When any unſtamped cloth, or unſtatutable yarn, is ſeized, and it is alleged that ſuch cloth or yarn is foreign, the *onus probandi* ſhall lie upon the owner, that the ſame was fairly imported from the place where it is alleged to have been manufactured, or from the next adjacent port, and that the duties have been paid; and if the owner fail in ſuch proof, the cloth or yarn ſo ſeized ſhall be deemed of the manufacture of *Scotland*, and be forfeited; and all linen cloth of the manufacture of *Ireland*, imported into, or expoſed to ſale in *Scotland*, not having the ſeals or ſtamps of ſome ſtamp-maſter appointed by the truſtees for the linen manufacture in *Ireland* affixed thereon, ſhall be forfeited, and ſhall be ſeized and tried in the ſame manner as is directed by the ſaid act, with regard to ſuch linen of the manufacture of *Scotland* as is expoſed to ſale without being ſtamped. *ſ.* 20.

Every maker of ſtamps or ſeals for ſtamping cloth, ſhall upon ſome part of every ſtamp mark his name and place of abode, and ſhall take an impreſſion of every ſuch ſtamp in a book, and enter in ſuch book the name and deſignation of the perſon by whom he was employed, and to what perſon, and at what time ſuch ſtamp was delivered, under the penalty of 50*l.* ſterling for each of the ſaid offences. *ſ.* 21.

If any perſon counterfeit any ſtamp made in purſuance of this act, or any ſtamp of any ſtamp maſter appointed by the truſtees for the linen manufacture in *Ireland*, being convicted before the court of juſticiary at *Edinburgh*, or in the circuits, he ſhall ſuffer the ſame penalties as perſons by the law of *Scotland* convicted of forgery. *ſ.* 22.

Every maker of heckles, ſpinning wheels, reels, weaving looms, and weaving reeds, and every weaver or manufacturer of linen, flaxen, or hempen cloth, or heckler, or dreſſer of flax or hemp, may exerciſe the ſaid trades within any city in *Scotland* without any hindrance, and without being charged with any entry-money, or other duty in reſpect of their following ſuch trade. *ſ.* 23.

No perſon ſhall by force obſtruct any officer appointed by the ſaid truſtees in the execution of his duty, under the penalty of forfeiting the ſum not exceeding 50*l.* nor leſs than 5*l.* ſterling for every ſuch offence. *ſ.* 24.

All offences againſt this act (except only as to the counterfeiting of ſtamps) may be heard and determined by the juſtices of peace, or magiſtrates of burghs, or any one of them, within their reſpective juriſdictions, after the ſame manner and with the ſame powers as are preſcribed in the aforeſaid act with regard to offences againſt this act; and all offences againſt this and the aforeſaid act (except as aforeſaid) may be alſo heard and finally determined by any ſheriff or ſtewart deputes, or their ſubſtitutes, ſubject only to an appeal to the lords of juſticiary or their circuit courts. *ſ.* 25.

All penalties for offences againſt this act ſhall be paid to the informer or proſecutor. *ſ.* 26.

All actions ſhall be commenced for offences againſt this act and the ſaid former act within 12 months after the commiſſion of ſuch offence; and ſhall ceaſe after the expiration of eight months from the commencement of the ſaid ſuit; and if any appeal, either from the magiſtrates or juſtices of peace to the quarter ſeſſions, or from the ſheriff or ſtewart deputes, or their ſubſtitutes, to the circuit court, be not determined at the expiration of eight months from the commencement of the action, the ſentence appealed from ſhall take place and be put in execution. *ſ.* 27.

All ſheriff and ſtewart deputes, ſheriff and ſtewart ſubſtitutes, juſtices of peace, and magiſtrates of burghs, ſhall interpret this act and the ſaid former act in the moſt beneficial manner for promoting the linen and hempen manufactures; and if any of them wilfully neglect or refuſe to execute the powers committed to them, ſo as ſuch neglect or refuſal tend to the detriment of the ſaid manufactures, ſuch neglect or refuſal ſhall be taken to be a point of dittay, and the perſon ſo offending may be proſecuted before, and puniſhed by, the lords of juſticiary, in manner preſcribed by the ſaid former act. *ſ.* 28.

The comptroller of the cuſtoms in *Scotland*, or his deputy, ſhall without fee, in *Dec.* yearly, on demand deliver in to the ſaid truſtees an account for the year ending at *Midſummer* preceding, of all flax-ſeed and hemp-ſeed, and

of

of all flax and hemp, and alſo of all pot-aſhes, and all linen, flaxen, or hempen yarn, and linen cloth, imported into *Scotland*, diſtinguiſhing the ſeveral ports from whence and at which the ſame were imported; as alſo an account of all flax and hemp, and of all linen, flaxen, or hempen yarn, and of all pot-aſhes, and of all linen cloth ſhipped in and exported from *Scotland*, diſtinguiſhing the ports from and to which the ſame ſhall be ſhipped and exported; and the bounties paid upon exportation of ſuch cloth. *ſ.* 29.

All contracts, ſecurities, and agreements, entered into by authority of the ſaid truſtees, for promoting of the ſaid linen and hempen manufactures, or any branch thereof, may be entered into and taken in the name of their ſecretary and his ſucceſſors in office, for the uſe of the fund eſtabliſhed by the ſaid act for encouraging the linen manufacture in *Scotland*; and all bonds and other ſecurities for the faithful execution of any office, or for the performance of any other thing relating to the ſaid manufacture, ſhall be taken in the name of the ſaid ſecretary and his ſucceſſors in office, for the uſe of the ſaid fund; and all diligences, ſuits, actions, and proceſſes, may be iſſued and carried on in conſequence of ſuch contracts, ſecurities, agreements, and bonds, and proſecuted to a final iſſue in the name and at the inſtance of the ſaid ſecretary. *ſ.* 30.

By 26 *Geo.* 2. *c.* 20. For nine years from the expiration of the bounties on the exportation of *Britiſh* and *Iriſh* coarſe linens by the 15 Geo. 2. c. 29. *and* 18 Geo. 2. c. 25. *granted, and continued by* 22 Geo. 2. c. 42. ſ. 28. *to* 25 March 1753, *and the end of the then next ſeſſion of parliament*, the ſum of 3000 *l.* ſhall be paid yearly to the caſhier of the commiſſioners and truſtees for improving fiſheries and manufactures in *Scotland*, out of the cuſtoms, exciſes, or other revenues in *Scotland*, to be applied for encouraging and improving the manufacture of linens in the highlands of *Scotland* only; and only in thoſe parts thereof, wherein the manufacture of linens hath either not been introduced, or hath not yet arrived to any degree of perfection. *ſ.* 1.

No part of the ſaid annual ſum of 3000 *l.* ſhall be applied for any other uſe than for inſtructing and exciting the inhabitants of that part of *Scotland*, to raiſe, prepare, and ſpin, flax and hemp, to be uſed in the manufacture of coarſe linen, and to weave yarn there ſpun into ſuch linen; and for providing the ſaid inhabitants with fit materials and utenſils for thoſe purpoſes, and for diſtributing rewards and prizes to the growers, preparers, and ſpinners, of ſuch flax and hemp, and to the weavers and other manufacturers of ſuch linen, in reſpect to the quantity or excellence of the flax or hemp ſo prepared, and of the yarn ſo manufactured; and for ſuch other like uſes, as by the ſaid commiſſioners and truſtees ſhall be thought proper for promoting the true intent of this act. *ſ.* 2.

No part of the annual ſum of 3000 *l.* ſhall be applied for encouraging or improving within the limits of the ſaid Highlands the manufacture of ſail cloth, or of any ſuch linens as under the denomination of ſail cloth are entitled by law to any bounty on exportation. *ſ.* 3.

The ſaid annual ſum of 3000 *l.* ſhall be paid for the purpoſes of this act, at ſuch times, and by ſuch orders, and in ſuch manner, as the annual ſum of 2000 *l.* and the ſurpluſage of the duty on malt made in *Scotland*, are by 13 *Geo.* 1. *c.* 30. *Fiſhery*, or by letters patent under the great ſeal kept in *Scotland*, directed to be paid. *ſ.* 4.

The ſaid commiſſioners and truſtees ſhall yearly, at *Chriſtmas*, make up an account of the monies received and iſſued by their orders, together with a report of their proceedings, and ſhall within 30 days lay the ſaid account and report before his majeſty, and ſhall alſo within 30 days lay copies of the ſaid account and report before the annual committee of the convention of the royal boroughs of *Scotland*, that they may examine the ſame, and lay before his majeſty their obſervations. *ſ.* 5.

The ſaid commiſſioners and truſtees ſhall, at *Chriſtmas*, 1753, lay before his majeſty a plan for the application and diſtribution of the ſaid ſum of 3000 *l.* which being approved or varied by his majeſty by writing, under his ſign manual, ſhall be put into execution, until altered in like manner and by like authority. *ſ.* 6.

It ſhall be lawful for the commiſſioners and truſtees, in any other year during the continuance of this act, at *Chriſtmas*, to lay before his majeſty any other plan, which being appoved or varied by his majeſty ſhall be put in execution, until altered by like authority. *ſ.* 7.

Miniſters.

By 17 *Geo.* 2. *c.* 11. Every miniſter who ſhall be admitted to a benefice in the church of *Scotland*, and every head, principal, or maſter, in any of the univerſities of St. *Andrew's*, *Glaſgow*, and *Edinburgh*, and who was not on or before the 25th of *March* 1744, a miniſter having right to a benefice or a head, principal, or maſter, in any of the ſaid univerſities ſhall be ſubject to one or other of the annual rates following, *viz.* either to the ſum of 2 *l.* 12 *s.* 6 *d.* or of 3 *l.* 18 *s.* 9 *d.* or of 5 *l.* 5 *s.* or of 6 *l.* 11 *s.* 3 *d.* of lawful money of *Great Britain*, and proportionably for an half year, payable at the terms after mentioned, and in the option of the ſaid miniſters, heads, principals, and maſters, to be made in the time and manner after directed. *ſ.* 1.

Every miniſter admitted to a benefice in *Scotland*, and every head, principal, or maſter, in any of the ſaid three univerſities, admitted after the ſaid 25th of *March* 1744, ſhall, at the term of *Candlemas* next after his admiſſion, and after he hath enjoyed and had right to his benefice or ſalary for one whole year, make payment of one year's rate, and ſo from thenceforth yearly at *Candlemas*, during his life; and if at *Candlemas* next after his admiſſion he hath enjoyed, and had right to his benefice or ſalary, only for one half year, he ſhall only be liable at the ſaid firſt term of *Candlemas*, to the payment of one half of the ſaid yearly rate, and to the full year's rate at *Candlemas* next thereafter, and to the like rate yearly at each term of *Candlemas* during his life; all which rates ſhall be paid to the general collector or receiver herein after appointed at his office in *Edinburgh*. *ſ.* 2.

If the ſaid miniſters, *&c.* ſhall, at their deaths, have only right to one half of the benefice or ſalary of that year in which they die, one half of the rate ſhall be payable for that year, out of their benefice to the collector at the *Candlemas*, firſt after ſuch death, and the other half ſhall be payable by thoſe having right to the ann, or where no ann is due, by the heirs and executors of the miniſter, *&c.* *ſ.* 3.

Every miniſter, *&c.* admitted after the ſaid 25th of *March* 1744, ſhall make his election of one of the four above-mentioned yearly rates, to which he chooſes to be ſubject during his life, by a writing ſigned by him, addreſſed to the truſtees herein after appointed, and which he ſhall cauſe to be delivered at the collectors office at *Edinburgh*, on or before the firſt term of *Candlemas*, after the ſaid miniſter, *&c.* ſhall have right to one half year's bene-

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fice or ſalary; and in default of giving ſuch notice, ſuch miniſter, &c. ſhall be deemed to have made his election of the rate of 3 *l.* 18 *s.* 9 *d.* and ſhall be liable to the ſame during his life. *ſ.* 4.

The miniſters whoſe benefices are ſituated in the weſtern or in the northern iſles of *Scotland*, ſhall be allowed to make their election at any time before the *Candlemas* next after they have had right to the benefice for one year and a half; and in default of making their election within that time, they ſhall be ſubjected to the rate of 3 *l.* 18 *s.* 9 *d.* *ſ.* 5.

The ſaid miniſters ſhall, at the next *Candlemas* after they have made their election, or in default of making ſuch election, make payment of the annual rates to which they are ſubjected. *ſ.* 6.

Every miniſter, &c. admitted to a benefice in *Scotland*, or to the office of head, principal, or maſter, in any of the ſaid three univerſities, on or before the 25th of *March* 1744, ſhall within ſix months after the ſaid day give notice by a writing ſigned by him addreſſed to the truſtees herein after appointed, which he ſhall cauſe to be delivered at their general collector's office in *Edinburgh*, that he will not be ſubject to any of the yearly rates above mentioned, or will ſubject himſelf to one or other of them, declaring which he chooſes; and in default of ſuch notice, he ſhall be ſubject to the annual rate of 3 *l.* 18 *s.* 9 *d.* during his life. *ſ.* 7.

The miniſters in the weſtern and northern iſles of *Scotland* may give notice as aforeſaid at any time within 18 calendar months after the ſaid 25th of *March* 1744. *ſ.* 8.

The preſent miniſters of the church of *Scotland*, and the preſent heads, principals, and maſters, of the ſaid three univerſities, or who ſhall be admitted miniſters, &c. on or before the ſaid 25th of *March* 1744, and who ſhall be ſubject to any of the ſaid rates, ſhall pay their firſt year's rate to the collector at his office in *Edinburgh*, at the term of *Candlemas* 1744, and ſo from thenceforth yearly, during their life; and if ſuch miniſter, &c. have right only to one half of the benefice or ſalary of the year in which he dies, the half year's rate payable by ſuch miniſter, &c. ſhall be paid to the collector at the firſt *Candlemas* after his death, and the other half ſhall be payable out of the ann, or by his or their heirs or executors. And every ſuch miniſter, &c. ſhall be liable for the firſt year to an additional ſum equal to the yearly rate to which he ſhall be ſubjected to be paid to the collector at his office in *Edinburgh* at *Candlemas* 1744. *ſ.* 9.

The miniſters in the weſtern and northern iſles of *Scotland*, who now are, or who ſhall be admitted to a benefice before the ſaid 25th of *March* 1744, ſhall pay their double rate for the firſt year, and their annual rate for the ſecond year, at *Candlemas* 1745. *ſ.* 10.

Miniſters, &c. admitted aſſiſtants and ſucceſſors to the miniſter, or to the head, principal, or maſter, having right to the benefice or ſalary, ſhall, as to the purpoſes of this act, be held as admitted to a benefice or office only from the time that ſuch aſſiſtant ſhall be married, or ſhall come to have right to the full benefice or ſalary. *ſ.* 11.

Every miniſter, &c. admitted after the 25th of *March* 1744, if married, ſhall, in reſpect of his marriage, be liable to a ſum equal to his annual rate, and to the like ſum for each ſucceeding marriage; which ſums ſhall be paid over and above the annual rate, at the firſt term of *Candlemas*, one full year after ſuch marriage and his admiſſion into the benefice or office. *ſ.* 12.

Every miniſter, &c. who now is, or ſhall be admitted on or before the 25th of *March* 1744, and ſhall become ſubject to one or other of the aforeſaid rates, and who ſhall marry after the ſaid 25th of *March* 1744, ſhall be liable to a ſum equal to his yearly rate in reſpect of his marriage, and to the like ſum for every marriage after; which ſums ſhall be paid over and above the annual rates at the firſt *Candlemas* one full year after ſuch marriages. *ſ.* 13.

If any miniſter, &c. marry a widow hereby entitled to an annuity, he ſhall not be ſubject to any payment in reſpect of ſuch marriage. *ſ.* 14.

If any miniſter, &c. neglect to pay the rates at the terms herein appointed, he ſhall be liable to the intereſt of ſuch ſums remaining unpaid from the reſpective terms of payment. *ſ.* 15.

Upon the death of any miniſter, &c. ſubject to a rate, a ſum equal to one half of his yearly rate ſhall be due for the half year immediately after his death, by thoſe who have a right to the ann, and where no ann is competent, the ſame ſhall be paid by his heirs and executors. *ſ.* 16.

Every benefice of the church of *Scotland*, and every office of head, principal, or maſter, in any of the ſaid three univerſities, that are now, or ſhall become vacant, on or before the 25th of *March* 1744, ſhall be ſubject to the ſum of 5 *l.* of lawful money of *Great Britain* for every half year that the vacancy ſhall continue; and every ſuch benefice and office that ſhall become vacant, after the ſaid 25th of *March* 1744, ſhall be ſubject to the ſum of 2 *l.* 10 *s.* of like money for every half year during ſuch vacancy. *ſ.* 17.

Rates payable out of the ann and vacant benefices in the church of *Scotland*, ſhall be paid to the preſbytery, within whoſe bounds the benefices lie, or to their collector, by the heretors, and others liable to the payment of the ann, and of the vacant ſtipends; and the reſpective preſbyteries are hereby empowered and required to levy and pay the ſame to the general collector at his office in *Edinburgh*, within ſix calendar months after the ann and vacant ſtipends ſhall be payable. *ſ.* 18.

The preſbyterians in the weſtern and northern iſles of *Scotland* ſhall be allowed 12 calendar months for paying in to the general collector at *Edinburgh* the reſpective ſums due out of the ann and vacant ſtipends within their bounds, from the times at which the ann and vacant ſtipends are payable. *ſ.* 19.

The aforeſaid ſums payable by the repreſentatives of the heads, principals, or maſters, in the ſaid three univerſities, in reſpect to the half year immediately after the death of any of the members ſubject to the rates, and the ſums payable in reſpect of the vacant ſalaries in the ſaid univerſities, ſhall be paid by the repreſentatives of the deceaſed member, and by thoſe liable to the payment of the vacant ſalaries reſpectively, to the univerſity of which he was a member, and where the vacancy is; and the ſaid univerſities ſhall levy and pay the ſame to the general collector at *Edinburgh* within ſix months after the deceaſe of their member and after the ſaid vacant ſalaries fall due. *ſ.* 20.

The aforeſaid annual rates and other ſums ſhall be applied by direction of the truſtees herein after named, and their ſucceſſors, to the uſes after mentioned, *viz.* in the firſt place, there ſhall be paid a ſum not exceeding 210 *l.* of lawful money of *Great Britain* yearly, for the ſalaries of the general collector and the clerk; and, in the ſecond place, the remainder of the ſeveral ſums aforeſaid ſhall be applied to the payment of an annuity to the widow of every miniſter of the church of *Scotland*, and of every head, principal, or maſter, in any of the ſaid three univerſities, who hath been ſubject to one or other of the annual rates above mentioned, in proportion to the rate to which the reſpective widow's deceaſed huſband was liable, *viz.* if the huſband

band was liable to the annual rate of 2 *l.* 12 *s.* 6 *d.* his widow ſhall be entitled to an annuity of 10 *l.*; and if the huſband was liable to the annual rate of 3 *l.* 18 *s.* 9 *d.* his widow ſhall be entitled to an annuity of 15 *l.*; and if the huſband was liable to the annual rate of 5 *l.* 5 *s.* his widow ſhall be entitled to an annuity of 20 *l.* and if the huſband's annual rate was 6 *l.* 11 *s* 3 *d.* his widow's annuity ſhall be 25 *l.* of lawful money of *Great Britain*; which annuities ſhall commence from the firſt *Whitſunday* or *Martinmas*, one full half year after the huſband's death, and ſhall from thenceforth be due at each *Whitſunday* and *Martinmas* by equal portions, and the firſt year's or half year's annuity ſhall be payable at the firſt *Whitſunday* a full year or a full half year after the commencement of the ſaid annuity; and the ſaid annuity ſhall ſo continue payable yearly at *Whitſunday* during the widow's life and her continuing unmarried; but ſhall not be due for any terms that ſhall happen after her death or marriage. *ſ.* 21.

Every miniſter, *&c.* ſubject to one of the aforeſaid rates who ſhall die not leaving a widow but children, ſuch child or children ſhall be entitled to a ſum equal to ten years annuity to the widow; which if there be more children than one ſhall be equally divided amongſt them. *ſ.* 22.

If the widow entitled to an annuity die or be married before the lapſe of 10 years after the commencement of her annuity, the children under the age of 16 ſhall be entitled to ſuch a ſum of money as ſhall be equal to 10 years of the ſaid widow's annuity, deducting what has been received by the widow; which ſum ſhall be equally divided among the children if there happen to be more than one. *ſ.* 23.

Proviſions due to the children of miniſters, *&c.* ſhall be payable at *Whitſunday* following the *Martinmas* on or before which they became due. *ſ.* 24.

The ſurplus of the rates, *&c.* after payment of the annual expence of management, and of the annuities to the widows, and of the proviſions to the children, ſhall at *Whitſunday* yearly, be lent out to the miniſters of the church of *Scotland*, and to the heads, principals, and maſters, in the ſaid three univerſities, who have become ſubject to the ſaid rates, to the amount of 30 *l.* of lawful money of *Great Britain* to each (who ſhall be obliged to receive ſame) in ſuch order as ſhall be appointed by an act or acts of the general aſſembly of the church of *Scotland*; and in default of ſuch appointment, in ſuch order as the truſtees herein after named ſhall direct, until every miniſter of the church of *Scotland*, and every head, principal, and other maſter, in the ſaid three univerſities, ſubject to the ſaid rates, has received the ſaid 30 *l.* *ſ.* 25.

Upon receipt of the ſaid ſum of 30 *l.* the miniſter, *&c.* ſo receiving the ſame, ſhall execute a deed, obliging himſelf, his heirs, executors, and ſucceſſors, that upon his ceaſing to have right to the benefice or office, in reſpect whereof he received the ſaid ſum, he ſhall repay the ſaid 30 *l.* to the collector, at his office at *Edinburgh*, with intereſt for the ſame from the *Whitſunday* or *Martinmas* immediately preceding his ceaſing to have right to his benefice or office, and further obliging himſelf, his heirs, *&c.* to pay the intereſt of the 30 *l.* at four *per cent. per ann.* to the ſaid collector at *Candlemas* yearly, after his receipt of the ſaid ſum, during his continuing in poſſeſſion of the benefice or office in reſpect whereof he received the ſame. *ſ.* 26.

The ſaid collector receiving the ſaid 30 *l.* from a miniſter, or from a head, principal, or maſter, in any of the ſaid three univerſities, or from their heirs, ſhall pay the ſame over to their reſpective ſucceſſors in office, who are hereby obliged to receive the ſame, and who ſhall execute a deed for repayment of the principal ſum and intereſt in manner above directed. *ſ.* 27.

From and after the time that any miniſter, *&c.* ſhall have received the ſaid 30 *l.* the vacant ſtipend or ſalary of ſuch miniſter, *&c.* ſhall be ſubject to the intereſt of the ſaid 30 *l.* at four *per cent. per ann.* *ſ.* 28.

The yearly rates, and other ſums, payable by the miniſters, *&c.* and the ſaid ſums of 30 *l.* with the intereſt thereof, ſhall be privileged debts, and preferable to all other debts of the ſaid miniſters, *&c.* upon their whole perſonal eſtate; the rates payable out of the ann and vacant benefices and ſalaries, ſhall be a preferable debt and burden upon the ann and vacant benefices and ſalaries to all other debts. *ſ.* 29.

It ſhall be lawful for the collector at the ſight and direction of the truſtees, to retain from the annuity due to the widow, or from the proviſions due to the children of any miniſter, *&c.* ſuch ſums as ſhall be due by their reſpective huſband or father, or his heirs and executors, and which have not been or cannot be recoverd from the deceaſed, upon the ſaid defendant, upon the ſaid collector's making over his demand upon the deceaſed, and his heirs and executors, with all the privileges thereunto belonging, in favour of the widow and children reſpectively. *ſ.* 30.

After every miniſter, *&c.* ſhall have received the ſaid 30 *l.* in manner before directed, all future ſurpluſes ſhall be lent out upon proper ſecurity, at intereſt not under four *per cent. per ann.* until a capital be made up of 35,000 *l.* of lawful money of *Great Britain*, over and above the ſums lent to miniſters, *&c.* to the amount of 30 *l.* each as aforeſaid, which capital being ſo made up, there ſhall be no further increaſe, but the ſurpluſes ariſing in any one year from *Martinmas* to *Martinmas*, ſhall, at the *Whitſunday*, when ſuch ſurpluſes ariſe, be divided proportionably amongſt all the children of the miniſters, *&c.* who in reſpect of the death of their father, or the death or marriage of his widow, within that year, ſhall be then entitled to receive their proviſions. *ſ.* 31.

If the ſaid capital of 35,000 *l.* and ſum of 30 *l.* lent to each miniſter, *&c.* be diminiſhed, either by the inſolvency of debtors, or by any other accident, ſuch diminution ſhall be made up by after ſurpluſes, in the ſame manner as the original capital was raiſed. *ſ.* 32.

The capital ſhall at no time exceed 35,000 *l.*, and the ſum of 30 *l.* lent to each miniſter, *&c.* as aforeſaid. *ſ.* 33.

After the ſaid capital of 35,000 *l.* is raiſed, in whole or in part, if in any year the charge of management, and the annuities to the widows, and the proviſions to the children, exceed the annual income, no encroachment ſhall be made upon the capital; but ſuch deficiency ſhall firſt affect the children's proviſions in the order of time in which they become due, and the children entitled to proviſions in the ſame year ſhall be preferred, and receive their proviſions, according to the priority of their father's death, or of his widow's death or marriage; and in the next place, ſuch deficiency ſhall affect the annuities of the widows proportionably. *ſ.* 34.

Such deduction from the children's proviſions, and widows annuities, ſhall be made good out of the firſt and readieſt of the annual produce of the ſucceeding year in the order above mentioned; that is after payment of the annual expence of management, the widows annuities unpaid in the preceding year ſhall be made good, and afterwards the widows annuities of the current year; and after thoſe, the

children's proviſions of the former year according to the priority of the death of their fathers, or of the death or marriage of their father's widow. *ſ.* 35.

When any miniſter entitled to a benefice, is alſo a head, principal, or maſter, in any of the ſaid three univerſities, and thereby entitled to a ſalary, he ſhall be only liable to one rate in reſpect to both offices. *ſ.* 36.

Every miniſter, *&c.* ſhall continue ſubject to his reſpective rate during life, notwithſtanding that he ceaſe to be a miniſter, *&c.* by reſignation, deprivation, or any other way; and his widow and children ſhall continue entitled to their reſpective proviſions before ſettled. *ſ.* 37.

The reverend maſter *Neil M'Vicar*, and others named in the act, being all members of the preſbytery of *Edinburgh*, ſhall be truſtees for putting in execution the powers by this act given, during their continuing in their benefices and offices. *ſ.* 38.

Every other miniſter of the preſbytery of *Edinburgh*, and every maſter in the univerſity of *Edinburgh*, in office, on or before the 25th of *March* 1744, and ſubject to one of the rates, ſhall be truſtees for the execution of this act, while in office, unleſs ſuch miniſter in the ſaid preſbytery, or maſter in the ſaid univerſity, ſhall, within ſix calendar months after the ſaid 25th *March* 1744, give notice, by a writing ſigned by him, addreſſed to the ſaid truſtees, and which he ſhall cauſe to be delivered at the collector's office in *Edinburgh*, declaring that he declines to accept of the ſaid truſt. *ſ.* 39.

All miniſters of the preſbytery of *Edinburgh*, and all heads, principals, and maſters, in the ſaid univerſity of *Edinburgh*, admitted into their reſpective benefices or offices after the ſaid 25th of *March* 1744, ſhall be truſtees for the execution of this act. *ſ.* 40.

Every miniſter, having an office in any of the univerſities of *Saint Andrews* and *Glaſgow*, and every miniſter in any of the preſbyteries ſeats in *Scotland*, ſubject to any of the ſaid rates, ſhall be a truſtee for the execution of this act, during their continuing in their ſaid benefices and offices. *ſ.* 41.

It ſhall be lawful for the aforeſaid miniſters, poſſeſſed of offices in the ſaid univerſities, and to the ſaid miniſters in the preſbytery ſeats, to refuſe the ſaid truſt, ſo as ſuch refuſal be notified by a deed in writing, ſigned by the ſaid miniſters reſpectively, and given in to the ſaid truſtees, or their clerk, within ſix calendar months after they have reſpectively become liable to one of the rates, and their admiſſion to an office in any of the ſaid univerſities, or becoming miniſters in preſbytery ſeats. *ſ.* 42.

It ſhall be lawful for every preſbytery in *Scotland* (the preſbytery of *Edinburgh* excepted) annually to elect one of their number, ſubject to one of the rates, to be a truſtee for one year, commencing from the firſt of *May* yearly; and it ſhall be lawful for each of the univerſities of *St. Andrews* and *Glaſgow*, annually, to elect two of their number, not being miniſters who are ſubject to one of the rates, to be truſtees for one year, commencing from the firſt of *May* yearly. *ſ.* 43.

It ſhall be in the power of the ſaid annual truſtees to refuſe to act in the ſaid offices, ſo as ſuch refuſal be notified to the reſpective preſbyteries or univerſities at the time of election, if the truſtee elect be preſent, or elſe at the next meeting of the preſbytery or univerſity after the election come to his knowledge. *ſ.* 44.

Nine of the truſtees, whereof ſix to be miniſters of the church of *Scotland*, may execute all the powers committed to them by this act; and ſhall have four ſtated meetings yearly, upon the ſecond *Tueſday* in *May*, the ſecond *Tueſday* in *November*, the ſecond *Tueſday* in *February*, and the ſecond *Tueſday* in *March*, in the old church iſle of *Edinburgh*, between the hours of 10 and 12 in the forenoon, with power to chooſe a preſes, and to adjourn themſelves; and it ſhall be lawful for the preſes of the laſt meeting of the truſtees, or in his abſence, the moderator of the preſbytery of *Edinburgh* (ſuch moderator being a truſtee) or in his abſence, the eldeſt miniſter of the city of *Edinburgh*, who is then a truſtee, to call other meetings of the truſtees as occaſion ſhall require; and they are hereby required, upon the requeſt of any five or more of the truſtees, to call ſuch meetings. *ſ.* 45.

It ſhall be lawful for the truſtees at their firſt meeting to elect a clerk, and to appoint him a ſalary not exceeding 50 *l.* of money of *Great Britain* yearly; which clerk ſhall give bond to the truſtees, with one or more ſureties, for the faithful diſcharge of his office, under the penalty of 100 *l.* of like money; and the ſaid clerk ſhall, at his own charge, provide proper books, and inſert therein the proceedings of the truſtees, and write and cauſe to be written their orders; and have an officer for advertiſing the truſtees of their meetings, and for attending the ſame; for which officer the clerk ſhall be allowed not exceeding 5 *l. per annum* of money of *Great Britain*. *ſ.* 46.

The clerk ſo to be elected, ſhall be approved by the next meeting of the general aſſembly of the church of *Scotland*, and in caſe he be diſallowed of, ſuch meeting ſhall elect a clerk for the truſtees. *ſ.* 47.

It ſhall be lawful to the truſtees to ſuſpend or remove the clerk; and thereupon, or upon the death, reſignation, or removal, of the clerk, to appoint his ſucceſſor, who ſhall be approved or diſapproved by the next meeting of the general aſſembly of the church of *Scotland*; who have hereby power to hear the cauſes of the deprivation or ſuſpenſion of the clerk, and to allow or diſallow of the ſame, and to affirm or reverſe the judgment of the truſtees. *ſ.* 48.

It ſhall be lawful for the general aſſembly of the church of *Scotland* that ſhall firſt meet after the 25th of *March* 1744, to elect a general collector or receiver of the aforeſaid annual and other rates; and the ſaid collector ſhall have power to carry on all ſuits for recovery of the rates, and to iſſue the annuities to the widows, and proviſions to the children, and to lend out the ſurpluſes to the miniſters of the church, and to the members of the ſaid three univerſities, in manner before directed, and alſo the after ſurpluſes, upon intereſt as he ſhall be directed by the truſtees; and the collector ſhall uſe all proper diligence for ſecuring the aforeſaid ſums. *ſ.* 49.

It ſhall not be in the power of the collector to lend out any part of the aforeſaid capital of 35,000 *l.* or to uplift or re-employ the ſame, without a particular appointment of the truſtees. *ſ.* 50.

The collector may appoint one or more deputies, for whom he ſhall be anſwerable, for levying the annual rates and other ſums to be paid to him at his office in *Edinburgh*. *ſ.* 51.

The full expence incurred by the collector and his deputies in recovering payment of the reſpective ſums ſhall be recovered out of the reſpective debtors eſtates without any abatement. *ſ.* 52.

The collector ſhall, at or before his admiſſion, give bond, with one or more ſureties, to the truſtees, for the ſum of 7000 *l.* of money of *Great Britain*, that he ſhall faithfully diſcharge his truſt, and that he ſhall effectually levy and make good the annual and other rates, payable by the miniſters, *&c.* *ſ.* 53.

The collector ſhall keep a public office in *Edinburgh*, in which attendance ſhall be given from 10 to 12 in the forenoon of every lawful day, for 30 days immediately following the iſſuing of the warrants herein after mentioned, and from 10 to 12 in the forenoon every *Wedneſday* throughout the reſt of the year. *ſ.* 54.

The collector ſhall annually on the ſecond *Tueſday* in *May* exhibit to the truſtees, at their meeting, an account of the ſums come into his hands in the year preceding, diſtinguiſhing by whom paid, and upon what account. *ſ.* 55.

The collector ſhall, for his whole trouble and expence, be allowed an annual ſalary, not exceeding 155 *l.* of money of *Great Britain*. *ſ.* 56.

It ſhall be lawful for the truſtees to ſuſpend or remove the collector; and thereupon, or upon his death or reſignation, to name a collector in the interim, who ſhall have full powers to act until the next meeting of the general aſſembly, which meeting ſhall finally determine upon the cauſes of ſuſpenſion or deprivation of the former collector, and either reſtore the former collector, or continue the collector named by the truſtees, or appoint a new collector. *ſ.* 57.

The collector ſo named ſhall be allowed a proportionable part of the ſalary during the time he ſhall diſcharge the truſt. *ſ.* 58.

Every preſbytery in *Scotland*, and each of the univerſities of *St. Andrews*, *Glaſgow*, and *Edinburgh*, ſhall make up liſts of all miniſters admitted to benefices, and of all heads, principals, or other maſters, admitted into offices within their reſpective preſbyteries and univerſities, with the dates of their reſpective admiſſions; and with an account if they be married, and the date of their marriage; and a liſt of the miniſters and members of the univerſities that have died within the year, with the names of the widows, and the names and ages of the children left; and a liſt of the widows that have died or been married within the year, with the dates of their death or marriage, and what children were alive at the ſaid widow's death or marriage; as alſo liſts of all vacancies happening within their ſaid preſbyteries or univerſities, with the dates and cauſe of the vacancy: which liſts, as alſo all other liſts appointed by the truſtees to be made up for the year 1744, ſhall be atteſted by the moderator and clerk of the preſbytery, and by the head or principal, and the clerk of the ſaid univerſities reſpectively; and ſhall betwixt *Martinmas* and *Candlemas* in the year 1744, be tranſmitted by the moderator of the preſbytery, and by the heads or principals of the ſaid univerſities, to the truſtees clerk at *Edinburgh*; and ſo from thenceforth annually, the liſts of each year, computed from *Martinmas* to *Martinmas*, ſhall be made up and tranſmitted betwixt *Martinmas* and *Candlemas* following; and the moderator of the preſbytery, and the head or principal of the univerſities, neglecting ſo to do, ſhall, for every ſuch offence, forfeit 10 *l.* of money of *Great Britain*, to be paid to the collector, and to be levied and applied as the annual rates. *ſ.* 59.

The moderators of the preſbyteries in the weſtern and northern iſles of *Scotland*, ſhall not be ſubject to the ſaid penalty of 10 *l.* in caſe they tranſmit ſuch liſts as aforeſaid within ſix months after the ſaid term of *Martinmas*. *ſ.* 60.

The moderators of the ſaid preſbyteries, and their clerk, and the heads or principals of the ſaid three univerſities, and their clerk reſpectively, ſhall at the requeſt of each widow or child, claiming right to an annuity or proviſion, deliver to them a certificate ſigned as aforeſaid, certifying the death of the miniſter, or the death or marriage of his widow, with the reſpective dates thereof, and the names and ages of his children. *ſ.* 61.

The truſtees ſhall, at their meeting on the ſecond *Tueſday* in *March*, make up liſts of all the widows and children entitled to receive annuities or proviſions, mentioning the ſums to which they are entitled; which liſts ſhall remain in the hands of the truſtees clerk, and ſhall be open to the inſpection of all parties intereſted; and it ſhall be lawful for the parties intereſted, to give in their objections in writing to the ſaid clerk, to be laid before the truſtees for their determination at their meeting upon the ſecond *Tueſday* in *May* following. *ſ.* 62.

The truſtees ſhall, at their meeting on the ſecond *Tueſday* in *May*, yearly, adjuſt the diſpoſal of their funds of the preceding year, and what ſum ſhall be paid to each widow and child; and the preſes ſhall ſign two copies thereof, and alſo a warrant upon the collector for payment accordingly to each widow and child intereſted; and ſhall lodge all the ſaid warrants in the hands of their clerk, to be delivered to the parties; and the clerk ſhall deliver to the collector one of the ſubſcribed copies of the total liſt and ſtate. *ſ.* 63.

The collector ſhall, upon the ſaid warrants being preſented to him at his office, upon any of the days and at the hour above ſpecified, make payment of the ſums therein contained, without fee, upon a receipt indorſed upon the ſaid warrants; and if either the collector or the clerk to the truſtees exact any reward for delivering the ſaid warrants, or making payment, the collector and clerk reſpectively ſo offending ſhall, *ipſo facto*, forfeit his office, and be incapable of being ever re-elected; and upon proof of ſuch offence before the truſtees, the truſtees ſhall deprive the ſaid collector or clerk, and declare him incapable of being re-choſen; and if any perſon acting under the ſaid collector or clerk exact any fee upon the aforeſaid accounts, the ſaid collector or clerk, by whom ſuch offender was appointed, ſhall, for every ſuch offence forfeit 10 *l.* of lawful money of *Great Britain*, upon proof before the truſtees; which ſums ſhall be levied and applied as is directed with reſpect to the annual rates. *ſ.* 64.

If any widow or child entitled to an annuity, or to proviſions, be unduly omitted, in the ſaid annual liſt, it ſhall be lawful for ſuch widow or child to make their claim to the truſtees, at or before their meeting upon the ſecond *Tueſday* in *March*, in the year following; and the truſtees ſhall inſert the ſaid widow or child in their liſt to be made up at their meetings on the ſaid ſecond *Tueſday* in *March*, and of *May*, in the ſaid enſuing year; and ſhall grant warrants for payment of their annuities and proviſions out of the produce of the year immediately preceding. *ſ.* 65.

If the widow or child ſo unduly omitted neglect to make their claim within one year after ſuch omiſſion, their claim ſhall be held as deſerted and ſhall not be allowed thereafter. *ſ.* 66.

The payments before directed ſhall be made to the widows or children reſpectively named in the warrants, if the perſons ſo named are majors, and to the tutors or curators of ſuch as are minors, and if they have no tutors nor curators to ſuch perſon as ſhall be authoriſed for that purpoſe, by an act of the preſbytery or univerſity, of which the perſon under whom the proviſion is claimed was laſt a member. *ſ.* 67.

The annuities to widows, and proviſions to children, ſhall not be liable to any arreſtment, but ſhall be paid to the widows

widows and children themſelves, or to their tutors and curators, or truſtees as aforeſaid, or to their executors, adminiſtrators, or aſſigns. *ſ.* 68.

The truſtees, at their meeting on the ſecond *Tueſday* in *May* yearly, ſhall give directions to the collector for lending out the ſurpluſes of the preceding year to the miniſters of the ſaid church, and to the heads, principals, and maſters, in the aforeſaid three univerſities, to the amount of 30*l.* each; and the after-ſurpluſes towards raiſing the aforeſaid capital of 35,000*l.* *ſ.* 69.

No part of the ſaid capital of 35,000*l.* ſhall be lent out or uplifted, or re-employed, but with the advice and conſent of the lord preſident, and the two ſenior judges of the court of ſeſſion, the lord chief baron, and ſenior baron of the court of exchequer, and of the lord juſtice general, and lord juſtice clerk, or three of them. *ſ.* 70.

The truſtees ſhall attend the ſtated meetings, and the adjournments thereof, and all occaſional meetings, to which they ſhall be then ſummoned, under the penalty of 20*s.* of money of *Great Britain*, *toties quoties*, to be levied and applied as is directed with reſpect to the annual rates; and a certificate under the hand of the clerk ſhall be a ſufficient evidence of ſuch abſence, and of the penalties being incurred, unleſs the truſtee have a ſufficient cauſe for ſuch abſence to be allowed of by a majority of the truſtees preſent. *ſ.* 71.

The truſtees ſhall annually prepare a ſtate of the funds under their management, and an account of their proceedings, which ſhall be laid annually before the aſſembly of the church of *Scotland*; and a printed copy thereof ſhall be tranſmitted to each preſbytery, and to each of the ſaid univerſities, betwixt the firſt of *June* and the firſt of *Auguſt* yearly. *ſ.* 72.

The expence of printing and tranſmitting the ſaid annual ſtate, and all other neceſſary expences of the truſtees, ſhall be paid by the collector, and ſhall be allowed to him out of his annual receipts; provided the ſaid expences do not in any one year exceed 40*l.* of money of *Great Britain*. *ſ.* 73.

The collector ſhall annually, on the ſecond *Tueſday* in *November*, exhibit to the truſtees at their meeting an account of the ſums paid by him out of his receipts of the preceding year; and the truſtees ſhall audit and paſs his accounts, and diſcharge him and his ſureties of the ſums ſo accounted for. *ſ.* 74.

In all proceſſes of modification and augmentation of ſtipends, the aforeſaid annual rates, payable by the miniſters of the church of *Scotland* by virtue of the preſent act, ſhall be deemed part of their ſtipends. *ſ.* 75.

If the univerſity of *Aberdeen*, or any of the colleges therein, ſhall apply to the next general aſſembly of the church of *Scotland*, declaring that they deſire to be comprehended in this act, the heads, principals, and maſters, in the ſaid univerſity of *Aberdeen*, or in either of the colleges of the ſaid univerſity, ſhall be comprehended in this act, and ſhall be ſubject to the annual rates and other burdens hereby impoſed, and they and their widows and children reſpectively ſhall be entitled to the privileges and proviſions herein contained, in like manner as the heads, *&c.* in the univerſities of *St. Andrew's* and *Glaſgow*. *ſ.* 76.

By 22 *Geo.* 2. *c.* 21. After the 15th of *May* 1749, every miniſter who ſhall be ordained and admitted to a benefice in the church of *Scotland*, and every perſon who ſhall be admitted as head, principal, or maſter, in any of the univerſities of *St. Andrew's*, *Glaſgow*, and *Edinburgh*, ſhall make his election to which of the four yearly rates mentioned in 17 *Geo.* 2. *c.* 11. he chooſes to be ſubject during his life, within the times after-mentioned; *viz.* every miniſter having a benefice in the weſtern or northern iſles of *Scotland*, on or before the 15th of *Jan.* that ſhall firſt happen after he ſhall have had right to his benefice for a year and half; and every other miniſter of the church of *Scotland*, on or before the 15th of *Jan.* that ſhall firſt happen after he ſhall have had right to his benefice for one half year; and every head, principal, or maſter, of any of the ſaid three univerſities, on or before the 15th of *Jan.* that ſhall firſt happen after he hath held his office for four calendar months; and every miniſter, head, *&c.* neglecting to notify his election as is preſcribed by the ſaid act, within the times herein limited, ſhall be deemed to have made his election of the annual rate of 3*l.* 18*s.* 9*d.* *ſ.* 1.

It ſhall be lawful for the lords of council and ſeſſion in *Scotland*, or any one of them, to iſſue letters of horning, at the inſtance of the general collector or receiver of the annual rates impoſed by the ſaid act, againſt the miniſters, *&c.* liable to the ſame, for compelling payment of their rates, or ſums principal, or intereſt; and the ſaid letters of horning ſhall be executed, and other proceedings had thereon, as is now in uſe, with reſpect to hornings at the inſtance of miniſters compelling payment of their ſtipends; and no ſuſpenſion of any charge to be given in virtue of ſuch letters of horning ſhall be paſt without conſignation of the ſum charged for. *ſ.* 2.

The truſtees may ſtop and deduct the one half of every annuity which ſhall become payable for the firſt time at *Whitſunday* 1749, or at any *Whitſunday* thereafter, to the widow of every miniſter, *&c.* who ſhall not have paid a ſum equal to three years amount of the annuity correſpondent to his annual rate, and the like at every ſucceeding *Whitſunday*, during the life of ſuch widow, until either ſhe ſhall pay into the fund, or until ſuch deductions ſhall amount to as much as together with the ſums paid by her huſband (without computing any intereſt thereon) ſhall be equal to three years of her annuity; and the truſtees are to ſtop out of the proviſion which ſhall become payable, at the ſaid terms of *Whitſunday* to the children of every miniſter, *&c.* who ſhall not have paid a ſum equal to the amount of three years annuity, correſponding to his annual rate, ſo much as together with the ſums paid by him or deducted from his widow (without computing intereſt,) ſhall be equal to three years of the ſaid correſponding annuity. *ſ.* 3.

The truſtees acting in the execution of the ſaid act, ſhall direct the ſums after mentioned to be applied from year to year out of the firſt and readieſt of the whole produce, after defraying the expence of management, towards raiſing a fund to the extent of 30*l.* of *Great Britain*, in the hands of each miniſter, *&c.* ſubject to the annual rates; and a further ſum of 50,000*l.* like money of capital, by their lending out of the after-mentioned ſums annually, in the manner preſcribed by the ſaid act, *viz.* 3000*l.* ſhall be ſo applied at *Whitſunday* in each of the years from 1749, to 1752, both incluſive; 2000*l.* at *Whitſunday* in each of the years from 1753, to 1756, both incluſive; 1000*l.* at *Whitſunday* in each of the years from 1757, to 1763, both incluſive; 400*l.* at *Whitſunday* in each of the years from 1774, to 1770, both incluſive; and 200*l.* at *Whitſunday* in the year 1771, and at *Whitſunday* in each year thereafter, until each miniſter, *&c.* ſubject to the annual rates, have received 30*l.* in loan, and likewiſe until the ſaid further capital of 50,000*l.* be made up. *ſ.* 4.

If the annual produce of any one year computed from *Martinmas* to *Martinmas*, exceed the charges of management, and the ſums hereby ordered to be applied for raiſing

the ſtock, and the annuities due to the widows, and proviſions due to the children for that year, and the arrears of the annuities and proviſions for former years, ſuch ſurplus ſhall be applied to the raiſing the capital by lending out the ſame along with the ſums before appointed to be lent out for ſuch reſpective year. *ſ.* 5.

Although the annual ſurplus aforeſaid, for any one year, computed from *Martinmas* to *Martinmas*, after payment of the charges of management, and the ſum hereby appointed to be applied for raiſing of the ſtock or capital fund for that year, ſhall not be ſufficient to pay the whole annuities to widows, and proviſions to children, payable for that year, yet no incroachment ſhall be made upon the capital then raiſed, nor ſhall the farther raiſing thereof be thereby retarded; but ſuch deficiency ſhall firſt affect the children's proviſions proportionably, and then the annuities of the widows proportionably, without regard to the order of time in which thoſe proviſions or annuities become due; and the ſame ſhall again be made good to them out of the ſurplus of the produce for ſucceeding years, in this order, *viz.* after payment of the expence of management, and of the ſum for raiſing the ſtock, the widows annuities unpaid in the preceding year, ſhall be paid in the firſt place, and then the widows annuities of the current year, and after the ſaid annuities, the children's proviſions of the former year or years, according to the order of time in which they become due; and laſtly, the children's proviſions for the current year. *ſ.* 6.

The capital ſhall at no time exceed the ſum of 50,000 *l.* over and above the ſum of 30 *l.* lent to each miniſter, *&c.* and after ſuch capital ſhall be raiſed, the ſurplus of the annual income in any one year, from *Martinmas* to *Martinmas*, after payment of the burdens for that year, including the arrears of former years, ſhall, at the *Whitſunday* when ſuch ſurplus ariſes be divided amongſt all the widows then entitled to annuities, and all the children then entitled to proviſions; ſo as that each widow and each child receive a proportionable ſhare of ſuch ſurplus correſpondent to the extent of the annual rates of their deceaſed huſbands or fathers. *ſ.* 7.

All other regulations enacted by 17 *Geo.* 2. *c.* 11. touching the ſecuring and management of the capital ſtock therein mentioned, and for making up any accidental diminution of, or preventing any encroachment on the ſame, ſhall take place with regard to the capital ſtock hereby permitted to be raiſed. *ſ.* 8.

The truſtees and their ſucceſſors ſhall hold the four ſtated regular meetings in the hall of the houſe built by the ſaid truſtees within the city of *Edinburgh* inſtead of the old church iſle of *Edinburgh*. And the remaining debt incurred for building the ſaid houſe, and the expence in keeping the ſame in repair, ſhall be deemed part of the neceſſary incidental expences provided for by the ſaid act, and ſhall be paid by the collector and be allowed him out of the annual receipts; provided the ſame and all other incidental expences do not in any one year exceed 40 *l.* of *Great Britain*. *ſ.* 9.

Miniſters, *&c.* contributors, who were in the ſaid church or univerſities, at the commencement of the ſaid act, ſhall, at *Candlemas* in each of the years 1750, 1751, 1752, 1753, 1754, 1755, according to the computation in *Scotland*, pay to the collector at *Edinburgh* legal intereſt of the 30 *l.* lent to them; and the produce ariſing from the difference betwixt the legal intereſt and the four *per cent.* payable on account of the loans of 30 *l.* lent to the contributors, ſhall be applied at the ſight, and by direction of the truſtees for defraying the expence of obtaining this act, and for paying what ſhall on the 15th of *May* 1749, be reſting of the charge of building the houſe in *Edinburgh* for the meetings of the truſtees; and the ſurplus ſhall go towards increaſing the ſaid capital: and the ſaid additional intereſts ſhall not be computed as any part of the three years annuity which every contributor is to make good to the fund in the manner already directed. *ſ.* 10.

The heads, principals, and maſters, in the univerſity of *Aberdeen*, or in the *King's College* and *Mareſhall College* of *Aberdeen*, ſhall be comprehended in this and the ſaid former act, and ſhall be ſubject to the annual rates and other burdens thereby or by this act impoſed, and their widows and children entitled to the privileges and proviſions therein contained, ſubject to the variations by this act provided, in like manner as the heads, *&c.* in the univerſities of *St. Andrew* and *Glaſgow*. *ſ.* 11.

Nonconformiſts.

By 10 *Ann. c.* 7. It ſhall be lawful for all of the epiſcopal communion in *Scotland* to meet for the exerciſe of divine worſhip, to be performed after their own manner, by paſtors ordained by a proteſtant biſhop, and who are not eſtabliſhed miniſters of any church or pariſh, and to uſe in their congregations the liturgy of the church of *England*, if they think fit, without diſturbance; and all ſheriffs of ſhires, ſtewards of ſtewartries, and magiſtrates of boroughs and juſtices of peace, are required to give protection and aſſiſtance to ſuch epiſcopal miniſters, and thoſe of their communion, in their meetings for the worſhip of God, held in any place, except pariſh churches. *ſ.* 1.

Provided that none ſhall exerciſe the function of a paſtor in the epiſcopal meetings, except ſuch as ſhall have received holy orders from a proteſtant biſhop; and that every perſon who ſhall be appointed paſtor or miniſter of any epiſcopal congregation, before he take upon him to officiate, preſent his letters of orders to the juſtices of peace at their quarter ſeſſions; and that the ſaid letters of orders be there entered on record by the regiſter or clerk of the meeting of the juſtices, for which there ſhall be no greater fee taken than 1 *s.* *ſ.* 2.

Provided that the aſſembly for religious worſhip in the epiſcopal meetings be held with doors not locked, barred or bolted; and that nothing herein contained ſhall exempt any perſons frequenting the epiſcopal congregations from paying tithes, or other parochial duties to the church or miniſter of the pariſh in which they reſide. *ſ.* 4.

The act paſſed in the parliament held in the year 1695, intituled, "Act againſt irregular baptiſms and marriages," ſhall be repealed; and no perſon ſhall incur any diſability or penalty upon account of his reſorting to the epiſcopal meetings; and it ſhall be free for all the ſubjects in *Scotland* to meet for divine ſervice, without any diſturbance, and to ſettle their congregations in what places they ſhall think fit, except pariſh churches; and for the epiſcopal miniſters not only to pray and preach in the epiſcopal congregations, but to adminiſter the ſacraments, and marry, without incurring any penalty. *ſ.* 5.

Provided that the parents who have their children chriſtened by epiſcopal miniſters, be obliged to enter the birth and chriſtening in the regiſter books belonging to the pariſhes in which they live; and provided that no epiſcopal miniſter reſiding within *Scotland* preſume to marry any perſons but thoſe whoſe bans have been duly publiſhed three Lord's days in the epiſcopal congregations which the par-

ties frequent, and in the churches to which they belong as pariſhioners, and that upon the ſame puniſhments as are already inflicted by the laws of *Scotland* in caſes of clandeſtine marriages; and the miniſters of the pariſh churches are to publiſh the ſaid bans; and in caſe of neglect, it ſhall be ſufficient to publiſh the bans in any epiſcopal congregation alone. *ſ.* 6.

Provided that all the laws made againſt profaneneſs and immorality, and for the frequenting of divine ſervices on the Lord's day, ſhall be ſtill in force, and executed againſt all perſons that ſhall not reſort either to ſome church, or to ſome congregation of religious worſhip, allowed by this act. *ſ.* 7.

This act ſhall not extend to give eaſe to any papiſt or popiſh recuſant, or to any perſon that ſhall deny in his preaching or writing the doctrine of the bleſſed Trinity. *ſ.* 8.

If any perſon ſhall willingly, and of purpoſe, maliciouſly or contemptuouſly, come into any congregation of religious worſhip, permitted by this act, and diſturb the ſame, or give any diſturbance to the congregation at the doors or windows, or miſuſe any miniſter of ſuch congregation, ſuch perſon upon proof thereof before two juſtices of peace by two witneſſes, ſhall find ſureties to be bound by recognizance in 50 *l.* for his appearance at the next quarter ſeſſions, or before the court of juſticiary, or other judge competent, and in default of ſureties ſhall be committed to priſon; and upon conviction of the offence ſhall forfeit 100 *l.* one moiety to the informer, the other to be diſpoſed of for the uſe of the poor of the pariſh where ſuch offence ſhall be committed; and if the magiſtrates, or others pretending to have authority in *Scotland*, ſhall in contempt of this law forbid or hinder thoſe of the epiſcopal perſuaſion from meeting together for divine worſhip, or ſhall ſhut up the door of the places where ſuch epiſcopal aſſemblies are held, or intended to be held, ſuch magiſtrates and others ſo offending, upon proof thereof before the court of juſticiary by two witneſſes, ſhall forfeit 100 *l.* to be diſtributed as aforeſaid. *ſ.* 9. *See the reſt of this act in Excommunication Service, &c.*

By 5 *Geo.* 1. *c.* 29. No perſon ſhall take upon him to preach, read prayers, or perform divine ſervice, in any epiſcopal meeting-houſe in *Scotland*, where nine or more ſhall be preſent, beſides thoſe of the houſhold, but ſuch who ſhall pray in expreſs words for his moſt excellent majeſty king *George*, their royal highneſſes the prince and princeſs of *Wales*, and their iſſue, and ſhall have taken and ſubſcribed the oath of abjuration [*ſee the general title* OATHS] in one of the courts of ſeſſion, juſticiary or exchequer, in *Scotland*, or before the juſtices at the quarter ſeſſions, or ſheriffs or ſtewarts of any ſhire or ſtewartry, within which ſuch perſon is reſident, or the meeting-houſe ſituated. *ſ.* 9. *See Oaths, Patronages.*

By 19 *Geo.* 2. *c.* 38. All ſheriffs, ſtewards, and their deputies, in *Scotland*, and the magiſtrates of royal boroughs, ſhall before the 1ſt of *November* 1746, enquire into the number and ſituation of epiſcopal meeting-houſes within their reſpective juriſdictions, and cauſe liſts to be made of the ſame, and to be entered in a book to be kept by the clerks belonging to their juriſdictions, and tranſmit copies thereof to the clerk of each houſe of parliament to be laid before the ſaid houſes at their next meeting. *ſ.* 1.

Every paſtor or miniſter of any epiſcopal congregation in *Scotland*, ſhall, before the 1ſt of *September* 1746, produce to the clerk of the ſhire, ſtewartry, or borough, a certificate of his having qualified himſelf by taking the oaths to his majeſty; of which certificate the clerk ſhall make an entry in the book appointed for keeping a liſt of the meeting-houſes within that juriſdiction, which entry ſhall expreſs the name of the miniſter, and the ſituation and deſcription of the meeting-houſe where he officiates; copies of which entries ſhall be tranſmitted by the ſaid clerk to the clerk of each houſe of parliament; and the clerk of ſuch ſhire, *&c.* ſhall deliver two atteſted copies of ſuch certificate to ſuch miniſter, one to be by him fixed on the outſide of the meeting-houſe, on or near the door, and the other in ſome conſpicuous place within ſuch meeting-houſe; for each of which copies 6 *d.* ſterling ſhall be paid and no more. *ſ.* 2.

Every miniſter who ſhall officiate in any epiſcopal meeting-houſe ſhall as often as he officiates during the ſervice, pray for the king by name, and for all the royal family, in the ſame form as in the liturgy of the church of *England*. *ſ.* 3.

The ſheriffs, ſtewarts, and their deputies, and magiſtrates of boroughs, ſhall after the 1ſt of *November* 1746, ſhut up the meeting-houſes whereof the miniſter ſhall not have produced to the clerks the certificate of his having been qualified, or wherein his majeſty and the royal family ſhall not be prayed for in expreſs words; and ſhall not again give acceſs to the ſaid houſes, until the proprietor, tenant, or poſſeſſor enact himſelf with one or more ſureties in the court books of the ſaid ſheriff, ſteward, or royal borough, under the penalty of 100 *l.* ſterling, to be paid to the ſaid judges or magiſtrates, for the uſe of his majeſty, that he ſhall not ſuffer ſuch houſe to be employed as an epiſcopal meeting by any miniſter not qualifying himſelf and conforming to the regulations before-mentioned, during ſuch time as he ſhall continue proprietor, tenant, or poſſeſſor. *ſ.* 4.

If any perſon preſume to exerciſe the function of a miniſter of any epiſcopal meeting in *Scotland*, without having firſt cauſed his letters of orders to be entered on record, or without having firſt qualified himſelf by taking and ſubſcribing the oaths, in ſuch manner as all officers civil and military in *Scotland* are to take and ſubſcribe the ſame, or without having firſt produced, and cauſed to be entered, in the books to be kept by the clerk of the ſheriff, ſteward, or borough courts reſpectively where he is to officiate, his name and place of abode, and the place where his meeting is to be held, and the certificate of his having taken the oaths; or in caſe any miniſter in ſuch epiſcopal meeting-houſe ſhall not as often as he officiates during divine ſervice pray for his majeſty by name, and all the royal family, being convicted before any two juſtices of peace, or any other judge competent of the place ſummarily, he ſhall for the firſt offence ſuffer impriſonment for ſix months; and for the ſecond, or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, be adjudged to be tranſported to ſome of the plantations in *America* for life; and if he return into *Great Britain*, ſhall ſuffer impriſonment for life. *ſ.* 5.

Any meeting, aſſembly, or congregation in *Scotland*, where there ſhall be five perſons or more aſſembled to hear divine ſervice, beſides thoſe of the houſhold, if it be in any houſe where there is a family inhabiting, or if it be in a place where there is no family inhabiting, then where any ſuch five or more ſhall be ſo aſſembled, and where divine ſervice ſhall be performed by paſtor or miniſter, profeſſing to be of the epiſcopal communion, ſhall be deemed an epiſcopal meeting-houſe within this act. *ſ.* 6.

The ſheriffs and ſtewards, and their deputies, and the magiſtrates of royal boroughs, ſhall make enquiry within their reſpective juriſdictions, concerning any offences againſt this act or other laws concerning miniſters officiating in any epiſcopal meeting-houſe in *Scotland*; and whenever they

they find that any meeting-houſe within their juriſdiction hath been ſet up without ſuch entry as aforeſaid, or that the miniſter hath neglected to pray for his majeſty by name and all the royal family, they ſhall cauſe ſuch offences to be proſecuted before them, and ſhut up ſuch meeting-houſes, and inflict the penalties impoſed by this or other acts: and in caſe any information be given to the ſaid ſheriffs, *&c.* that any offence has been committed for which the penalty of tranſportation or impriſonment for life is hereby inflicted, they ſhall cauſe intimation to be made thereof in writing to his majeſty's advocate for *Scotland*, who ſhall proſecute the ſame with effect. *ſ.* 7.

If any perſon reſort to any epiſcopal meeting-houſe in *Scotland* hereby diſallowed, and ſhall not within five days give information of ſuch illegal meeting to ſome proper magiſtrate, ſuch perſon ſo offending, being convicted before any two juſtices of peace, or any other judge competent of the place ſummarily, ſhall for the firſt offence forfeit 5 *l.* ſterling, one moiety to the uſe of his majeſty, and the other moiety to the uſe of the informer, and ſuffer impriſonment for ſix months, or until the ſame be paid; and for the ſecond, or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, ſhall ſuffer impriſonment for two years from the date of ſuch conviction. *ſ.* 8.

After the ſaid firſt of *September*, no letters of orders of any miniſter of any epiſcopal meeting in *Scotland* ſhall be deemed ſufficient, or admitted to be regiſtered, but ſuch as have been given by ſome biſhop of the church of *England*, or *Ireland*; and the regiſtration of any other letters of orders ſhall be void. *ſ.* 9.

Every proſecution for any offence againſt this act ſhall be commenced within 12 months after ſuch offence committed. *ſ.* 10.

No peer of *Scotland* ſhall be capable of being elected one of the ſixteen peers to ſit and vote in the houſe of peers in the parliament of *Great Britain*, or of voting in the election of any of the ſaid ſixteen peers, who ſhall have within one year preceding ſuch election been twice preſent at divine ſervice in any epiſcopal meeting in *Scotland*, not held in purſuance of 10 *Ann. cap.* 7. or diſallowed by this act; and it ſhall be competent for any peer of *Scotland*, preſent at the election of the ſaid 16 peers, or of any of them, to make this objection, and to prove the ſame by a witneſs upon oath, or by referring it to the oath of the peer ſo objected to; which oath the lord clerk regiſter, or either of the two clerks of ſeſſion appointed by him to officiate at ſuch election, is to adminiſter; and in caſe the ſame be proved, or the peer ſo objected to, ſhall admit the fact, or refuſe to depoſe concerning it, he ſhall be diſqualified from voting, or being choſen; but ſuch admiſſion or confeſſion at ſuch meeting for ſuch election, ſhall not be made uſe of, or given in evidence againſt ſuch peer, upon any proſecution for any penalty inflicted by this or any former act. *ſ.* 11.

No perſon ſhall be capable of being elected, or of voting in any election of a member of parliament for any ſhire or borough in *Scotland*, or of being elected, or voting in the election of a magiſtrate or counſellor for boroughs, or of a deacon of crafts within burgh, or of a collector or clerk of the land tax or ſupply, who ſhall have within one year preceding ſuch election been twice preſent at divine ſervice in any epiſcopal meeting in *Scotland* not held in purſuance of 10 *Ann. cap.* 7. or diſallowed by this act: and it ſhall be competent for any candidate or member of the meeting for ſuch election to make this objection, and to prove the ſame by a witneſs upon oath, or by referring it to the oath of the perſon objected to, which oath the preſes or clerk of ſuch meeting is to adminiſter; and in caſe the ſame be proved, or the perſon ſo objected to admit the fact, or refuſe to depoſe concerning it, he ſhall be incapable of voting, or being choſen at ſuch election; but ſuch admiſſion or confeſſion at ſuch meeting for ſuch election, ſhall not be made uſe of, or given in evidence againſt ſuch perſon, upon any proſecution for any penalty inflicted by this or any former act. *ſ.* 12.

If any perſon holding any office civil or military in *Scotland*, reſort to any epiſcopal meeting-houſe in *Scotland* diſallowed by this act, and be thereof convicted before any two juſtices of peace, or any other judge competent of the place, he ſhall be diſabled from thenceforth to hold ſuch office, and ſhall forfeit the ſame, and ſhall be adjudged incapable to bear any office civil or military in *Scotland* for one year after the date of ſuch conviction. *ſ.* 13.

In caſe any of the ſaid judges or magiſtrates be guilty of any wilful neglect of their duty in the premiſes, they ſhall forfeit 50 *l.* ſterling, *toties quoties*; one moiety to the informer, the other to the uſe of the poor of the pariſh where the offender reſides, to be recovered by ſummary complaint before the court of ſeſſion, or by proſecution before the court of juſticiary at *Edinburgh*, or at the circuit courts of juſticiary. *ſ.* 14.

By 21 *Geo.* 2. *c.* 34. For clearing any doubt upon 19 *Geo.* 2. *cap.* 38. *ſect.* 9. it is enacted that no letters of orders, not granted by ſome biſhop of the church of *England*, or of *Ireland*, ſhall be ſufficient to qualify any miniſter of an epiſcopal meeting in *Scotland*, whether the ſame were regiſtered before or after the firſt of *September* 1746, and every ſuch regiſtration either before or after the ſaid firſt of *September* ſhall be void. *ſ.* 13.

In all proſecutions for offences againſt the act 19 *Geo.* 2. *cap.* 38. it ſhall be lawful to produce as witneſſes, whether againſt the miniſter or hearers, other perſons preſent, who may have been guilty of offending againſt the ſaid act; but the evidence given by ſuch witneſſes ſhall not be made uſe of againſt themſelves upon any proſecution for any penalty inflicted by the ſaid act. *ſ.* 21.

Notes.

By 12 *Geo.* 3. *c.* 72. *made perpetual by* 23 *Geo.* 3. *c.* 18. *ſ.* 55. The ſame diligence and execution ſhall proceed upon promiſſory notes, whether holograph or not, as is provided to paſs upon bills of exchange, and inland bills, by the law of *Scotland*, and promiſſory notes ſhall bear intereſt as bills, and ſhall paſs by indorſation; and indorſees of promiſſory notes ſhall have the ſame privileges as indorſees of bills in all points. *ſ.* 36.

No bill of exchange, or inland bill, or promiſſory note, ſhall be of force to produce any diligence or action in *Scotland*, unleſs ſuch diligence ſhall be raiſed and executed, or action commenced therein, within ſix years from the terms at which the ſums became exigible. *ſ.* 37.

No bank notes or poſt bills iſſued by any bank or banking company, and which contain an obligation of payment to the bearer, and are circulated as money, ſhall be comprehended under the aforeſaid limitation of preſcription; and it ſhall be lawful at any time after the expiration of the ſix years, in either of the caſes beforementioned, to prove the debts contained in the bills, *&c.* and that the ſame are owing by the oaths or writs of the debtor. *ſ.* 39.

The years of the minority of the creditors, in ſuch notes or bills, ſhall not be computed in the ſix years. *ſ.* 40.

All inland bills and promiſſory notes ſhall be proteſted

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ar foreign bills before the expiration of the three days of gsace, otherwiſe there ſhall be no recourſe againſt the drawers or indorſers of ſuch inland bills, or againſt the indorſers of ſuch promiſſory notes; and it ſhall be ſufficient to preſerve the ſaid recourſe, if notice is given of the diſhonour within fourteen days after the proteſt is taken, without prejudice to the notification of the diſhonour of foreign bills, to be made within ſuch time as is required by the uſage of merchants. *ſ.* 41.

Summary execution, by horning, or other diligence, ſhall paſs upon bills, whether foreign or inland, and whether accepted or proteſted for non-acceptance, and upon all promiſſory notes duly negociated, not only againſt the acceptors of ſuch bills, or granters of ſuch notes, but alſo againſt the drawers of ſuch bills, and the whole indorſers of the ſaid bills and notes jointly and ſeverally, excepting where the indorſation is qualified to be without recourſe, ſaving to the drawers or indorſers their claims of recourſe againſt each other, and all defences againſt the ſame. *ſ.* 42.

Summary execution by horning, or other diligence, ſhall be competent to the indorſee of a bill, although the proteſt is not in the name of the indorſee craving the diligence; and although the bill is not re-conveyed to him by indorſation, if he produces a receipt for the value by act of honour, or a miſſive letter from the proteſting indorſee, mentioning the diſhonour agreeable to the practice of merchants in returned bills. *ſ.* 43.

Oaths.

By 6 *Ann. c.* 14. Every perſon, who ſhall be admitted into any office civil or military in *Scotland*, ſhall within three months after his admittance take the oath of abjuration [*ſee general title* OATHS] and ſuch perſons having offices, who are obliged to take the oath of allegiance and aſſurance before the privy council there, ſhall take the oath of abjuration in the court of ſeſſion, juſticiary, or exchequer there; and ſuch as are obliged to take the oath of allegiance in any other place, ſhall take the oath of abjuration at the quarter ſeſſions. *ſ.* 1, 2, 3.

The ſaid courts ſhall keep rolls, in which the ſubſcriptions of all perſons taking the oaths ſhall be made, to which all ſhall have free acceſs. *ſ.* 4.

Every perſon hereby required to take the oath and neglecting ſo to do, ſhall be adjudged incapable to enjoy any office, in reſpect whereof he is obliged to take the oath. *ſ.* 5.

Every ſuch perſon who ſhall, after ſuch neglect, either perſonally or by deputy, execute any of the ſaid offices, and ſhall be thereof convicted, ſhall incur the penalties of 13 & 14 *Will.* 3. *cap.* 6. *See* OATHS. *ſ.* 6.

By 10 *Ann. c.* 2. No perſon ſhall be admitted to the employment of advocate, writer to the ſignet, notary public, or any office belonging to the college of juſtice, until he hath taken the oath of abjuration before the lords of ſeſſion. *ſ.* 11.

By 10 *Ann. c.* 7. All miniſters of the church of *Scotland*, and every paſtor or miniſter of any epiſcopal congregation in *Scotland*, ſhall before their admiſſion into their churches, or exerciſe of their function, take the oaths of allegiance and abjuration, under the penalties of 6 *Ann. c.* 14.—*ſ.* 3.

By 1 *Geo.* 1. *c.* 20. No peer ſhall be capable of acting as lieutenant or deputy lieutenant in *Scoland*, unleſs he ſhall firſt before ſix lords of the privy council, or ſuch other perſons as ſhall be authoriſed by his majeſty, take the oaths of allegiance and abjuration, and ſubſcribe the aſſurance appointed for perſons having places of truſt; and no perſon under the degree of a peer ſhall be capable to act as a lieutenant, deputy lieutenant, or other officer in *Scotland*, unleſs he ſhall firſt take and ſubſcribe the oaths and aſſurance; which any juſtice of peace is enabled to adminiſter to the deputy lieutenants, not being peers; and the ſaid lieutenants, or in their abſence, or by their directions, any two of their deputies are enabled to adminiſter to the officers. *ſ.* 13. *See the aſſurance in general title* OATHS.

Such perſons taking and ſubſcribing of the ſaid oaths and aſſurance ſhall be certified into the next quarter ſeſſions held for ſuch ſhire or ſtewartry, together with the original ſubſcriptions. *ſ.* 14.

Perſons acting as lieutenants, *&c.* neglecting to take and ſubſcribe the oaths and aſſurance for three months after, ſhall be liable to the penalties, as perſons executing offices of truſt, after three months neglect of taking the oaths. *ſ.* 15. *See Arms, Papiſts, Parliament, Tenures, Treaſon.*

By 5 *Geo.* 1. *c.* 29. Every perſon who ſhall preſent himſelf to be tried as to his qualifications to be licenſed or admitted to preach, or to be ordained a miniſter of the church of *Scotland*, ſhall, before his obtaining ſuch licence, *&c.* take and ſubſcribe in the court of the lords of ſeſſion, or court of juſticiary, or exchequer, or before the juſtices at their quarter ſeſſions, or before ſheriffs or ſtewarts, or their deputies, in open court for their ſhire or ſtewartry, within which ſuch perſon has reſidence, or within which the preſbytery he preſents himſelf to ſhall be held, the following oath:

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtify, and declare in my conſcience, before God and the world, that our ſovereign lord king* George *is lawful and rightful king of* Great Britain, *and all other his majeſty's dominions thereunto belonging, and I do ſolemnly and ſincerely declare, that I do believe in my conſcience, that the perſon pretended to be prince of* Wales *during the life of the late king* James, *and ſince his deceaſe pretending to be, and taking upon himſelf the ſtile and title of king of* England, *by the name of* James *the third, or of* Scotland, *by the name of* James *the eighth, or the ſtile and title of king of* Great Britain, *hath not any right or title whatſoever to the crown of this realm, or any other the dominions thereto belonging; and I do renounce, refuſe, and abjure, any allegiance or obedience to him; and I do ſwear, that I will bear faithful and true allegiance to his majeſty king* George, *and him will defend to the utmoſt of my power againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon and government; and I will do my utmoſt endeavour to diſcloſe and make known to his majeſty and his ſucceſſors, all treaſon and traiterous conſpiracies, which I ſhall know to be againſt him or any of them; and I do faithfully promiſe to the utmoſt of my power, to ſupport, maintain, and defend, the ſucceſſion of the crown in the heirs of the body of the late princeſs* Sophia, *electreſs and dutcheſs of* Hanover, *being proteſtants, againſt him the ſaid* James, *and all other perſons whatſoever: and all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promiſe heartily, willingly, and truly.*

So help me God.

And the clerks of ſuch courts ſhall grant certificates of taking ſuch oaths, and the names of the commiſſioners of the peace preſent, and the name and deſcription of every perſon who ſhall take ſuch oaths; for which there ſhall be no more paid than 2 *s.* *ſ.* 1.

Every perſon who ſhall preſent himſelf to trial for obtaining licence to preach, or to be ordained a miniſter of the church of *Scotland*, ſhall cauſe to be recorded in the book of the ſheriff, or ſtewart court, within the juriſdiction of which is the ſeat of the preſbytery where he ſhall preſent himſelf, a certificate of his having taken the ſaid oath. *ſ.* 2. *See ſ.* 3. *in Nonconformiſts.*

If any expectant of divinity ſhall apply to any preſbytery, or church judicature, in order to be ordained or licenced to preach, without having cauſed to be recorded as aforeſaid, a certificate of his having taken the oaths, he ſhall be liable to ſix months impriſonment, and be incapable of enjoying any benefice, *&c.* for one year, to be reckoned from the time he ſhall take the oaths after having obtained licence to preach; and all civil magiſtrates are empowered to hinder any ſuch perſon to preach within their juriſdictions. And if any perſon ſhall preſume to preach, *&c.* in any epiſcopal meeting-houſe in *Scotland*, without praying in expreſs words for the king, *&c.* he ſhall be liable to ſix months impriſonment; and every meeting-houſe, where ſuch offence ſhall be committed, ſhall be ſhut up for ſix months. *ſ.* 4.

One moiety, not exceeding a half year's ſtipend of the reſpective pariſhes concerned, of ſuch penalties as ſhall be incurred by virtue of this act, ſhall go to the informer, and the other to the poor of the pariſh where the offence ſhall be committed; and the ſaid penalties ſhall be recoverable by way of action or ſummar complaint, without abiding the ordinary delays of proceſs; and no advocation, ſuſpenſion, or other ſtop of proſecution, before any inferior court, ſhall be of force, unleſs upon production of a certificate, that the perſon proſecuted has taken the oaths. *ſ.* 5.

All perſons who ſhall be ordained or admitted miniſters of the church of *Scotland*, ſhall, before their being ordained or admitted, take and ſubſcribe the oath of allegiance, and the aſſurance, and alſo the oath of abjuration, before ſuch judges, and to be certified, and under ſuch penalties, *&c.* as in 1 *Geo.* 1. *c.* 13.; and every miniſter who ſhall take the ſaid oaths, ſhall cauſe a certificate thereof to be entered in the books of the ſheriff or ſtewart-courts; and the clerks of ſuch courts are to grant extracts without fee, other than 2 *s.* *ſ.* 7.

By 19 *Geo.* 2. *c.* 39. No perſon ſhall exerciſe the employment of a chaplain in any family in *Scotland*, or of a governor, tutor, or teacher of children reſiding in *Scotland*, or beyond the ſeas, without firſt taking the oaths appointed to be taken by perſons in offices of public truſt, and cauſing a certificate of his having done ſo to be regiſtered in a book to be kept by the clerks of the ſhires, ſtewartries, or burghs, in *Scotland*, where ſuch perſon reſides; or in caſe of any ſuch governor, *&c.* of children in parts beyond the ſeas, in a book to be kept by the clerk of the ſhire, *&c.* where the parent or guardian of ſuch child reſides. And if any perſon exerciſe the employment of chaplain in any family in *Scotland*, or of a governor or teacher of children as aforeſaid, without having taken the ſaid oaths, and cauſed the certificate of his having taken the ſame to be regiſtered, being convicted before two juſtices of the peace, or any other judge competent of the place ſummarily, he ſhall, for the firſt offence, ſuffer impriſonment for ſix months; and for the ſecond, or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, be baniſhed from *Great Britain* for ſeven years. *ſ.* 23.

It ſhall be lawful for every chaplain, ſchoolmaſter, governor, tutor, or teacher of youth, who is of the communion of the church of *Scotland*, inſtead of the oath of abjuration appointed to be taken by perſons in offices civil or military, to take the oath directed to be taken by preachers and expectants in divinity of the eſtabliſhed church of *Scotland*, by 5 *Geo.* 1. *c.* 29. *ſ.* 24.

No perſon in *Scotland* ſhall entertain any perſon or chaplain in any family, or as governor, tutor, or teacher of any child, unleſs the certificate of ſuch perſon's having taken the oaths to his majeſty be regiſtered; and every perſon offending, being convicted before two juſtices of peace, or any other judge competent, ſhall, for the firſt offence, ſuffer impriſonment for ſix months, and for the ſecond, or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts in *Scotland*, ſuffer impriſonment for two years. *ſ.* 25.

The ſheriffs of ſhires, and ſtewarts and ſtewartries, and magiſtrates of burghs in *Scotland*, ſhall make enquiry within their reſpective juriſdictions, concerning offences againſt this act, and cauſe the ſame, being the firſt offence, to be proſecuted before themſelves; and in caſe of a ſecond or ſubſequent offence, to give notice thereof, and of the evidence, to his majeſty's advocate, who is to proſecute before the court of juſticiary, or at the circuit courts. *ſ.* 26.

By 20 *Geo.* 2. *c.* 43. After the 29th of *September* 1747, it ſhall not be lawful for any perſon in *Scotland*, to act as a writer, agent, or ſolicitor, or to manage any cauſe, or buſineſs, in the court of ſeſſion, court of juſticiary, (whether at *Edinburgh*, or in the circuits), or in the court of exchequer, until he has firſt taken and ſubſcribed the oaths in the court of ſeſſion or juſticiary, or in one of the ſheriff's or ſtewart's courts, appointed to be taken by perſons in offices in *Scotland*; and cauſed a certificate of his having ſo done to be regiſtered in the court where he ſo officiates: and it ſhall not be lawful for any perſon to act as a procurator, writer, agent, or ſolicitor, or to plead, or manage any cauſe, or buſineſs, in the court of any ſheriff, or ſtewart, in *Scotland*, or any other inferior court, until he has firſt taken and ſubſcribed the ſaid oaths, and cauſed a certificate thereof to be regiſtered in ſuch court where he officiates: and every ſuch court ſhall, upon the demand of ſuch perſons, adminiſter and regiſter ſuch oaths. And every perſon acting in manner above mentioned, without having firſt taken and ſubſcribed the ſaid oaths, and cauſed a certificate thereof to be regiſtered as herein directed, ſhall, for every ſuch offence, being convicted in any court where the offence has been committed, or before the court of ſeſſion, or juſticiary, upon a ſummary trial, forfeit 20 *l.* ſterling, one moiety to his majeſty, and the other moiety to the informer, and ſhall ſuffer impriſonment for ſix months, unleſs or until the ſame be paid. *ſ.* 44.

By 21 *Geo.* 2. *c.* 34. Any perſon being, or pretending to be, in holy orders, other than the miniſters, elders, or preachers, of the eſtabliſhed church of *Scotland*, who ſhall preach or perform any divine ſervice in any houſe or family, of which he is not the maſter, in the hearing of any other perſon, whether of the family or not, ſhall be deemed a chaplain, within the 19 *Geo.* 2. *c.* 39. *ſ.* 11.

The governor, deputy governor, director, ſecretary, caſhier, treaſurer, accountant, or teller of either of the banks in *Scotland*, *viz.* the bank of *Scotland*, or the royal bank, ſhall, within three months after he ſhall take upon him ſuch employment, take and ſubſcribe the oaths of allegiance and abjuration, and ſubſcribe the aſſurance appointed to be taken by perſons in offices of public truſt in *Scotland*, either in the court of ſeſſion, court of juſticiary, or in the ſheriff or ſtewart's court of the county or ſtewartry where he reſides, or in one of the courts at *Weſtminſter*:

the

the taking and ſubſcribing of which oaths and aſſurance ſhall be entered on a roll, and be kept amongſt the records of the ſaid courts. *ſ.* 14.

Every ſuch perſon who ſhall neglect to take and ſubſcribe the ſaid oaths, or ſubſcribe the ſaid aſſurance in ſome of the ſaid courts, within the times aforeſaid, ſhall be *ipſo facto* diſabled to exerciſe ſuch employment; and if any ſuch perſon, after ſuch neglect, exerciſe ſuch employment, he ſhall be liable to the ſame penalties as perſons executing offices of public truſt in *Scotland*, who have neglected to take the oaths. *ſ.* 15.

No perſon ſhall act as extractor to the court of ſeſſion, or as clerk to, or keeper of the hand rolls of any of the lords of ſeſſion or juſticiary, or as clerk to any advocate, or as clerk or firſt ſervant to any of the principal or under clerks of ſeſſion or juſticiary, or as keeper or under keeper of the regiſter of bonds in any of the ſaid clerks offices, or other offices of regiſters, or as collectors or ſub-collectors of the fees of the lord regiſter, or clerks of the ſeſſion, unleſs he firſt take the oaths, and ſubſcribe the aſſurance, appointed to be taken by perſons in offices of public truſt in *Scotland*, and cauſe a certificate thereof to be regiſtered in a book kept for that purpoſe; and the lords of the ſeſſion are to cauſe ſuch book to be kept by one of the principal clerks of the ſeſſion, who is to enter the names of the perſons taking the ſaid oaths, and ſubſcribing the ſaid aſſurance, in ſuch books, upon their taking ſuch oaths, and ſubſcribing ſuch aſſurance before the lords of the ſeſſion, upon certificate from the proper officer of ſuch other courts where the ſame ſhall be taken and ſubſcribed: and the lords of the ſeſſion ſhall cauſe liſts of the ſaid perſons to be affixed every firſt and laſt day of every ſeſſion, in the outer and inner houſe of the ſaid court, and to be kept up there conſtantly, till new liſts are fixt up; and in caſe any perſon act as aforeſaid, before he has ſo taken the oaths and ſubſcribed the aſſurance, he ſhall be ſubject to the ſame diſabilities and penalties, as if he was writer, agent, or ſolicitor, within the intent of the 20 *Geo.* 2. *c.* 43.; and the lords of ſeſſion are to give ſuch orders to their clerks, or other inferior officers, as they judge neceſſary, for diſcovering and puniſhing ſuch of the ſaid perſons, and ſuch writers, agents, or ſolicitors, who ſhall not qualify themſelves according to this and the ſaid act, and to puniſh ſuch officers of their court as neglect to obey ſuch orders, or wilfully conceal ſuch offenders. *ſ.* 16.

Outlawry.

By 22 *Geo.* 2. *c.* 48. In caſe any perſon be indicted for high treaſon, or miſpriſion of high treaſon, in *Scotland*, and be not in cuſtody, the court wherein ſuch indictment is found, or to which the ſame is certified, ſhall iſſue one writ of *capias* againſt ſuch perſon directed to the ſheriff or ſtewart of the county or ſtewartry wherein ſuch indictment is found, and returnable in the ſame court 42 days at leaſt after the teſte thereof, or a longer time, by the diſcretion of the ſaid court; which writ ſhall be delivered to ſuch ſheriff, *&c.* who ſhall endeavour to apprehend the defendant within his county, *&c.*; and if the defendant be named in the ſaid writ of any place in any county, *&c.* other than that in which ſuch indictment is found, then the ſaid court ſhall iſſue one other writ of *capias* to the ſheriff or ſtewart of ſuch other county or ſtewartry of the ſame teſte, return, and import, with the firſt-mentioned writ of *capias*; and if ſuch reſpective ſheriff, *&c.* return to both the ſaid writs, or to the firſt writ, (where only one iſſued), that the defendant is not to be found within the reſpective counties, *&c.* then the ſame court ſhall iſſue two other writs, the one a writ of prōclamation, the other a writ of exigent, and teſted the day of the return of the ſaid writ or writs of *capias*, and directed to the ſheriff, *&c.* of the county, *&c.* in which the place of which the defendant is named in the indictment lieth; and ſuch writs ſhall be both returnable on the ſame future day, and ſhall be delivered to ſuch ſheriff, *&c.* who ſhall execute and return the ſame in the manner following, *viz.* by virtue of the writ of proclamation, the ſheriff, *&c.* ſhall cauſe the defendant to be proclaimed three times, *viz.* once at the court of the ſheriff, or ſtewart depute, of ſuch ſhire or ſtewartry, and a ſecond time at the quarter ſeſſions of the peace for the ſame county or ſtewartry, and a third time near to the church door, or if there be no church, in ſome public part of the pariſh or place of which the defendant is named in the indictment, between ten in the morning and two in the afternoon, and ſuch third proclamation ſhall be made 28 days at leaſt before the fifth and laſt ſheriff's or ſtewart's depute court, at which the defendant is to be called by virtue of the writ of exigent; and by virtue of the writ of exigent, the ſheriff, *&c.* ſhall cauſe the defendant to be called to appear at each of the five ſucceſſive courts to be held by the ſheriff or ſtewart depute for the ſaid county, *&c.* and if the defendant appear not and ſurrender himſelf ſo as to be forth coming to juſtice at ſome one or other of the ſaid courts, at which he is ſo proclaimed, the ſheriff or ſtewart depute ſhall, at the laſt of the ſaid five courts, pronounce judgment of outlawry againſt him, and ſign ſuch judgment; and the ſheriff ſhall return the ſame, and the writs of proclamation and exigent, into the court from whence the ſame iſſued, together with indorſements on each, certifying that the ſaid ſheriff, *&c.* has done every thing required of him by the ſaid writs, and that the defendant did not appear, (if that be the caſe), and thereupon ſuch defendant ſhall be outlawed for ſuch high treaſon, or miſpriſion of high treaſon: and the defendant ſo outlawed for high treaſon, ſhall be attainted of ſuch high treaſon as is contained in ſuch indictment, and be ſubject to the like execution and corruption of blood, and to the like pains and penalties and proceſſes with reſpect to his eſtates, real and perſonal, moveable and immoveable, to which perſons attainted of high treaſon are by law ſubject; and the defendant ſo outlawed for miſpriſion of high treaſon, ſhall be ſubject to the like forfeitures and proceſſes out of the court where the ſaid writs and judgments of outlawry are returned, and alſo out of the court of exchequer in *Scotland*, to ſeize the perſon and eſtate, and goods, of ſuch defendant, as perſons outlawed according to the law of *England* for miſpriſion of high treaſon are liable to; and all defendants outlawed for high treaſon or miſpriſion of high treaſon in *Scotland*, ſhall, as near as can be, have all the like writs, methods, remedies, and advantages, in the like manner and time, and on the like conditions, for avoiding falſifying or reverſing ſuch outlawry, as may be had by the law of *England*; excepting ſo far as the forms of proceeding are varied and ſettled by this act. And all the writs before mentioned, with the returns thereof, and judgments of outlawry, ſhall be recorded and preſerved in the court to which the ſaid writs are returned, unleſs removed by courſe of law. *ſ.* 1.

The ſheriffs or ſtewarts, to whom the ſaid writs of proclamation and exigent are directed, ſhall forthwith cauſe five ſucceſſive courts of the ſheriff or ſtewart depute, to be held for the purpoſes before mentioned, three days notice being firſt given, before the firſt court at the head borough of the county or ſtewartry, of the times and places where

ſuch courts ſhall be held; and the firſt of the ſaid five courts, at which the defendant is called by virtue of the writ of exigent, ſhall be held within 20 days after the delivery thereof to the ſheriff, &c.; and each of the four ſucceſſive courts ſhall be held at the end of four weeks from the court preceding. *ſ.* 2.

All the ſaid writs of *capias*, proclamation, and exigent, ſhall be in the name of his majeſty, under the ſeal of ſuch courts from whence the ſame iſſue; and ſuch writ of *capias* ſhall contain a command to the ſheriff, &c. to take the defendant and bring him before the court whence the ſaid writ iſſues, at a certain time and place therein mentioned; and the writ of proclamation ſhall command ſuch ſheriff, &c. to take the defendant and have him before ſuch court, at a certain time and place therein mentioned; and if he cannot be found within his ſhire, &c. then to cauſe public proclamation to be made in the court of the ſheriff depute, &c. at the general quarter ſeſſions of the peace for the ſame ſhire, &c. and at the door of the church, or if no church, at ſome open part of the place, of which ſuch defendant is named in ſuch indictment, that he be before the court from whence ſuch writ iſſues, at a certain time and place therein mentioned; and the ſaid writ of exigent ſhall contain a command to the ſheriff, &c. to cauſe the defendant to be called from court to court of the ſheriff, &c. until he be outlawed; and if he appear, then to take him and have his body before the court whence ſuch writ of exigent iſſues, at a certain time and place therein mentioned, to anſwer to his majeſty for the crime of which he is indicted. *ſ.* 3.

If any perſon ſo outlawed for high treaſon at the time of ſuch outlawry pronounced, be inhabitant out of the limits of *Great Britain*, and within one year after ſuch outlawry pronounced, yield himſelf to the lord juſtice general, juſtice clerk, or any of the commiſſioners of juſticiary in *Scotland*, he ſhall be at liberty to traverſe the indictment on which ſuch outlawry is pronounced, and take his trial thereupon; and in caſe he be found not guilty by verdict of the jury, he ſhall be diſcharged of the ſaid outlawry, and all penalties and forfeitures for the ſame. *ſ.* 4.

Papiſts.

By 12 *Ann. ſt.* 2. *c.* 14. The lords of juſticiary in *Scotland* are empowered to inflict the ſame puniſhments againſt *Jeſuits*, prieſts, and other trafficking papiſts, which the privy council of *Scotland* was empowered to do by the act of the eighth ſeſſion of the firſt parliament of king *William* for preventing the growth of popery. *ſ.* 12. *See the reſt of this act in general title* PAPISTS.

By 1 *Geo.* 1. *c.* 20. The act 1 *Will. & Mar. c.* 15. *for ſecuring the government by diſarming papiſts and reputed papiſts*, ſhall be in force in *Scotland*; except, that in lieu of the declaration mentioned in that act, the oaths of allegiance and abjuration ſhall be taken and ſubſcribed; and the declaration called the *formula*, recited in an act of parliament in *Scotland* paſſed in the year 1700, *for preventing the growth of popery*, ſhall be likewiſe ſubſcribed; and the counties or diviſions mentioned in the act ſhall be underſtood in *Scotland* to be ſhires or ſtewartries; and nothing in the act ſhall be conſtrued to eſtabliſh any office which is not in being in *Scotland*. *ſ.* 16.

Parliament.

By 6 *Ann. c.* 23. When her majeſty ſhall declare her pleaſure for ſummoning any parliament; in order to the electing the 16 peers of *Scotland*, a proclamation ſhall be iſſued under the great ſeal of *Great Britain*, commanding all the peers of *Scotland* to aſſemble at *Edinburgh*, or ſuch other place in *Scotland*, and at ſuch time as ſhall be appointed in the proclamation, to elect the 16 peers to ſit and vote in the houſe of peers in the parliament of *Great Britain*. *ſ.* 1.

Every proclamation for the purpoſe aforeſaid ſhall be publiſhed at the market croſs at *Edinburgh*, and in all the country towns of *Scotland*, 25 days before the time appointed for the meeting of the peers. *ſ.* 2.

All the peers who meet on ſuch proclamation ſhall, before they proceed to the election, and in preſence of the peers aſſembled, take the oaths of allegiance and ſupremacy, and ſhall alſo make and ſubſcribe the declaration in 30 *Car.* 2. *ſt.* 2. [*which ſee in* PAPISTS,] and alſo take and ſubſcribe the oath of abjuration. *ſ.* 3.

Peers that live in *Scotland*, but ſhall not be preſent at ſuch meeting, may take the oaths, &c. in any ſheriffs court in *Scotland*; and every ſheriff or his deputy, before whom ſuch oaths, &c. ſhall be ſo made, ſhall return the original ſubſcription ſigned by the peer, and make a return in writing, under his hand and ſeal, to the peers ſo aſſembled, of ſuch peer's taking the oaths, &c.; and ſuch peer ſhall be thereby enabled to make a proxy, or to ſend a ſigned liſt, containing the names of the 16 peers for whom he giveth his vote: and ſuch of the peers as reſide in *England* may take the oaths, &c. in her majeſty's court of chancery, queen's bench, common pleas, or exchequer, in *England*, which being certified by writ to the peers in *Scotland* at their meeting, under the ſeal of the court, ſhall entitle ſuch peer to make his proxy, and to ſend a ſigned liſt; and in caſe any of the peers, who, before the iſſuing of ſuch proclamation, have taken the oaths, &c. to be certified as aforeſaid, (and if taken in parliament, to be certified under the great ſeal) ſhall, at the time of iſſuing ſuch proclamation, be abſent in the ſervice of her majeſty, ſuch peer may make his proxy, or ſend a liſt. *ſ.* 4.

Provided, that ſuch peers of *Scotland* as are alſo peers of *England*, ſhall ſign their proxies and liſts by the title of their peerage in *Scotland*. *ſ.* 5.

No peer ſhall be capable of having more than two proxies. *ſ.* 6.

At ſuch meeting of the peers they ſhall all give in the names of the perſons by them nominated to ſit and vote in the houſe of peers, and the lord clerk regiſter, or two of the principal clerks of the ſeſſion, appointed by him to officiate in his name, ſhall, after the election is made, certify the names of the 16 peers elected, and ſign the ſame in the preſence of the peers; which certificate ſhall, by the lord clerk regiſter, or two of the principal clerks of the ſeſſions, be returned into chancery before the time appointed for the meeting of the parliament. *ſ.* 7.

The peers ſhall come to ſuch meetings with their ordinary attendants only, under the penalties inflicted by the laws in force in *Scotland*. *ſ.* 8.

It ſhall not be lawful for the peers aſſembled for the electing 16 peers to ſit and vote in parliament, to act, propoſe, debate, or treat of, any other matter, except only the election of the peers; and every peer who ſhall at ſuch meeting propoſe, debate, or treat of, any other matter, ſhall incur the penalty of *premunire* in 16 *Ric.* 2. *c.* 5. *ſ.* 9.

In caſe any of the 16 peers ſhall die, or become legally diſabled to ſit in the houſe of peers, her majeſty ſhall forthwith iſſue a proclamation for electing another peer of *Scotland* to ſit in the houſe of peers in the room of ſuch peer deceaſed or diſabled. *ſ.* 11.

For

For the trial of any peer of *Great Britain* that ſhall commit any high treaſon, petit treaſon, miſpriſion of treaſon, murder, or other felonies, in *Scotland*, commiſſions may iſſue under the great ſeal of *Great Britain*, directed to perſons therein named, conſtituting them juſtices, to enquire by the oaths of good and lawful men of ſuch counties of *Scotland* as ſhall be named therein, of all treaſons, &c. committed in ſuch county by peers of *Great Britain*, which inquiſition ſhall be taken and proceeded upon in the ſame method as any inquiſition found before juſtices of *oyer* and *terminer* in *England*, whereby any peer is indicted for ſuch offence; and ſuch juſtices ſhall iſſue mandates or precepts to the ſheriffs of the counties of *Scotland*, to return to them good and lawful men of the county, to enquire of the offences aforeſaid, and 12 or more of them being ſworn ſhall be ſufficient to find any indictment; and if the ſheriff ſhall not ſummon a ſufficient number, the juſtices may impoſe a fine upon ſuch ſheriff, which ſhall be levied by proceſs of the exchequer; and if any of the perſons ſummoned ſhall not appear, the juſtices may in like manner impoſe a fine upon ſuch perſon. *ſ.* 12. *See general titles* OATHS, PARLIAMENT.

By 12 *Ann. ſt.* 1. *c.* 6. No conveyance or right, whereupon infeoffment is not taken, and ſeiſin regiſtrated, one year before the *teſte* of the writs for calling a new parliament, ſhall, upon objection made, entitle the perſon infeoft to vote or to be elected in any ſhire or ſtewartry in *Scotland*; and in caſe any election happen during the continuance of a parliament, no conveyance or right, whereupon infeoffment is not taken one year before the date of the warrant for making out a new writ for ſuch election, ſhall, upon objection made, entitle the perſon infeoft to vote or be elected at that election; and it ſhall be lawful for any of the electors, ſuſpecting any perſon to have his eſtate in truſt, and for the behoof of another, to require the preſes of the meeting to tender an oath to any elector; and in caſe ſuch elector refuſe to ſwear, and ſubſcribe the oath, he ſhall not be capable of voting or being elected at ſuch election. *ſ.* 1.

Notwithſtanding ſuch oath taken, it ſhall be lawful to make ſuch other objections as are allowed by the laws of *Scotland* againſt ſuch electors. *ſ.* 2.

No infeoffment taken upon any redeemable right (except proper wadſetts, adjudications, or appriſings, allowed by the act of parliament relating to elections in 1681), ſhall entitle the perſon to vote or be elected in any ſhire or ſtewartry. *ſ.* 3.

All ſheriffs of ſhires and ſtewarts of ſtewartries ſhall be obliged (under the pain of 50 *l.*; one moiety to the queen, and the other to the perſon who ſhall ſue, to be recovered before the court of ſeſſion, by any action ſummarily, without abiding the courſe of the roll) to make the public intimations required by the laws of *Scotland* at the pariſh churches, at leaſt three days before the dyet of elections. *ſ.* 4.

The right of apparent heirs in voting by virtue of their predeceſſors infeoffments, and the right of huſbands by virtue of their wives infeoffments, is reſerved. *ſ.* 5.

Provided, that no huſbands ſhall vote by virtue of their wives infeoffments, who are not heireſſes, or have not right to the property of the lands. *ſ.* 7.

By 7 *Geo.* 2. *c.* 16. If the clerk of any meeting of freeholders for the election of a commiſſioner to ſerve in parliament for any ſhire or ſtewartry in *Scotland*, ſhall wilfully return to the ſheriff or ſtewart any perſon, other than him who ſhall be duly elected, or if any other perſon pretending to be clerk ſhall return any perſon as elected, who ſhall not be duly elected, the party offending ſhall forfeit 500 *l.* to be recovered by the candidate elected. *ſ.* 1. Qu. *If in force ſince* 16 Geo. 2. c. 11. ſ. 14, & 16.

Every freeholder who ſhall claim to vote at an election, or in adjuſting the rolls of freeholders, inſtead of the oath appointed by 12 *Ann. ſt.* 1. *c.* 6. ſhall, upon requeſt of any freeholder formerly inrolled, take and ſubſcribe the oath following. *ſ.* 2.

I A. B. *do, in the preſence of God, declare and ſwear, that the lands and eſtate of* ——— *for which I claim a right to vote in the election of a member to ſerve in parliament for this county or ſtewartry, is actually in my poſſeſſion, and do really and truly belong to me, and is my own proper eſtate, and is not conveyed to me in truſt, or for, or in behalf, of any other perſon whatſoever; and that neither I, nor any perſon to my knowledge, in my name, or on my account, or by my allowance, hath given, or intends to give, any promiſe, obligation, bond, back-bond, or other ſecurity whatſoever, other than appears from the tenor and contents of the title, upon which I now claim a right to vote, directly or indirectly, for rediſponing or reconveying the ſaid lands and eſtate in any manner of way whatſoever, or for making the rents or profits thereof forthcoming to the uſe or benefit of the perſon from whom I have acquired the ſaid eſtate, or any other perſon whatſoever; and that my title to the ſaid lands and eſtate is not nominal or fictitious, created or reſerved in me, in order to enable me to vote for a member to ſerve in parliament; but that the ſame is a true and real eſtate in me, for my own uſe and benefit, and for the uſe of no other perſon whatſoever, and that is the truth, as I ſhall anſwer to God.*

In caſe he refuſe, his name ſhall be eraſed out of the roll of freeholders; and in caſe any perſon ſhall wilfully and falſely ſwear, and ſubſcribe the ſaid oath, he ſhall incur the puniſhment of perjury, according to the laws in *Scotland*. *ſ.* 3.

No judge of the court of ſeſſion, or juſticiary, or baron of the exchequer, in *Scotland*, ſhall be capable of being elected a member of the houſe of commons. *ſ.* 4.

The next ſecton is re-enacted by 16 Geo. 2. c. 11. ſ. 40, 41, 42.

At the annual election of magiſtrates and counſellors for boroughs, no magiſtrates or counſellors ſhall take upon them to ſeparate from the majority, who have been ſuch for the year preceding, and to elect ſeparate magiſtrates or counſellors; and if any magiſtrates or counſellors ſhall, in oppoſition to the majority, make a ſeparate election, their election ſhall be void; and every magiſtrate or counſellor who concurred therein, ſhall forfeit 100 *l.* to be recovered by the magiſtrates and counſellors from whom they ſeparated. *ſ.* 6.

The two next ſections are altered by 16 Geo. 2. c. 11. ſ. 17. 24. 30 & 31.

Every penalty by this act impoſed, with reſpect to the recovery of which no particular proviſion is made, ſhall be ſued for by way of ſummary complaint before the court of ſeſſion, upon 15 days notice, without abiding the courſe of any roll. *ſ.* 9.

Every freeholder in *Scotland* ſhall, before he be inrolled or admitted to vote for the choice of clerk or *praeſes*, or other queſtion, (if required,) take and ſubſcribe the oaths appointed by law to be taken by electors of members to ſerve in parliament. *ſ.* 10.

The borough of *Wigtoun* ſhall preſide at the election of a member to repreſent that diſtrict in the next parliament. *ſ.* 11.

By 16 *Geo.* 2. *c.* 11. So much of 12 *Ann. ſt.* 1. *c.* 6. *ſ.* 3. as enacts, that no perſon who have not been inrolled and voted at former elections, ſhall be inrolled or admitted to vote at any election, except they firſt produce a ſufficient title to qualify them to the ſatisfaction of the freeholders formerly inrolled, and that the returning officers make their returns of the perſons elected by the majority of the freeholders inrolled, and thoſe admitted by them, reſerving always the liberty of objecting againſt the perſons admitted to or excluded from the roll, ſhall be repealed. *ſ.* 1.

Such perſons as ſtand upon the roll laſt made up by the freeholders, whether at the *Michaelmas* meeting, or at the laſt election of a member to ſerve in parliament, ſhall be the original conſtituent members at their next *Michaelmas* meeting, or meeting for election, to reviſe the ſaid roll. *ſ.* 2.

It ſhall be lawful for any freeholder upon the roll, to object to the title of any perſon who ſtands at preſent upon the roll laſt made up, and for that purpoſe to apply at any time before the firſt of *December* 1743, by ſummary complaint to the court of ſeſſion, who ſhall grant a warrant for ſummoning ſuch perſons upon 30 days notice, and ſhall in a ſummary way hear and determine ſuch complaint; and if no ſuch complaint be exhibited within the time aforeſaid, then no freeholder, who at preſent ſtands upon the rolls laſt made up, ſhall be ſtruck off or left out of the roll, except upon objections ariſing from the alteration of that title in reſpect of which he was inrolled ſuſtained by the other freeholders upon the roll. *ſ.* 3.

If at any *Michaelmas* meeting, or meeting for election, any perſon ſhall by judgment of the freeholders be refuſed to be admitted, or be ſtruck out of the roll, it ſhall be lawful for him to apply within four calendar months by ſummary complaint to the court of ſeſſion, who ſhall grant a warrant for ſummoning the perſon upon whoſe objection he was refuſed or ſtruck off, upon 30 days notice to anſwer, and ſhall hear and determine in a ſummary way on ſuch complaint; and if any perſon be inrolled whoſe title ſhall be thought liable to objection, it ſhall be lawful for any freeholder upon the ſaid roll (whether preſent at the meeting or not) to apply in like manner by complaint to the court of ſeſſion within four calendar months, and the ſaid court, after ſervice of ſuch complaint on 30 days notice upon the perſon ſaid to be wrongfully admitted to the roll, ſhall hear and determine; and if no ſuch complaint be exhibited within the time aforeſaid, the freeholder inrolled ſhall continue upon the roll, until an alteration of his circumſtances be allowed by the freeholders at a ſubſequent *Michaelmas* meeting, or meeting for election, as a ſufficient cauſe for ſtriking him out of the roll. *ſ.* 4. [*And by* 30 Geo. 3. c. 17. ſ. 4. *a complaint to the lord ordinary on the bills in vacation within the four months ſhall be equivalent to a complaint to the court of ſeſſion; if printed copies of ſuch complaint be lodged before the third ſederunt day of the enſuing ſeſſion.*]

If in any of the aforeſaid caſes the judgment of the court of ſeſſion ſhall alter or reverſe the determination of the meeting of the freeholders, the ſheriff or ſteward's clerk ſhall, upon preſenting to him the extract of ſuch judgment, forthwith make the alteration directed in the books kept by him; and in caſe of refuſal or delay, he ſhall forfeit 100 *l.* ſterling to the perſon in whoſe favour the judgment of the court is given, to be recovered by him or his executors. *ſ.* 5.

If the judgment of the freeholders refuſing to admit, or ſtriking off any perſon from the ſaid roll be affixed by the court of ſeſſion, the perſon complaining ſhall forfeit to the objector the ſum of 30 *l.* ſterling, with coſts. *ſ.* 6.

Every freeholder who intends to claim to be inrolled at any *Michaelmas* meeting of the freeholders, ſhall, two calendar months at leaſt before the ſaid meeting, leave with the ſheriff or ſteward's clerk a copy of his claim, ſetting forth the names of his lands and his titles thereto, and dates thereof, with the old extent upon which he deſires to be inrolled, and in caſe of his neglect he ſhall not be inrolled at ſuch meeting; and in like manner, whoever intends to object to any freeholder who ſtands upon the roll, on account of the alteration of his circumſtances, ſhall, at leaſt two calendar months before the *Michaelmas* meeting, leave his objections in writing with the ſheriff or ſteward's clerk, who ſhall upon receipt of the aforeſaid claim or objections indorſe thereon the day he received the ſame, and alſo give a copy to any perſon upon paying the legal fee of an ordinary extract of the ſame length. *ſ.* 7.

No perſon ſhall be intitled to vote for a commiſſioner to ſerve in parliament for any ſhire or ſtewartry in *Scotland*, or to be inrolled in reſpect of the old extent of his lands holden of the king or prince, unleſs ſuch old extent is proved by a retour of the lands of a date prior to the 16th of *September* 1681; and no diviſion of the old extent made ſince the ſaid 16th of *September* 1681, by retour or any other way, ſhall be ſuſtained as evidence of the old extent. *ſ.* 8.

Lands holden of the king or prince liable in public burdens for 400 *l. Scots* of valued rent, ſhall be a ſufficient qualification, whatever be the old extent of the ſaid lands. *ſ.* 9.

No purchaſer, or ſingular ſucceſſor, ſhall be inrolled till he be publicly infeoft, and his ſeiſin regiſtered, or charter of confirmation be expede, (where confirmation is neceſſary) one year before the inrolment; and no heir apparent ſhall be inrolled, until his predeceſſors titles are produced and allowed by the freeholders; and any perſon may be inrolled, though abſent, provided the titles and vouchers of his qualification are produced before the freeholders: and if any perſon be choſen a member to ſerve in parliament for any ſhire or ſtewartry in *Scotland*, who ſhall not be preſent at the meeting of election; the member ſo elected, before he takes his ſeat in parliament, ſhall take the oath appointed to be taken by freeholders claiming to vote at elections by 7 *Geo.* 2. *cap.* 16. before the lord ſteward of his majeſty's houſehold, or any perſon authorized by him; and if a member ſo elected neglect or refuſe to take the aforeſaid oath, ſuch election ſhall be void. *ſ.* 10.

At the annual meetings of the freeholders at *Michaelmas*, the original conſtituent members ſhall be ſuch only as ſtand upon the roll laſt made up, at a *Michaelmas* meeting or at a meeting for an election of a member to ſerve in parliament, and a copy ſigned and extracted of the roll made up at the *Michaelmas* meetings, or meetings for elections, together with the minutes of the proceedings, ſhall by the clerks of ſuch meetings be delivered to the ſheriff or ſteward's clerk *gratis*, and ſhall be inſerted in books to be kept by the ſaid ſheriff or ſteward's clerk for that purpoſe, who ſhall deliver copies of the ſame extracted and ſigned to any freeholder paying the legal fee for an ordinary extract of the ſame length, and ſhall at every ſubſequent meeting produce the ſaid books, for the uſe of the freeholders; and in caſe ſuch ſheriff or ſteward's clerk neglect or refuſe to enter the aforeſaid rolls of election or minutes of proceedings into books ſo to be kept, or to give copies thereof extracted and ſigned, or to produce the books at any ſubſequent meeting, he ſhall for every ſuch offence forfeit 100 *l.* ſterling, to be recovered by any freeholder within ſuch ſhire or ſtewartry; and if the aforeſaid principal books

be

be not produced, a copy of the ſaid roll and minutes extracted and ſigned by the ſheriff or ſteward's clerk ſhall be ſufficient; and if the ſheriff or ſteward's clerk give falſe copies of the ſaid roll or minutes, he ſhall for every ſuch offence forfeit 100 *l.* ſterling to the perſon to whom the falſe copy is given, to be recovered by him or his executors, and ſhall be incapable of holding his ſaid office. *ſ.* 11.

At every election for any ſhire or ſtewartry in *Scotland*, the roll of electors laſt made up, whether at the *Michaelmas* meeting, or at the laſt election, ſhall be the roll to be called over by the commiſſioner laſt elected, or in his abſence by the ſheriff or ſteward's clerk, in order to the election of preſes and clerk, as alſo by the preſes after he is choſen, for the choice of the member, and for the determination of all queſtions in adjuſting the roll, and in the courſe of the election, excepting ſo far as the ſaid roll ſhall after the choice of preſes and clerk be altered by judgment of the freeholders ſtanding on that roll. *ſ.* 12.

At every meeting for an election of a commiſſioner to ſerve in parliament, if the commiſſioner laſt elected, or in his abſence the ſheriff or ſteward's clerk, ſhall in the choice of preſes or clerk receive the vote of any perſon not upon the roll, he ſhall, for every ſuch offence forfeit 300 *l.* ſterling to every candidate for the office of preſes or clerk, for whom ſuch perſon ſhall not have given his vote, to be recovered by him or his executors; or if the commiſſioner laſt elected, or the ſheriff or ſteward's clerk, ſhall in the choice of preſes or clerk not call for or refuſe the vote of any perſon whoſe name is upon the roll, he ſhall for every ſuch offence forfeit 300 *l.* ſterling to the perſon whoſe name ſhall not be called for, or whoſe vote ſhall be refuſed, to be recovered by him or his executors. And if the preſes in the election of the member to ſerve in parliament, receive the vote of any perſon not upon the roll, he ſhall for every ſuch offence forfeit 200 *l.* ſterling to every candidate for whom ſuch perſon ſhall not have given his vote, to be recovered by him or his executors; or if the preſes ſhall in the election of the member not call for or refuſe the vote of any perſon whoſe name is upon the roll, he ſhall for every ſuch offence forfeit 200 *l.* ſterling to the perſon whoſe name ſhall not be called for, or whoſe vote ſhall be refuſed, to be recovered by him or his executors. And in caſe of equality of votes in the choice of preſes or clerk, the commiſſioner laſt elected, and in his abſence any freeholder preſent who laſt repreſented the ſhire or ſtewartry in any former parliament, and if no ſuch perſon is preſent, the freeholder preſent who preſided laſt at any meeting for any election, and in his abſence the freeholder who laſt preſided at any *Michaelmas* meeting, and if none of the ſaid perſons be preſent, the freeholder preſent who ſtands firſt on the roll, ſhall beſides their own votes have the caſting vote; and the preſes choſen ſhall in the choice of the commiſſioner to ſerve in parliament, and all other queſtions where the votes are equal, in like manner beſides his own vote have the caſting vote. *ſ.* 13.

The perſons choſen to be preſes and clerk by the majority of the freeholders preſent on the ſaid roll, ſhall be preſes and clerk of the meeting for ſuch election; and it ſhall not be lawful for any number of freeholders to ſeparate from the majority of the perſons preſent upon the roll, and ſet up any perſon as preſes or clerk other than thoſe choſen by the majority, and it ſhall not be lawful for any perſon to act as preſes or clerk at any ſuch election, unleſs they are choſen by the majority of perſons on the roll; and every freeholder who ſhall ſo ſeparate from the majority, and ſet up any perſon as preſes or clerk other than thoſe choſen by the majority, ſhall for every ſuch offence forfeit 50 *l.* ſterling to the candidate who ſhall be choſen by the majority, to be recovered by him or his executors; and if any perſon preſume to act as preſes or clerk, who is not choſen by the majority of the freeholders preſent on the roll, he ſhall for every ſuch offence forfeit 200 *l.* ſterling to the candidate who ſhall be choſen by the majority, to be recovered by him or his executors. *ſ.* 14.

The commiſſioner laſt elected, or in his abſence the ſheriff or ſteward's clerk, ſhall ſign the minutes of the election of preſes and clerk, and deliver the ſame to the clerk choſen as aforeſaid; and if the commiſſioner laſt elected, or the ſheriff or ſteward's clerk, neglect or refuſe to ſign the ſaid minutes, and deliver the ſame to the clerk choſen as aforeſaid, or ſign falſe minutes, he ſhall for every ſuch offence forfeit 100 *l.* ſterling to the preſes, to be recovered by him or his executors. *ſ.* 15.

The clerk choſen ſhall return to the ſheriff or ſteward ſuch perſon as ſhall be elected by the majority of the freeholders on the roll made up at the meeting for election; and if he refuſe or neglect ſo to return, or return any other perſon, he ſhall for every ſuch offence inſtead of the penalty inflicted by 7 *Geo.* 2. *cap.* 16. forfeit 500 *l.* ſterling to the candidate choſen by the majority of the freeholders on the roll; to be recovered by him or his executors. *ſ.* 16.

Every ſheriff or ſteward in *Scotland*, upon producing to him a copy of the roll laſt made up by the freeholders at the laſt *Michaelmas* meeting, or at the laſt election, extracted and ſigned by the ſheriff or ſteward's clerk, and the original minutes of the election of preſes and clerk, ſigned by the commiſſioner laſt elected, or in his abſence by the ſheriff or ſteward's clerk, ſhall annex to the writ the return made by the clerk choſen by the majority of the freeholders on the roll; and if any ſheriff or ſteward neglect or refuſe to annex to the writ ſuch return, or ſhall annex the return made by any other perſon pretending to be clerk he ſhall for every ſuch offence, inſtead of the penalty inflicted by 7 *Geo.* 2. *cap.* 16. forfeit 500 *l.* ſterling, to the perſon returned by the clerk, and choſen by the majority of the freeholders, to be recovered by him or his executors. *ſ.* 17.

Every ſheriff or ſteward in *Scotland*, ſhall hold the *Michaelmas* head court on the day on which it has been moſt uſually held, and every ſheriff or ſteward ſhall 14 days before *Michaelmas* next, appoint a day for holding his *Michaelmas* head court in the year 1743. And the days ſo appointed before *Michaelmas* next, ſhall be the anniverſary for holding the *Michaelmas* head court of the ſaid ſhire or ſtewartry in all time coming. *ſ.* 18.

In the ſhire of *Sutherland* no perſon ſhall be elected commiſſioner for the ſaid ſhire, or vote at ſuch election, unleſs he be infeoft, and in poſſeſſion of lands liable to his majeſty's ſupplies, and other public burthens, at the rate of 200 *l. Scots* valued rent. *ſ.* 19.

One perſon only ſhall be intitled to vote at ſuch elections, or be elected, in reſpect of the ſame lands; and where lands are now holden by any baron or freeholder immediately of the king or prince, ſuch baron or freeholder ſhall be capable to be elected, and ſhall be intitled to vote for thoſe lands; and no vaſſal, or ſub-vaſſal, of the ſaid baron or freeholder ſhall have right to vote, or to be elected in reſpect thereof; and where lands are now holden, or ſhall hereafter be holden of the king or prince, by a peer, or other perſon or body politic, who by law are diſabled to be a member of the houſe of commons, or to vote in ſuch elections, the proprietor of ſuch lands, and not any of his ſuperiors, ſhall be intitled to vote or be elected, in reſpect of the ſame

lands; and no alienation of the ſuperiority by ſuch peer, &c. ſhall deprive the proprietor of his right to vote in the ſaid ſhire or to be elected; nor intitle the purchaſer of the ſuperiority to vote or to be elected; and the property of lands of the valuation aforeſaid, holden in part of the king or prince, and in part of a peer, or other perſon or body politic incapable to elect or to be elected, ſhall be a qualification to the proprietor to vote, and to be elected for the ſaid ſhire. *ſ.* 20.

The freeholders and proprietors, having right to elect or to be elected for the ſhire of *Sutherland*, ſhall meet at the head borough of the ſaid ſhire, at the *Michaelmas* head court in the year 1745, and ſhall make up a roll of the electors having right to vote in the terms of this act, and of the other acts touching the election of commiſſioners for ſhires in *Scotland*; which roll ſo made up ſhall be reviſed yearly at the *Michaelmas* meetings, and at after elections: and the ſaid acts ſhall extend to the ſhire of *Sutherland* as well as to the other ſhires in *Scotland*, except ſo far as is otherwiſe provided by this act. *ſ.* 21.

At the annual election of magiſtrates and counſellors in boroughs, and in all the proceedings previous to ſuch election, it ſhall not be lawful for the minority either of magiſtrates, or counſellors, or deacons, or other perſons who have votes in the election of magiſtrates, or counſellors, to ſeparate from the majority; nor to make any ſeparate election of magiſtrates, counſellors, or electors; and if any perſon elected by the minority preſume to vote in the election of magiſtrates, or counſellors, or in leeting the magiſtrates or counſellors, or in any other ſtep of the election, he ſhall forfeit 100 *l.* ſterling to any one of the majority of ſuch meeting. *ſ.* 22.

No perſon elected magiſtrate or counſellor by a minority, ſhall act as magiſtrate or counſellor; and if any perſon notwithſtanding preſume to act, he ſhall for every ſuch offence forfeit 100 *l.* ſterling to the magiſtrates or counſellors elected by the majority, or to any of them who ſhall ſue for the ſame. *ſ.* 23.

It ſhall be lawful for any conſtituent member at any meeting for election of magiſtrates or counſellors, or of any meeting previous thereto, who apprehends any wrong to have been done by the majority of ſuch meeting, to apply to the court of ſeſſion by a ſummary complaint for rectifying ſuch abuſe, or for making void the election by the majority, or for aſcertaining the election by the minority, ſo as ſuch complaint be preſented within two calendar months after the annual election of the magiſtrates and counſellors; and the ſaid court ſhall thereupon grant a warrant for ſummoning the magiſtrates and counſellors elected by the majority, (upon 15 days notice, by 14 *Geo.* 3. *c.* 81.) and ſhall hear and determine the ſaid complaint ſummarily, without abiding the courſe of any roll, and ſhall allow to the party who ſhall prevail their coſts. *ſ.* 24.

It ſhall be lawful to the magiſtrates and counſellors of royal boroughs in *Scotland*, to take and ſubſcribe the oath of allegiance, ſubſcribe the aſſurance, and take and ſign the oath of abjuration, before the council of their reſpective boroughs. *ſ.* 25.

At every election of commiſſioners for chooſing burgeſſes for any diſtrict of boroughs in *Scotland*, the common clerk of each borough ſhall make out a commiſſion to the perſon choſen by the major part of the magiſtrates and town council; which magiſtrates and town council ſhall take the oath of allegiance, and ſign the ſame with the aſſurance, and ſhall take all the other oaths appointed to be taken at ſuch election by this or any former act, if required; and the ſaid clerk ſhall affix the common ſeal of the borough thereto, and ſign ſuch commiſſion, and ſhall not make out a commiſſion for any perſon as commiſſioner, other than him who is choſen by the majority; and if any common clerk of any borough neglect or refuſe to make out ſuch commiſſion, or make out a commiſſion to any other perſon, he ſhall for every ſuch offence forfeit 500 *l.* ſterling to the perſon elected commiſſioner; to be recovered by him or his executors, and ſhall ſuffer impriſonment for ſix calendar months, and be diſabled to hold the ſaid office of common clerk of the ſaid borough. *ſ.* 26.

If any perſon, who is not the common clerk of the borough, take upon himſelf to act as ſuch in any election of a commiſſioner for chooſing a burgeſs for any diſtrict of boroughs in *Scotland*, and make out a commiſſion for any other perſon as commiſſioner, other than the perſon choſen by the majority, and ſign or affix the common ſeal of the borough thereto, he ſhall for every ſuch offence forfeit 500 *l.* ſterling to the commiſſioner for the ſaid borough, to be recovered by him or his executors. *ſ.* 27.

Whereas by an act of parliament in *Scotland* of the 5th of *Feb.* 1707, it is enacted, that where the votes of the commiſſioners for the boroughs met to chooſe repreſentatives ſhall be equal, the preſident of the meeting ſhall have a caſting vote, but no proviſion is made in caſe of the abſence of the commiſſioner from the preſiding borough, or of his refuſing to vote, be it enacted, that if the commiſſioner from the preſiding borough be abſent from the meeting of commiſſioners for chooſing burgeſſes to ſerve in parliament, or refuſe to vote, the commiſſioner from the borough which was the preſiding borough at the laſt election, and if he alſo be abſent, or refuſe to vote, the commiſſioner from the borough which was the preſiding borough at the election immediately preceding the laſt, and in caſe he be abſent, or refuſe to vote, the commiſſioner from the borough which was the laſt preſiding borough but two, ſhall have beſides his own vote the caſting vote. *ſ.* 28.

It is no objection to any commiſſioner for chooſing a burgeſs that he is not a reſidenter within the borough bearing all portable charges with his neighbours, or that he is no trafficking merchant therein, or that he is not in poſſeſſion of any burgage, lands, or houſes holding of the borough, and ſuch qualifications need not be engroſſed in his commiſſion. *ſ.* 29.

At all meetings of commiſſioners for chooſing burgeſſes to ſerve in parliament, the common clerk of the preſiding borough ſhall allow the votes of ſuch perſons only who produce commiſſions authenticated by the ſubſcription of the common clerk, and the common ſeal of the reſpective boroughs, and ſhall return to the ſheriff or ſteward the perſon elected by the major part of ſuch commiſſioners; and if he neglect or refuſe to return ſuch perſons, or return any other perſon, he ſhall for every ſuch offence, inſtead of the penalty inflicted by 7 *Geo* 2. *cap.* 16. forfeit 500 *l.* ſterling to the candidate elected by the majority; to be recovered by him or his executors; and he ſhall alſo ſuffer impriſonment for ſix calendar months, and be diſabled to hold his ſaid office of common clerk of the ſaid preſiding borough. *ſ.* 30.

Every ſheriff or ſteward in *Scotland* ſhall annex to the writ the return made by the ſaid clerk of the preſiding borough; and if any ſuch ſheriff or ſteward neglect or refuſe ſo to do, or if he annex to the writ any return made by any other perſon, he ſhall for every ſuch offence, inſtead of the penalty inflicted by 7 *Geo.* 2. *cap.* 16. forfeit 500 *l.* ſterling, to the candidate returned by the aforeſaid clerk of the preſiding borough, to be recovered by him or his executors. *ſ.* 31.

If any perſon to whom any commiſſion is made as aforeſaid, inſiſt that he was duly elected commiſſioner for any

any royal borough, he ſhall be admitted to the meeting of the commiſſioners for chooſing burgeſſes to ſerve in parliament, and may there make offer of taking the oaths, and declare for whom he would have voted: which oaths the clerk of the preſiding borough ſhall adminiſter, and ſhall ſet down in the minutes of proceedings the declaration of ſuch perſon, but ſhall not receive him as a legal voter, or ſuch declaration as a legal vote. *ſ.* 32.

The electors of commiſſioners for any royal borough in *Scotland* for chooſing burgeſſes to parliament, are within the meaning of the 2 *Geo.* 2. *cap.* 24. to be conſidered as the electors of the member to ſerve in parliament. *ſ.* 33.

At every election of commiſſioners for chooſing burgeſſes for the ſeveral diſtricts of boroughs in *Scotland*, and at the election of a burgeſs to ſerve in parliament for the city of *Edinburgh*, every magiſtrate, town counſellor, or perſon having or claiming a right to vote, inſtead of the oath preſcribed by the ſaid act, ſhall take the following oath, in caſe the ſame be demanded by any of the electors; and which any of the magiſtrates, or, in their abſence, any of the town council ſhall adminiſter. *ſ.* 34.

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly, by way of loan or other device whatſoever, received any ſum or ſums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, either by myſelf, or any other, to my uſe, or benefit, or advantage, or to the uſe, benefit, or advantage of the city or borough of which I am magiſtrate, counſellor, or burgeſs, in order to give my vote at this election.*

So help me GOD.

In all elections of commiſſioners for chooſing burgeſſes, and before they proceed to election, the common clerk of each borough ſhall take and ſubſcribe the oath following, which any of the magiſtrates, or in their abſence any two of the town council ſhall adminiſter. *ſ.* 35.

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly, by way of loan, or other device whatſoever, received any ſum or ſums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, either by myſelf, or any other, to my uſe, or benefit, or advantage, to make out any commiſſion for a commiſſioner for chooſing a burgeſs; and that I will duly make out a commiſſion to the commiſſioner who ſhall be choſen by the majority of the town council aſſembled, and to no other perſon.*

So help me GOD.

And at all meetings of the commiſſioners for chooſing burgeſſes to ſerve in parliament, before they proceed to the election, the clerk of the preſiding borough ſhall take and ſubſcribe the following oath, which the commiſſioner for the preſiding borough, or in his abſence any other of the commiſſioners ſhall adminiſter.

I A. B. *do ſolemnly ſwear that I have not directly or indirectly, by way of loan, or other device whatſoever, received any ſum or ſums of money, office, place, employment, gratuity or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, either by myſelf, or any other, to my uſe, or benefit, or advantage, to make any return at this election of a member to ſerve in parliament; and that I will return to the ſheriff or ſteward the perſon elected by the major part of the commiſſioners aſſembled, whoſe commiſſions are authenticated by the ſubſcription of the common clerk, and common ſeal of the reſpective boroughs of this diſtrict.*

So help me GOD.

If the clerk of the preſiding borough neglect or refuſe to take the oath aforeſaid, he ſhall be incapable to act as clerk to the ſaid meeting; and the ſaid commiſſioners ſhall chooſe another clerk. *ſ.* 36.

At all elections of a member to ſerve in parliament for any county or ſtewartry in *Scotland*, the clerk ſhall after his election take and ſubſcribe the following oath which the preſes of the meeting ſhall adminiſter. *ſ.* 37.

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly, by way of loan, or other device whatſoever, received any ſum or ſums of money, office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, by myſelf or any other to my uſe, or advantage, to make any return at the preſent election of a member to ſerve in parliament; and that I will return to the ſheriff or ſteward the perſon elected by the majority of the freeholders upon the roll made up at this election, and who ſhall be preſent, and vote at this meeting.*

So help me GOD.

And whereas by 2 *Geo.* 2. *cap.* 24. *ſect.* 3. it is enacted, that every ſheriff, or other returning officer, ſhall immediately after reading the writ or precept for the election, take and ſubſcribe the oath contained in the ſaid act, ſo much of the ſaid act as requires the ſaid oath to be taken by any returning officer in *Scotland* ſhall be repealed. *ſ.* 38.

If any perſon preſume wilfully and falſely to ſwear and ſubſcribe any of the oaths required to be taken by this act, and be convicted, he ſhall incur the pains and puniſhments of perjury, and be proſecuted according to the laws of *Scotland*. *ſ.* 39.

When any new parliament ſhall be called, the lord chancellor ſhall iſſue writs for election of members to ſerve in parliament for *Scotland*, with as much expedition as may be; and in that caſe, or in caſe of any vacancy during any parliament, the writs ſhall be delivered to the ſheriff or ſteward to whom the execution thereof belongs; and every ſuch ſheriff or ſteward ſhall indorſe thereon the day he received the ſame, and ſhall within four days after the receipt thereof make out a precept to each borough within his juriſdiction, to elect a commiſſioner for chooſing a burgeſs to ſerve in parliament, and ſhall cauſe the ſame to be delivered to the chief magiſtrate of ſuch borough reſient in the borough; and in caſe ſuch ſheriff or ſteward neglect to indorſe on the writ the day he received the ſame, or to make out his precept, and to deliver the ſame to the chief magiſtrate, he ſhall for every ſuch offence forfeit 100 *l.* ſterling to any magiſtrate of the borough to which the precept is not timouſly delivered, who ſhall ſue for the ſame. *ſ.* 40.

Such chief magiſtrate to whom the precept ſhall be delivered, ſhall indorſe thereon the day he received the ſame, and within two days ſhall ſummon the council of the borough together, by giving notice perſonally, or leaving notice at the dwelling place of every counſellor then reſient in that borough, which council ſhall then appoint a peremptory day for the election of a commiſſioner for chooſing a burgeſs to ſerve in parliament. *ſ.* 41.

Two free days ſhall intervene betwixt the meeting of the council which appoints the day of election of the ſaid commiſſioner, and the day on which the election of the commiſſioner is to be made; and in caſe ſuch chief magiſtrate neglect to indorſe the day he received the precept on the back thereof, or to ſummon the council within the time above directed, he ſhall for every ſuch offence forfeit 100 *l.*

100 *l.* ſterling, to any magiſtrate or counſellor of the ſaid borough who ſhall ſue for the ſame. *ſ.* 42.

Every penalty or forfeiture by this act impoſed in *Scotland*, ſhall be ſued for, and recovered by way of ſummary complaint before the court of ſeſſion, upon 30 days notice to the perſon complained of, without abiding the courſe of any roll; which complaint the court of ſeſſion ſhall determine, and declare the diſabilities and incapacities, and direct the impriſonments, as herein provided. *ſ.* 43.

No perſon ſhall be liable to any incapacity, diſability, forfeiture, or penalty, by this act impoſed in *Scotland*, unleſs proſecution be commenced within one year after ſuch incapacity, *&c.* incurred. *ſ.* 44.

By 14 *Geo.* 3. *c.* 81. The court of ſeſſion ſhall grant warrants for the ſervice of all complaints, *for redreſs of wrongs committed by inrolling freeholders, or in the annual elections of royal boroughs*, upon 15 days notice.

In every election of a burgeſs to ſerve in parliament for a diſtrict of boroughs in *Scotland*, when it ſhall happen that the election of the magiſtrates and council of the borough, which ought to have been the preſiding borough at ſuch election, is reduced and not revived, the next borough intitled to preſide in turn ſhall be the preſiding borough, and the election ſhall be made at that borough; and the commiſſioner for that borough ſhall be the preſident of the meeting of commiſſioners for the election, and have a caſting vote, beſides his own as commiſſioner, where the votes of the commiſſioners are equal; and the common clerk of that borough ſhall be clerk to the election; and every matter concerning the election ſhall be proceeded in as if that borough had been the preſiding borough, in the ordinary courſe of rotation. *ſ.* 2.

The borough which would have been the preſiding borough at the election, if the election of magiſtrates and counſellors had not been reduced, ſhall, when revived by the juſtice and favour of the crown, have no right to be a preſiding borough in the election of a burgeſs to ſerve in parliament for the diſtrict of boroughs of which it is one, until the other boroughs of the diſtrict, each in their turn, have ſucceſſively provided, and that right devolves upon ſuch borough in the ordinary courſe of rotation. *ſ.* 3.

Patronages.

By 10 *Ann. c.* 12. The act made in the year 1690, concerning patronages, ſo far as the ſame relates to the preſentation of miniſters by heretors and others therein mentioned, is repealed and made void; and the fifteenth act of the fifth ſeſſion, and thirteenth act of the ſixth ſeſſion, of the firſt parliament of king *William*, are likewiſe repealed; and the right of patrons to the preſentation of miniſters to churches and benefices, and the diſpoſing of the vacant ſtipends for pious uſes within the pariſh, ſhall be reſtored to them; and it ſhall be lawful for her majeſty, and every other perſon who have right to any patronage of any church in *Scotland* (and who have not made a formal renunciation thereof) to preſent a qualified miniſter to any church whereof they are patrons which ſhall be vacant, and the preſbytery ſhall receive and admit ſuch qualified miniſter. *ſ.* 1.

In caſe any patrons have accepted of money from the heretors or life-renters of any pariſh, or from the magiſtrates or town council of any borough, in ſatisfaction of their right of preſentation, and have renounced the ſame under their hand, nothing herein ſhall reſtore ſuch patrons to their right of preſentation. *ſ.* 2.

In caſe the patron of any church neglect to preſent any qualified miniſter for ſix months after a vacancy, the right of preſentation ſhall accrue for that time to the preſbytery of the bounds, who are to preſent a qualified perſon for that vacancy *tanquam jure devoluto*. *ſ.* 3.

The patronage of all churches which belonged to archbiſhops, biſhops, or other dignified perſons, in the year 1689, before epiſcopacy was aboliſhed, as well as thoſe which formerly belonged to the crown, ſhall belong to her majeſty, who may preſent qualified miniſters to ſuch churches, and diſpoſe of the vacant ſtipends thereof for pious uſes. *ſ.* 4.

Every patron, who ſhall not take before his preſenting a miniſter to any church the oath of abjuration, ſhall, at their ſigning ſuch preſentation, take and ſubſcribe the ſaid oath before the ſheriff of the ſhire, ſtewart of the ſtewartry, or before any two juſtices of peace of the place where ſuch patron reſides; and in caſe ſuch patron neglect to take the ſame, ſuch preſentation ſhall be void, and the right of preſentation, and of the diſpoſing the vacant ſtipends for that time, ſhall belong to her majeſty, who may preſent a qualified perſon within ſix months after ſuch neglect. *ſ.* 6.

Any perſon known or ſuſpected to be a papiſt, and who have a right of preſenting miniſters, ſhall be obliged, at or before his ſigning any preſentation, to purge himſelf of popery, by taking and ſigning the *formula* contained in the third act of the parliament of *Scotland* held in the year 1700, and in caſe ſuch popiſh patron ſhall refuſe to take the *formula*, the ſame being tendered to him by the ſheriff of the ſhire, ſtewart of the ſtewarty, or any two juſtices of peace, the preſentation, and the right of diſpoſing the vacant ſtipends, ſhall for that time belong to her majeſty, who may preſent any qualified perſon within ſix months after ſuch neglect. *ſ.* 7.

By 5 *Geo.* 1. *c.* 29. If any patron ſhall preſent to a vacant church any perſon not qualified by taking the oath of abjuration, or who is a paſtor of any other church, or one who ſhall not accept of the preſentation, ſuch preſentation ſhall not be any interruption of the courſe of time allowed to the patron of preſenting; but the *jus devolutum* ſhall take place as if no ſuch preſentation had been offered. *ſ.* 8.

Nothing herein ſhall prejudice the right of the church, as to the trying the qualities of any perſon preſented to any church or benefice. *ſ.* 9.

Priſons.

By 21 *Geo.* 2. *c.* 19. The forts erected or to be erected by his majeſty within the ſhires of *Dunbartain*, *Sterling*, *Perth*, *Kincardine*, *Aberdeen*, *Inverneſs*, *Nairn*, *Cromartie*, *Arygll*, *Forfar*, *Bamff*, *Sutherland*, *Caithneſs*, *Elgine*, and *Roſs*, and the ſtewartry of *Orkney*, ſhall be lawful priſons: and the officers commanding in any ſuch fort are to obey and execute all legal warrants to them directed, for the receiving and detaining, or releaſing, any perſon committed to their cuſtody by the civil magiſtrate. *ſ.* 9.

Salt.

By 7 *Ann. c.* 11. No debentures for allowances to be made for any fiſh or fleſh exported from *Scotland* ſhall be prepared or allowed, until ſuch oath be made, and all ſuch other

other things be done for preventing of frauds, as by any law in force in *England* or *Scotland* are to be done for preventing frauds in the like allowances; and all laws now in force in *England* or *Scotland*, for preventing any frauds upon the importation and exportation of fiſh and fleſh, for which the ſaid allowances are to be made, ſhall be extended to *Scotland*. *ſ.* 5.

All ſuch allowances ſhall be paid by the officer of the duties upon ſalt payable in *Scotland*, out of the duties to ariſe in the ſame port from whence ſuch fiſh ſhall be exported, within thirty days after demand, on a debenture to be prepared by the collector of the cuſtoms in the port where ſuch fiſh or fleſh ſhall be entered out for exportation, and verified by the ſearcher as to the quantity ſhipped, the oath of the exporter or agent firſt taken before the principal officers of the port, that the fiſh were caught by ſubjects inhabitants of *Great Britain*, and that the fiſh and fleſh were really exported for ſale, and not intended to be relanded in *Great Britain*, and were duly cured only with foreign ſalt imported into *Scotland*, without any mixture of *Britiſh* or *Iriſh* ſalt, and that her majeſty's duties for ſuch ſalt have been duly paid or ſecured; all which particulars ſhall be ſpecified in ſuch debenture, for which no fee ſhall be taken; and in caſe the officer ſhall not have ſufficient money in his hands to pay the ſame, he ſhall give a certificate thereof (without fee) to the exporter, to be directed either to the commiſſioners of the cuſtoms, or the commiſſioners of exciſe in *Scotland*, at the option of the exporter; and upon producing ſuch certificates, together with the debenture, the commiſſioners of the cuſtoms or exciſe, ſhall cauſe ſuch debentures to be paid without fee in courſe, out of any her majeſty's duties ariſing upon ſalt in *Scotland*, or out of the ſaid revenues of cuſtoms and exciſe in *Scotland*, and with preference to all other payments; the charges of raiſing thoſe revenues, and the ſalaries and charges allowed by her majeſty for keeping up the court of ſeſſion and juſticiary, and the exchequer court of *Scotland* excepted: and any officer neglecting his duty therein, ſhall forfeit double the ſum to the party grieved, to be recovered in the exchequer of *Scotland*. *ſ.* 10.

Nothing in this act ſhall charge the overplus of the cuſtoms of *Scotland*, exceeding 30,000 *l. per ann.* mentioned in the 15th article of union, or the overplus of the exciſe, exceeding 33,500 *l. per annum*. *ſ.* 11.

By 8 *Geo.* 2. *c.* 12. It ſhall not be lawful for any proprietor, or perſon taking charge of any ſalt work in *Scotland*, to pay the wages of any ſervants employed in ſuch works, in ſalt. Perſons offending ſhall forfeit 20 *l.* to be recovered in a ſummary way, upon complaint before two juſtices of peace of the county within which ſuch ſalt works lie, by any perſon who ſhall ſue, provided ſuch penalties be ſued for within three months. *ſ.* 4. *See general title* SALT.

Schools.

By 4 *Geo.* 1. *c.* 1. Out of the monies that ſhall ariſe by ſale of the forfeited eſtates, or by the rents and profits thereof, a ſum not exceeding 20,000 *l.* ſhall be appropriated towards the making a capital ſtock for a yearly intereſt, out of the monies which ſhall ariſe by ſale of the ſaid eſtates in *Scotland*, towards erecting and maintaining ſchools in the *Highlands*, in ſuch manner as by any future act of parliament ſhall be directed. And the other monies which ſhall ariſe, *&c.* ſhall be applied towards diſcharging the public debts. *ſ.* 32.

By 19 *Geo.* 2. *c.* 39. After the 1ſt of *November* 1746, it ſhall not be lawful for any perſon in *Scotland* to keep a private ſchool for teaching *Engliſh*, *Latin*, *Greek*, or any part of literature, or to officiate as a maſter or teacher in ſuch ſchool, or any ſchool for literature, other than thoſe in the univerſities, or eſtabliſhed in the royal burghs by public authority, or the parochial ſchools ſettled according to law, or the ſchools maintained by the ſociety in *Scotland* for propagating Chriſtian knowledge, or by the general aſſemblies of the church of *Scotland*, or committees thereof, upon the bounty granted by his majeſty, until the ſituation and deſcription of ſuch private ſchool be regiſtered in a book, to be kept by the clerks of the ſeveral ſhires, ſtewartries, and burghs, in *Scotland*, together with a certificate of every ſuch maſter and teacher having qualified himſelf by taking the oaths appointed to be taken by perſons in offices of public truſt in *Scotland*; and every ſuch maſter and teacher ſhall, as often as prayers are ſaid in ſuch ſchool, pray, or cauſe to be prayed, for his majeſty by name, and all the royal family; and if any perſon exerciſe the office of a maſter or teacher of any ſuch private ſchool not regiſtered, or without having firſt qualified himſelf and cauſed the certificate to be regiſtered as above mentioned, or neglect to pray for his majeſty by name, and all the royal family, or reſort to any epiſcopal meeting-houſe not allowed by law, being convicted before two juſtices of peace, or any other judge competent of the place ſummarily, he ſhall for the firſt offence ſuffer impriſonment for ſix months; and for the ſecond, or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, be tranſported to ſome of the plantations in *America* for life; and in caſe any perſon adjudged to be ſo tranſported return into *Great Britain*, he ſhall ſuffer impriſonment for life. *ſ.* 21.

If any parent or guardian put a child to any private ſchool not regiſtered according to this act, or whereof the principal maſter or teacher ſhall not have regiſtered the certificate of his having qualified himſelf, every ſuch parent or guardian being convicted before two juſtices of peace, or any other judge competent of the place ſummarily, ſhall, for the firſt offence, ſuffer impriſonment three months; and for the ſecond, or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, ſhall ſuffer impriſonment for the ſpace of two years from the date of ſuch conviction. *ſ.* 22. *See ſ.* 26. *Oaths.*

By 21 *Geo.* 2. *c.* 34. Every perſon who ſhall keep in his own name, or in the name of any other perſon, any private ſchool, other than as in the 19 *Geo.* 2. *c.* 39. is excepted, or who ſhall receive or be intereſted in the profits of ſuch ſchool, ſhall take the oaths appointed to be taken by perſons in offices of public truſt in *Scotland*; and pray for in expreſs words his majeſty by name, and all the royal family, as often as there be prayers in ſuch ſchool, or in the hearing of any of the ſcholars; and if any perſon keep any ſuch ſchool in his own name, or in the names of any other perſons, or receive or be intereſted in the profits of ſuch private ſchool, not regiſtered as directed by the ſaid act, or without having qualified himſelf and cauſed the certificate thereof to be regiſtered, or neglect to pray for his majeſty by name, and all the royal family, or reſort to or attend divine worſhip in any epiſcopal meeting-houſe not allowed by law, being convicted before two juſtices, or any other judge competent ſummarily, he ſhall, for the firſt offence, ſuffer impriſonment for ſix months; and for the ſecond or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, be tranſported to ſome of the plantations in *America* for life,

life, and in caſe he return into *Great Britain* he ſhall ſuffer impriſonment for life. *ſ.* 12.

Servants in Collieries and Salt Works.

By 15 *Geo.* 3. *c.* 28. No perſon who ſhall begin to work as a collier or ſalter in *Scotland*, ſhall be bound in any other way than other ſervants. *ſ.* 1.

It ſhall be lawful for owners and leſſees of collieries and ſalt-works, and for colliers, coal-bearers, and ſalters, to take perſons bound by contract or indenture, as apprentices, to learn the art of coal-hewing, coal bearing, or making ſalt, for any term permitted by the law of *Scotland* with regard to apprentices in other arts. *ſ.* 2.

Perſons employed under 21 years, ſhall be free after ſeven years ſervice. *ſ.* 3.

All bound colliers and ſalters, after ſervice of ten years, and thoſe above 35, and under 45, after ſeven years, to be free, *&c.* *ſ.* 4.

Above 45 years to be free after three years. *ſ.* 5.

Not properly inſtructing apprentices, to ſerve three years longer, *&c.* *ſ.* 6.

Colliers, *&c.* claiming liberty, to obtain a decree, *&c.* of the ſheriff court, declaring that he is entitled unto his freedom, under this act. *ſ.* 7.

For obtaining ſuch decree, it ſhall be lawful for the collier or ſalter claiming his freedom to preſent a petition to the ſheriff depute or ſubſtitute of the county, ſtating his claim, and offering to prove the facts which intitle him to it, and the ſheriff to order the petition to be ſerved upon the owner or overſeer of the works, and to order an anſwer to the petition in ten days after ſervice; and the ſheriff ſhall after proceed in a ſummary way in taking the proofs, until a decree ſhall be pronounced; and if the decree ſhall be againſt the petitioner, it ſhall nevertheleſs be competent to ſuch petitioner, at any period after the expiration of one year, to preſent a ſecond petition, ſtating his claim of new, and which ſhall be proceeded upon in the ſame manner; and if the petitioner fails in obtaining a decree on the ſecond petition, he may, after the expiration of one year from the date of the ſecond decree, preſent a third petition; and if he fails on his third petition, he may preſent a fourth, and ſo on, till he obtains a decree declaring his freedom. *ſ.* 8.

Perſons guilty of unlawful combinations, *&c.* to ſerve two years after intitled to his freedom. *ſ.* 9.

Reſpondent may not remove proceedings. *ſ.* 10.

When colliers or ſalters obtain their freedom, their wives and all their family ſhall likewiſe be free. *ſ.* 11.

All colliers, *&c.* having obtained their freedom, intitled to benefit of the act of *Scotland*, in the year 1701, intituled, 'Act for preventing wrongous impriſonment, and againſt 'undue delays in trials.' *ſ.* 13.

Seſſion.

By 10 *Geo.* 1. *c.* 19. When any ordinary place ſhall be vacant in the court of ſeſſion, the king ſhall nominate thereto a perſon qualified according to an act made in *Scotland* in the ſixth parliament of king *James* VI. *Anent the admiſſion of ordinary lords of the ſeſſion*, &c. and another act in the 12th parliament of king *James* VI. *Anent the juriſdiction, preſentation, qualities, and age, of the lords of ſeſſion*, and according to the articles of union; and the qualifications of ſuch perſon ſhall be tried by the ordinary lords of the court of ſeſſion only; and if the perſon on ſuch examination be found qualified, they ſhall forthwith admit him; but if the lords of ſeſſion ſhall be of opinion, that there is juſt ground to object to the qualifications of the perſon nominated, they are required, with all convenient ſpeed, to certify the whole matter to his majeſty; and if his majeſty ſhall afterwards ſignify, under the ſign manual, the royal will and pleaſure, that the perſon nominated ſhall be admitted, the lords of ſeſſion are forthwith to admit him; but if his majeſty ſhall ſee cauſe not to admit him, it ſhall be lawful for his majeſty to nominate ſome other perſon, ſubject to ſuch examination and determination as before. And when the places of the four preſent extraordinary lords of ſeſſion ſhall become vacant, no nomination ſhall be made to ſupply ſuch vacancy.

By 3 *Geo.* 2. *c.* 32. *ſ.* 1. The court of ſeſſion may make an adjournment between the 15th of *Dec.* and the 15th of *Jan.* yearly, not exceeding ten days: *But by* 2 Geo. 3. c. 27. *the court* may make an adjournment betwixt 20 *Dec.* and 15 *Jan.* yearly, not exceeding twenty days.

By 30 *Geo.* 3. *c.* 17. The ſummer ſeſſion in the court of ſeſſion ſhall begin upon 12th *May*, except it be a *Sunday* or *Monday*, in which caſe the ſeſſion ſhall ſet down upon the firſt *Tueſday* after 12th *May*, and the ſaid ſummer ſeſſion ſhall end upon 11th *July*, except it be a *Sunday* or *Monday*, in which caſe it ſhall riſe upon the *Saturday* preceding. *ſ.* 1.

Settlements.

By 10 *Geo.* 3. *c.* 51. Every proprietor of an entailed eſtate within *Scotland* may grant tacks or leaſes thereof, for 14 years from the term of *Whitſunday* next after the date, and for the life of one perſon to be named in ſuch leaſes; or for the lives of two perſons, and the life of the ſurvivor; or for 31 years from the term aforeſaid. *ſ.* 1.

Every ſuch leaſe for two lives ſhall contain a clauſe, obliging the tenant to incloſe all the lands within 30 years, two third parts within 20 years, and one third within 10 years; and every leaſe for any term exceeding 19 years, ſhall contain a clauſe, obliging the tenant to incloſe all the lands during the term, and two third parts before the expiration of two third parts of ſuch term, and one third before the expiration of one third of ſuch term. *ſ.* 2.

Every ſuch leaſe for two lives, or exceeding 19 years, ſhall contain a clauſe, obliging the tenant to keep the fences, when made, in repair, and to leave them ſo; that no incloſures ſhall comprehend more than 40 acres in one field; excepting hills or other grounds incapable or improper for culture by the plough. *ſ.* 3.

It ſhall be in the power of every proprietor of an entailed eſtate, to grant leaſes of land for building, for ninety-nine years. *ſ.* 4.

Provided that not more than five acres ſhall be granted to one perſon, either in his own name, or to any other in truſt for him; and the leaſe ſhall contain a condition that the leaſe ſhall be void, and the ſame is declared void, if one dwelling-houſe, not under the value of 10*l.* ſterling, ſhall not be built within ten years from the date, for each one half acre of ground comprehended in the leaſe; and that the ſaid houſes ſhall be kept in repair; and that the leaſe ſhall be void whenever there ſhall be a leſs number of dwelling-

ing-houſes than one, of the value aforeſaid, to each one half acre of ground, kept in ſuch repair as aforeſaid, ſtanding upon the ground ſo leaſed. *ſ.* 5.

The power of leaſing hereby given ſhall not extend to leaſing, or ſetting in tack, the manor-place, office-houſes, gardens, orchards, or incloſures adjacent to the manor-place, which have uſually been in the natural poſſeſſion of the proprietor, or have not been uſually let for longer than ſeven years, when the heir in poſſeſſion was of lawful age; and no leaſe of lands ſhall be granted, under this act, for the purpoſe of building villages or houſes within three hundred yards of the manor-place in the natural poſſeſſion of the proprietor. *ſ.* 6.

All leaſes under this act, ſhall be made for a rent not under the rent payable by the laſt leaſe, and without graſſum fine or foregift, or any benefit whatſoever, except the rent payable by the leaſe; and no ſuch leaſe ſhall be granted till after the end of any former leaſe; or that ſuch leaſe be within one year of being determined; and all leaſes otherwiſe granted ſhall be void. *ſ.* 7.

If any taillie ſhall, either expreſsly or by implication, contain powers of leaſing more ample than are hereby given; the heirs of entail in poſſeſſion may exerciſe all ſuch powers as if this act had never been made. *ſ.* 8.

Every proprietor of an entailed eſtate who lays out money in incloſing, planting, or draining, or in erecting farm-houſes, offices or out-buildings for the ſame, for the improvements of his lands and heritages, ſhall be a creditor to the ſucceeding heirs of entail for three fourth parts of the money laid out in making the improvements *ſ.* 9.

The money laid out upon ſuch improvements, ſhall not conſtitute a claim againſt the ſucceeding heir, for more than four years free rent of the entailed eſtate, after deduction of all public burdens, life-rents, and intereſts of debts, which may affect the ſaid eſtate as the ſame ſhall happen to be at the firſt term of *Whitſunday* after the death of the heir who expended the money claimed. *ſ.* 10.

Every proprietor, who intends to lay out money on ſuch improvements, ſhall, three months before he begins to execute the ſame, give notice in writing to the heir of entail next intitled to ſucceed to the eſtate after the heirs of the body of the proprietor, if within *Great Britain* or *Ireland*, and if the heir next intitled to ſucceed is not within *Great Britain* or *Ireland*, ſhall give notice in writing to the neareſt male relation by his father of lawful age, or to his known factor or attorney, of ſuch his intention, ſpecifying in ſuch notice the kind of improvement intended, and the farms or parts of the eſtate upon which the improvements are intended to be made; and ſhall lodge a copy thereof with the ſheriff or ſteward's clerk of the county wherein the lands lie. *ſ.* 11.

The proprietor of an entailed eſtate, who lays out money in making improvements upon his entailed eſtate, with an intent of being a creditor to the ſucceeding heirs of entail as above expreſſed, ſhall annually, during the making ſuch improvements, within four months after the term of *Martinmas*, lodge with the ſheriff or ſtewart clerk of the county, an account of the money expended during twelve months preceding that term of *Martinmas*, ſubſcribed by him, with the vouchers by which the account is to be ſupported when payment ſhall be demanded. *ſ.* 12.

When a ſum equal to four years free rent ſhall have been laid out, abovementioned, by one or more heirs of entail, and ſhall remain a ſubſiſting charge againſt the ſucceeding heirs; it ſhall not be lawful for any ſubſequent heir to lay out any more money under this act, for improvements. *ſ.* 13.

All ſheriff or ſteward clerks, with whom the accounts, vouchers, and copies of notice ſhall be lodged, ſhall, within one month thereafter, record them in a book to be kept for that purpoſe, and return them when called for; and ſhall make the book patent to all perſons deſirous to ſee the ſame; and ſhall give certified copies of all accounts, *&c.* recorded, they receiving for their trouble the uſual fees for recording writings and giving out extracts, and ſixpence ſterling from each perſon who ſhall have inſpection of the book wherein the accounts, *&c.* ſhall be recorded. *ſ.* 14.

The executors or aſſigns, or perſons having right to the claim ariſing from money expended by the proprietor of an entailed eſtate in the improvement thereof, may, after the expiration of one year from the death of the heir who expended the money, require the heir next ſucceeding to the eſtate to pay ſuch part thereof as is due by this act, with the legal intereſt, from the term at which the ſucceeding heir's right to the rents did commence, upon receiving a proper diſcharge and aſſignment of the claim; and if the money is not paid within three months of ſuch requiſition, it ſhall be lawful for the perſon having right, to inſtitute an action in the court of ſeſſion againſt the heir then in poſſion, for compelling him to pay the money, and intereſt thereof; and upon obtaining a decree, he ſhall be at liberty to uſe every kind of diligence or execution, authoriſed by the law of *Scotland* in recovering payment of debts, excepting adjudication againſt the entailed eſtate improved; and in all queſtions of competition for the rents of the entailed eſtate, the perſon who have ſued for and obtained a decree under this act, or the perſon having right to ſuch decree, ſhall be preferred to the other creditors of the heir of entail who has ſucceeded to the eſtate. *ſ.* 15.

When any heir in poſſeſſion is ſued for the money due on account of improvements made upon an entailed eſtate, under this act, he ſhall be diſcharged from ſuch ſuit, upon his aſſigning to the creditor one third part of the clear rents of the entailed eſtate, during his life, or until the money due ſhall thereby be paid off. *ſ.* 16.

The perſon in right of the money due, may either ſue the heirs and ſucceſſors of the next heir of entail in any other than the entailed eſtate, or the heir of entail next ſucceeding to him, or both, and uſe every diligence or execution, authoriſed by the law of *Scotland* in recovering payment of debts, againſt them and their eſtates, excepting adjudication againſt the entailed eſtate, until the money due is paid; and the perſon in right of the money due ſhall, in any competition for the rents of the entailed eſtates, be preferred to the perſonal creditors of the heir of entail in poſſeſſion; and the perſon in the right of the money due, in like manner ſhall be intitled to ſue every ſucceeding heir of entail, until the money is paid; and ſhall have the ſame preference to the rents of the entailed eſtate in competition, with the creditors of ſuch heirs of entail. *ſ.* 17.

The heir who next ſucceeds in the entailed eſtate to the proprietor who expended the money, under this act, in making improvements upon the eſtate, and the heirs of ſuch heir ſhall be bound to relieve all ſubſequent heirs of the debt incurred by the improvement paid by them, to the extent of one-third part of the rents which have come to the uſe of ſuch firſt ſucceeding heir, or to the uſe of his heirs; and when the third part of the rents which have come to the uſe of the firſt ſucceeding heir, or to his heirs, are exhauſted,

hauſted, then the next ſucceeding heir, and his heirs ſhall, in like manner relieve all ſubſequent heirs, to the extent of one-third part of the rents come to their uſe; and relief ſhall in like manner be competent to every ſucceeding heir, who ſhall pay, againſt the heirs of the preceding heir. *ſ.* 18.

When the heirs of an heir of entail, in any other than the entailed eſtate, are ſued for the money due on account of improvements made upon an entailed eſtate under this act, they ſhall be diſcharged from ſuch ſuits, upon making payment of one-third part of the rents come to the uſe of ſuch heir, or to the uſe of his heirs. *ſ.* 19.

The executor, aſſignee, or perſon having right to the claim ariſing from money expended by the proprietor of an entailed eſtate in the improvement thereof, ſhall be obliged, within two years after the death of the proprietor who expended the money, to require payment from the ſucceeding heir, and within ſix months after the elapſe of the two years to inſtitute an action, if the money is not paid, in the court of ſeſſion; and to proceed without delay in recovering a decree for the ſum due, and doing exact diligence for recovering payment thereof, or at leaſt to the amount of one-third part of the free rents which ſhall become due to ſuch ſucceeding heir. *ſ.* 20.

The executor, aſſignee, or perſon having right to the claim ariſing from money expended by the proprietor of an entailed eſtate, who ſhall neglect to require the next or other ſucceeding heir to pay, and ſhall allow ſuch ſucceeding heir to die without recovering payment from him to the amount of one-third part of the rents become due to ſuch heir ſhall ceaſe to be creditor to the ſubſequent ſucceeding heir, and ſhall be entitled to recover payment of his claim from the executors or heirs only of the firſt or other ſucceeding heir, in any other eſtate than the entailed eſtate; and ſhall be entitled to recover payment of the ſurplus of his claim, if any be, and no more, from the ſubſequent ſucceeding heir. *ſ.* 21.

If the heir who firſt ſucceeds in the entailed eſtate, to the proprietor who expended the money, does pay the money due on account of the improvements, and ſhall not live long enough to be indemnified of what he pays by one-third part of the rents that ſhall come to his uſe, or to the uſe of his heirs; it ſhall be competent to his executors or aſſigns, to ſue the ſucceeding heir of entail, for relief of ſuch part of the money as ſhall not be repaid by the third part of the rents which have come to his uſe, or to the uſe of his heirs; and relief ſhall in like manner be competent to the executors or aſſigns of every heir of entail, who pays more than is repaid by the third of the rents which have come to his uſe, or to the uſe of his heirs. *ſ.* 22.

No money expended in making improvements for which a decree ſhall be obtained in the court of ſeſſion, ſhall be made uſe of as a ground of debt for adjudging the eſtate upon which the improvements have been made; and if any decree of adjudication ſhall be obtained againſt the entailed eſtate for ſuch debts, ſuch decree ſhall be void. *ſ.* 23.

If the heir of entail who ſhall ſucceed to an entailed eſtate on which improvements have been made, ſhall have right to a claim of debt ariſing from the making of ſuch improvements as next of kin, or by the will or ſettlements of the heir of entail who expended the money; in ſuch caſe, the claim of debt ſhall be extinguiſhed forever, and ſhall never be ſet up as a debt againſt any ſucceeding heir. *ſ.* 24.

If any heir of entail, againſt whom a debt is created for improvements made on the entailed eſtate to which he ſucceeds, ſhall refuſe to pay the money required of him under this act, and decrees ſhall be obtained againſt him for the money of which he ſhall be required to make payment, in ſuch caſe the defender ſhall be liable in full coſts; and if decree is not obtained for the money of which payment has been required, it ſhall be in the diſcretion of the court to award coſts to either party, as the caſe ſhall direct. *ſ.* 25.

It ſhall be lawful for every heir of entail, after he has laid out money upon the improvement of his entailed eſtate, and ſhall have completed the improvement, to bring, if he think proper, an action of declarator before the court of ſeſſion, or a proceſs before the ſheriff, in which he ſhall call the heir next entitled to ſucceed after the heirs of his own body, and ſhall in ſuch ſuit produce evidence of the money laid out in ſuch improvements; and the next heir, or any other heir of entail, ſhall be entitled to produce evidence to ſet aſide the ſaid claim: and it ſhall be lawful for the court, or for the ſheriff, to pronounce a decree for ſuch part of the ſum, as, by this act, is intended to become a charge againſt the ſucceeding heirs; which decree, if pronounced by the ſheriff, ſhall become final, unleſs carried to the court of ſeſſion by ſuſpenſion within ſix months after pronounced; and if pronounced by the court of ſeſſion, either in proceſs of declarator or ſuſpenſion, ſhall be final, if an appeal is not brought within 12 months. *ſ.* 26.

Every heir of entail, who lays out money in building a manſion-houſe or offices, or in repairing or adding to the manſion-houſe or offices upon his eſtate, ſhall be a creditor to the next ſucceeding heir of entail for three-fourth parts of the money expended by him. *ſ.* 27.

Money laid out by any heir of entail, in the building a manſion-houſe or offices, *&c.* ſhall not, in any caſe, conſtitute a claim againſt the ſucceeding heir for more than two years rent of the entailed eſtate, after deduction of all public burdens, life-rents, and intereſts of debts, which may affect the ſaid eſtate, as the ſame ſhall happen to be at the firſt term of *Whitſunday* after the death of the heir who expended the money claimed. *ſ.* 28.

The proprietor of the entailed eſtate, who lays out the money, ſhall, previous thereto, give notice in writing to the heir of entail next entitled to ſucceed to the eſtate after the heirs of his own body, and record copies of the ſame, together with the accounts of the money expended, and the vouchers thereof, in the ſheriff or ſteward court books of the county within which the manſion-houſes and offices are ſituated, in the form above directed with regard to monies expended in making improvements, upon entailed eſtates. *ſ.* 29.

The executor, aſſignee, or perſon having right to the claim, ariſing from money expended by the proprietor of an entailed eſtate, in the building a manſion-houſe or offices, *&c.* may, after one year from the death of the heir who expended the money, require the heir next ſucceeding to the eſtate to pay the whole, or ſuch part as is due by this act, with intereſt from the term at which the ſucceeding heir's right to the rents of the eſtate did commence, upon receiving a proper diſcharge of the ſaid claim; and if the money is not paid within three months of ſuch requiſition, it ſhall be lawful for the perſon having right, to ſue the next ſucceeding heir. *ſ.* 30.

The ſame rules of relief among ſucceeding heirs of entail, and their heirs, of the claim of debt, and of preference, in competition for rents, and in ſubjecting defenders to the payment of coſts, and for aſcertaining the amount of the ſum laid out, ſhall take place with regard to monies ex-

pended

pended in the building, repairing, or adding to the manſion-houſes or offices, as are before enacted, with reſpect to monies expended by proprietors of entailed eſtates, in making improvements upon their eſtates for increaſing the rents and value of them. *ſ.* 31.

It ſhall be lawful for proprietors of entailed eſtates to make exchanges of land with perſons for the conveniency and advantage of the eſtates, and for the improvement of the country where ſuch eſtates are ſituated, by incloſing or otherways. *ſ.* 32.

Not more than 30 acres of arable land, nor more than 100 acres of lands conſiſting of hills or other grounds, incapable by their nature for culture by the plough, of ſuch entailed eſtates, lying together in one place, ſhall be given in exchange; and an equivalent in land, contiguous to the entailed eſtate with which the exchange is to be made, ſhall be received in place of the land given in exchange: and for aſcertaining the value of the lands to be exchanged, an application ſhall be made, by the proprietor of the entailed eſtate, to the ſheriff or ſteward of the county within which the entailed eſtate is ſituated, who thereupon ſhall appoint two perſons to inſpect and adjuſt the value of the lands propoſed to be exchanged; and upon ſuch perſons ſettling the marches of the lands propoſed to be exchanged, and reporting on oath that the exchange will be juſt, the ſheriff or ſteward may authorize the exchange to be made by a contract of excambion; and which being executed and recorded in the ſheriff or ſteward books, within three months after the execution thereof, the ſame ſhall be effectual; and the land given in exchange to the entailed eſtate ſhall be held to be a part thereof, and ſhall be ſubject to all the prohibitory, irritant, and reſolutive clauſes of the entail in the ſame manner as if it had been originally a part of the eſtate; and the lands given from the entailed eſtate ſhall from thenceforth be held as out of the entail, and be liberated from all the prohibitory, irritant, and reſolutive clauſes thereof. *ſ.* 33.

This act ſhall extend to all tallies of lands or heritages in *Scotland*, made or to be made, and whether prior or poſterior to the ſaid act made in the year 1685. *ſ.* 34.

Sheriffs.

By 21 *Geo.* 2. *c.* 19. No ſheriff depute or ſtewart depute or ſubſtitute to any ſheriff depute or ſtewart depute in *Scotland*, ſhall be ſteward, chamberlain, or commiſſioner to any ſubject, or collector of the ceſs, or act in the ſervice of ſuch ſteward, chamberlain, commiſſioner, or collector; and if any ſuch ſheriff depute, or ſtewart depute, or ſubſtitute to any ſheriff depute, or ſtewart depute, take upon him any ſuch office or act therein he ſhall forfeit his office of ſheriff depute, ſtewart depute, or ſubſtitute, and be *ipſo facto* diſabled to hold the ſame. *ſ.* 10.

No ſuch ſheriff depute or ſtewart depute, ſhall be capable of being elected, or of ſitting or voting as a member of the houſe of commons. *ſ.* 11.

Whereas his majeſty has appointed one ſheriff depute only for the ſhires of *Fife* and *Kinroſs*; one only for *Sterling* and *Clackmannan*; one only for *Argyll* and *Bute*; one only for *Elgin* and *Nairn*; one only for *Southerland* and *Caithneſs*; and one only for *Roſs* and *Cromartie*: the ſheriff deputes appointed for the ſaid ſhires, ſhall not be obliged to reſide four months in each of the ſaid ſhires, but their reſidence within the two ſhires, conſidered as one diſtrict in that reſpect, ſhall be ſufficient. *ſ.* 12. *See Juriſdictions.*

Tailzie.

By 20 *Geo.* 2. *c.* 50. Whereas it may be neceſſary for the public ſervice to erect buildings in the highlands of *Scotland*, it ſhall be lawful for any perſon ſeiſed in or poſſeſſed of a tailzied eſtate in *Scotland*, to ſell or reſign *ad perpetuam remanentiam* any part thereof which his majeſty ſhall think fit to purchaſe, for erecting of buildings, or making ſettlements within the ſame. *ſ.* 14.

The price of ſuch land ſhall be ſettled to the ſame uſes, and with the ſame limitations and reſtrictions, as ſuch land was ſettled, or applied for payment of the debts of the maker of the entail, or other debts that are effectual burdens on the tailzied eſtate, not contracted by the vender himſelf: and for that purpoſe the ſaid money ſhall be paid to truſtees appointed by his majeſty by ſign manual and the venders; and ſuch truſtees and the ſurvivor of them, and the executors and adminiſtrators, of ſuch ſurvivor, ſhall lay out the ſame in the purchaſe of other lands to be ſettled, or apply the ſame for payment of debts on the eſtate in manner before directed. *ſ.* 15.

By 20 *Geo.* 2. *c.* 51. Whereas it may be neceſſary, for the preſervation of the public peace, and the further civilizing of the highlands of *Scotland*, that lands be purchaſed there by his majeſty, it ſhall be lawful for any perſon ſeiſed in or poſſeſſed of a tailzied eſtate in *Scotland*, or for any guardian, tutor, curator, or truſtee, of an infant, pupil, minor, idiot, lunatic, fatuous or furious perſon, to ſell or reſign *ad perpetuam remanentiam*, the whole or any part of ſuch tailzied eſtate, or the eſtate of ſuch infant, *&c.* which his majeſty may think fit to purchaſe; which lands ſo purchaſed ſhall remain in his majeſty, his heirs, and ſucceſſors, unalienable for ever, except as to the power of granting leaſes for ſeven years, with a diminution of a fifth part of the uſual rent only. *ſ.* 2.

Provided that in ſuch caſe the price of ſuch lands ſhall be ſettled to the ſame uſes, and with the ſame limitations and reſtrictions, as ſuch lands were ſettled, or ſhall be applied for the payment of debts that are effectual to charge ſuch tailzied eſtate, not contracted by the vender himſelf, or the eſtate of ſuch infant, *&c.* and the ſaid monies ſhall be paid to the truſtees appointed by his majeſty by ſign manual, and the vender; and ſuch truſtees and the ſurvivor of them, and the executors and adminiſtrators of ſuch ſurvivor ſhall lay out the monies ariſing from ſuch ſale in the purchaſe of other lands or heretages to be ſettled as aforeſaid, or the monies applied for the payment of debts in manner before directed; and till ſuch purchaſe can be found, or debts paid, they ſhall place out the monies on good ſecurity at intereſt, and ſuch intereſt ſhall go in the ſame manner as the profits of the ſaid lands, if purchaſed, ſhould have gone. *ſ.* 3.

Tanners.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 19. So much of 1 *Jac.* 1. *c.* 22. as is recited in 9 *Ann. c.* 11., *&c.* (*See the general title* MANUFACTURES, diviſion, *Leather*,) was declared to extend to every part of the united kingdom of *Great Britain*, and no perſon exerciſing the trade of tanning of leather, ſhall, during the time that he ſhall ſo uſe the ſaid trade, exerciſe

exerciſe the craft of a ſhoemaker, currier, butcher, or of any other artificer, exerciſing the cutting or working of leather, on pain to forfeit every hide and ſkin ſo wrought or tanned during the time he ſhall uſe the myſtery of tanning, or the juſt value thereof, and the further ſum of 50*l.*; and ſo much of the ſaid act of 1 *Jac.* 1. as is recited in 9 *Ann.* ſhall extend to every part of ſaid united kingdom, (except ſuch part thereof as has been altered by any law ſince that time made and now in force), as if the ſaid act and every clauſe therein was herein again re-enacted; and all provoſts, baillies, and other chief officers of burghs, and baillies of royalties, and other head officers in *Scotland*, and all tanners, curriers, ſhoemakers, and other artificers, and all other perſons whatſoever, who ought to be concerned in the execution of the ſaid ſtatute, or give obedience thereunto, ſhall, under ſuch pains as are therein expreſſed, duly execute, and comply with the ſaid ſtatute, and all clauſes therein, in relation to tanning, dreſſing, making, buying, ſelling, trying, ſealing, regiſtering, or other matters concerning leather, (other than ſuch as have been altered by law ſince.) *ſ.* 2.

Tenures.

By 1 *Geo.* 1. *c.* 20. If any ſubject of *Great Britain*, having lands or eſtate in *Scotland*, held waird of the crown, or of any ſubiect ſuperior, as well vaſſal as ſub-vaſſal, ſhall be killed in his majeſty's ſervice againſt the pretender and his adherents, or receive wounds whereof he ſhall die, the heir of ſuch perſon ſhall be free of waird, relief, and marriage; except that it ſhall be lawful for his majeſty, *&c.* where the lands are held of the crown, and to the ſuperior, where the lands are held of a ſubject, to appoint the ſaid caſualties of waird, *&c.* to be applied for proviſion of the wife and younger children, due conſideration being had to the condition of the heir. *ſ.* 7.

By 1 *Geo.* 1. *c.* 54. The annual value of the ſervices called perſonal attendance, hoſting, hunting, watching, and warning, due by any charter, contract, cuſtom, or agreement, ſhall be paid in money annually inſtead of them. *ſ.* 10.

The perſons to whom ſuch ſervices are due, and thoſe by whom they are payable, ſhall agree for the annual value, or by arbitrators choſen by their conſent; and if they cannot agree, either party may apply to the lords of ſeſſion, by bill or petition, to have the ſaid annual value aſcertained; and the lords of ſeſſion are ſummarily to determine the ſame, after having heard both parties, or ſummoned them. *ſ.* 11.

All clauſes in charters, *&c.* whereby the ſaid ſervices are contracted for, and all obligations to pay the ſaid ſervices ſhall be void. *ſ.* 12.

Nothing in this act ſhall take away any other clauſe in the ſaid charters, *&c.* beſides thoſe by which the ſaid ſervices of perſonal attendance, *&c.* are payable. *ſ.* 13.

The ſaid agreements by conſent or by arbitrators, or the ſentences of the lord's of ſeſſion interpoſing, whereby a ſum of money ſhall be determined to be paid annually inſtead of the ſaid ſervices, ſhall have the ſame force as if the ſaid ſum of money, aſcertained as above, were inſert as payable in the charters, *&c.* *ſ.* 14.

By 20 *Geo.* 2. *c.* 50. The tenure of lands or heretages in *Scotland*, by ward holding, whether ſimple or taxed ward, and the caſualties conſequent upon the ſame by ward marriage and recognition, ſhall be taken away after the 25th of *March* 1748. *ſ.* 1.

All ſuch tenures held of his majeſty ſhall be turned into blanch holding, for payment of 1*d. Scots* at *Whitſunday* yearly, *ſi petatur tantum*, and as often as ſuch lands or heretages ſhall fall in non-entry, the ſame ſhall be no longer liable to the annual payment of the new extent or retour duty, but inſtead thereof ſhall be liable to the annual payment of 1*l. Scots* for every 100*l. Scots* of the valued rent, according to which they are now liable to the land tax; and ſo proportionably for any leſſer quantity. *ſ.* 2.

In all ſervices upon the brief of mortanceſtry of any heir in ſuch lands or heretages as aforeſaid, the retour over and above the ſetting forth the old and new extent of the lands ſhall further ſet forth their valuation, and the proportion above mentioned of ſuch valuation ſhall be the non-entry duty, preceding the citation in the general declarator of non-entry. *ſ.* 3.

All tenures of lands or heretages in *Scotland* held ward of any ſubject ſuperior, whether ſimple or taxed ward, ſhall be turned into feu holding, for payment of a certain rent or feu duty in money, victual, cattle, or otherwiſe, yearly, in place of the ſaid caſualties of ward holding and of all ſervices. *ſ.* 4.

The court of ſeſſion in *Scotland* ſhall take into conſideration the difference in value to the vaſſals of the change of their holdings from ward to feu, and what annual rent or feu duty payable to the ſuperior will be a reaſonable ſatisfaction for that difference, and thereupon ſhall publiſh an act of *ſederunt*; and according to ſuch act of *ſederunt*, all ſuperiors and vaſſals, or parties intereſted, are to ſettle betwixt themſelves the feu duties payable in place of the tenures hereby aboliſhed or altered; and in caſe of difference, the ſaid court of ſeſſion, upon application by bill or petition by any ſuperior or vaſſal, ſhall ſummarily determine the *quantum* of the feu duty, after having heard both parties, or ſummoned the defender, upon 21 days notice; and what the ſaid court ſhall ſo modify, ſhall be the feu duty payable yearly at *Whitſunday*. *ſ.* 5.

Until ſuch modification be made by the court of ſeſſion, the vaſſal ſhall not incur any forfeiture or irritancy for non-payment of the feu duties; and ſuch modification being made, ſhall be inſerted as the feu duty in the future renovations of the infeoftments. *ſ.* 6.

Where the whole lands ſo held ward, ſtand provided in life-rent to any perſon in ſuch manner as by the laws of *Scotland* would be excluſive of the caſualty of ward, ſuch life-renter, during the continuance of his right, ſhall not be ſubject to pay the ſaid feu duties, and the ſame during the life-rent right ſhall be ſuſpended, and ſhall commence and be payable to the ſuperior at the firſt *Whitſunday* after the determination of ſuch life-rent right; and where ſuch life-rent right is not total of the whole eſtate, the entire feu duty ſhall, during the ſubſiſtence of ſuch life-rent right, be payable to the ſuperior by the fiar or proprietor out of ſuch parts of the lands as are not life-rented. *ſ.* 7.

The infeoftments of lands or other heretages now held ward, ſhall be valid ſo long as the perſons now infeoft retain the ſame; and they ſhall, notwithſtanding, be no longer ſubjected to the caſualties hereby diſcharged, but ſhall be ſubject to the annual blanch or feu duties hereby payable in place of thoſe caſualties. *ſ.* 8.

No tenure by ward holding, ſhall hereafter be created by his majeſty, or any other ſuperior in *Scotland*. *ſ.* 9.

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The caſualty of marriage conſequent upon the tenure of *feu cum maritagio*, and all clauſes *de non alienando ſine conſenſu ſuperiorum* ſhall be taken away; and it ſhall be lawful for the ſubject ſuperiors or vaſſals in lands held *feu cum maritagio*, or with prohibitory clauſes, to apply to the court of ſeſſion to modify an additional feu duty in lieu thereof. *ſ.* 10.

The caſualties of ſingle eſcheat, and life-rent eſcheat, incurred by horning and denunciation for any civil debt in *Scotland*, ſhall be taken away and diſcharged for ever. *ſ.* 11.

Any perſon duly ſerved and retoured heir in any lands held of ſubject in *Scotland*, and any perſon who ſhall acquire ſuch lands from the ſuperiors former proprietor duly veſted and ſeiſed therein, and who ſhall obtain a conveyance containing a procuratory of reſignation in his favour, may apply to the ordinary on the bills in the court of ſeſſion, praying a warrand for letters of horning, to charge the ſuperior to receive or grant new infeoftment to ſuch heir or purchaſer; and upon production to the lords of ſeſſion of a ſpecial retour, or of a conveyance bearing a procuratory of reſignation, the ſaid lords of ſeſſion ſhall grant warrand for letters of horning upon fifteen days to charge the ſuperior or ſuperiors to receive or grant new infeoftment to ſuch heir purchaſer or diſponee. *ſ.* 12.

No ſuperior ſhall be obliged to give obedience to ſuch charge, unleſs the charger pay to him ſuch fees or caſualties as he is entitled to receive upon the entry of ſuch heir or purchaſer; and every ſuch ſuperior may ſhew cauſe why he ought not to be compelled to give obedience to ſuch charge by offering a bill of ſuſpenſion. *ſ.* 13.

And whereas the enfranchiſing of vaſſals of ſubject ſuperiors by cauſing them to become immediate vaſſals of the crown, is of public benefit; it ſhall be lawful for any perſon ſeiſed in or poſſeſſed of a tailzied eſtate in *Scotland*, comprehending lands or ſuperiorities of vaſſals holding of him, to ſell to any of ſuch vaſſals the ſuperiorities over their reſpective lands at ſuch prices as the parties ſhall agree for, and thereupon to reſign ſuch lands for new infeoftment to be granted to ſuch buyer of his own ſuperiority. *ſ.* 17.

Provided the price of ſuch ſuperiority being part of a tailzied eſtate be ſettled to the ſame uſes, and with the ſame limitations and reſtrictions, as ſuch ſuperiority was ſettled, or applied for payment of the debts of the maker of the entail, or other debts that are effectual burdens on the tailzied eſtate not contracted by ſuch vender himſelf, and for that purpoſe the monies ſhall be paid to truſtees appointed by the vender of ſuch ſuperiority and the purchaſer; and ſuch truſtees and the ſurvivor of them, and the executors and adminiſtrators of ſuch ſurvivor, ſhall lay out the monies ariſing from ſuch ſale in the purchaſe of other lands to be ſettled as aforeſaid, or ſuch monies to be applied for payment of debts on the tailzied eſtate in manner before directed. *ſ.* 18.

After the ſaid 25th of *March* no proprietor of lands in *Scotland*, holding of the king or of any ſubject ſuperior, ſhall be obliged to give ſuit and preſence by himſelf or his procurator at any head court, or be liable to any fine for default of attendance. *ſ.* 19.

Nothing herein ſhall exempt any proprietors of lands being vaſſals of the king, or any ſubject ſuperior, from attendance at any court to which he is ſubject, being ſummoned to ſerve as a juryman, or for other lawful purpoſe. *ſ.* 20.

Nothing herein ſhall derogate from the powers competent by law to freeholders at their *Michaelmas* head court. *ſ.* 21.

After the firſt of *July* 1747, no tenant or tackſman in *Scotland*, by virtue of any leaſe or tack in writing, or by verbal agreement, tacit relocation, or otherwiſe, after the the ſaid firſt of *July*, or by virtue of the prorogation of any tack made before that day, or any aſſignee of any ſuch leaſe or tack, ſhall be obliged to perform any ſervices to his heretor or landlord, other than ſuch as are expreſsly reſerved, enumerated, and aſcertained in ſome written agreement ſigned by the parties or ſome perſons authoriſed by them. *ſ.* 22.

Nothing herein ſhall extend to any ſervices by law or cuſtom due to mills, or any thing relative thereto. *ſ.* 23.

Title-deeds.

By 20 *Geo.* 2. *c.* 20. Perſons in *Scotland* who continued in their duty to his majeſty, and whoſe houſes were invaded by the rebels, may on or before 1ſt *July* 1750, petition the court of ſeſſion, who are to intimate the ſame, and ſummon perſons intereſted. Execution of ſummons to be recorded. The day of compearance elapſed, the court to take probation of the facts. Petitioners oath to be taken: original petitioner dying, the oath of his heir to be admitted. Lords of the ſeſſion upon proof of the premiſes to decern the extracts of the charters, *&c.* to be valid as the originals. Court of ſeſſion to make up the tenor of the diſpoſitions upon which the petitioners infeoftments proceeded, *&c.* Extracts of the charters, *&c.* authoriſed by the lords of ſeſſion to be good in law. Perſons intereſted may object to the authoriſing the extracts, *&c.* Claims to his majeſty or any other perſon preceding 1ſt *Aug.* 1745, againſt the perſon or eſtate of any loyal ſubjects whoſe dwelling-houſes were invaded by the rebels, and whoſe writs were carried off or deſtroyed, upon which no proceſs has been already commenced, or ſhall not be brought on or before the 15th of *Nov.* 1748, are diſcharged, unleſs the claim of proved by the oath of the defendant. Determinations to be recorded.

By 21 *Geo.* 2. *c.* 17. Extracts from the records of any writing produced in favour of the king's loyal ſubjects in *Scotland*, who petitioned the court of ſeſſion, and whoſe writings were deſtroyed by the rebels, to be deemed equal to the principal. Oath to be made of the principal writing being deſtroyed by the rebels. Defendant may object to the extract. Perſons within the deſcription of the act, allowed time to petition, and make proof of their poſſeſſions. If the proof be ſatisfactory, the court to regiſter their determination, which ſhall be admitted as evidence. Extract of the judgment of the court may be produced in any ſubſequent petition or ſuit, as evidence. Where the writings have been torn or defaced by the rebels, the ſufferers, upon producing the ſaid writings, to be relieved.

Tranſportation.

By 25 *Geo.* 3. *c.* 46. Perſons convicted of tranſportable crimes in *Scotland*, may be tranſported, to ſuch places as his majeſty, in council, ſhall appoint; and if his majeſty ſhould extend his mercy to any offender capitally convicted, the court may order him to be tranſported. *ſ.* 1.

Perſons contracting to tranſport offenders, may carry them through any county to the ſea port; and if any perſon

ſon reſcue ſuch offenders, or aſſiſt them, in their eſcape, he ſhall be guilty of felony, without benefit of clergy. *ſ.* 2.

If any perſon ordered for tranſportation, *&c.* ſhall be found at large in *Great Britain* or *Ireland*, before the expiration of his term, he ſhall ſuffer death. Perſons diſcovering and proſecuting ſuch offenders, intitled to a reward of 20*l.* *ſ.* 3.

His majeſty impowered to order, or to authoriſe two lords of juſticiary to order, the removal of male priſoners under ſentence of death, *&c.* from any gaol in *Scotland* to any other in *Great Britain*, *&c.*; and the gaoler is to deliver offenders according to ſuch orders, with a proper certificate. *ſ.* 4.

Expences attending ſuch removal, ſhall be paid as has been practiſed in *Scotland* in tranſportation. *ſ.* 5.

Overſeers to whom ſuch priſoners are delivered, to have the ſame powers over them as gaolers, *&c.* *ſ.* 6.

Time of impriſonment to be deemed part of the term of tranſportation. Overſeers may inflict moderate puniſhment for miſbehaviour, *&c.* *ſ.* 7.

If offenders cannot conveniently be tranſported, two judges may order them to be tranſported to any other place appointed, *&c.*; and offenders returning before the expiration of their term, to ſuffer death; twenty pounds reward for proſecuting ſuch offenders. *ſ.* 8.

All actions, for any thing done in purſuance of this act, ſhall be laid and tried in the county where the fact was committed, and ſhall be commenced within ſix months. *ſ.* 9.

Treaſon.

By 7 *Ann. c.* 21. Such crimes which are high treaſon, or miſpriſion of high treaſon within *England*, ſhall be high treaſon and miſpriſion of high treaſon within *Scotland*; and no crimes ſhall be high treaſon or miſpriſion of high treaſon within *Scotland*, but thoſe that are high treaſon or miſpriſion of high treaſon in *England:* and the queen may iſſue commiſſions of *oyer* and *terminer* in *Scotland* under the ſeal of *Great Britain*, three of the lords of the juſticiary to be in the commiſſion, whereof one to be of the *quorum*, to inquire of, hear and determine, ſuch high treaſons and miſpriſion of high treaſon, in manner as is uſed in *England*. *ſ.* 1.

Where any commiſſion of *oyer* and *terminer* ſhall iſſue purſuant to this act, and is to be executed within any diſtrict where there is a juſtice-general, or perſon having right of juſticiary, who had juriſdiction in caſes of high treaſon and miſpriſion of high treaſon at the time of the making of this act, after that ſuch right be made appear before the lords of ſeſſion, and by them certified to the lord chancellor, ſuch juſtice-general, or perſon having right of juſticiary, or their deputy, ſhall be in the commiſſion, and one of the *quorum*. *ſ.* 2.

The juſtice court and other courts having power to judge in caſes of high treaſon and miſpriſion of high treaſon in *Scotland*, are required to inquire by the oaths of twelve men of the ſhire or ſtewartry where the courts ſhall ſit, of all high treaſons and miſpriſions of high treaſon committed within the ſhires or ſtewartries, and thereupon to proceed, hear and determine, the ſaid offences whereof any perſon ſhall be indicted before them, in ſuch manner as the court of queen's bench, or juſtices of *oyer* and *terminer* in *England* may do. And if any perſon be indicted of high treaſon or miſpriſion of high treaſon before any juſtices of *oyer* and *terminer*, or in the circuit courts, *&c.* upon the requeſt of the queen's advocate general, the lord chancellor ſhall award her majeſty's writ of *certiorari*, directed to the juſtices of *oyer* and *terminer*, &c. commanding them to certify ſuch indictment into the juſtice court, which court is required to proceed upon, hear and determine, the ſame, as the court of queen's bench in *England* may do. And all perſons convicted or attainted of high treaſon or miſpriſion of high treaſon in *Scotland*, ſhall be ſubject to the ſame corruption of blood, pains and forfeitures, as perſons convicted or attainted of high treaſon or miſpriſion of high treaſon in *England*. *ſ.* 3.

Where any perſon ſhall be before the firſt of *July* 1709, ſeized of any meſſuages or hereditaments in *Scotland*, of an eſtate tailzie affected with irritant and reſolutive or prohibitive clauſes, and before the ſaid firſt day of *July* ſhall be married, if any iſſue of that marriage be living, or there be poſſibility of ſuch iſſue at the time of the high treaſon committed, the ſaid meſſuages and hereditaments ſhall not be forfeited upon the attainder of ſuch perſon for high treaſon, but during the life of the perſon ſo attainted. *ſ.* 4.

All treaſons and miſpriſions of treaſons, which ſhall be committed by any native of *Scotland* upon the high ſea, or in any place out of *Great Britain*, ſhall be enquired of, heard and determined, before the juſtice-court, or before ſuch commiſſioners of *oyer* and *terminer*, and in ſuch ſhire of *Great Britain*, as ſhall be aſſigned by the queen's commiſſion. No perſon accuſed of any capital offence, or other crime in *Scoland*, ſhall be liable to any torture: provided that this act ſhall not extend to take away that judgment which is given in *England* againſt perſons indicted of felony, who ſhall refuſe to plead. *ſ.* 5.

Every perſon may be returned to be a juryman in any ſuch trials, who ſhall at the time of ſuch trial be ſeized in his own right, or in the right of his wife, of lands of an eſtate of inheritance, or for life, within the county or place from whence the jury is to come, of the yearly value of 40*s.* and for want thereof, or for any other lawful cauſe, ſhall be ſubject to be challenged. *ſ.* 6.

Theft in landed men, murder under truſt, wilful fire-raiſing, firing coalheughs, and aſſaſſination, which were declared to be treaſon by particular ſtatutes in *Scotland*, ſhall be only adjudged capital offences. *ſ.* 7.

If any perſon ſhall ſlay any of the lords of ſeſſion, lords of juſticiary, ſitting in judgment, within *Scotland*, the doing thereof ſhall be high treaſon. *ſ.* 8.

If any perſon counterfeit her majeſty's ſeals appointed by the twenty-fourth article of the union to be kept in *Scotland*, the doing thereof ſhall be high treaſon. *ſ.* 9. *See the reſt of this act in general title* TREASON.

By 19 *Geo.* 2. *c.* 9. Every perſon may be ſummoned and returned to be a juryman in trials for high treaſon, or miſpriſion of treaſon in *Scotland*, who ſhall at the time of ſuch trial be poſſeſſed in his own right, or in right of his wife, of lands or tenements as proprietor or life-renter, within the ſhire, ſtewartry, or place where ſuch trials ſhall be, or from whence the jury is to come, of the yearly value of 40*s* at leaſt, or valued at 30*s*. ſterling *per annum* in the tax roll of the ſame ſhire or ſtewartry; and for want thereof, or for any other lawful cauſe, ſhall be ſubject to be challenged and ſet aſide. *ſ.* 4.

Trial.

By 21 *Geo.* 2. *c.* 19. It ſhall be lawful for the court of juſticiary, and the circuit courts, to try and determine all cauſes

cauſes and proſecutions, for any crimes not inferring death or demembration, whereupon the verdict of an aſſize or jury is to paſs, upon hearing the evidence of the witneſſes *viva voce*, without reducing into writing the teſtimony of witneſſes; and the practice of taking down and reducing into writing the teſtimony of witneſſes in ſuch caſes is hereby aboliſhed. *ſ.* 7.

In ſuch caſes where the teſtimony of witneſſes ſhall not be reduced into writing, the counſel on both ſides, and the pannel, may interrogate the witneſſes; and immediately before the aſſize or jury ſhall be incloſed, the evidence ſhall be ſummed up by one of the judges. *ſ.* 8.

Woollen Manufactures.

By 6 *Geo.* 1. *c.* 13. Every piece of plading, and narrow and broad fingrums, made in *Scotland*, ſhall be of the dimenſions following, *viz.* every piece of plading and narrow fingrums ſhall be made of the ſame ſort of wool and yarn, and of equal work and fineneſs from one end to the other, and at leaſt 28 inches in breadth; and every piece of broad fingrum ſhall be wrought of one intire ſort of wool and yarn, and at leaſt 38 inches in breadth. *ſ.* 1.

All ſtockings made in *Scotland* ſhall be wrought of three threads, and of one ſort of wool and worſted, and of equal work and fineneſs, free of left loops, hanging hairs, and burnt, cut, or mended holes, and of ſuch ſhapes and ſizes as the patterns which ſhall be marked by the ſeveral deans of guild of the chief boroughs of the reſpective counties, according to the dimenſions following, *viz.* the ſtockings for men, called long ſtockings, ſhall not be above 36, nor under 34, inches in length from the top to the heel; and not above 8, nor under 7, inches in breadth at the top; nor above 7, nor under 6, inches in breadth at the broadeſt place of the calf; nor above five, nor under four and an half inches breadth at the narroweſt place of the ankle: the ſtockings of 36 inches in length, to be 17 inches betwixt the top and narroweſt part of the ham, and 21 inches in length from the top to the broadeſt part of the calf: thoſe of 34 inches in length, to be 15 inches in length from the top to the narroweſt part of the ham, and 19 inches in length from the top to the broadeſt place of the calf: the feet of both the two ſizes to be full 12 inches from the heel to the toe; and from four and an half to five inches in breadth. Stockings for men called ſhort ſtockings, ſhall not be above 28, nor under 27, inches in length from the top to the heel, and not above 7, nor under 6 and an half inches in breadth at the top; not above 7, nor under 6, inches in breadth at the broadeſt place of the ham; not above 5, nor under 4 and an half, inches at the narroweſt place of the ankle: the ſtockings of 28 inches in length, to be 9 inches from the top to the narroweſt part of the ham, and 13 inches from the top to the broadeſt part of the ham: thoſe of twenty-ſeven inches in length, to be eight inches from the top to the narroweſt part of the ham, and twelve inches from the top to the broadeſt part of the ham: the feet of the two laſt mentioned ſizes to be twelve inches from the heel to the toe, and not above five, nor under four, inches in breadth. Stockings for women or boys, ſhall not be above 24, nor under 22, inches in length from the top to the heel, and not above ſix and an half, nor under 6, inches in breadth at the top; not above 5 and an half, nor under 5, inches in breadth at the narroweſt place of the ankle: the ſtockings of 24 inches in length, to be 9 inches from the top to the narroweſt part of the ham, and 12 inches from the top to the broadeſt part of the ham: and thoſe of 22 inches in length, to be 7 inches from the top to the narroweſt part of the ham, and 10 inches from the top to the broadeſt part of the ham: the feet of ſuch women's and boys ſtocking to be 9 inches from the heel to the toe, and not above 4, nor under 3 and an half, inches in breadth: which patterns ſhall lie open in the cuſtody of the ſeveral ſtamp-maſters. *ſ.* 2.

The magiſtrates of the chief boroughs royal of every ſhire or ſtewartry, are impowered to cauſe ſtamps to be made, bearing the arms of the reſpective boroughs, and to appoint perſons for inſpecting and ſtamping all ſerges, pladings, fingrums and ſtockings, brought to be ſtamped, of the aforeſaid lengths, breadths, and qualities; which perſons before their admiſſion ſhall take an oath *de fideli*, and find ſurety for the faithful adminiſtration of their office, for ſuch ſum as the magiſtrates ſhall appoint. And the juſtices of peace in their counties, and in default of them the commiſſioners of ſupply, are impowered at the quarterly ſeſſions of the juſtices, or annual meetings of the commiſſioners, to appoint ſtamps to be kept at places, where ſuch ſerges, *&c.* are ſold, as they ſhall think proper. And no ſtamp-maſter ſhall trade in ſuch ſerges, *&c.* or ſtamp any ſuch ſerges, *&c.* which are not made of well ſorted yarn, equally wrought, *&c.* on forfeiture of 20 *s.* for every piece, and for every dozen of ſtockings; and ſhall be incapable of ſerving in ſuch office for the future. And if any perſon ſhall buy, export, or carry to the water ſide in order to be exported, any ſuch ſerges, *&c.* before the ſtamp be fixed, the offender, being convicted, ſhall forfeit 20 *s.* for every piece of ſerge, *&c.* and for every dozen pair of ſtockings. And if any perſon ſhall affix or counterfeit any ſtamp, without authority, he ſhall forfeit 5 *l.* or ſix month impriſoment if inſolvent. *ſ.* 3.

The deans of guild ſhall be the ſole judges within their boroughs, and the ſaid deans, together with the heretors or proprietors of public fairs or markets, or any having their authority, ſhall be jointly judges of offences againſt this act; and in default of the dean, or of the maſter of the fair or market, either of the ſaid judges ſhall be the ſole judge of offences committed in ſuch places, where the goods ſhall be expoſed to ſale. *ſ.* 4.

If any perſon ſhall work any of the ſaid ſerges, *&c.* otherwiſe than according to the regulations before-mentioned, and be convicted by the oath of two witneſſes, he ſhall forfeit 20 *s.* and the goods ſhall be confiſcated to the uſe of the informer, and ſhall moreover pay the value of ſuch goods to the owner. *ſ.* 6.

The owners ſhall pay to the ſtamp-maſter, before the goods are marked, for every piece of ſerge, *&c.* 1*d.* and for every dozen of ſtockings 2*d.* *ſ.* 7.

If any offender ſhall, ten days after conviction, refuſe to pay the forfeiture, the judges before whom ſuch conviction ſhall be, ſhall iſſue warrants to levy the ſame by diſtreſs; and if no diſtreſs can be found, commit him to the houſe of correction, or gaol of the county or corporation, for ſuch time as the judges ſhall direct, not exceeding three months for one offence. *ſ.* 8.

The penalties ſhall be inflicted within ſixty days after the offences diſcovered. *ſ.* 9.

Any perſon aggrieved by any order or warrant made by any of the judges upon any conviction before them, may appeal to the next quarter ſeſſions, giving notice; and if the juſtices ſhall confirm or diſannul the ſaid order or warrant, they ſhall allow coſts to the party grieved. *ſ.* 10.

By 10 *Geo.* 1. *c.* 18. Every piece of rock ſerge made in *Scotland*, and white out of the loom, ſhall be 36 inches in breadth at leaſt within the liſt, and 63 yards in length,

and every half piece ſhall be proportionable; and all ſuch pieces and half pieces ſhall be taken up in folds, or a ſoft roll, and ſhall not be ſtretched by hard rolling; and no white broomed or tarred wool ſhall be wrought or mixed together, but each piece ſhall be wrought up of the ſame ſort without mixture; and ſhall be equally worked, and of the ſame fineneſs from one end to the other: and every piece of rock and wheel ſerge ſhall be made of equal goodneſs and ſtrength, and ſhall be a *Scotch* ell in breadth at leaſt, and 42 *Scotch* ells in length; and every piece of ſerge called the ſtrappings or narrow ſort, ſhall be three quarters of a *Scotch* ell in breadth, and 42 *Scotch* ells in length; and every half piece proportionable, and none of the ſaid ſerges ſhall be wrought of unſcoured yarn. *ſ.* 1.

The magiſtrates of the chief boroughs royal in every ſhire or ſtewartry in *Scotland* (who are declared the ſole judges within their juriſdictions, of all the penalties after mentioned) ſhall make a ſtamp bearing the arms of each borough, and ſhall appoint perſons to inſpect and ſtamp all ſuch ſerges, which perſons before they be admitted into the office, ſhall take an oath *de fideli*, and give ſecurity for the faithful execution of their office, as the magiſtrates ſhall appoint. *ſ.* 2.

If any perſon appointed ſtamp-maſter ſhall, without lawful excuſe to be allowed by two juſtices of peace, or the major part of the town council, refuſe to execute that office, he ſhall pay ſuch fine as the juſtices or town council ſhall ſet, not exceeding 5 *l.* *ſ.* 3.

The juſtices of peace in their counties and ſtewartries, or in their default the commiſſioners of ſupply, ſhall at their quarter ſeſſions or annual meetings appoint ſtamps to be made and kept at ſome proper places where ſerges are ſold. *ſ.* 4.

No ſtamp maſter ſhall trade in or ſtamp ſerges, which are not made of well ſorted yarn, equally wrought, and of equal fineneſs from one end to the other, and of the ſaid lengths, breadths, and qualities, on forfeiture for every piece 20 *s.* and ſhall be incapable of ſerving in ſuch office for the future. And if any perſon ſhall affix any ſtamps without authority, or ſhall counterfeit the ſame; he ſhall forfeit 5 *l.* or ſuffer ſix months' impriſonment if inſolvent. *ſ.* 5.

All weavers and makers of ſerges for ſale ſhall carry the ſame to the ſtamp-office, to be inſpected and ſealed, and pay 1 *s.* of *Scotch* money, for ſtamping each piece, and half thereof for any half piece. And if any perſon ſhall ſell and deliver, buy and receive, tranſport or export or expoſe to ſale, any ſerges without a ſtamp ſo affixed, he ſhall forfeit 20 *s* ſterling; and the goods ſhall be confiſcated, one moiety to the informer, and the other to be diſpoſed of as the magiſtrates ſhall direct. *ſ.* 6.

If any perſon ſhall work any ſerges contrary to the ſaid regulations, and offer the ſame to be ſealed, the owners ſhall forfeit 20 *s.* and the ſerges ſhall be confiſcated, and diſpoſed of as the juſtices, or any two of them, or magiſtrates, ſhall direct; and the weavers of ſuch ſerges ſhall pay the value thereof to the owners, beſides the 20 *s.* fine. *ſ.* 7.

The deans of guild ſhall be the ſole judges within the reſpective boroughs, and the ſaid deans, with the heretors or proprietors of fairs or markets, ſhall be jointly judges of the offences againſt this act; and in default of the ſaid dean, or of the maſter of the fair or market, either of the ſaid judges ſhall be ſole judges of ſuch offence, in ſuch places, fairs and markets, where the ſerges ſhall be vended. *ſ.* 8.

All makers of ſerges for ſale, neglecting to make the ſerges according to the regulations aforeſaid, or refuſing to bring the ſame to be ſtamped, and being convicted by oaths of two witneſſes, or of the perſon proſecuted, or refuſing to pay the penalties incurred, the judge, before whom ſuch convictions ſhall be made, ſhall iſſue his warrant to the conſtable or officer of the place where the offender can be found within the limits of their juriſdictions, to levy the ſame by diſtreſs and ſale of goods; and if no diſtreſs can be found, the judge may commit the offender to the houſe of correction or county gaol, for ſuch time as the judge ſhall direct, not exceeding three months for one offence. *ſ.* 9.

If any perſon in any county or royal borough ſhall, before or at the time of tranſporting any ſerges, pladings, or fingrums, whether to foreign parts or coaſtwiſe, cancel or alter the number of ells marked on each piece, he ſhall forfeit 5 *l.* ſterling for each piece; one moiety to the informer, the other to the crown; to be recovered in the ſame manner as the other penalties inflicted by this act, or the act 6 *Geo.* 1. *cap.* 13. or ſhall ſuffer three months impriſonment if inſolvent. *ſ.* 10.

Nothing in this act ſhall make any alteration in the lengths or breadths of the ſerges called fingrum and fingrum wheeling ſerges, manufactured in the ſhires of *Aberdeen*, *Bamff*, or *Murray*. *ſ.* 11.

The penalties incurred for any offence againſt this act ſhall be ſued for within ſixty days after the offences diſcovered. *ſ.* 12.

Seamen.

By 2 *Ric.* 2. *c.* 4. If mariners, after they are arreſted and retained for the ſervice of the king and have received their wages, fly from the ſervice without the leave of the admirals or their lieutenants, the ſame being proved and found before the admiral or his lieutenant, the mariners ſhall be obliged to reſtore their wages double to the king, and be impriſoned for one year. And all ſheriffs, mayors, and bailiffs, upon certificate of the admirals or their lieutenants of ſuch proofs being made, ſhall take ſuch mariners, and put them in priſon, until they have the king's command for their deliverance. And the like puniſhment ſhall be done of ſerjeants at arms, maſters of ſhips, and all others, who ſhall be attainted by inquiry before the admiral or his lieutenant, that they have taken any thing from the mariners to let them go, after they have been arreſted for the ſervice.

By 5 *Eliz.* *c.* 5. No fiſhermen uſing the ſea ſhall be compelled againſt their will to ſerve as ſoldiers, otherwiſe than as mariners; except it be to ſerve under a captain of ſome ſhip, for landing to do ſome ſpecial exploit, which mariners have uſed to do; or under any perſon having authority to withſtand an invaſion or ſubdue a rebellion, and except ſuch as by cuſtom or covenant ſhall be bound to ſerve. *ſ.* 41.

No fiſhermen uſing the ſea ſhall be taken by the queen's commiſſion to ſerve as a mariner, but that the commiſſion be firſt brought to two juſtices of peace next inhabiting to the ſea coaſts, or other places where the mariners are to be taken, to the intent the juſtices may chooſe out and return ſuch number of able men as in the commiſſion ſhall be contained, to ſerve her majeſty. *ſ.* 43.

By 7 & 8 *Will.* 3. *c.* 21. Every ſeaman, waterman, or ſeafaring-man, regiſtered, and diſabled by age, wounds, or accidents, ſhall upon certificate thereof from the captain, maſter, ſurgeon, and purſer, or ſo many of them as were in the ſhip, unto the governors of the hoſpital at *Greenwich*, be admitted in the hoſpital, and ſhall have provided unto him during life, convenient lodging, meat, drink, clothing,

clothing, and other neceſſaries; and the widows of ſuch ſeamen, watermen, &c. who ſhall be ſlain or drowned in the ſea ſervice, and the children of ſuch not of ability to provide comfortably for themſelves, ſhall be received into the ſaid hoſpital, and provided for; and the ſaid children ſhall be educated till they are fit to be put out, or of ability to maintain themſelves; ſo far forth as the hoſpital ſhall be capable to receive ſuch diſabled ſeamen, and ſuch widows and children, and as the revenues thereof will extend. *ſ.* 7. *Repealed as to the regiſtering of ſeamen by* 9 Ann. cap. 21. ſect. 64.

Every ſeaman that ſhall ſerve in any of his majeſty's ſhips, or in any ſhip belonging to any ſubjects of his majeſty's dominions, ſhall allow out of the wages for ſuch ſervice, 6*d. per menſem* for ſupport of the ſaid hoſpital, for the purpoſes aforeſaid; which monthly allowance ſhall be collected, as ſhall be appointed by the commiſſioners for executing the office of lord high admiral. *ſ.* 10.

Licences ſhall be given by order of his majeſty, or the commiſſioners of the admiralty, to any landmen deſirous to apply themſelves to the ſea ſervice, to ſerve in merchants ſhips, or other trading veſſels, which ſhall be a protection againſt being impreſſed, for two years following the date of ſuch licence: provided that ſuch landmen bring to the regiſter two perſons inhabitants, or known in the place where they ſo enter themſelves, who ſhall aſſert their knowledge of ſuch landmen for two years years paſt, and in what buſineſs they have known them employed: and if any perſon ſhall vouch any one for a landman, who ſhall be proved to be a ſeaman, he ſhall forfeit 20*l.* and any ſeaman taking another's name, or any perſon counterfeiting any licence, ſhall forfeit 20*l.* and be liable to ſuch further puniſhment as by law may be inflicted for ſuch miſdemeanor. *ſ.* 15.

By 8 & 9 *Will.* 3. *c.* 23. For the better collecting the duties of 6*d. per menſem*, granted by 7 *Will.* 3. *cap.* 21. it ſhall be lawful for the commiſſioners for regiſtering of ſeamen, or their deputies, by warrant to cauſe all maſters of ſhips, not in his majeſty's ſervice, to appear before them, and ſuch maſters upon their oaths to examine as to the number, wages, and times of ſervice, of every perſon belonging to ſuch ſhips; and if ſuch maſters ſhall refuſe to appear, or ſhall obſtinately refuſe to give a diſcovery of the matters aforeſaid, upon their oaths, ſuch offenders ſhall forfeit 10*l.* to the uſes mentioned in the ſaid act, to be recovered by action, &c. *ſ.* 6. *Repealed as to the regiſtering of ſeamen by* 9 Ann. cap. 21. ſect. 64.

The commiſſioners, &c. ſhall take the ſolemn affirmation of quakers inſtead of their oath. *ſ.* 7.

By 9 & 10 *Will.* 3. *c.* 41. Foraſmuch as divers perſons have perſonated ſeamen, who have ſerved, or are ſuppoſed to have ſerved, on board his majeſty's ſhips, and thereby have received money at the pay-office or elſewhere; and have alſo forged letters of attorney or bills of ſale, aſſignments, or laſt wills, in the names of perſons who have ſerved, or were ſuppoſed to have ſerved, on board his majeſty's ſhips, and do alſo procure men and women to perſonate, and divers wicked perſons do of their own accord perſonate, the wives, relations, or creditors, of ſuch ſeamen, and thereby have falſely taken out letters of adminiſtration to ſuch ſeamen, or have forged letters of attorney, bills of ſale, or other authorities, in the names of the executors or adminiſtrators of ſuch ſeamen, for the receipt of ſuch wages; every ſuch perſon, their aiders or abettors, that ſhall be convicted of the ſaid crimes, ſhall over and above the penalties inflicted by any laws in force, forfeit 200*l.* with coſts; one moiety to his majeſty, the other moiety to the informer. *ſ.* 3.

No will of any ſeaman contained in the ſame inſtrument, paper or parchment, with a letter of attorney, ſhall be good in law. *ſ.* 6.

By 2 *Ann. c.* 6. When any vacancies ſhall happen in *Greenwich-hoſpital*, the commiſſioners executing the office of lord high admiral ſhall have power to nominate any diſabled ſeamen, their wives and children, and the widows and children of ſeamen ſlain or drowned in ſea ſervice, to be provided for in the hoſpital. *ſ.* 19.

By 10 *Ann. c.* 17. To the intent that the 6*d. per menſem* may be effectually collected, every perſon that ſhall ſerve her majeſty, or any other, in any of her majeſty's ſhips, or in any ſhip belonging to ſubjects of *Great Britain* or *Ireland*, or dominions thereunto belonging, and every maſter working in his own ſhip, whether employed upon the high ſea or coaſts, or in any port, bay or creek (other than ſuch apprentices under the age of eighteen years, as are exempted from payment of 6*d. per menſem* by 2 *Ann. cap.* 6. and perſons employed in any boat upon the coaſts in taking of fiſh which are brought freſh on ſhore into *Great Britain* and *Ireland*, and perſons employed in boats that trade only from place to place within any river, or in open boats upon the coaſts) ſhall pay the ſaid 6*d. per menſem* for ſupport of *Greenwich-hoſpital*. *ſ.* 1.

The maſter of every ſhip, not in her majeſty's ſervice, is required to deduct out of the wages accruing to ſuch ſeaman 6*d. per menſem*, and pay the ſame to ſuch officers as ſhall be appointed by the commiſſioners for executing the office of lord high admiral. *ſ.* 2.

It ſhall be lawful for the commiſſioners executing the office of lord high admiral to appoint receivers of the ſaid duty, and to authoriſe ſuch receivers to depute the collectors or other officers of cuſtoms of the out-ports, and of the ports of *Ireland*, or ſuch other as they ſhall think fit, to collect the ſame; and it ſhall be lawful for the commiſſioners executing the office of lord high admiral, to make ſuch allowance to them out of the ſaid duties as they ſhall judge reaſonable. *ſ.* 3.

It ſhall be lawful for the ſaid receivers, or their deputies, by warrant to ſummon all maſters, or in their abſence the owners of ſhips, not in her majeſty's ſervice, to appear at the office of the ſaid receivers, &c. ſo as the perſon ſummoned be not obliged to travel above ten miles: which receivers, or their deputies are impowered to examine every ſuch maſter or owner, as to the number and times of ſervice of all perſons belonging to ſuch ſhips, who are chargeable with the ſaid 6*d per menſem*; and if ſuch maſters or owners ſhall refuſe when ſummoned (not having a reaſonable excuſe) to appear, or if they ſhall obſtinately refuſe to make diſcovery of the matters aforeſaid upon their oaths, or ſhall neglect to pay the monies due to the hoſpital within fourteen days after they ſhall be cleared inwards, ſuch offenders ſhall forfeit 20*l.* one moiety to the uſe of the ſaid hoſpital, and the other moiety to ſuch perſon as ſhall ſue for the ſame in any of her majeſty's courts of record; and if a verdict paſs for the plaintiff, he ſhall have double coſts. And if any ſuch maſter ſhall attempt to go to ſea with his ſhip before he hath paid the ſaid duty for the voyage preceding, ſuch receivers, or their deputies, are impowered to ſtop ſuch ſhip. And upon the death or removal of any maſter, the owners ſhall deliver to the ſucceeding maſter a true account of the ſaid duty due to the hoſpital, and money ſufficient for the payment of the ſame; and in default thereof, ſuch receivers, or their deputies, may ſtop ſuch ſhip from proceeding to ſea. *ſ.* 4.

In all caſes where by this act an oath is required to be taken, the ſolemn affirmation of quakers ſhall be accepted inſtead of ſuch oath; and in caſe any quaker ſhall upon ſuch affirmation declare any matter which ſhall be falſe,

or if any other perſon ſhall purſuant to this act willingly make a falſe oath, he (being lawfully convicted) ſhall ſuffer like puniſhment as perſons convicted of wilful perjury. *ſ.* 5.

No private contracts made by any ſeaman ſhall obſtruct or delay the payment of the duties appropriated to the ſaid hoſpital. *ſ.* 6.

This act ſhall be a public act; and any perſon ſued for any thing done in the execution of this act may plead the general iſſue, and ſhall recover treble coſts. *ſ.* 7.

Nothing in this act ſhall oblige the payment of the 6*d. per menſem* by any maſters or ſervants of the hoys or veſſels belonging to the port of *London*, and employed within the *North Foreland*, in bringing corn, fiſh, or other proviſions, for *London*. *ſ.* 8.

The commiſſioners of the admiralty ſhall conſider, as qualified for an admiſſion into the ſaid hoſpital, any ſeaman who ſhall offer himſelf to be admitted, and ſhall produce a certificate of his having been wounded or hurt in defending any ſhip belonging to the ſubjects of her majeſty againſt enemies, or in taking any ſhip from the enemy, and thereby diſabled for ſea ſervice. *ſ.* 20.

By 1 *Geo.* 1. *c.* 25. *made perpetual by* 9 Geo. 1. c.8. ſ. 3. Whereas diſturbances often happen in his majeſty's yards, *&c.* and frequent diſorders are occaſioned about the office of the treaſurer of the navy, on pay days, in *London*, *Portſmouth*, and other places, by the turbulency of ſeamen, *&c.* the treaſurer, controller, ſurveyor, clerk of the acts, and the commiſſioners of the navy, or one of them, ſhall have power by warrants to cauſe all ſuch offenders to be brought before them, and to examine and puniſh all, whom, upon their enquiry and examination of witneſſes, or confeſſion of the parties, or on view in their preſence, they ſhall find to have made any diſturbances, *&c.* in any the yards, *&c.* at pay days, or on other occaſions relating to the naval ſervices, and may puniſh the offenders either by fine or impriſonment, the fine not exceeding 20*s.* nor the impriſonment one week; and commit ſuch perſons to the next gaol, or the cuſtody of the meſſengers attendant on them; and the ſaid principal officers or commiſſioners may diſcharge ſuch fine or impriſonment, if they think fit; and for non-payment of ſuch fine, may ſend ſuch offender to the next houſe of correction, to be kept to hard labour for two months; which fines ſhall be paid to the cheſt at *Chatham* for the uſe of the maimed ſeamen. *ſ.* 1.

The ſaid officers, *&c.* (where greater puniſhments are needful) may alſo bind the perſons offending to their good behaviour, and to anſwer the offences at the next aſſiſes or quarter ſeſſions; and in default of ſuch ſecurity when required may commit them to the county gaol, in order to their being proſecuted. *ſ.* 2.

All perſons convicted of any of the crimes mentioned in the act 9 & 10 *Will.* 3. *cap.* 41. ſhall, over and above the penalties inflicted by any other laws, be liable to the penalties inflicted by the ſaid act. *ſ.* 7.

The judge, *&c.* before whom any ſuch offender ſhall be convicted, may mitigate the penalties, or in lieu thereof puniſh ſuch offender by whipping, or committing him to ſome public workhouſe, to be kept to hard labour for three months or leſs. *ſ.* 8.

The treaſurer, *&c.* of the navy may execute all the powers hereby, or by any other law given them, on the offenders aforeſaid, as well within liberties as without. *ſ.* 10.

All the powers hereby given to any officer of the navy may be executed by the commiſſioners of the admiralty. *ſ.* 12.

No perſon puniſhed by virtue of this act ſhall be puniſhed by any other law for the ſame offence. *ſ.* 13.

This act, and alſo the act 9 *Will.* 3. *cap.* 41. ſhall be public acts. *ſ.* 14.

All convictions and judgments in purſuance of this act ſhall be final, and not ſubject to any appeal or *certiorari*. *ſ.* 15.

Any perſon ſued for doing any thing in purſance of this act, or 9 *Will.* 3. *cap.* 41. may plead the general iſſue, and ſhall have double coſts. *ſ.* 16.

By 2 *Geo.* 2. *c.* 7. The ſeveral acts concerning the duty of 6*d. per* month payable by all ſeamen for ſupport of *Greenwich hoſpital*, ſhall extend to all ſhips belonging to his majeſty's ſubjects, within the iſlands of *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, and within all his majeſty's dominions in *America*, as well as thoſe within *Great Britain* and *Ireland*. *ſ.* 1.

For the better collecting the ſaid duty, it ſhall be lawful for the receivers thereof to depute any officers of the cuſtoms in the ſeveral ports of the ſaid iſlands and colonies, or ſuch other perſons as they ſhall think fit, to collect the ſame; and the commiſſioners of the admiralty may make ſuch allowance to them out of the ſaid duty, as they ſhall judge reaſonable. *ſ.* 2.

The collectors of the duty in the ports of the ſaid iſlands and colonies, ſhall ſummon and examine upon oath all maſters and owners of ſhips belonging to his majeſty's ſubjects, as by 10 *Ann. c.* 17.; and if any ſuch maſter ſhall neglect to appear and make ſuch diſcovery, ſuch maſter, *&c.* ſhall forfeit 20*l.* money of *Great Britain*. *ſ.* 3.

All maſters, *&c.* of ſhips belonging to the king's ſubjects within the ſaid iſlands or colonies, who ſhall ſail from thence to *Great Britain* or *Ireland*, and back to the ſaid iſlands or colonies, ſhall pay ſuch part of the ſaid duty as ſhall be due at their arrival, and during their continuance in *Great Britain* or *Ireland*, within the ſaid kingdoms; and ſuch part as ſhall be due at the time of their return to, and during their continuance in the ſaid iſlands or colonies, within the ſaid iſlands and colonies; and all maſters, *&c.* of ſhips, belonging to any ſubjects of his majeſty within *Great Britain* or *Ireland*, who ſhall trade from thence to any of the ſaid iſlands or colonies, ſhall pay the ſaid duty of 6*d. per* month, only in *Great Britain* or *Ireland*. *ſ.* 4.

It ſhall be lawful for the receivers of the duty, and their deputies, by warrant, to ſummon and examine upon oath all maſters, *&c.* of ſhips employed by the navy, victualling, ordnance, cuſtoms, poſt-office, or any other public offices of the crown, in the ſervice of his majeſty; and if ſuch maſter, *&c.* refuſe to appear, or to make diſcovery, or ſhall neglect to pay the ſaid duty, they ſhall forfeit 20*l.* *ſ.* 5.

The ſecretaries or chief clerks of the navy, victualling-office, ordnance, cuſtom-houſe, poſt-office, and all other public offices of the crown, uſually employing ſhips for the ſervice of his majeſty, ſhall, on the firſt of *Jan.* in each year, or within 20 days following, deliver into the office of the receiver of the duty in the port of *London*, a liſt of the ſhips that in the year preceding ſhall have been employed by ſuch office, and of all ſhips which remain in the ſervice of ſuch office, and of ſuch as ſhall be diſcharged, and of the names of the maſters, *&c.* and the numbers of ſeamen employed in every ſuch ſhip: and no treaſurer or other officer belonging to ſuch office, ſhall make out or pay any bill for the freight of any ſhip ſo employed, or pay any wages to any maſter, *&c.* till ſuch maſter, *&c.* ſhall produce to ſuch treaſurer, *&c.* an acquittance ſigned by the receiver or his deputy, whereby it ſhall appear, that ſuch maſter, *&c.* hath paid the ſaid duty of 6*d. per* month, and that he is not more than 30 days in arrear to the hoſpital; and if any default ſhall be made by any ſecretary or other officer belonging to any of the public offices in any thing hereby directed, ſuch ſecretary, *&c.* ſhall forfeit 50*l.* *ſ.* 6.

All maſters of merchant ſhips or other private veſſels, liable

liable to the duty of 6*d. per* month, ſhall pay the ſaid duty, before any ſuch ſhips ſhall be cleared inward, in any ports of *Great Britain* or *Ireland*, or of the iſlands of *Guernſey*, *Jerſey*, *&c.* or of the colonies in *America*; and no officer of the cuſtoms ſhall clear inwards any merchant ſhip liable to the ſaid duty, or grant any warrant, or give or make out any coquet, *tranſire*'s, returns or diſcharges to ſuch ſhips, nor ſuffer them to go out of any port, till the maſter, *&c.* produce to the officer an acquittance ſigned by the receiver, whereby it ſhall appear, that ſuch maſter, *&c.* hath paid the ſaid duty, and that he is not more than 30 days in arrear; and every maſter of ſuch ſhip, who ſhall neglect to pay the 6*d. per* month, and alſo every officer of the cuſtoms, who ſhall make default in the premiſes, ſhall forfeit, 20*l.* *ſ.* 7.

Where by this act an oath is required, the ſolemn affirmation of quakers ſhall be accepted inſtead of ſuch oath; and if any quaker ſhall affirm any matter which ſhall be falſe, or if any other before any perſons hereby authoriſed, ſhall wilfully make a falſe oath, every ſuch perſon being convicted thereof ſhall ſuffer the like puniſhments as perſons convicted of wilful and corrupt perjury are ſubject to by the laws of the places where ſuch offence ſhall be committed. *ſ.* 8.

All penalties incurred by this act, within *Great Britain*, or *Ireland*, ſhall be recovered as by 10 *Ann. c.* 17. for the forfeiture of 20*l.* inflicted on the maſters neglecting to appear, *&c.* and all penalties incurred within the iſlands of *Guernſey*, *Jerſey*, &c. or the ſaid colonies in *America*, ſhall be recovered as is uſual for other penalties incurred by virtue of penal law within the ſaid iſlands and colonies, together with double coſts; and one moiety of the penalties ſhall be to the uſe of the hoſpital, and the other to the uſe of ſuch perſons as ſhall ſue for the ſame. *ſ.* 9.

Any perſon ſued for any thing done in execution hereof, may plead the general iſſue, and ſhall recover treble coſts. *ſ.* 10.

By 2 *Geo. 2. c.* 36. *made perpetual by* 2 Geo. 3. c. 31. It ſhall not be lawful for any maſter of a ſhip bound beyond the ſeas, to carry any mariner, except his apprentices, from the port where he was ſhipped, to proceed on any voyage beyond the ſeas, without firſt coming to an agreement with ſuch mariners for their wages, which agreement ſhall be made in writing, declaring what wages each ſeaman is to have for ſo long time as they ſhall ſhip themſelves for, and alſo to expreſs in the agreement the voyage for which ſuch ſeaman was ſhipped; and if any ſuch maſter ſhall carry out any mariner, except his apprentice, upon any voyage beyond the ſeas, without firſt entering into ſuch agreement, and he and they ſigning the ſame, he ſhall forfeit 5*l.* for every ſuch mariner, to the uſe of *Greenwich hoſpital*, to be recovered on information on the oath of one witneſs, before one juſtice of peace, who is required to iſſue his warrant to bring before him ſuch maſter, and in caſe he refuſes to pay the forfeiture, to grant his warrant to levy it by diſtreſs and ſale of goods; and if no diſtreſs can be found, to commit him to the common gaol till he pay the ſame. *ſ.* 1.

If any ſeaman ſhip himſelf on board any merchant veſſel on an intended voyage for parts beyond the ſeas, he ſhall be obliged to ſign ſuch agreement within three days after he has entered himſelf, which agreement ſhall be concluſive to all parties for the time contracted for. *ſ.* 2.

If any ſeaman ſhall deſert, or refuſe to proceed on the voyage, or ſhall deſert in parts beyond the ſeas, after he ſhall have ſigned ſuch contract, he ſhall forfeit to the owners of ſuch ſhip, the wages due to him at the time of his deſerting, or refuſing to proceed on the voyage. *ſ.* 3.

If any ſuch ſeaman ſhall deſert, or abſent himſelf from ſuch ſhip, after he hath ſigned ſuch contract, upon application made to any juſtice of peace, by the maſter or other perſon having charge of the ſhip, it ſhall be lawful for ſuch juſtice to iſſue his warrant to apprehend ſuch ſeaman; and if he ſhall refuſe to proceed on the voyage, and ſhall not give a ſufficient reaſon for ſuch refuſal, to the ſatisfaction of the juſtice, to commit him to the houſe of correction, to be kept to hard labour, not exceeding 30 days, nor leſs than 14. *ſ.* 4.

If any ſeaman ſhall abſent himſelf from the veſſel to which he belongs, without leave of the maſter or other chief officer, having charge of ſuch ſhip, he ſhall, for every day's abſence, forfeit two days pay to the uſe of *Greenwich hoſpital*. *ſ.* 5.

If any ſeaman, not entering into the ſervice of his majeſty, ſhall leave the veſſel to which he belongs, before he ſhall have a diſcharge in writing from the maſter or other perſon having the charge of ſuch veſſel, he ſhall forfeit one month's pay. *ſ.* 6.

On the arrival of any veſſel in *Great Britain* from parts beyond the ſeas, the maſters ſhall pay the ſeamen their wages, if demanded, in 30 days after the veſſels being entered at the cuſtom-houſe (except where a covenant ſhall be entered into to the contrary) or at the time the ſaid ſeamen ſhall be diſcharged, which ſhall firſt happen, deducting out of the wages the penalties by this act impoſed, under penalty of paying to ſuch ſeaman that ſhall be unpaid, 20*s.* over and above the wages, to be recovered as the wages may be recovered; and ſuch payment of wages ſhall be good in law, notwithſtanding any action, bill of ſale, attachment or incumbrance whatſoever. *ſ.* 7.

No ſeaman, by ſigning ſuch contract, ſhall be deprived of uſing any means for the recovery of wages, which he may now lawfully uſe, and where it ſhall be neceſſary that the contract in writing ſhould be produced in court, no obligation ſhall lie on any ſeaman to produce the ſame, but the maſter or owner of the ſhip; and no ſeaman ſhall fail in any action or proceſs for recovery of wages, for want of ſuch contract being produced. *ſ.* 8.

The maſters or owners of ſhips ſhall have power to deduct out of the wages of any ſeaman all penalties incurred by this act, and to enter them in a book, and to make oath, if required, to the truth thereof; which book ſhall be ſigned by the maſter and two principal officers belonging to ſuch ſhip, ſetting forth, that the penalties contained in ſuch book, are the whole penalties ſtopt from any ſeaman during the voyage; which penalties (except the forfeitures of wages to the owners, on the deſertion of any ſeaman, or on refuſing to proceed on the voyage) ſhall go to the uſe of *Greenwich hoſpital*, to be paid and accounted for by the maſters of ſhips coming from beyond the ſeas, to the ſame officer at any port, who collects the 6*d. per* month, which officer ſhall have power to adminiſter an oath to every maſter touching the truth of ſuch penalties. *ſ.* 9.

If any maſters or owners of ſhips ſhall deduct out of the wages of any ſeaman, any of the penalties by the act directed to the uſe of *Greenwich hoſpital*, and ſhall not pay the money to ſome officer who collects the 6*d. per* month, in the port where the deduction ſhall be made, within three months after ſuch deduction, they ſhall forfeit treble the value to the uſe of the hoſpital; which, together with the money deducted, ſhall be recovered by the ſame means as the penalties for not duly paying the 6*d. per* month. *ſ.* 10.

Nothing in this act ſhall debar any ſeaman from entering into the ſervice of his majeſty, nor ſhall ſuch ſeaman for ſuch entry forfeit the wages due to him during his ſervice

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in ſuch merchant-ſhip; nor ſhall ſuch entry be deemed a deſertion. *ſ.* 13.

By 6 *Geo.* 2. *c.* 25. There ſhall be allowed upon the books of every ſhip of war in ſea pay, a man in every hundred that the complement ſhall conſiſt of, and the wages of ſuch, and the value of victuals, ſhall be applied to the relief of poor widows of commiſſion and warrant officers of the royal navy, according to ſuch rules as his majeſty ſhall eſtabliſh. *ſ.* 18.

By 8 *Geo.* 2. *c.* 29. After reciting that there is payable out of the eſtate of the late earl of *Derwentwater*, in *Northumberland*, the ſums therein mentioned, it is enacted, that the rents and profits of the premiſes (ſubject to the ſaid incumbrances) ſhall be applied towards the finiſhing the building of the hoſpital at *Greenwich*, and for the better maintenance of the ſeamen. *ſ.* 1 & 2.

The premiſes ſhall remain veſted in his majeſty, his heirs and ſucceſſors. *ſ.* 3.

His majeſty, by ſign manual, may impower the governors of the hoſpital to appoint ſtewards, *&c.* and to allow ſalaries. *ſ.* 4.

It ſhall be lawful for his majeſty, to impower the governors to grant leaſes, not exceeding 21 years in poſſeſſion, ſo as there be reſerved the beſt improved rent without fine, and ſo as no clauſe be in the leaſes, giving power to any leſſee to commit waſte. *ſ.* 5.

The governors ſhall give notice in the *London Gazette* when and where ſuch eſtates are to be let, ſix months before the expiration of the term for which the eſtates ſhall be let. *ſ.* 6.

It ſhall be lawful for the attorney general, or for the mortgagees and incumbrancers, to apply to the court of exchequer, by motion in a ſummary way, for the ſale of the fee ſimple of ſuch parts of the hereditaments as ſhall be ſufficient for the diſcharge thereof. *ſ.* 7.

Upon payment of the principal, intereſt, and coſts, upon the ſaid mortgages, the ſaid mortgagees and incumbrancers ſhall aſſign their ſecurities to perſons to be named by ſuch purchaſers, at the coſts of ſuch purchaſers, as the court of exchequer ſhall direct. *ſ.* 8.

The governors of the ſaid royal hoſpital ſhall contract with tradeſmen, artificers, or other perſons, for finiſhing the ſaid hoſpital, according to the plan laid before the houſe of commons, and lay their proceedings, with their annual accounts, before his majeſty and both houſes of parliament. *ſ.* 9.

In caſe any ſeaman on board any merchant ſhip belonging to the ſubjects of his majeſty, ſhall be maimed in fight againſt any enemy, ſuch ſeaman ſhall be admitted into the hoſpital at *Greenwich* as any other ſeaman wounded in the ſervice of his majeſty. *ſ.* 10.

Saving to his majeſty and others all right, *&c.* *ſ.* 12.

By 11 *Geo.* 2. *c.* 30. Upon the death of his majeſty, and alſo upon the death of every ſucceſſive king and queen of this realm, all ſuch ſervices ſhall be done, and fines paid, by the tenants of the eſtates of the late earl of *Derwentwater*, to every ſucceſſor of his majeſty to, or in caſe any of the eſtates be ſold, to ſuch other perſon who ſhall be owner thereof, as by ancient tenure, or by any contract, uſage, or cuſtom, ought to be done, in caſe ſuch king or queen ſo dying was conſidered as a private perſon only; which fines, *&c.* to his majeſty, his heirs, and ſucceſſors, ſhall be applied to the uſe of the royal hoſpital for ſeamen at *Greenwich*. *ſ.* 1.

It ſhall be lawful for the attorney general, by direction, to apply to his majeſty's court of exchequer, at *Weſtminſter*, by motion, for the ſale of all or part of the timber on the ſaid eſtates, while the ſame ſhall remain unſold, upon which it ſhall be lawful for the court to make ſuch orders therein as the court ſhall think proper; and the money ariſing by ſuch ſales ſhall be applied, by direction of the ſaid court, to the diſcharge of the incumbrances, and in the mean time be paid by the purchaſers into the exchequer, or to the treaſurer of the ſaid hoſpital, or be placed out in ſuch government or other ſecurities, and in the names of ſuch perſons as the ſaid court ſhall direct; and in caſe there ſhall be any ſurplus, the ſame ſhall be applied towards the finiſhing and completing the building of the ſaid hoſpital; and for the better maintenance of the ſeamen of the hoſpital, worn out and become decrepit in the ſervice of their country; and after the ſaid incumbrances ſhall be diſcharged, the money ariſing by the ſales of timber ſhall be applied to the uſe of the hoſpital. *ſ.* 2.

It ſhall be lawful for his majeſty, by ſign manual, to authoriſe the commiſſioners and governors of the ſaid hoſpital, or any ſeven of them, to direct the cutting down ſuch timber from off the ſaid eſtates, to be uſed in repairing any buildings on the ſaid eſtates, and alſo in the building any new houſes, as they ſhall judge neceſſary for tenants. *ſ.* 3.

For diſcharge of the incumbrances, it ſhall be lawful for the attorney general of his majeſty, by his direction, to apply to the court of exchequer by motion, for the ſales to any perſons being proteſtants, of the fee ſimple of any of the premiſes ſo veſted in his majeſty, which are not charged with the incumbrances, as ſhall be thought moſt convenient to be ſold; upon which it ſhall be lawful for the court to make orders for inquiring into the conveniency of the ſale, and upon report thereof to make orders for ſuch ſales as the court ſhall judge proper; and the money ariſing by ſuch ſales ſhall be applied, by the direction of the court, towards the diſcharge of the incumbrances, and in the mean time be paid into court, or to the treaſurer of the hoſpital, or be placed out in ſuch government or other ſecurities, as the court ſhall direct; and in caſe there ſhall be any ſurplus of the purchaſe money, the ſame ſhall be applied for the benefit of the hoſpital; and upon payment of ſuch purchaſe money, grants or aſſurances of ſuch parcels of the ſaid eſtates as ſhall be ſold, ſhall be made under the great ſeal, to ſuch purchaſers, their heirs, and aſſigns. *ſ.* 4.

It ſhall be lawful for his majeſty, by ſign manual, to authoriſe the commiſſioners and governors of the ſaid hoſpital, or any ſeven of them, to demiſe the mines, as well unopened as opened, for any number of years not exceeding 21 years, to take effect in poſſeſſion and not in reverſion, reſerving the beſt rents or dues that can be reaſonably gotten without taking any fine, with liberty to the leſſees to win and work the mines, without reckoning the ſame to be waſte, ſo as there be contained in all ſuch leaſes a condition of re-entry for non-payment of rent, and ſo as the leſſees execute counterparts. *ſ.* 5.

It ſhall be lawful for the attorney general of his majeſty, by his direction, to apply to his majeſty's court of exchequer, by motion, againſt any tenants holding lands within the manors, of whoſe having in their cuſtody any writing, aſcertaining the cuſtoms and ſervices, probable evidence ſhall be ſhewed to the court, for ſuch tenants to produce the ſame; upon which it ſhall be lawful for the court to enquire into the matter, and to make ſuch orders, with reſpect to the producing any ſuch writing by ſuch tenant, and with reſpect to copies to be made thereof, and ſuch other orders concerning the ſame, as the court ſhall think juſt. *ſ.* 6.

It ſhall be lawful for his majeſty, by ſign manual, to authorize the governors of the ſaid hoſpital, to agree with the mortgagees of the premiſes for leſs intereſt for the money due on their ſecurities than the ſame is now at; and to agree with any other perſons for the advancing money at

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leſs intereſt, for paying off the principal due on the mortgages, upon the ſame being aſſigned. *ſ.* 7.

Provided that ſuch aſſignments be made for the principal money only of the ſaid mortgages, and for the intereſt to grow due after the making of ſuch aſſignments; and that the money be made payable at the end of ſix months. *ſ.* 8.

It ſhall be lawful for his majeſty, by his ſign manual, to authorize the governors, or any ſeven of them, to grant leaſes, as in 8 *Geo.* 2. *c.* 29. and in this act, reſerving the rents to his majeſty, which rents ſhall be applied in the manner directed by the laſt-mentioned act. *ſ.* 9.

This act ſhall be conſtrued beneficially for the purpoſes herein expreſſed, and is declared to be a public act. *ſ.* 10.

Saving to the king, and to all other perſons, all right, *&c. ſ.* 11.

By 13 *Geo.* 2. *c.* 3. During the continuance of the preſent war and no longer (except as to ſuch trading ſhips and privateers which ſhall be on their voyage before the determination of the war, who may return home navigated as herein is provided) it ſhall be lawful for any trading ſhip or privateer, to be navigated by foreign ſeamen, not being his majeſty's ſubjects, ſo as the number of ſuch foreign ſeamen do not exceed three-fourths of the mariners employed to navigate ſuch ſhip, and that one-fourth at leaſt, of the mariners ſo employed be natives or naturalized ſubjects of *Great Britain* (ſudden death, hazard of war, and the ſeas, excepted) notwithſtanding 12 *Car.* 2. *c.* 18. *ſ.* 1.

Every foreign ſeaman who ſhall have faithfully ſerved, during the time of war, on board any of his majeſty's ſhips, or any trading ſhip or privateer (belonging at the time of ſuch ſervice to ſubjects of *Great Britain)* for two years, ſhall be deemed a natural-born ſubject of *Great Britain. ſ.* 2.

Provided no perſon naturalized by this act thereby be enabled to be of the privy council, or a member of parliament, or to take any office civil or military, or to have any grant of lands or hereditaments from the crown. *ſ.* 3.

It ſhall be lawful for his majeſty at all times when it is neceſſary to declare war againſt any foreign power, to publiſh a proclamation, to permit all trading veſſels and privateers to be manned with foreign ſeamen during ſuch war, in the manner by this act provided; and upon the publiſhing of ſuch proclamation, this act ſhall be deemed to be in full force, and continue during ſuch war and no longer; except in reſpect to ſuch trading ſhips and privateers which ſhall be on their voyage before the determination of ſuch war, who ſhall be allowed to return home navigated in the manner before provided. *ſ.* 4.

By 13 *Geo.* 2. *c.* 17. Every perſon of the age of 55 years or upwards, or under the age of 18 years, and every foreigner who ſhall ſerve in any merchant ſhip or privateer belonging to the ſubjects of *Great Britain*, ſhall be exempted from being impreſſed into his majeſty's ſervice. *ſ.* 1.

Every perſon of what age ſoever, who ſhall uſe the ſea, ſhall be exempted from being impreſſed for two years from his firſt going to ſea; and every perſon, who, not having before uſed the ſea, ſhall bind himſelf apprentice to ſea, ſhall be exempted from being impreſſed for three years from his binding himſelf apprentice. *ſ.* 2.

The commiſſioners of the admiralty or three of them, ſhall, upon due proof of the reſpective ages and circumſtances of the perſons before mentioned, grant a protection to every ſuch perſon to ſecure him from being impreſſed, without fee. *ſ.* 3.

By 14 *Geo.* 2. *c.* 38. If any ſeaman under the dgree of a warrant or commiſſion officer, entering voluntarily into the ſervice, be killed or drowned in the ſervice, and leave a widow to whom he was lawfully married, every ſuch widow, producing to the commiſſioners of the navy a certificate, under the hands of the miniſter, churchwardens, and overſeers of the poor of the pariſh wherein ſhe reſides, that ſhe is the real widow of the ſeaman ſo killed or drowned, ſhall receive ſuch ſum of money, by way of bounty, as ſhall amount to one year's pay of ſuch ſeaman, according to the monthly wages he ſerved for at the time of his death; and the commiſſioners of the navy ſhall, upon producing ſuch certificate at the navy office, order the payment of ſuch bounty money. *ſ.* 2.

So much of the act of 1 *Geo.* 2. *c.* 14. as relates to the prohibiting any ſeamen from being taken out of the ſervice of his majeſty, *and to the manner of proceeding againſt ſeamen for debts*, ſhall be of force within the kingdom of *Ireland. ſ.* 3. *The* 1 Geo. 2. c. 14. *is repealed, but the clauſes here referred to are re-enacted in* 31 Geo. 2. *c.* 10. ſ. 28, 29.

By 18 *Geo.* 2. *c.* 31. Every officer or other perſon employed in any privateer, or ſhip having a letter of marque, belonging to any ſubjects, ſhall pay the duty of 6*d. per* month, or proportionably, during the time he ſhall ſerve in ſuch ſhip, for the better ſupport of *Greenwich hoſpital. ſ.* 1.

The commander or owner of every privateer, or ſhip having a letter of marque, ſhall detain out of the wages and ſhares of prizes payable to ſuch officer or other perſon employed in his ſhip, the ſaid duty of 6*d. per* month, (other than for ſuch perſons as by former acts are exempted) and ſhall pay the ſame to the officers on that behalf appointed by the commiſſioners of the admiralty. *ſ.* 2.

The commander of every privateer, or ſhip having a letter of marque, before he ſails from any port of *Great Britain* or *Ireland*, *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or from any port within his majeſty's colonies in *America*, ſhall deliver to the collector of the cuſtoms of the port he ſails from, a liſt ſigned of the names, ages, and deſcriptions, of every perſon employed in ſuch privateer, *&c.* and upon his arrival or return at any of the ports aforeſaid, ſhall deliver to the collector of the cuſtoms of the port he arrives at, a copy upon oath of the liſt he delivered to the collector of the port from whence he ſailed, and an account whether all or any of the men are returned; and if any are wanting what is become of them: and in caſe any ſuch commander neglect to deliver ſuch liſts and accounts, he ſhall forfeit 50*l.* one moiety to the uſe of the ſaid hoſpital, and the other to ſuch perſon as ſhall ſue for the ſame. *ſ.* 3.

It ſhall be lawful for the receiver of the ſaid duty of 6*d. per* month, or his deputy, by warrant under his hand, to ſummon all ſuch commanders, or in their abſence the owners of ſuch privateers, or ſhips having letters of marque, to appear at the office of the ſaid receiver or his deputy (ſo as the perſon ſummoned be not obliged to travel above 10 miles) which ſaid receiver or his deputy ſhall examine ſuch commander or owners, as to the number and times of ſervice of all perſons employed in ſuch ſhips who are liable to the ſaid ſum of 6*d. per* month; and if ſuch commanders, or (in their abſence) the owners, refuſe (not having a reaſonable excuſe) to appear, or to make diſcovery upon oath, or neglect to pay the monies due to the

the ſaid hoſpital, within ſix calendar months after due notice from the ſaid receiver or his deputy, every ſuch offender, for every ſuch refuſal or neglect ſhall forfeit 50 *l.* one moiety to the uſe of the ſaid hoſpital, and the other moiety to ſuch perſon as ſhall ſue for the ſame, by action of debt, *&c.* in any court of record, where no eſſoin, *&c.* ſhall be allowed; and if a verdict paſs for the plaintiff, ſuch plaintiff ſhall have double coſts: and if any ſuch commander attempt to go to ſea with the ſaid ſhips before he hath accounted with, and paid the ſaid receiver the ſaid duty for the voyage preceding, then ſuch receiver or his deputies may ſtop ſuch ſhip till the ſaid duty be paid. And upon the death or removal of any commander of any ſuch ſhip, the owners ſhall deliver to the ſucceeding maſter an account of the ſaid duty due to the ſaid hoſpital, and money ſufficient for payment of the ſame; and in default thereof, ſuch receiver or his deputies may ſtop ſuch ſhip until the ſaid duties be paid. *ſ.* 4.

By 20 *Geo.* 2. *c.* 38. *Alexander Hume*, and others, ſhall be incorporated by the name of *The preſident and governors for the relief and ſupport of ſick, maimed, and diſabled ſeamen, and of the widows and children of ſuch as ſhall be killed, ſlain, or drowned, in the merchants ſervice*; and ſhall have perpetual ſucceſſion and a common ſeal; and they and their ſucceſſors ſhall be capable to hold in truſt, for the purpoſes of this act, all ſums of money granted and received by virtue of this act, or contributed or bequeathed by any perſons, and may purchaſe lands for the ſite of an hoſpital. *ſ.* 1.

And the ſaid preſident and governors ſhall provide in ſuch hoſpital, for the reception of ſeaman diſabled by ſickneſs, wounds, or other misfortunes, or by age; or ſhall allow them penſions; and ſhall relieve the widows and children of ſeamen killed or drowned in the ſaid ſervice; provided ſuch children are not of the age of 14 years, or not capable of getting a livelihood by reaſon of infirmities; and ſhall make allowances to thoſe who are hurt or maimed in doing their duty, ſo far as the revenues will extend, according to rules eſtabliſhed by this act. *ſ.* 2.

No ſeamen in the ſaid ſervice ſhall be intitled to the benefit of this act, unleſs he produce a certificate of the hurt he hath received from the maſter, mate, boatſwain, and ſurgeon, or ſo many of them as were in the ſhip at the time of his receiving ſuch hurt; or of the maſter and two ſeamen, if there is no other officer; or if the maſter die, of the perſon who takes upon him the care of the ſhip, and two ſeamen; ſignifying how he received ſuch hurt, where and when he entered, and how long he had ſerved: and the parties ſigning and ſealing ſuch certificate ſhall make oath of the truth thereof before ſome juſtice of peace, or the chief officer of the cuſtoms of the port where there is no juſtice of peace, or before the *Britiſh* conſul or reſident in any foreign country; who are to adminiſter the ſame without fee: and in caſe of ſickneſs, a certificate ſignifying that he was healthy when he entered, and that ſuch ſickneſs was contracted in doing his duty; and expreſſing the time and place he entered, and how long he had ſerved. And no widow or child of any ſeaman killed or drowned in the ſaid ſervice, ſhall be relieved, unleſs they, or ſome perſon on their behalf, produce a certificate ſignifying how ſuch ſeaman loſt his life, the time and place he entered, and how long he had ſerved; and another certificate under the hands and ſeals of the miniſter and churchwardens and overſeers of of the poor of the pariſh or place, or two of them, or of the miniſter and overſeers, or two of them, where there are no churchwardens; and if ſuch widow or child are Quakers, then by two reputable perſons of that perſuaſion, of the pariſh or place where ſuch widow or child have a legal ſettlement or inhabit; to be atteſted by two witneſſes, that ſuch widow was the wife and real widow, and that ſuch child was the lawful child of ſuch ſeaman killed or drowned, and is under the age of fourteen years, or if of that age not capable of getting a livelihood by reaſon of infirmities. And no ſeaman ſhall have a penſion as worn out, unleſs he has ſerved in the merchants ſervice for five years, and paid 6*d. per* month out of his wages for that time for the purpoſes of this act. *ſ.* 3.

If any perſon forge or alter, or procure to be forged or altered, or unfairly obtain any certificate to intitle him to any benefit of this act, and produce, or cauſe it to be produced, ſuch certificate ſhall be void; and ſuch perſon ſo applying ſhall be incapable of receiving any benefit of this act, and ſhall be puniſhed as an incorrigible rogue. *ſ.* 4.

There ſhall be a preſident and 21 aſſiſtants of the ſaid corporation. *ſ.* 5.

Every year within five days before or after the 24th of *June*, ten days notice being given in the *London Gazette*, a new choice of a preſident and 21 aſſiſtants ſhall be made by the preſident and governors, or the greater part of them then preſent, for the year next following. *ſ.* 6.

At all general courts of the preſident and governors, and at the ſeveral courts of aſſiſtants, the preſident ſhall have voice, and in caſe of an equality of votes ſhall have a caſting vote. *ſ.* 7.

There ſhall be four general courts every year, *viz.* on the 24th of *June*, on the 29th of *September*, the 25th of *December*, and 25th of *March*, or within five days before or after either of the ſaid days, of which ten days notice ſhall be given in the *London Gazette*; and the preſident and aſſiſtants ſhall have power to call a general court at any other time; and are to call a general court at the requeſt of any thirteen members under their hands; provided ten days notice be given in the *London Gazette*. *ſ.* 8.

The preſident with any five of the aſſiſtants ſhall make a court of aſſiſtants, or committees; and ſhall meet upon *Wedneſdays* weekly in *London*, or at ſuch time and place as they think fit; and ſhall have power to apply the monies received by virtue of this act; and in caſe there be any ſurplus, or any ſum be contributed, to lay out the ſame in parliamentary ſecurities, or in the purchaſe of ſuch lands as are hereby allowed, and under their common ſeal to enter into contracts, and to appoint and remove officers, except ſuch officers as are to be appoined at a general court; and to appoint ſalaries, and to tranſact all other matters neceſſary and convenient. *ſ.* 9.

The management and accompts of the ſaid preſident and aſſiſtants ſhall be ſubject to ſuch audit and control as by any by-laws of the ſame corporation ſhall be appointed. *ſ.* 10.

There ſhall be a receiver choſen by the ſaid preſident and governors in a general court, who ſhall be allowed a proper ſalary, and be at their pleaſure diſplaced. *ſ.* 11.

If there be any vacancy of any perſon choſen at a general court, ſuch vacancy ſhall be filled up at a general court after ten days notice in the *London Gazette* of ſuch election. *ſ.* 12.

The preſident and governors, or the greater part of them (ſo that not leſs than thirteen governors be preſent) may chooſe other perſons members or governors in the room of ſuch as die or refuſe to be members or governors. *ſ.* 13.

The preſident and governors in a general court (ſo that not leſs that thirteen governors be preſent) may make by-laws, and revoke the ſame. *ſ.* 14.

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In caſe the preſident ſhall not attend the aſſiſtants at a court of aſſiſtants, the governors at a general court may depute any other member or governor to preſide and vote as preſident. *ſ.* 15.

If any perſon pay into the hands of the receiver 50 *l.* for the purpoſes of this act, he ſhall be a governor. *ſ.* 16.

Every perſon who ſhall ſerve in any ſhip belonging to any ſubjects in *England*; and every maſter or owner navigating his own ſhip (other than ſuch apprentices under the age of eighteen as are exempted from payment of 6*d.* *per* month to *Greenwich-hoſpital* by 2 *Ann. c.* 6. and perſons employed in boats upon the coaſt of *England* in taking fiſh brought freſh on ſhore, and perſons employed in veſſels that trade only within any river in *England* or in any open boats upon the coaſts, and pilots employed on board any ſhip, ſhall pay 6*d.* *per* month, and proportionably for a leſſer time, during their employment, for the purpoſes aforeſaid. *ſ.* 17.

The maſter of every ſuch ſhip is to deduct and detain out of the wages or profits payable to ſuch perſon employed in his ſhip, the ſaid 6*d.* *per* month (other than for perſons excepted) and ſhall pay the ſame to the officer appointed by the preſident and governors, or the truſtees at any out-ports. *ſ.* 18.

The preſident and governors at a court of aſſiſtants, may appoint a receiver or receivers of the ſaid duty at *London*; and alſo depute the collectors, or officers of the cuſtoms in the out-ports of *England*, or other perſons, to receive the ſame (except where ſeparate truſtees are appointed by this act) which receivers are to collect and pay over the ſaid duty, according to inſtructions ſent by the preſident and governors: and the preſident and governors, at a court of aſſiſtants, may make them an allowance. *ſ.* 19.

Every maſter of any merchant or private ſhip ſhall keep a muſter-roll; in which ſhall be entered his own name, and the names of all the perſons employed in ſuch ſhip with the uſual place of their abode on ſhore, and the time when, and place where, they entered, and in what ſhip he performed his laſt voyage; a duplicate whereof ſhall be ſigned by the ſaid maſter, and delivered before the departure of ſuch ſhip to the receiver of the ſaid duties, at the port to which ſuch ſhip belongs; and ſuch maſter ſhall keep ſuch muſter-roll during the whole voyage, and ſhall enter therein when and where any perſon is diſcharged, or deſerts; and any other man ſhipped, deſcribing them as before is deſcribed, and when and where any of them received any hurt, or were killed or drowned; a duplicate of which continuation of the muſter-roll ſhall be ſigned by the ſaid maſter, and delivered at the return of ſuch ſhip to the receiver of the ſaid duties at the port to which ſuch ſhip belongs; and copies ſhall be made by ſuch receiver and kept by him; and the original duplicates ſhall be tranſmitted to the preſident and governors aforeſaid, to be kept: and if ſuch maſter neglect to keep ſuch muſter-roll, or to deliver ſuch duplicates, or ſuch receiver to make and keep ſuch copies, or to tranſmit the duplicates as aforeſaid, they ſhall reſpectively forfeit for every ſuch offence 20 *l.* *ſ.* 20.

Receivers may by warrant under their hands ſummon all ſuch maſters, or in their abſence the owners, to appear at the office of the ſaid receivers (ſo as they be not obliged to travel above ten miles) and examine every ſuch maſter or owner upon oath as to the truth of the copy of ſuch muſter-roll, and as to the number and times of ſervice of all perſons employed in ſuch ſhip liable to the ſaid 6*d.* *per* month; and if ſuch maſters or owners neglect when ſo ſummoned to appear, or refuſe to make diſcovery, every ſuch offender for every ſuch refuſal ſhall forfeit 20 *l.* *ſ.* 21.

The ſecretaries or chief clerks of the navy, victualling, ordnance, cuſtoms, poſt-office, or other public offices of the crown, uſually employing ſhips in the ſervice of his majeſty, ſhall deliver a duplicate of the liſt of the ſhips, *&c.* (required by 2 *Geo.* 2. *cap.* 7. *ſect.* 6. to be delivered to the receivers of *Greenwich-hoſpital)* to the receiver of the duty of ſix-pence *per* month at *London*, or any of the out-ports: and the ſaid ſecretaries, chief clerks, and other officers of the ſaid offices, and the maſters, *&c.* of ſhips employed by them, are to do every thing for the payment of the ſaid 6*d.* *per* month hereby granted, as is directed to be done for the payment of the 6*d* *per* month to *Greenwich-hoſpital* by 2 *Geo.* 2. *cap.* 7. and they ſhall be ſubject to like penalties for defaults. *ſ.* 22.

The maſters and owners of all private ſhips liable to the ſaid duty of 6*d.* *per* month, ſhall pay ſuch monies as be due from them to the collectors and receivers at the ports only to which ſuch ſhips belong, and before any ſuch ſhips be cleared inwards in any ports of *England*; and no officer of the cuſtoms ſhall clear inwards any private ſhip liable to the ſaid duty, or grant any warrant, or cockets, tranſires, returns, or diſcharges, for any ſuch ſhip, or ſhall ſuffer any ſuch ſhip to go out of port, until the maſter or owner produce an acquittance ſigned by the receiver of the ſaid duties, whereby it ſhall appear that ſuch maſter, *&c.* is not more than three months in arrear, or is exempted from the ſaid duty by the exemptions herein contained; and every maſter and owner neglecting to pay the ſaid duty in the manner, and within the time, beforementioned, and every officer of the cuſtoms making default in the premiſes, ſhall for every ſuch default forfeit 20 *l.* *ſ.* 23.

If the maſter, *&c.* produce not ſuch acquittance to the tide-ſurveyor when he comes on board to clear ſuch ſhip, the tide-waiters on board ſhall be continued until ſuch acquittance is produced, at the expence of ſuch owner or maſter. *ſ.* 24.

Where by this act an oath is required the affirmation of Quakers ſhall be accepted; and if any Quaker refuſe to make ſuch affirmation, he ſhall be ſubject to the like penalties as any other perſon refuſing to take an oath; and if any quaker affirm any matter which is falſe, of if any perſon before any perſon hereby authoriſed to adminiſter oaths, wilfully make a falſe oath, being convicted, he ſhall for every ſuch offence ſuffer the like puniſhments, as perſons convicted of wilful and corrupt perjury. *ſ.* 25.

The charges of obtaining this act ſhall be paid out of the firſt monies raiſed at *London*. *ſ.* 26.

The owners and maſters of ſhips belonging to perſons reſiding at any of the out-ports, may aſſemble at any time and place within the limits of the ſaid out-ports by any five of them appointed, giving ten days previous notice to be fixed at ſome public place at ſuch out-port; and may appoint under their hands and ſeals fifteen truſtees for ſuch out-port, for receiving and applying the ſaid 6*d.* *per* month: and within ten days after every 26th of *December* yearly, fifteen truſtees ſhall be choſen for the year enſuing, as aforeſaid; and the inſtrument appointing them ſhall be ſent to the preſident and aſſiſtants, who are to confirm the ſame under the common ſeal of the corporation, without fee, within ten days after receipt thereof: which truſtees, ſo confirmed, whereof five ſhall be a quorum, ſhall have the ſame powers as the preſident and governors aforeſaid; and the officers appointed by ſuch truſtees ſhall have the ſame powers as the other officers appointed in purſuance of this act, and ſhall be ſubject to the ſame penalties. *ſ.* 27.

The maſter, wardens, aſſiſtants, and treaſurer of the incorporated ſociety of The Merchants Adventurers of *Briſtol*, ſhall be truſtees, and have the like powers as the preſident and governors aforeſaid; and the officers appointed by them ſhall have the ſame powers as the other officers appointed by virtue of this act, and ſhall be ſubject to the like penalties; and the ſaid maſter, wardens, aſſiſtants, and treaſurer ſhall have power to take any lands, as the ſaid preſident and governors. *ſ.* 28.

The guild or brotherhood of maſters and pilots, ſeamen of the *Trinity Houſe* of the town and port of *Kingſton* upon *Hull*, ſhall be truſtees, and have the like powers as the preſident and governors aforeſaid; and the officers appointed by them ſhall have the ſame powers as the other officers appointed in purſuance of this act, and be ſubject to the like penalties. *ſ.* 29.

Nothing herein contained ſhall oblige the receivers or collectors of the ſaid duty appointed by the truſtees of any of the ſaid out-ports, to ſend the duplicates of the muſter-rolls to the preſident and aſſiſtants or committees; but ſuch duplicates ſhall be delivered after making copies thereof to the ſaid truſtees to be kept. *ſ.* 30.

No perſon employed on board any private ſhip ſhall be intitled to any benefit by this act at *London*, or any out-port, but thoſe who pay the ſaid duty of 6*d. per* month. *ſ.* 31.

Thoſe ſeamen who have been longeſt in the ſervice, and contributed moſt towards the duty, ſhall be firſt provided for as worn out. *ſ.* 32.

In caſe any perſon employed on board any ſhip, in doing his duty on ſhore or on board, be hurt or maimed ſo that immediate care is neceſſary, the preſident and governors at *London*, and the reſpective truſtees for the out-ports, are to provide relief for him until he be ſo well recovered as to be removed to the port to which ſuch ſhip belongs; and the expence of removing him not exceeding 2*d. per* mile, ſhall be paid by the preſident and governors at *London*, or by the truſtees for the out-port to which he is removed. *ſ.* 33.

In caſe any perſon ſerve five years or more on board private ſhips belonging to different ports, and have paid the 6*d. per* month for that time, and be worn out, and adjudged a proper object of relief, he ſhall be provided for at the port where he paid the greateſt part of the ſaid duty for the laſt five years of his ſervice. *ſ.* 34.

The preſident and governors, and the reſpective truſtees, may relieve ſeamen employed in the merchants ſervice within the limits of this act, who may be ſhipwrecked, or taken by the enemies, and on their return from impriſonment be travelling with paſſes to the place of their abodes. *ſ.* 35.

Where the certificates directed to be produced by this act cannot be obtained, other certificates ſatisfactory to the preſident and governors, or truſtees reſpectively, ſhall be allowed of. *ſ.* 36.

Whereas the *Eaſt India* company have eſtabliſhed a fund for providing for ſeamen diſabled in their ſervice, and for the widows and children of ſuch as are killed or drowned, no maſter, officer, ſeaman, ſervant, or apprentice employed in the ſervice of the ſaid company, during the time they are ſo employed, ſhall be liable to the payment of 6*d. per* month. *ſ.* 37.

No maſter, officer, ſeaman, ſervant, or apprentice employed in the ſervice of the ſaid company, ſhall be intitled to any benefit by this act, in reſpect of any incapacity by ſickneſs, wounds, or misfortune, during the time of their being employed in the ſaid company's ſervice; nor ſhall the widows or children of ſeamen killed or drowned in the ſervice of the ſaid company, be intitled to any benefit by this act, by reaſon of any ſuch ſeamen being killed or drowned during the time of being employed in the ſaid company's ſervice. *ſ.* 38.

All penalties incurred by this act, ſhall be recovered in any court of record in *England*, wherein no eſſoin, *&c.* ſhall be allowed; and if a verdict paſs for the plaintiff he ſhall have double coſts; and one moiety of the ſaid penalties ſhall go to the uſes of this act, and the other moiety to ſuch perſon as ſhall ſue for the ſame. *ſ.* 39.

This act ſhall be deemed a public act. And if any action be brought in relation to the premiſes, every ſuch action ſhall be brought within three months next after, in the county where the fact was done; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have double coſts. *ſ.* 40.

By 22 *Geo.* 2. *c.* 52. The eſtates of the late earl of *Derwentwater* and *Charles Radcliffe* his brother, are veſted in ſixteen of the commiſſioners of *Greenwich-hoſpital*, for an abſolute eſtate of inheritance for the benefit of the hoſpital. And the commiſſioners, or any ſeven of them, are impowered to appoint officers to receive the rents, and to allow them ſalaries; and to make ſale of timber without applying to the court of exchequer, and to cut down timber for repairs; and to demiſe the mines, lands, *&c.* for twenty-one years on reſerved rents without fines; and they may apply to the court of exchequer for orders on the tenants to produce writings for aſcertaining fines, cuſtoms, and ſervices. They are to appoint by deed inrolled in chancery other truſtees in the room of ſuch of the ſixteen as ſhall die. Six thouſand pounds is given to the ladies *Charlotte Radcliffe*, *Barbara Radcliffe*, and *Mary Radcliffe*, the daughters of *Charles Radcliffe:* and 24000 *l.* is ſettled in truſt for *James Bartholomew Radcliffe*, the eldeſt ſon of *Charles Radcliffe*, and his iſſue male and female; and in default of iſſue in truſt for *James Clement Radcliffe* the younger, ſon of *Charles Radcliffe*, and his iſſue male; and in default of iſſue in truſt for the executors, adminiſtrators, and aſſigns, of *James Bartholomew Radcliffe*.

By 24 *Geo.* 2. *c.* 47. *ſ.* 10. There ſhall be allowed upon the books of every ſhip of war in ſea pay, one other ſeaman in every 100 men that the complement of ſuch ſhip conſiſts of, for ſuch time only as the number of men employed in the royal navy exceeds not 20000: and the produce of the wages of each ſuch ſeaman, and the value of his victuals ſhall be applied to the relief of the poor widows of commiſſion and warrant officers of the royal navy; over and above the one ſeaman allowed them by 6 *Geo.* 2. *c.* 25. *ſ.* 18.

By 31 *Geo.* 2. *c.* 10. Any ſeaman, or able bodied landman, who ſhall voluntarily enter his name with any commiſſion officer of the fleet appointed for entering ſuch volunteers, in order to ſerve in any of the ſhips of his majeſty fitting out for ſea, or in want of men, and ſhall receive a certificate of his ſo doing from ſuch commiſſion officer (who is to give ſuch certificates, without fee, and date the ſame), and ſhall forthwith proceed towards ſuch ſhip, and make his appearance on board the ſame within fourteen days from the date of ſuch certificate incluſive of the day of the date if the place where he ſo enters be not above 100 miles from the port where ſuch ſhip lies, or within twenty days if it be at a greater diſtance, or within thirty days if the place where he ſo enters be above 200 miles diſtant, every ſuch perſon ſhall be intitled to wages from the date of ſuch certificate incluſive of the day of the date, and ſhall be allowed the uſual conduct money,

and be paid an advance of two months wages at the firſt fitting out of ſuch ſhip, and before ſuch ſhip proceed to ſea. *ſ.* 1.

Every ſeaman or able bodied landman entered on the books of any ſhip belonging to his majeſty, as ſupernumerary to the complement of ſuch ſhip, ſhall be intitled to his wages, upon the books of the firſt, and of every other ſhip in which he ſhall ſerve for ten days, and ſhall receive all other benefits as if he were part of the complement thereof. *ſ.* 2.

Where ſuch ſeaman or landman ſhall have been lent from one ſhip to another, he ſhall continue to be borne for and intitled to the wages upon the books of ſuch ſhip from which he ſhall have been ſo lent, until he be diſcharged. *ſ.* 3.

In caſe any inferior officer or ſeaman be turned over from one ſhip to another, either by order from the admiralty, or from any commander in chief of any ſquadron, in any port of *Great Britain*, or on the coaſt, every ſuch officer and ſeaman, in caſe ſuch ſhip into which he is ſo turned over be in or come into any port of *Great Britain* where any commiſſioner of the navy reſides, ſhall be paid, by proper pay liſts to be made out, all the wages due to him in the ſhip from which he is ſo turned over, before the ſhip into which he is turned over proceed to ſea; unleſs it be otherwiſe directed by ſpecial order from the admiralty in caſes of the greateſt exigency only: and if ſuch ſhip in purſuſance of the ſaid order proceed to ſea before ſuch payment can be made, then the ſaid wages ſhall be paid as ſoon as ſuch ſhip comes again into any ſuch port of *Great Britain* where any commiſſioner of the navy reſides. *ſ.* 4.

In caſe any officer or ſeaman be turned over from one ſhip to another, ſuch officer or ſeaman ſo turned over ſhall not ſerve or be rated in a worſe quality or lower degree, than he ſerved in, or was rated for in the ſhip from which he was turned over; and ſhall receive, over and above the wages then due to him, an advance of two months wages, before the ſhip into which he is ſo turned over proceed to ſea, in caſe he have not received ſuch advance in any of the ſhips from which he is ſo turned over. *ſ.* 5.

Out of the monies granted in this ſeſſion of parliament for the ſervice of the navy, and out of all ſuch ſupplies as ſhall be granted in parliament for any naval ſervices, ſuch ſums ſhall in the firſt place be appropriated, and ſhall from time to time be applied, as are ſufficient for the regular payment of all tickets made out in manner herein after directed for the wages due to any officer or ſeaman; and for the regular diſcharge of all wages due, upon any ſhip's books to any officer or ſeaman in the royal navy, in manner following; *viz.* when any of the ſhips of his majeſty have been in ſea pay twelve months, or more, if ſuch ſhip then be or arrive in any port of *Great Britain*, or on the coaſt thereof, the captain or commander ſhall immediately cauſe to be made out five complete pay books for all the officers and ſeamen belonging to the ſaid ſhip for all the time that ſuch ſhip has been in ſea pay, except the laſt ſix months, to which time, *viz.* the laſt ſix months, the wages due upon all ſuch ſhips are hereby intended to be cleared; and ſhall ſend by the firſt opportunity ſuch pay books with three alphabets, and a ſlop book, to the commiſſioners of the navy at their board; and whenſoever any ſuch ſhip having been twelve months or more in ſea pay, is or arrives in any port of *Great Britain* where any commiſſioner of the navy reſides, the commiſſioners of the navy at their board are to ſolicit ſuch ſums of money as be ſufficient, and as ſoon as the ſame be iſſued, to cauſe immediate payment to be made of all the wages due upon the ſaid pay books to all ſuch officers and ſeamen, their executors or adminiſtrators, or to their reſpective attornies deducting whatever monies have been paid before by way of advance, or that ſtand againſt them in the books of ſuch ſhips on account of any defalcation; leaving always ſix months wages, and no more, due to ſuch officers and ſeamen for their ſervice in ſuch ſhip unpaid: and whenever any of the ſhips of his majeſty return home in order to be laid up, all the wages due to the officers and ſeamen ſerving on board ſuch ſhip ſhall be entirely paid off within two months after the arrival of ſuch ſhip in the port where the ſame is to be laid up: and the computation of the ſaid months wages ſhall be by reckoning 28 days to the month. *ſ.* 6.

Whenſoever an application is made to the commiſſioners of the navy at their board by any inferior officer or ſeaman then in the ſervice of his majeſty, and who has been abſent either with the leave of the commanding officer, or upon duty, at the payment of the ſhip whereunto he did belong, or from the captain or commander of any ſhip of his majeſty on board of which ſuch officer or ſeaman than ſerves, in caſe ſuch ſhip be in any port where any commiſſioner of the navy reſides, then the commiſſioners of the navy at their board ſhall immediately upon ſuch application, cauſe the pay books of ſuch ſhip ſo paid, or pay liſts for ſuch officers and ſeamen ſo unpaid made out from them, to be ſent to the commiſſioner of the navy at the port where ſuch ſhip is, to which ſuch officers or ſeamen then belong; and ſuch commiſſioner of the navy ſhall forthwith cauſe payment to be made to the ſaid officers and ſeamen of the wages which they were entitled to receive on the payment of ſuch ſhip. *ſ.* 7.

If any inferior officer or ſeaman die in the ſervice of his majeſty, the captain or commander of the ſhip in which he ſerved at the time of his death, ſhall as ſoon as may be after his death make out a ticket for the wages due at the time of his death; which ticket the ſaid captain or commander ſhall ſign and ſhall cauſe to be ſigned by the proper ſigning officers, and ſhall ſend the ticket by the firſt opportunity to the commiſſioners of the navy at their board, for the uſe of the executors or adminiſtrators of ſuch officer or ſeaman: and the ſaid commiſſioners of the navy ſhall immediately cauſe the day of the receipt of ſuch ticket to be indorſed thereon; and ſuch ticket ſhall be forthwith examined, and ſhall by three of the ſaid commiſſioners of the navy be aſſigned for payment within one month from the day of the making ſuch indorſement; and ſhall without fee be delivered on demand to the executors or adminiſtrators of ſuch officer or ſeaman, or to their reſpective attorney; and the money due thereon ſhall without fee be paid to ſuch executors, or adminiſtrators, or their attorney, as ſoon as ſuch ticket be brought to the pay-office of the navy. *ſ.* 8.

When any inferior officer or ſeaman in the ſervice of his majeſty by wounds, ſickneſs, or infirmity is diſabled, in caſe he be on board any ſhip then in any port of *Great Britain*, or on the coaſt, or belonging to any ſquadron not in any port of *Great Britain*, or on the coaſt, the captain or commander of ſuch ſhip ſhall repreſent the ſame to the commander in chief of any ſquadron of his majeſty's ſhips; who is to inquire into the ſame, and if he be ſatisfied thereof, ſhall order ſuch captain to diſcharge ſuch officer or ſeaman, and to make out and ſign in the uſual form a ticket for the wages then due; or if ſuch ſhip be not in any port of *Great Britain*, or on the coaſt, nor belong to any ſquadron, or be ſeparated from the commander in chief of any ſquadron to which ſuch ſhip belongs, then the captain or commander of ſuch ſhip being ſatisfied of ſuch diſability ſhall diſcharge ſuch officer or ſeaman, and ſhall make out ſuch ticket without the direction of any ſuch commander

in chief, and ſhall ſign the ſame himſelf, and cauſe it to be ſigned by the proper ſigning officers: and whenever any ſuch officer or ſeaman ſo diſabled is diſcharged, and ſuch ticket ſo made out and ſigned, ſuch captain or commander ſhall at the ſame time deliver to ſuch officer or ſeaman, without fee, a certificate of his diſcharge, containing a copy of the ſaid ticket, and a deſcription of the perſon for whom ſuch ticket was ſo made out; which ticket ſhall not be delivered to ſuch officer or ſeaman, but ſuch captain ſhall ſend the ſame by the firſt opportunity to the commiſſioners of the navy at their board, for the uſe of ſuch officer or ſeaman; and the ſaid commiſſioners ſhall immediately cauſe the day when they receive ſuch ticket to be indorſed thereon, and ſuch ticket ſhall be forthwith examined, and ſhall by three or more of the ſaid commiſſioners be aſſigned for payment within one month from the day of the making ſuch indorſement: and in caſe ſuch officer or ſeaman preſent the ſaid certificate of his diſcharge at the navy office, the ſaid commiſſioners of the navy, or any of them, ſhall forthwith examine the ſaid certificate, and the perſon preſenting the ſame, and being ſatisfied that the ſaid certificate was made out for the ſaid perſon, and that he is rendered unſerviceable, ſhall ſign and teſtify the ſame on ſuch certificate; and the ſaid ticket being ſo aſſigned for payment ſhall, without fee, be immediately delivered to ſuch officer or ſeaman to whom ſuch certificate of diſcharge was granted, and to no other perſon, and the money due thereon ſhall, without fee, be paid to ſuch officer or ſeaman, and to no other perſon, as ſoon as ſuch ticket is brought to the pay-office of the navy; or if the ſaid ticket ſhall not be received by the commiſſioners of the navy at their board, then the ſaid certificate ſhall be forthwith examined, and the money appearing to be due on the ſaid ticket by the copy thereof contained in the ſaid certificate ſhall be paid to the perſon producing the ſame, and to no other perſon, in like manner as if the ſaid original ticket had been received: and in caſe any officer or ſeaman ſo diſcharged be deſirous to receive his wages at any port in *Great Britain* where a commiſſioner of the navy reſides, and preſent to ſuch commiſſioner the certificate of his diſcharge, the ſaid commiſſioner being ſatisfied that the ſaid certificate was made out for the ſaid perſon, and that he is rendered unſerviceable, ſhall ſign and teſtify the ſame on ſuch certificate, and tranſmit ſuch certificate to the commiſſioners of the navy at their board; who are within four days after the receipt of ſuch certificate to cauſe the ticket tranſmitted to them, and aſſigned for payment, or if ticket be not received by them, then the ſaid certificate, inſtead thereof, to be ſent to the commiſſioner of the navy at ſuch port; who ſhall cauſe the money due thereon to be immediately paid at ſuch port, to ſuch officer or ſeaman without fee or deduction: and the commiſſioner of the navy at ſuch port where ſuch certificate is ſo preſented ſhall ſend ſuch officer or ſeaman, with an order to the neareſt hoſpital, who ſhall receive ſuch officer or ſeaman, and victual him from the time he preſents ſuch certificate until he be ſo paid the wages due to him. *ſ.* 9.

In caſe any ſuch certificate delivered to ſuch inferior officer or ſeaman ſo diſcharged on account of being rendered unſerviceable, happen to be loſt or deſtroyed, or if any ſuch officer or ſeaman appear not and preſent the ſame to the commiſſioners of the navy at their board, or to the commiſſioner of the navy at any ſuch port in *Great Britain*, as aforeſaid; in which caſes the wages due to ſuch officer or ſeaman would not be payable by virtue of the ticket made out for him; or if the wages due upon ſuch ticket be not paid before the general payment of the ſhip's company; in every ſuch caſe the commiſſioners of the navy at their board ſhall cauſe ſuch ticket to be cancelled, and all ſuch wages ſhall become payable to ſuch officer or ſeaman, his executors or adminiſtrators, or to their reſpective attornies, when the wages due upon ſuch ſhip ſhall be paid, in the manner preſcribed by this act, and as if ſuch ticket and certificate had never been made out. *ſ.* 10.

When any inferior officer or ſeaman belonging to any ſhip of his majeſty, by order of the captain or commander of ſuch ſhip is ſet ſick aſhore, and ſent into any hoſpital or ſick quarters, ſuch captain or commander ſhall make out a ſick ticket for the wages then due to ſuch officer or ſeaman, and ſhall ſign the ſame himſelf, and cauſe it to be ſigned by the proper ſigning officers; which ſick ticket ſhall be tranſmitted along with ſuch officer or ſeaman to ſuch hoſpital or ſick quarters; and if ſuch officer or ſeaman not being cured in ſuch hoſpital be regularly diſcharged from thence as unſerviceable, then a certificate of ſuch diſcharge with the ſaid ſick ticket annexed ſhall be delivered to him; and in caſe he preſent the ſame to the commiſſioner of the navy reſiding in any port in *Great Britain*, ſuch commiſſioner of the navy, upon examining the perſon preſenting the ſame, and being ſatisfied that he is rendered unſerviceable, ſhall ſign and teſtify the ſame on ſuch certificate, and ſhall forthwith tranſmit ſuch certificate with the ſaid ſick ticket annexed to the commiſſioners of the navy at their board; who are immediately to cauſe the day when they receive the ſame to be indorſed thereon, and ſuch certificate and ſick ticket annexed to be examined by the muſter books if received, and a proper ticket or pay liſt in the uſual form, to be made out within four days after the receipt of ſuch certificate and ſick ticket, for the payment of all wages due to ſuch officer or ſeaman; and ſhall ſend ſuch ticket or pay liſt without delay to the ſaid commiſſioner of the navy at ſuch port, who ſhall, without fee, cauſe the money due thereon to be immediately paid to ſuch officer or ſeaman; who notwithſtanding ſuch diſcharge ſhall be maintained in ſuch hoſpital, or ſick quarters, from the time he preſents ſuch certificate and ſick ticket annexed, until he be ſo paid the wages due to him. *ſ.* 11.

In caſe the muſter books or pay books for any ſuch ſhip be not regularly tranſmitted to and received by the commiſſioners of the navy, in the manner before preſcribed, yet the payment of the tickets, or certificates containing copies thereof, or pay liſts, ſhall not be delayed; but if any error to the detriment of the public treaſure be made in any ſuch ticket, or certificate, or pay liſts, by the captain or commander making out the ſame, the loſs ariſing by ſuch error ſhall be made good out of any wages due to ſuch captain or commander by whom ſuch ticket, or certificate, or pay liſt, was ſo made out. *ſ.* 12.

When any ſhip not in any port of *Great Britain*, or on the coaſt has twelve months wages due, the captain or commander ſhall cauſe to be read over the names of all the inferior officers and ſeamen belonging to ſuch ſhip, and ſhall cauſe every officer and ſeaman to anſwer to his name; and ſhall do the ſame at the end of every ſix months, as long as ſuch ſhip has twelve months or more wages due; and if any officer or ſeaman thereupon declare or deliver in writing, the name and place of abode of his wife, father, or mother, and deſire that the whole, or any part of his wages then due (except the wages for the laſt ſix months) ſhould be paid to his ſaid wife, father, or mother, by the receiver-general of the land-tax for any county, *&c.* in *Great Britain*, or by the collector of the cuſtoms for any port, or collector of the exciſe for any collection in *Great Britain*, or by the clerk of the cheque at any of his majeſty's dock yards; then the captain or commander is to

cauſe four liſts to be made out, containing the names of ſuch inferior officers and ſeamen as be deſirous to remit to their wives, &c. the whole or any part of their wages; in which liſts, the amount of the wages ſo deſired to be paid the name and place of abode of ſuch officer or ſeaman's wife, father, or mother, to whom ſuch wages are to be paid, and the receiver-general of the land-tax, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, by whom ſuch wages are to be made payable, ſhall be ſpecified in three ſeparate columns, oppoſite to the name of ſuch officer or ſeaman, in the ſaid liſts; and every officer or ſeaman ſo deſiring that any part of his wages may be paid to his wife, &c. ſhall write his name, or make his mark, in a ſeparate column in the ſaid liſts; which liſts ſhall be forthwith completed, and ſigned by the captain or commander, and proper ſigning officers of ſuch ſhip; and ſuch captain or commander ſhall tranſmit the ſaid liſts by the firſt opportunity to the commiſſioners of the navy at their board: and the ſaid commiſſioners upon receiving ſuch liſts wherein any ſuch allotment is made by any inferior officer or ſeaman, of any part of his wages to his wife, &c. ſhall immediately cauſe to be made out two bills for every ſuch allotment; which bills ſhall be duplicates, and joined together with oblique lines or devices; and ſhall be made payable to the wife, father, or mother, reſpectively, of ſuch inferior officer or ſeaman, by the receiver-general of the land-tax, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque reſpectively, according to the appointment in ſuch liſts; and the ſaid bills, being numbered and dated, ſhall be ſigned by any three commiſſioners of the navy, and be written or printed according to the following form:

A. No. I. *Navy office.*

SIR, *day of*

Pay to B. D. *of* —— *in the county of* —— { wife / father / mother } *of* E. D. { inferior officer, / ſeaman, } *belonging to his majeſty's ſhip* —— *upon* { his / her } *producing the duplicate hereof, together with a certificate, under the hands of the miniſter and churchwardens (or, in that part of* Great Britain *called* Scotland, *under the hands of the miniſter and two elders) of the pariſh where the ſaid* B. D. { was married, / or reſides, } *that the ſaid* B. D. *to the beſt of their knowledge and belief, is the* { wife / father / mother } *of the ſaid* E. D. *the ſum of* —— *being on account of the wages of the ſaid* E. D. *if the ſame ſhall be demanded within ſix calendar months from the date hereof; otherwiſe you are to return this bill to the treaſurer of the navy, at the pay-office of the navy.*

To { *The receiver-general of the land tax of the county of* —— / *The collector of the cuſtoms at the port of* —— / *The collector of the exciſe at* —— / *The clerk of cheque at* }

Signed, { O. P. / Q. R. / S. T. } *Commiſſioners of the navy*

By virtue of the act of the thirty-firſt George *the ſecond.*

N. B. *The perſonating or falſely aſſuming the name and character of the wife or relation of any inferior officer or ſeaman, or procuring any other to do the ſame, in order to receive wages due to ſuch officer or ſeaman, is made felony without benefit of clergy, by thirty-firſt* George *the ſecond.*

And as ſoon as the ſaid bills are made out and ſigned, the commiſſioners of the navy ſhall cauſe them to be cut aſunder indentwiſe through the oblique lines or devices; and ſhall cauſe one of the ſaid bills to be tranſmitted forthwith to the perſon nominated in ſuch liſts as the wife, father, or mother, of ſuch officer or ſeaman, and the other to the ſaid receiver-general of the land-tax, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, on whom ſuch bill is drawn: and the receiver-general, &c. if the ſaid duplicates of ſuch bill be produced within ſix calendar months from the date, are to examine ſuch duplicate together with the certificate to be produced as aforeſaid; and to enquire into the truth thereof by the oath of the perſon producing the ſame; and upon being ſatisfied of the truth of ſuch certificate, to teſtify the ſame on the back of ſuch bill; and ſhall immediately pay to the wife, father, or mother, of ſuch officer or ſeaman, without fee, the ſum contained in ſuch bill, taking a receipt on the back thereof; which bill ſo paid being delivered together with the duplicate thereof at the navy office, ſhall be immediately aſſigned for payment by three or more commiſſioners of the navy; and ſhall be immediately repaid by the treaſurer of the navy, to ſuch receiver-general, &c. or his order; but in caſe the duplicate of ſuch bill be not produced, and payment demanded within ſix calendar months from the date, or if a proper certificate of the perſon claiming to be the wife, father, or mother, of ſuch officer or ſeaman be not likewiſe produced, then the ſaid receiver-general, &c. ſhall return ſuch bill to the treaſurer of the navy at the pay-office of the navy, who ſhall cauſe ſuch bill to be cancelled; and the ſum contained in ſuch bill ſhall become payable to ſuch inferior officer or ſeaman for whoſe wages it was made out, or to his executors or adminiſtrators, or their reſpective attornies, without fee or deduction when the wages due upon ſuch ſhip are paid. *ſ.* 13.

And for enabling inferior officers and ſeamen upon payment of their wages to remit any part thereof to their wives, children, or parents or to ſuch other perſon as they judge proper; when any wages due to ſuch inferior officer or ſeaman are paid at the pay-office of the navy, or at any of the out ports, if ſuch officer or ſeaman deſire to receive a bill for the whole or for any part of his ſaid wages to be drawn upon the receiver-general of the land-tax for any county, &c. in *Great Britain*, or upon any collector of the cuſtoms for any port, or collector of the exciſe for any collection in *Great Britain*, or upon the clerk of the cheque at any of his majeſty's dock yards; then two bills being duplicates and joined together with oblique lines or devices ſhall be immediately made out, numbered, and dated, by the clerk of the treaſurer of the navy appointed to pay ſuch wages, and be ſigned, if made out at the pay-office of the navy, by the commiſſioners of the navy comptrolling the payment when ſuch bills are ſo made out; or if made out at any of the out ports, by the commiſſioner of the navy comptrolling ſuch payment there; and ſuch bills ſhall be atteſted at the foot thereof, by the firſt clerk of the treaſurer of the navy at ſuch pay-office or out port; and the ſaid bills ſhall be made payable to ſuch perſon only, and by ſuch receiver-general, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, as are then named by ſuch inferior officer or ſeaman, and inſerted in ſuch bills; which ſhall be written or printed according to the following form:

A. No. I.

A. No. I. *day of* ——— ———

SIR,

Pay to B. C. *of* ——— *on* {his / her / their} *producing and delivering the duplicate hereof, the ſum of* ——— *being on account of the wages of* D. E. *mariner, on board of his majeſty's ſhip the* ——— *if the ſame be demanded within ſix calendar months from the date hereof; otherwiſe you are to return this bill to the treaſurer of the navy at the pay-office of the navy.*

To { *The receiver-general of the land-tax for the county of* ——— / *The collector of the cuſtoms at the port of* ——— / *The collector of the exciſe at* ——— / *The clerk of the cheque at* ——— }

Signed, { F. G. *Commiſſioner of the navy.* }

Atteſted, { H. J. *Clerk to the treaſurer of the navy.* }

By virtue of the act of the thirty-firſt of George *the ſecond.*

And ſo ſoon as the ſaid bill is made out, aſſigned, and atteſted, the ſaid commiſſioner of the navy ſhall cauſe them to be cut aſunder indentwiſe through the oblique lines or devices, and ſhall cauſe one of the bills to be delivered to ſuch officer or ſeaman, and the other to be tranſmitted to the ſaid receiver-general, *&c.* on whom ſuch bill is drawn; and the ſaid receiver-general, *&c.* if the duplicate of ſuch bill within ſix calendar months from the date be produced by the perſon to whom ſuch bill is payable, ſhall pay to ſuch perſon immediately, without fee, the ſum contained therein, taking a receipt on the back of the ſaid bill; which bill ſo paid, being delivered, together with a duplicate thereof, at the navy office, ſhall be immediately aſſigned for payment by three or more commiſſioners of the navy, and ſhall be immediately repaid by the treaſurer of the navy to ſuch receiver-general, *&c.* or his order; but in caſe the duplicate of ſuch bill be not produced, and payment demanded within ſix calendar months from the date, then the ſaid receiver-general, *&c.* ſhall return ſuch bill to the treaſurer of the navy at the pay-office of the navy, who ſhall cauſe ſuch bill, or the duplicate thereof, ſo delivered to ſuch officer or ſeaman, if the ſame be returned, to be cancelled; and ſuch part of the wages for which ſuch bill was made out, ſhall be immediately paid to ſuch inferior officer or ſeaman, or his executors or adminiſtrators, or their reſpective attorney, without fee or deduction. *ſ.* 14.

If any receiver-general, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, to whom the duplicate of any of the bills before directed to be made out is tendered for payment by the wife, father, or mother, of any ſuch officer or ſeaman, have not then in his hands public money ſufficient to anſwer the ſame, and refuſe or delay payment, ſuch receiver-general, *&c.* ſhall immediately indorſe on the back of the ſaid duplicate, the day of its being ſo tendered to him, and the cauſe of his refuſal or delay to pay the ſame; and ſhall appoint thereon for payment ſome day within two months from the day of its having been firſt tendered to him; which duplicate with the indorſement ſhall immediately be delivered back to the perſon preſenting the ſame. And if upon complaint to the reſpective commiſſioners for managing the land-tax, cuſtoms, or exciſe, or to the commiſſioners of the navy, if the perſon complained of be a clerk of the cheque, it appear that ſuch receiver-general, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, hath unneceſſarily and wilfully refuſed or delayed the payment of ſuch bill; or that ſuch receiver-general, *&c.* or any perſon employed under any of them, hath directly or indirectly taken any fee or deduction on account of the payment of the ſaid bill; it ſhall be lawful for any three of the ſaid commiſſioners to convict and fine ſuch offender under their reſpective direction, in any ſum not exceeding 50 *l.* which conviction ſhall be made by ſuch reſpective commiſſioners, and ſuch fine levied and recovered, in the ſame manner as any conviction may be made, and any penalty levied or recovered, in the ſame manner as any conviction may be made, and any penalty levied or recovered, for any offence againſt any law by which any cuſtom or exciſe is impoſed; and the ſaid fine ſhall be paid to the informer. *ſ.* 15.

This act ſhall not invalidate any indenture whereby any maſter is entitled to receive the wages or other allowances of money earned by his apprentice, but ſuch wages or other allowances ſhall be paid by the treaſurer of the navy or by his direction according to ſuch indenture, unleſs ſuch apprentice be above the age of 18 years at the time when ſuch indentures were executed, or unleſs ſuch apprentice be hired and rated as a ſervant to any commiſſion or warrant officer belonging to any of the ſhips of his majeſty, ſuch apprenticeſhip not being than known to ſuch officer; in which caſe, the wages of ſuch ſervant ſhall be payable to ſuch commiſſion or warrant officer, according to the practice of the navy, until ſuch officer be informed of ſuch apprenticeſhip: in either of the caſes before mentioned, the maſter of ſuch apprentice ſhall not be entitled to receive any wages or allowances by virtue of any ſuch indenture. *ſ.* 16.

Every captain and commander of every ſhip of his majeſty ſhall, from time to time ſend to the commiſſioners of the navy at their board, by the firſt ſafe opportunity, all ſuch complete pay books, and all ſuch liſts and tickets, to be made out as aforeſaid; and alſo ſhall ſend once in every two months to the commiſſioners of the navy at their board, one complete muſter book for ſuch ſhip, ſigned by himſelf and the proper officers, not only for the ſaid two months, but for the whole time ſuch ſhip has been in commiſſion, or from the time to which ſuch ſhip was laſt paid; and in caſe ſuch captain or commander be guilty of any neglect in any part hereof, the ſaid commiſſioners of the navy are not to grant to any ſuch captain or commander the general certificate to entitle him to his wages for ſuch ſhip, unleſs thereto required by particular order from the admiralty in caſes of neceſſity, and on its being made appear to them that the directions herein given, have been complied with as far as the nature of the ſervice would admit, and that the ſaid complete pay books, liſts, tickets, and muſter books, had been ſent to the ſaid commiſſioners of the navy, as often as opportunities offered; and in caſe ſuch captain or commander ſhall not exculpate himſelf from ſuch neglect before the commiſſioners of the admiralty, within 12 calendar months after his arrival in *Great Britain*, he ſhall forfeit all the wages due to him for his ſervice on board ſuch ſhip, which are to be paid to the uſe of the cheſt at *Chatham*; and ſuch captain or commander, being tried for and convicted of ſuch offence by a court martial, ſhall be liable

to

to ſuch farther puniſhment, not extending to loſs of life or limb, as ſuch court martial ſhall adjudge. *ſ.* 17.

Every ſuch ticket, certificate, pay liſt, and bill, herein directed to be made out and paid as aforeſaid, ſhall be ſufficient vouchers for the treaſurer of the navy, for the money ſo directed to be paid upon ſuch tickets, *&c.* and paid by him thereon. *ſ.* 18.

If any captain or commander of any of the ſhips of his majeſty, ſhall cauſe to be made out, and iſſued, any ticket for wages to any inferior officer or ſeaman, except in the manner and under the regulations before directed, he ſhall, for every ſuch offence, forfeit 50*l.* one moiety to the perſon who ſhall inform or ſue for the ſame, and the other moiety to the uſe of the cheſt at *Chatham*; which forfeiture ſhall be ſued for and recovered in any court of record at *Weſtminſter*, by action of debt, *&c.* in which no eſſoin, *&c.* ſhall be allowed, and the court ſhall award coſts to the parties; and where judgment is given againſt any ſuch offender, the court where ſuch judgment is given ſhall, with all convenient ſpeed, certify the ſame to the commiſſioners of the admiralty; and ſuch offender ſhall, upon ſuch certificate, forfeit all the wages due to him for his ſervice in ſuch ſhip; which wages the commiſſioners of the admiralty ſhall direct to be paid to the uſe of the cheſt at *Chatham*. *ſ.* 19.

No captain or commander of any ſhip ſhall be liable to any penalty, upon account of any offence committed againſt this act before the 1ſt of *June* 1759, unleſs before the time of his committing ſuch offence he have received the abſtract of this act. *ſ.* 20.

No letter of attorney made by any inferior officer or ſeaman in ſervice of his majeſty, or by the executors or adminiſtrators of any ſuch officer or ſeaman, to empower any perſon to receive any wages or allowances of money due for ſuch ſervice ſhall be good, unleſs ſuch letter of attorney, be declared to be revocable by the expreſs words thereof; and unleſs ſuch letter of attorney, if made by any ſuch officer or ſeaman then in the ſervice of his majeſty, be ſigned before and atteſted by the captain or commander and one other of the ſigning officers of the ſhip to which ſuch inferior officer or ſeaman belongs, or by the clerk of the cheque at ſome of the dock yards; and unleſs ſuch letter of attorney, if made by any officer or ſeaman diſcharged from the ſervice of his majeſty, be ſigned before and atteſted by the mayor or chief magiſtrate of the town or place where ſuch officer or ſeaman then reſides; or if made by the executors or adminiſtrators of any ſuch officer or ſeaman, unleſs ſuch letter of attorney be ſigned before and atteſted by the miniſter and churchwardens (or in *Scotland*, by the miniſter and two elders) of the pariſh where ſuch executors or adminiſtrators reſpectively reſide. *ſ.* 21.

All letters of attorney, other than ſuch as are made and atteſted in manner aforeſaid, and all bargains, ſales, bills of ſale, contracts, agreements, and aſſignments, concerning any wages or allowances of money, due to any ſuch inferior officer or ſeaman in the ſervice of his majeſty, for ſuch ſervice, made after the 1ſt of *Nov.* 1758, ſhall be void; and the treaſurer of the navy is to pay to every ſuch inferior officer or ſeaman, as appears at the pay table, or in his abſence, to his lawful attorney, empowered in the manner before directed, or to the executors or adminiſtrators of ſuch officer or ſeaman, or to their reſpective attorney, authoriſed as before directed, the reſpective wages or allowances of money due to him, without regard to any ſuch letter of attorney, bargain, ſale, bill of ſale, contract, agreement, or aſſignment. *ſ.* 22.

No eccleſiaſtical court or any perſon ſhall take any more than 1*s.* for the ſeal, parchment, writing, and ſuing forth of the probate of any will, or any letters of adminiſtration, granted to the widow or children, father or mother, brother or ſiſter, of any inferior officer, ſeaman, or marine, dying in the pay of his majeſty's navy, and for the trouble and expence attending the ſuing forth of ſuch probate or letters of adminiſtration, unleſs the goods of ſuch officer, ſeaman, or marine, amount to 20*l.*; nor more than 2*s.* unleſs the goods amount to 40*l.*; nor more than 3*s.* unleſs the goods amount to 60*l.*: and where it is neceſſary to iſſue commiſſions to ſwear the widows or children, father or mother, brother or ſiſter, being executors or adminiſtrators of ſuch inferior officers, ſeamen, or marines, no eccleſiaſtical court nor any perſon ſhall take more than 1*s.* for the ſeal, parchment, writing, and ſuing forth of any ſuch commiſſion, and for the trouble and expence attending the ſame, unleſs the goods of ſuch officer, ſeaman, or marine, amount to 20*l.*; nor more than 2*s.* unleſs the goods amount to 40*l.*; nor more than 3*s.* unleſs the goods amount to 60*l.*; and if any perſon take any more than the ſaid ſums reſpectively, for the ſeal, parchment, writing, and ſuing forth of the probate of any ſuch will, or any ſuch letters of adminiſtration, and for the trouble and expence attending the ſame; or for the ſeal, parchment, writing, and ſuing forth of any ſuch commiſſion as aforeſaid, and for the trouble and expence attending the ſame, the perſon ſo offending ſhall forfeit to the party aggrieved, 50*l.* to be recovered with coſts by action of debt, *&c.* in any court of record at *Weſtminſter* or elſewhere. *ſ.* 23.

Whoſoever willingly and knowingly ſhall perſonate, or falſely aſſume the name and character of, or procure any other to perſonate, or falſely to aſſume the name or character of any officer, ſeaman, or other perſon, entitled or ſuppoſed to be entitled to any wages or other allowances of money or prize money, for ſervice done on board of any ſhip of his majeſty, or the executor or adminiſtrator, wife, relation, or creditor, of any ſuch officer or ſeaman, or other perſon, in order to receive any wages, *&c.* due, or ſuppoſed to be due, on account of the ſervices of any ſuch officer or ſeaman, or other perſon; or forge or counterfeit, or procure to be forged or counterfeited, any letter of attorney, bill, ticket, certificate, aſſignment, laſt will, or any other power, in order to receive any ſuch wages, *&c.* or willingly and knowingly take a falſe oath, or procure any other perſon to take a falſe oath, to obtain the probate of any will, or to obtain letters of adminiſtration, in order to receive the payment of any ſuch wages, *&c.* every perſon ſo offending, being convicted, ſhall be deemed guilty of felony, and ſhall ſuffer death as a felon without benefit of clergy. *ſ.* 24.

When any of the pay books of the ſhips of his majeſty are cloſed, ſuch ſeaman as ſhall not then receive or have received the wages or other allowances of money due to them, ſhall, upon application to the commiſſioners, at their board, receive tickets made out to them to the value of the wages or other allowances due to them reſpectively, and the ſaid commiſſioners are to make out the ſaid tickets, and to cauſe the ſame to be dated, numbered, regiſtered, and paid in courſe, once a month. *ſ.* 25.

The governors, miniſters, and conſuls, appointed by his majeſty, in foreign parts, and reſiding there, or where none ſuch are reſident, any two *Britiſh* merchants there reſiding, ſhall ſend and provide for all ſeafaring men and boys, ſubjects of *Great Britain*, that by ſhipwreck, capture, or other unavoidable accident, be driven or caſt away to, or that be diſcharged as unſerviceable from any of the ſhips of

of the royal navy, at ſuch foreign parts where ſuch governors, &c. reſide; and ſhall ſubſiſt ſuch ſeafaring men and boys, after the rate of 6*d.* *per diem* each, and ſend bills of their diſburſements upon ſuch occaſions, with vouchers, to the commiſſioners of the navy at their board, who are to cauſe immediate payment to be made; and the ſaid governors, miniſters, conſuls, and merchants, ſhall ſend the ſaid men or boys on board the firſt ſhip belonging to his majeſty, that arrives at the parts where they reſide, or any other places within a convenient diſtance; or in caſe no ſhip of war be then in ſuch parts or within a convenient diſtance, they ſhall ſend ſuch men or boys on board ſuch merchant ſhips as are bound for any port of *Great Britain*, and are in want of men; but if neither caſe happens within a convenient time, they ſhall provide a paſſage homeward for ſuch men and boys, in the firſt merchant ſhip bound for *Great Britain*; and every maſter of a merchant ſhip that arrives in ſuch foreign parts, and is homeward bound from thence to any port in *Great Britain*, ſhall take on board ſuch and ſo many of ſuch ſeafaring men or boys, as the ſaid governors, &c. direct, not exceeding four for each 100 tons of which his ſhip conſiſts. *ſ.* 26.

Every ſuch maſter of a ſhip who ſhall produce a certificate under the hands of the ſaid governors, miniſters, conſuls, or merchants, or any of them, certifying the number and names of the men or boys taken on board by their direction, and the time of taking them on board, and make an affidavit at his return, ſetting forth the time during which he ſubſiſted ſuch men or boys, and that he did not, during that time want of his own complement of men, or how many he did want of ſuch complement, and for what time, ſhall receive, and the commiſſioners of the navy, at their board, are to cauſe to be paid to ſuch maſter 6*d.* *per diem* for the paſſage and proviſions of each man and boy, from the day of their embarkation homewards to the day of their arrival in *Great Britain*, or being put into ſome ſhip of his majeſty; 6*d.* *per diem* only being deducted for ſuch time, and for ſo many perſons, as ſuch maſter wanted of his complement during the voyage. *ſ.* 27.

No perſon who ſhall liſt as a ſeaman on board any of the ſhips of his majeſty, ſhall be liable to be taken out of the ſervice by any proceſs or execution in *Great Britain*, *Ireland*, or any of his majeſty's dominions, other than for ſome criminal matters; unleſs ſuch proceſs or execution be for a real debt, or other juſt cauſe of action, and unleſs before the taking out of ſuch proceſs or execution, the plaintiff, or ſome perſon on his behalf, make affidavit before a judge of the court out of which ſuch proceſs or execution iſſues, or before ſome perſon authoriſed to take affidavits in ſuch courts, that to his knowledge the ſum owing to the plaintiff from the defendant in the action or cauſe of action on which ſuch proceſs iſſues, or the debt or damage and coſt for which ſuch execution iſſues, amounts to 20*l.* a memorandum of which oath ſhall be marked on the writ; for which memorandum or oath no fee ſhall be taken; and if any perſon be arreſted contrary to this act, it ſhall be lawful for a judge of ſuch court, upon complaint by the party, or by any of his ſuperior officers, to examine into the ſame by the oath of the parties or otherwiſe, and by warrant under his hand and ſeal to diſcharge ſuch ſeamen without paying any fee, upon proof that ſuch ſeamen ſo arreſted were belonging to one of the ſhips of his majeſty, and arreſted contrary to this act, and alſo to award to the party ſo complaining reaſonable coſts; for recovery whereof, he ſhall have the like remedy that the plaintiff might have had for his coſts. *ſ.* 28.

It ſhall be lawful for any plaintiff, upon notice firſt given in writing of the cauſe of action, to ſuch ſeaman belonging to the royal navy, or left at his laſt place of reſidence, before his entering into the ſervice, to file a common appearance in any action for any debt, ſo as to entitle ſuch plaintiff to proceed to judgment and outlawry, and to have an execution thereupon other than againſt the body of him ſo belonging to any ſhip of his majeſty. *ſ.* 29.

No perſon employed in the receiving of any wages, prize money, or other monies, due upon account of the ſervice of any officer, ſeaman, or other perſon in the royal navy, ſhall be entitled to take more than 6*d.* in the pound for receiving thereof, and for paying the ſame to the perſon by whom he is employed, or according to the direction of ſuch perſon, and for all his trouble and attendance; and if any perſon ſo employed, directly or indirectly, demand, take, or retain, or procure, or willingly ſuffer to be demanded, taken, or retained, any allowance or valuable conſideration, exceeding in the whole the ſum of 6*d.* in the pound for the monies ſo received, every ſuch perſon ſhall, for every ſuch offence forfeit 50*l.* to be recovered, with coſts, to any perſon who will ſue in any court of record at *Weſtminſter*, by action of debt, &c. in which no eſſoin, &c. ſhall be allowed: and if any ſuch offender be a clerk, officer, or ſervant, in any office relating to the navy, he ſhall, upon conviction, over and above the ſaid penalty of 50*l.* forfeit his place, and be for ever thereafter incapable of holding any place of profit in any ſuch office. *ſ.* 30.

If any clerk, officer, or ſervant, in any office relating to the navy, directly or indirectly demand, take, or retain, or procure, or willingly ſuffer to be demanded, taken, or retained, any fee or valuable conſideration (not being authoriſed ſo to do by this act) from any perſon under pretence of the doing any thing hereby directed, or in execution hereof, every ſuch clerk, &c. ſhall be ſubject to the ſame forfeitures, coſts, and incapacities, as is before-mentioned with reſpect to the taking more than 6*d.* in the pound for receiving of ſeamen's wages. *ſ.* 31.

So much of 9 & 10 *Will.* 3. *c.* 41. as relates to the taking no more than 1*s.* for ſuing forth any letters of adminiſtration to the wife or children of any ſeaman dying in the pay of his majeſty's navy, unleſs the goods of ſuch ſeaman amount to 20*l.*; and ſo much of 4 *Ann. c.* 19. as relates to the payment of wages due to ſeamen turned over from one ſhip to another; and ſo much of 1 *Geo.* 2. *c.* 9. as contains any proviſions relative to his majeſty's royal navy, or the commiſſioners thereof, or to the captains, commanders, ſeamen, or other perſons ſerving therein, or to the payment of the wages due for ſuch ſervice; and alſo an act 1 *Geo.* 2. *c.* 14. ſhall be repealed. *ſ.* 32.

The commiſſioners of the admiralty ſhall direct an abſtract of the proviſions and regulations herein contained, for the benefit of ſeamen belonging to the ſhips of his majeſty, together with the articles of war, to be printed; and a competent number of the copies thereof ſhall be delivered to the captain or commander of every ſuch ſhip; and ſuch captain or commander, as ſoon as the ſhip by him commanded is put into ſea pay, ſhall cauſe one of the ſaid printed abſtracts, together with the articles of war, to be affixed to the moſt public place of ſuch ſhip, and ſhall cauſe the ſame to be conſtantly kept up, ſo that they may be at all times acceſſible to the inferior officers and ſeamen on board. And every ſuch captain or commander ſhall cauſe ſuch abſtract to be read over once in every month, in the preſence of the officers and ſeamen of ſuch ſhip immediately

mediately after the articles of war are read; and the reading both of the articles of war, and of this abſtract, and the days when read, ſhall be atteſted by the captain or commander, and the uſual ſigning officers of ſuch ſhip, at the foot of the muſter books for ſuch ſhip, before they are tranſmitted to the commiſſioners of the navy. And the ſaid commiſſioners are to inquire whether the directions hereby given for affixing the ſaid abſtract and articles of war, and for the reading of the ſame, have been obſerved by the captain or commander of ſuch ſhip, and not to grant to ſuch captain or commander his general certificate until they are ſatisfied thereof; to the end that every ſeaman employed in the royal navy may at the ſame time hear and know the puniſhments he is liable to for neglect or diſobedience, and the encouragements and benefits to which he is entitled by a faithful performance of his duty; and that upon ſuffering any injury in ſuch ſervice, he may be the better enabled to lay his complaint before the commiſſioners of the admiralty, who are upon any ſuch complaint to inquire into the circumſtances of the ſame, and to grant redreſs therein, if ſuch complaint be juſtly founded; and to take care that this act be carried into execution. *ſ.* 33.—*The abſtract of the act is annexed.*

By 2 *Geo.* 3. *c.* 31. All the proviſions, penalties, clauſes, matters, and things contained 2 *Geo.* 2. *c.* 36. are extended to all his majeſty's colonies in *America*; and all penalties to be incurred by the ſaid act, and directed to be applied to the uſe of *Greenwich hoſpital*, ſhall be paid to ſuch officer in the ſaid colonies, as ſhall be appointed by the lord high admiral of *Great Britain*, or the commiſſioners executing the office: and in caſe any maſters or owners of any veſſels, ſhall deduct out of the wages of any ſeaman any of the penalties, and ſhall not pay the money deducted to ſuch officer ſo appointed in the port where ſuch deduction ſhall be made, within three months after; every perſon ſo neglecting, ſhall forfeit the treble value thereof to the uſe of the ſaid hoſpital; which, with the money deducted, may be recovered by the ſame means as penalties may by the ſaid act. *ſ.* 2.

By 3 *Geo.* 3. *c.* 16. It ſhall be lawful for the governors of the hoſpital at *Greenwich*, after defraying the expences of the hoſpital, out of the eſtates belonging to the hoſpital, to provide for ſuch ſeamen worn out in the ſervice of their country, who ſhall not be provided for within the hoſpital. *ſ.* 1.

It ſhall be lawful for the treaſurer of the hoſpital, to make out two bills for every out-penſion granted by the governors; which bills ſhall be duplicates, and joined together with oblique lines, flouriſhes, or devices, in ſuch manner as the treaſurer ſhall think proper, and ſhall be made payable to ſuch out-penſioner by the receiver-general of the land tax, collector of cuſtoms, collector of exciſe, or clerk of the cheque, according to the appointment in ſuch bills; and the ſaid bills being numbered and dated, ſhall be ſigned by the treaſurer, or his firſt clerk, and atteſted by the ſteward or clerk of the cheque of the hoſpital, and be written or printed according to the following form:

THE FORM.

A. N° I. *Greenwich Hoſpital.*

SIR,

'PAY to *B. D.* of ——— in the county of ——— 'out-penſioner of *Greenwich hoſpital*, upon producing the 'duplicate hereof, together with a certificate under the 'hands of the miniſter and churchwardens, or in that part 'of *Great Britain* called *Scotland*, under the hands 'of the miniſter and two elders, of the pariſh where 'the ſaid *B. D.* reſides, that the ſaid *B. D.* to the beſt of 'their knowledge and belief, is the perſon named in ſuch 'bill, the ſum of ——— being on account of the out-pen- 'ſion of the ſaid *B. D.* if the ſame ſhall be demanded 'within ſix calendar months from the date hereof; other- 'wiſe you are to return this bill to the treaſurer of the royal 'hoſpital at *Greenwich*, at the ſaid hoſpital.'

To *The receiver general of the land tax of the county of* / *The collector of the cuſtoms at the port of* / *The collector of the exciſe at* / *The clerk of the cheque at*	Signed *(A. B.)* treaſurer of the royal hoſpital at *Greenwich*, or his firſt clerk. Atteſted *(C. D.)* ſteward or clerk of the cheque of the royal hoſpital at *Greenwich*.

By virtue of the act of the third of king GEORGE the third.

" *N. B.* The perſonating or falſely aſſuming the name " and character of any out-penſioner of *Greenwich* " *hoſpital*, in order to receive the out-penſion due to " ſuch out-penſioner, or procuring any other to do " the ſame, is made felony without benefit of clergy, " by the third of king GEORGE the third."

And as ſoon as the bills ſhall be ſo made out and ſigned, the treaſurer ſhall cauſe them to be cut aſunder indentwiſe, through the oblique lines, and ſhall cauſe one of the ſaid bills to be tranſmitted to the perſon ſpecified in ſuch bills, and the other to the receiver general of the land tax, collector of cuſtoms, exciſe, or clerk of the cheque, on whom ſuch bill ſhall be drawn; and the receiver general, *&c.* if the ſaid duplicates be produced and delivered, within ſix months from the date, are to examine ſuch duplicate, together with the certificate to be produced as aforeſaid; and to inquire into the truth thereof by the oath of the perſon producing the ſame, which oath they are to adminiſter, and upon being ſatisfied of the truth of ſuch certificate, to teſtify the ſame on the back of ſuch bill; and ſhall immediately pay to ſuch out-penſioner, without fee, the ſum contained in ſuch bill, taking his receipt on the back thereof; which bill ſo paid, being produced at the office of the treaſurer of the navy, ſhall be immediately repaid by the treaſurer to ſuch receiver general of land tax, collector of cuſtoms, exciſe, or clerk of the cheque, or to the order of ſuch receiver general, *&c.*: but in caſe the duplicate ſhall not be delivered, and payment demanded within ſix months from the date, then the receiver general, *&c.* ſhall return ſuch bill to the treaſurer of the hoſpital, who ſhall cauſe ſuch bill to be cancelled; and after cancelling the ſame, ſuch part of the penſion ſhall become payable in like manner as if the bill had not been made out. *ſ.* 3.

If ſuch receiver general, *&c.* to whom the duplicate of any of the bills ſhall be tendered, ſhall not have in hand money ſufficient to anſwer the ſame, and ſhall refuſe or delay the payment thereof, ſuch receiver general, *&c.* ſhall immediately indorſe on the back of the duplicate, the day of its being tendered to him, and the cauſe of his delay to pay the ſame; and ſhall appoint for the payment of ſuch bill, ſome future day within two months from the day of its having been tendered; which duplicate, with the indorſement thereon, ſhall immediately be delivered back to the perſon preſenting the ſame; and if, upon complaint to be made to the commiſſioners of land tax, cuſtoms, exciſe, or to the commiſſioners of the navy, if the perſon complained of be a clerk of the cheque, it ſhall appear that ſuch receiver general, *&c.* hath unneceſſarily refuſed the payment of ſuch bill; or that ſuch receiver general, *&c.* or any perſon employed by them, hath received any fee or deduction on account of the payment of the ſaid bill; it ſhall be

lawful for three of the commiſſioners to convict and fine ſuch offender, not exceeding 50*l.* according to the nature of the offence; which conviction ſhall be made by ſuch commiſſioners, and ſuch fine ſhall be levied in ſuch manner as any conviction may be made, and any penalty may be levied, for any offence againſt any law of cuſtom or exciſe; and the ſaid fine, when recovered, ſhall be paid to the informer. *ſ.* 4.

All the bills ſo paid by the treaſurer of the navy ſhall be allowed as caſh, paid in ready money, in the accounts of the treaſurer of the navy with the ſaid treaſurer of the hoſpital at *Greenwich*, and the treaſurer of the hoſpital is to allow the ſame accordingly. *ſ.* 5.

Whoſoever knowingly ſhall perſonate, or procure any other to perſonate the name and character of any perſon intitled, or ſuppoſed to be intitled, as an out-penſioner to any out-penſion, in order to receive the money due, or ſuppoſed to be due, ſhall be guilty of felony without benefit of clergy. *ſ.* 6.

By 9 *Geo.* 3. *c.* 30. It ſhall be lawful for the treaſurer, comptroller, ſurveyor, clerk of the acts, or any commiſſioner of the navy, in all places whatſoever, to execute the office and duty of a juſtice of the peace, in cauſing any perſon charged with forging or counterfeiting, or procuring to be forged, any letter of attorney, bill, ticket, certificate, aſſignment, laſt will, or other power, or with publiſhing the ſame as true, in order to receive any wages, pay, or other allowance, due to any officer, ſeaman, or other perſon, in the ſervice of his majeſty; or with taking, or procuring falſe oaths to be taken, for any of the purpoſes aforeſaid, or to obtain a probate of any will, or letters of adminiſtration, in order to receive ſuch wages, pay, or other allowance, or with ſtealing or embezzling any naval ſtores, the property of his majeſty, to be apprehended, committed, and proſecuted, for the ſame; and all conſtables, headboroughs, keepers of gaols, and other officers, are to execute and obey all ſuch warrants as ſhall be iſſued by the perſons aforeſaid touching any of the matters herein-before contained. *ſ.* 5.

By 26 *Geo.* 3. *c.* 63. No letter of attorney, made by any petty officer or ſeaman in the ſervice of his majeſty, or letter of attorney made by the executors or adminiſtrators of ſuch officer or ſeaman, to empower any perſon to receive any wages, pay, or allowances due or to grow due for ſuch ſervice, ſhall be good, unleſs ſuch letter of attorney ſhall be made revocable by expreſs words, and no letter of attorney, or will, made by any petty officer or ſeaman, whereby any wages, pay, prize money, or allowance, due or to grow due, is authoriſed to be received or bequeathed, ſhall be good, unleſs ſuch letter of attorney, or will, if made by ſuch officer or ſeaman, then in the ſervice of his majeſty, ſhall be ſigned before, and atteſted by the captain, or officer commanding, and one of the ſigning officers of the ſhip to which ſuch petty officer or ſeaman ſhall belong, and ſhall ſpecify in the body thereof the name of the ſhip, and alſo the number at which the maker of ſuch will, or letter of attorney, ſtands upon the ſhip's book; or by the agent of any of his majeſty's hoſpitals or quarters appointed to receive ſick and wounded ſeamen, called *Sick Quarters*, in which ſuch petty officer or ſeaman may be; and unleſs ſuch letter of attorney or will, if made by ſuch officer or ſeaman, who ſhall have been diſcharged from the ſervice, or if ſuch letter of attorney is made by the executors or adminiſtrators of ſuch officer or ſeaman, and made within the bills of mortality, is atteſted by an officer to be appointed by the treaſurer of the navy, for the purpoſe of inſpecting the wills, *&c.* of ſuch officers and ſeamen, or, if made at any of the ports where ſeamen's wages are paid, is atteſted by the treaſurer of the navy's chief or ſecond clerk there, or if made at any other place, is atteſted by the miniſter and churchwardens of any pariſh in *England* or *Ireland*; or in *Scotland*, by the miniſter and elders of the pariſh where ſuch petty officer, *&c.* ſhall reſide. *ſ.* 1.

Such letter of attorney, and will, ſhall contain the name of the ſhip to which the perſon granting the ſame laſt belonged, and alſo the full deſcription of the reſidence, profeſſion, or buſineſs, of the perſon to whom the ſaid letter of attorney, *&c.* is made, and alſo the day of the month, and place where the ſaid letter of attorney, *&c.* was executed. *ſ.* 2.

After ſuch letter of attorney, or will, ſhall be executed, and atteſted, as above mentioned, the ſame ſhall not be delivered to ſuch party himſelf, or to any perſon for his behalf, but the ſame, if executed abroad, ſhall be ſent by the commander of any of his majeſty's ſhips, or agent of hoſpitals or ſick quarters, when they tranſmit their returns to the navy and ſick and hurt boards; or, if executed in *Great Britain* or *Ireland*, ſhall be ſent by the commander of any of his majeſty's ſhips, agents of hoſpitals, or ſick quarters, treaſurer of the navy's clerks, miniſter of the pariſh, or whoever ſhall atteſt ſuch letter of attorney or will, by the general poſt, addreſſed to the treaſurer or paymaſter of the navy, at the navy pay office, *London*. *ſ.* 3.

The ſaid treaſurer or paymaſter of the navy, ſhall immediately deliver over the ſame to the officer appointed for inſpecting the wills, *&c.* which inſpectors ſhall regiſter the ſame in numerical and alphabetical manner, in a ſeparate book, kept for the purpoſe, ſpecifying the date and the place where executed, the name and addition of the perſon in whoſe favour ſuch letter of attorney is granted, and the name and addition of the executor named in ſuch wills, and the names and qualities of the witneſſes atteſting the ſame; and the ſaid inſpector is, if the ſame ſhall appear to be witneſſed by the commander of any ſhip, or agent of hoſpital or ſick quarters, or treaſurer of the navy's clerks, to examine and compare his ſignature to the atteſtation of ſuch letter of attorney, or will, with that ſet to the pay or muſter books of ſuch ſhip, or with the returns made by the agent, or any public accounts ſigned by ſuch clerk, to all which documents he ſhall have acceſs, or with any other inſtruments which he may have in his poſſeſſion; and in caſe it ſhall appear to him that ſuch letter of attorney, or will is not genuine, he ſhall not paſs the ſame, but give notice by letter, ſent by the general poſt, to the perſon in whoſe favour ſuch letter of attorney is granted, or perſon named executor, informing him that the ſaid letter of attorney, or will, is ſtopt, and the reaſon thereof; but if, upon ſuch examination and inquiry, it ſhall appear to the inſpector, that the ſaid letter of attorney, or will, is genuine, he ſhall ſign his name to ſuch letter of attorney, or will, and alſo put a ſtamp thereon, to be made and kept for the purpoſe, in token of his approbation; and ſuch letter of attorney ſhall be kept as one of the vouchers of the treaſurer of the navy's accounts: and the ſaid inſpector ſhall, after ſuch inquiry, give notice by letter, to be ſent by the general poſt to the perſon in whoſe favour ſuch letter of attorney is granted, that he has received and approved of the ſame, and he ſhall at the ſame time ſend to ſuch attorney a check, ſpecifying the number of ſuch letter of attorney, the name and addition of the perſon granting the ſame, the name and addition of the perſon in whoſe favour the ſame is granted, the date and place when and where executed, and the names of the witneſſes atteſting the ſame, which check ſhall be

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ſigned and ſtamped by the inſpector, or perſon authoriſed to officiate for him, and ſhall to ſuch attorney ſtand in the place of his original letter of attorney, and ſhall be authority to demand payment of, and diſcharge all ſuch wages, &c. to which the perſon granting the ſame was entitled for ſervice on board any ſhips; and the ſaid inſpector ſhall in like manner give notice, to be ſent by the general poſt, to the perſon named executor in ſuch will, that ſuch will is received and approved of; and the inſpector ſhall number and regiſter the will ſigned and ſtamped by him, and ſhall make out a check, in manner above directed with reſpect to letters of attorney, which check he ſhall forward in like manner to the executor, and which ſhall be a ſufficient authority for them, or for their attornies, to apply, upon the teſtator's death, to the inſpector, requeſting that the will may be directed and ſent by him to a proctor in *Doctors Commons*, where they may obtain probate thereof, which probate, when obtained, ſhall be lodged with the inſpector of ſeamen's wills, who is to certify, upon the check formerly delivered, that a probate has been granted, and the check ſhall then, to ſuch executor, ſtand in the place of ſuch probate, and ſhall be to him authority to demand payment of and diſcharge all ſums that ſhall be due to him as executor to the party who made the will. *ſ.* 4.

The inſpector ſhall, in return to all letters of attorney and wills received by him from miniſters of pariſhes, give notice to the ſaid miniſter, and not to the grantor thereof, of his having paſſed and approved of ſuch letter of attorney, or will, and ſend the check by the general poſt to the miniſter; and which notice from the inſpector ſhall be addreſſed to the miniſter of the pariſh (naming the ſame), without inſerting the name of ſuch miniſter, to be delivered to him at his houſe; and ſuch miniſter ſhall deliver the ſaid check to the party who executed ſuch letter of attorney, or will: and all letters and packets ſent by the ſaid treaſurer or paymaſter of the navy, or inſpector, ſhall be ſent free from poſtage, under the ſame reſtrictions, as the clerk, aſſiſtant, and chief clerk without doors, of the houſe of commons now ſend the ſame. *ſ.* 5.

All captains and commanders of ſhips ſhall, upon their monthly muſter books or returns, ſpecify which of the men mentioned in the returns have granted any letter of attorney during that month, by inſerting the date thereof oppoſite to the party's name. *ſ.* 6.

When any petty officer or ſeaman ſhall die inteſtate, leaving any wages, &c. due to them in reſpect of ſervice, the ſame ſhall not be paid unto any repreſentative of ſuch inteſtate, but upon letters of adminiſtration to be obtained in the following manner; *viz.* the perſon claiming adminiſtration ſhall give in a note or petition to the inſpector, ſtating the name of the deceaſed, and to what part of his majeſty's dominions he belonged, and the name of the ſhip on board of which he ſerved, together with his own name at full length, and his relation to the deceaſed, and alſo what other relations the deceaſed has alive, and where reſident; and which petition ſhall be certified by two houſekeepers of the pariſh where ſuch petitioner is reſident, certifying that they believe the contents of the petition true; and which petition and certificate ſhall be further certified by the miniſter of the pariſh, and two churchwardens, or two elders, certifying that the two perſons who certified the petition, are reſident within the pariſh, and perſons of good repute: whereupon the inſpector ſhall make inquiry for aſcertaining the truth of the petition; and if, upon inquiry, he ſhall be ſatisfied of the truth thereof, and it alſo appearing that no will of ſuch deceaſed has been lodged with him, he ſhall deliver to the perſon claiming ſuch adminiſtration, an abſtract of the petition, with a note ſubjoined thereto, ſigned by the inſpector, and marked with his ſtamp, certifying that the contents of the petition appear true, and that the perſon claiming to be adminiſtrator may obtain letters of adminiſtration, which certificate ſhall be directed by the inſpector to a proctor in *Doctors Commons*, that letters of adminiſtration may paſs in favour of the petitioner, if intitled thereto by law; and ſuch original petition and certificate ſhall be lodged in the records of the treaſurer of the navy, and be preſerved by him; and the letters of adminiſtration, when obtained, ſhall be lodged and regiſtered, in the ſame manner with the probates of wills, in the hands of the inſpector, who is to grant a check, ſigned and ſtamped by him, or by the perſon authoriſed to officiate for him, to the adminiſtrators, or their attornies, which ſhall ſtand in the place of the adminiſtration, and be to them a ſufficient authority to demand payment of and diſcharge all ſums due to them as adminiſtrators. *ſ.* 7.

If any proctor, regiſter, or officer of any eccleſiaſtical court, ſhall be aiding in procuring probate of the will, or letters of adminiſtration, for enabling any perſon to receive the wages, &c. due for ſervice on board any ſhip then in, or formerly belonging to his majeſty, without firſt obtaining the certificate from the inſpector as above directed, ſuch proctor, &c. ſhall forfeit 500 *l.* and be incapable of acting in any eccleſiaſtical court in *Great Britain* or *Ireland*. *ſ.* 8.

The commiſſioners of the admiralty ſhall direct abſtracts of this act to be printed, and a number of copies are to be delivered to the captain of every ſhip of his majeſty, and ſuch captain, as ſoon as the ſhip ſhall be put into ſea pay, ſhall cauſe one of the printed abſtracts to be hung up to the moſt public place of ſuch ſhip, and ſhall cauſe the ſame to be conſtantly kept and renewed, ſo that they may at all times be acceſſible to the petty officers and ſeamen on board; and the commiſſioners of the navy are to inquire whether the directions hereby given for hanging up the abſtracts have been obſerved by the captain, and not to grant ſuch captain his general certificate until they are fully ſatisfied thereof. *ſ.* 9.

Serjeants at Arms.

By 13 *Ric.* 2. *c.* 6. The ſerjeants at arms ſhall be to the number of 30 and no more; and they ſhall not meddle of any thing that toucheth not their office; and ſhall do no extortion nor oppreſſion to the people, upon pain to loſe the office, and to make a fine and ranſom at the king's pleaſure, and full ſatisfaction to the party.

Service and Sacraments.

By 1 *Edw.* 6. *c.* 1. *revived by* 1 Eliz. c. 2. Whatſoever perſon deprave or contemn the moſt bleſſed ſacrament of the altar by contemptuous words or words of reviling, or ſhall adviſedly deſpiſe or revile the ſaid ſacrament, ſhall ſuffer impriſonment, and make fine and ranſom at the king's will; and the juſtices of peace, or three of them, whereof one to be of the *quorum*, ſhall have power as well to take information as accuſation by the oaths of two perſons, and after ſuch accuſation, &c. to inquire by the oaths of twelve men in their quarter ſeſſions, of all ſuch informations of any the offences aboveſaid; and upon every ſuch accuſation, the offenders ſhall be inquired of, and indicted before the juſtices by the verdict of twelve

men, if the matter of the accuſation ſhall ſeem to the jury true. *ſ.* 1.

The juſtices, before whom any ſuch preſentment ſhall be made, ſhall examine the accuſers what other witneſſes were preſent at the offence, and ſhall bind by recognizance as well the accuſers, as all ſuch other perſons whom the accuſers ſhall declare to have knowledge of the offences, in 5*l.* to the king, to appear before the juſtices before whom the offenders ſhall be tried. *ſ.* 2.

The juſtices ſhall make proceſs againſt every perſon ſo indicted by two *capias*, and one exigent, and by *capias utlagatum*, as well within the limits of their commiſſion, as into all other the king's dominions; and upon the appearance of the offenders, to determine the contempts and offences aforeſaid; and the ſaid juſtices, or three of them, ſhall have power to let any perſons ſo indicted to bail. *ſ.* 3.

The juſtices, where any offender ſhall be indicted of any offences aboveſaid, ſhall award one writ to the biſhop of the dioceſe wherein the offences are ſuppoſed to be committed, of this form: *The king to the biſhop of* L. *greeting: We command you, that you, your chancellor, or other your ſufficient deputy learned, be with our juſtices aſſigned to keep the peace in our county of* B. *at* D. *ſuch a day, at our ſeſſion then and there to be held, to give counſel and advice to the ſame our juſtices of the peace upon the arraignment and delivery of offenders againſt the form of the ſtatute concerning the holy ſacrament of the altar.* *ſ.* 4.

No perſon ſhall be indicted of any the offences aboveſaid, but within three months next after the offences committed. *ſ.* 5.

In all trials ſuch offenders ſhall be admitted to try their innocency by as many witneſſes, and of as good credence, as the witneſſes which depoſed againſt them. *ſ.* 6.

The ſaid moſt bleſſed ſacrament ſhall be commonly miniſtered unto the people within this church of *England* and *Ireland*, and other the king's dominions, under both the kinds of bread and wine, except neceſſity otherwiſe require; and the prieſt ſhall at leaſt one day before exhort all perſons which ſhall be preſent to prepare themſelves to receive the ſame; and when the day cometh, after a godly exhortation by the miniſter made (wherein ſhall be further expreſſed the benefit promiſed to them which worthily receive the ſaid holy ſacrament, and indignation of God threatened to them which ſhall preſume to receive the ſame unworthily) the miniſter ſhall not without a lawful cauſe deny the ſame to any perſon that will devoutly and humbly deſire it; not condemning hereby the uſage of any church out of the king's dominions. *ſ.* 7.

By 1 *Edw.* 6. *c.* 12. All acts of parliament concerning doctrine or matters of religion ſhall be repealed. *ſ.* 3.

By 2 & 3 *Edw.* 6. *c.* 1. All miniſters in any church or place within the king's dominions ſhall be bound to uſe the mattens, evenſong, celebration of the Lord's ſupper, and adminiſtration of each of the ſacraments, and all their common and open prayer, in ſuch form as is mentioned in the book of common prayer, *&c.* and none other. And if any parſon or miniſter that ſhould ſing or ſay common prayer, *&c.* ſhall refuſe to uſe the ſaid common prayers, or to miniſter the ſacraments as ſet forth in the ſaid book, or ſhall uſe wilfully and obſtinately any other rite or manner of maſs, mattens, evenſong, adminiſtration of the ſacraments, or other open prayer, or ſhall preach or ſpeak in derogation or depraving of the ſaid book, or any thing therein, and ſhall be thereof convicted by verdict of twelve men, or by his own confeſſion, or by the notorious evidence of the fact, he ſhall forfeit to the king for his firſt offence, the profit of ſuch one of his ſpiritual benefices as it ſhall pleaſe the king to aſſign, ariſing in one whole year next after his conviction, and alſo ſhall ſuffer impriſonment ſix months; and if ſuch perſon once convict ſhall eftſoons offend, and be thereof convict, he ſhall for his ſecond offence ſuffer impriſonment one year, and be deprived of all his ſpirtual promotions; and if any ſuch perſon twice convicted ſhall offend the third time, and be convict, he ſhall ſuffer impriſonment during life: and if the perſon be not beneficed, he ſhall for the firſt offence ſuffer impriſoment ſix months; and if he eftſoons offend, he ſhall for his ſecond offence ſuffer impriſoment during life. *ſ.* 1.

If any perſon ſhall in any interludes, plays, ſongs, or by other open words, declare any thing in derogation, depraving or deſpiſing, of the ſame book, or of any thing therein, or ſhall by open fact or threatenings cauſe or maintain any parſon or miniſter to ſing or ſay any common prayer, or to miniſter any ſacrament, otherwiſe than is mentioned in the ſaid book; or by the ſaid means ſhall unlawfully interrupt any parſon or miniſters to ſing or ſay common prayer, or to miniſter the ſacraments in ſuch manner as is mentioned in the ſaid book; every perſon being thereof convicted in form aforeſaid ſhall forfeit to the king for the firſt offence 10*l.* and if any perſon, being once convicted, eftſoons offend againſt the premiſes, and ſhall be thereof convict, he ſhall for the ſecond offence forfeit to the king 20*l.* and if any perſon, after he ſhall be twice convict, ſhall offend the third time, he ſhall for his third offence forfeit to the king all his goods, and ſhall ſuffer impriſonment during life; and if any perſon, that for his firſt offence ſhall be convict, do not pay the ſum within ſix weeks after his conviction, he ſhall, inſtead of the 10*l.* ſuffer impriſonment three months; and if any perſon, that for his ſecond offence ſhall be convict, do not pay the ſum within ſix weeks next after his conviction, he ſhall for the ſame ſecond offence, inſtead of the 20*l.* ſuffer impriſonment ſix months. *ſ.* 2.

All juſtices of *oyer* and *terminer*, or juſtices of aſſiſe, ſhall have power to inquire, hear and determine, all offences contrary to this act, and to make proceſs for the execution of the ſame, as they may do againſt any perſon indicted of treſpaſs. *ſ.* 3.

Every archbiſhop and biſhop may at his pleaſure aſſociate himſelf to the ſaid juſtices of *oyer* and *terminer*, or juſtices of aſſize, within his dioceſe, for hearing and determining of the offences aforeſaid. *ſ.* 4.

Provided that it ſhall be lawful to any man that underſtandeth the *Greek*, *Latin*, and *Hebrew* tongue, or other ſtrange tongue, to ſay the prayers of mattens and evenſong in *Latin*, or ſuch other tongue, ſaying the ſame privately. *ſ.* 5.

And in the univerſities of *Cambridge* and *Oxford* to uſe in their chapels (being no pariſh churches) the mattens, evenſong, litany, and all other prayers (the holy communion excepted) in *Greek*, *Latin*, or *Hebrew*. *ſ.* 6.

It ſhall be lawful for all men to uſe any pſalms or prayer taken out of the bible, at any due time, not omitting the ſervice in the ſaid book. *ſ.* 7.

No perſon ſhall be moleſted for any of the offences abovementioned, unleſs he be indicted at the next general ſeſſions of *oyer* and *terminer*, or aſſize, after any offence committed. *ſ.* 9.

Lords of parliament for the ſaid offences ſhall be tried by their peers. *ſ.* 10.

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The mayor of *London*, and all the mayors and head officers of cities and towns corporate, to which juſtices of aſſize do not commonly repair, ſhall have power to inquire, hear and determine, the offences aboveſaid, yearly within fifteen days after *Eaſter* and *St. Michael*. *ſ.* 11.

All archbiſhops and biſhops, and their chancellors, commiſſaries, archdeacons, and other ordinaries, ſhall have power as well to inquire in their viſitations, ſynods, and elſewhere to take informations of the things abovementioned committed within their juriſdiction, and to puniſh the ſame by admonition, excommunication, ſequeſtration, or deprivation, and other cenſures, as heretofore in like caſes. *ſ.* 12.

Provided that whatſoever perſon offending in the premiſes ſhall for the firſt offence receive puniſhment of the ordinary, having a teſtimonial thereof under the ordinary's ſeal, ſhall not for the ſame offence be convicted before the juſtices; and likewiſe receiving for the firſt offence puniſhment by the juſtices, he ſhall not for the ſame offence receive puniſhment of the ordinary. *ſ.* 13. 1 *Mar. ſt.* 2. *c.* 2. *repealed this act, and* 1 Jac. 1. c. 25. ſ. 48. *afterwards repealed* 1 Mar.

By 5 & 6 *Edw.* 6. *c.* 1. All perſons inhabiting within the king's dominions ſhall diligently, having no reaſonable excuſe, endeavour to reſort to their pariſh church or chapel accuſtomed, or upon reaſonable let thereof to ſome uſual place where common prayer ſhall be uſed, upon every *Sunday* and holy-day, and there abide orderly during the time of the common prayer, preachings or other ſervice of God, upon pain of puniſhment by the cenſures of the church. *ſ.* 2.

All archbiſhops, biſhops, and other ordinaries, ſhall endeavour that the due execution hereof be had, as they will anſwer before God. *ſ.* 3.

All archbiſhops, biſhops, and their officers exerciſing eccleſiaſtical juriſdiction, as well in place exempt as not exempt, ſhall have power to reform and puniſh, by cenſures of the church, all perſons which ſhall offend within their dioceſes againſt this act. *ſ.* 4.

If any perſon ſhall willingly be preſent at any other form of common prayer, adminiſtration of the ſacraments, making of miniſters in the church, or any other rites contained in the book annexed to this act, than is mentioned and ſet forth in the ſaid book, or that is contrary to the proviſions in the former ſtatute, and ſhall be convicted before the juſtices of aſſize, juſtices of *oyer* and *terminer*, or juſtices of peace in their ſeſſion, by verdict, or confeſſion, or otherwiſe, he ſhall for the firſt offence ſuffer impriſonment ſix months, and for the ſecond offence impriſonment for one year, and for the third offence impriſonment during life. And every curate ſhall once every year read this act in the church, at the ſame time declaring, by the authority of the ſcripture, how the mercy and goodneſs of God hath in all ages been ſhewed to his people in their neceſſities, by means of prayers to almighty God, eſpecially where people be gathered together with one faith and mind, to offer up their hearts by prayers, as the beſt ſacrifices that chriſtian men can yield. *ſ.* 6. *This act was repealed by* 1 Mar. ſt. 2. c. 2. *which was repealed by* 1 Jac. 1. c. 25. ſ. 48.

By 1 *Mar. ſt.* 2. *c.* 3. If any perſons of their own authority ſhall of purpoſe, by open word or deed, maliciouſly or contemptuouſly diſturb, or by any other unlawful ways diſquiet or miſuſe, any preacher licenced or authoriſed to preach by the queen, or by any archbiſhop or biſhop of this realm, or by any other lawful ordinary, or by any of the univerſities, or lawfully authoriſed by reaſon of his cure or ſpiritual promotion, in his open ſermon, preaching or collation, in any church, chapel, churchyard, or other place, uſed or appointed to be preached; or if any perſons ſhall maliciouſly diſturb any parſon or curate, or any lawful prieſt, celebrating divine ſervice, ſacraments, or ſacramentals, authoriſed by the queen; or if any perſons ſhall unlawfully abuſe the holy ſacrament, or unlawfully deface any altar, crucifix or croſs, in any church, chapel, or churchyard; every ſuch offender, his aiders, procurers, or abettors, ſhall be apprehended by any conſtable, churchwarden, or other officer, or by any other perſon preſent at the time of the offence, and carried to any juſtice of peace; and the juſtice, upon due accuſations thereupon, ſhall commit the perſons apprended to cuſtody, and within ſix days after the ſaid juſtice with one other juſtice ſhall examine the offences; and if the two juſtices ſhall find the ſaid perſons guilty of the ſaid offences, and that by two witneſſes or their own confeſſion, the ſaid two juſtices ſhall commit the perſons to gaol for three months and to the next quarter ſeſſions; at which quarter ſeſſions the ſaid perſons, upon their reconciliation and repentance before the juſtices, ſhall be diſcharged, upon ſurety of good behaviour for one year; and if they will not be reconciled and repent, they ſhall be further committed to gaol until they be reconciled and be penitent for the offences. *ſ.* 2, 3, 4, 5, 6.

If any perſons of their own authority reſcue any offender ſo apprehended, or will hinder the ſaid offenders to be apprehended, the ſaid reſcuers or diſturbers ſhall ſuffer like impriſonment, and further ſhall forfeit 5*l.* *ſ.* 7.

If any of the offenders aforeſaid be not taken immediately, but eſcape, the ſaid eſcape ſhall be preſented at the next quarter ſeſſions, and the inhabitants of the pariſh where the eſcape was ſuffered ſhall forfeit to the queen 5*l.* to be levied as other like amercements have been levied upon any hundred or town for the eſcape of any murderer or other felon, for not making purſuit upon hue and cry. *ſ.* 8.

Juſtices of peace, juſtices of aſſize, juſtices of *oyer* and *terminer*, and all mayors and juſtices of peace within any city or town corporate, ſhall have power to inquire of the offences aforeſaid, and to hear and determine the ſame. *ſ.* 9.

This act ſhall not take away the juriſdiction of the eccleſiaſtical laws. *ſ.* 10.

Provided that whatſoever perſon ſhall for any of the offences afore recited receive puniſhment of the ordinary, having teſtimonial thereof under the ordinary's ſeal, ſhall not for the ſame offence be convicted before the juſtices; and in likewiſe receiving puniſhment by the juſtices, he ſhall not for the ſame offence receive puniſhment of the ordinary. *ſ.* 11.

By 1 *Eliz. c.* 2. The book of common prayer authoriſed by 5 *Edw.* 6. *cap.* 1. with the alterations by this ſtatute, ſhall be in force. *ſ.* 2.

All miniſters within the queen's dominions ſhall uſe the mattens, evenſong, celebration of the Lord's ſupper, and adminiſtration of each of the ſacraments, and all their common prayer, in ſuch order as is mentioned in the ſaid book, with one alteration of certain leſſons to be uſed every *Sunday*, and the form of the litany corrected, and two ſentences added in the delivery of the ſacraments to the communicants. *ſ.* 3.

If any parſon or miniſter refuſe to uſe the ſaid common prayers, or to miniſter the ſacraments, in ſuch order as they be ſet forth in the ſaid book, or ſhall wilfully or obſtinately uſe any other rite or manner of celebrating the Lord's ſupper, or mattens, evenſong, adminiſtration of the ſacraments, or other open prayers, than is ſet forth in the ſaid book, or ſhall preach or ſpeak in derogation or depraving of the ſaid book, or

any

any thing therein, and ſhall be thereof convicted by verdict or confeſſion, or by the notorious evidence of the fact; he ſhall forfeit for his firſt offence the profit of all his ſpiritual benefices ariſing in one whole year next after his conviction, and ſuffer impriſonment ſix months. *ſ.* 4.

If any perſon once convict concerning the premiſes ſhall eftſoons offend, and be thereof convict, he ſhall for his ſecond offence ſuffer impriſonment one year, and be deprived of all his ſpiritual promotions. *ſ.* 5.

If any ſuch perſon twice convict ſhall offend the third time, and ſhall be thereof convicted, he ſhall be deprived of all his ſpiritual promotions, and ſuffer impriſonment during life. *ſ.* 6.

If the perſon that ſhall be convict in form aforeſaid ſhall not be beneficed, he ſhall for the firſt offence ſuffer impriſonment. *ſ.* 7.

If any ſuch perſon, not having ſpiritual promotion, after his firſt conviction ſhall eftſoons offend, and be thereof convicted, he ſhall for his ſecond offence ſuffer impriſonment during life. *ſ.* 8.

If any perſon ſhall in any interlude, plays, ſongs, rhimes, or by other open words, ſpeak in derogation, depravation, or deſpiſing, of the ſaid book, or of any thing therein; or ſhall by open deed, or by threatenings, procure or maintain any parſon or miniſter to ſing or ſay any common prayer, or to miniſter any ſacrament, otherwiſe than is mentioned in the ſaid book, or that by the ſaid means ſhall unlawfully interrupt any parſon or miniſter to ſing or ſay common prayer, or to miniſter the ſacraments, in ſuch manner as is mentioned in the ſaid book; every ſuch perſon, being convicted in form aboveſaid, ſhall forfeit to the queen for the firſt offence 100 marks. *ſ.* 9.

If any perſon being once convict of ſuch offence eftſoons offend, and be thereof convicted, he ſhall for the ſecond offence forfeit 400 marks. *ſ.* 10.

If any perſon, after he ſhall have been twice convict, ſhall offend the third time, and be thereof convict, he ſhall for his third offence forfeit all his goods, and ſuffer impriſonment during life. *ſ.* 11.

If any perſon, that for his offence ſhall be convict in form aforeſaid, do not pay the ſum within ſix weeks after his conviction, he ſhall, inſtead of the ſaid ſum, ſuffer impriſonment ſix months. *ſ.* 12.

If any perſon, that for his ſecond offence ſhall be convict, do not pay the ſum within ſix weeks after conviction, he ſhall, inſtead of the ſaid ſum, ſuffer impriſonment twelve months. *ſ.* 13.

All perſons inhabiting within the queen's dominions ſhall, having no lawful excuſe, endeavour to reſort to their pariſh church or chapel accuſtomed, or upon reaſonable let thereof to ſome uſual place where common prayer and ſuch ſervice of God ſhall be uſed, every *Sunday* and other holidays, and there abide orderly during the time of common prayer, preachings, or other ſervice of God; upon pain of puniſhment by the cenſures of the church, and alſo upon pain that every perſon ſo offending ſhall forfeit 12*d.* to be levied by the churchwardens of the pariſh, to the uſe of the poor, by way of diſtreſs. *ſ.* 14.

All archbiſhops, biſhops, and other ordinaries, ſhall endeavour that the due execution hereof may be had throughout their charges, as they will anſwer before God. *ſ.* 15.

All archbiſhops, biſhops, and other officers exerciſing eccleſiaſtical juriſdiction, as well in place exempt as not exempt, ſhall have power to puniſh by cenſures of the church, all perſons which ſhall offend within their juriſdiction againſt this act. *ſ.* 16.

Every juſtice of *oyer* and *terminer*, or juſtice of aſſize, ſhall have power to inquire, hear and determine, all offences contrary to this act, and to make proceſs for the execution of the ſame, as againſt any perſon indicted of treſpaſs. *ſ.* 17.

Every archbiſhop and biſhop may at his pleaſure aſſociate himſelf to the juſtices of *oyer* and *terminer*, or juſtices of aſſize, within his dioceſe, for the inquiry, hearing and determining, of the offences aforeſaid. *ſ.* 18.

No perſon ſhall be moleſted for any offences abovementioned, unleſs he be indicted at the next general ſeſſions of *oyer* and *terminer*, or of aſſize. *ſ.* 20.

Lords of parliament for the third offence ſhall be tried by their peers. *ſ.* 21.

The mayor of *London*, and all other mayors and head officers of cities, boroughs, and towns coroporate, to which juſtices of aſſize do not commonly repair, ſhall have power to inquire, hear and determine, the offences aboveſaid, yearly within fifteen days after *Eaſter* and *St. Michael.* *ſ.* 22.

All archbiſhops and biſhops, and their chancellors, commiſſaries, archdeacons, and other ordinaries, having eccleſiaſtical juriſdiction, ſhall have power to inquire in their viſitation, ſynods, and elſewhere within their juriſdiction to take informations of all the things abovementioned committed within their juriſdictions, and puniſh the ſame by admonition, excommunication, ſequeſtration, or deprivation, and other cenſures. *ſ.* 23.

Whatſoever perſon offending in the premiſes ſhall firſt receive puniſhment of the ordinary, having a teſtimonial thereof under the ordinary's ſeal, ſhall not for the ſame offence be convicted before the juſtices; and likewiſe receiving puniſhment by the juſtices, he ſhall not for the ſame offence receive puniſhment of the ordinary. *ſ.* 24.

Such ornaments of the church, and the miniſters thereof, ſhall be retained, as was in this church of *England*, by authority of parliament, in the ſecond year of king *Edward* VI. until other order be therein taken by authority of the queen, with the advice of her commiſſioners for cauſes eccleſiaſtical, or of the metropolitan. *ſ.* 25.

If any contempt or irreverence be uſed in the ceremonies of the church, by the miſuſing of the orders appointed in this book; the queen may, by the like advice of the commiſſioners or metropolitan, publiſh ſuch further ceremonies as may be moſt for the advancement of God's glory, the edifying of his church, and the due reverence of Chriſt's holy myſteries and ſacraments. *ſ.* 26.

All laws, whereby any other ſervice or common prayer is eſtabliſhed within the queen's dominions, ſhall be void. *ſ.* 27.

By 13 *Eliz. c.* 12. If any perſon eccleſiaſtical, or which ſhall have eccleſiaſtical living, ſhall adviſedly maintain or affirm any doctrine repugnant to the articles, and being convented before the biſhop or ordinary, ſhall perſiſt therein, or not revoke his error, or after revocation affirm ſuch untrue doctrine; ſuch maintaining and perſiſting ſhall be juſt cauſe to deprive ſuch perſon of his eccleſiaſtical promotions, and it ſhall be lawful to the biſhop or ordinary to deprive ſuch perſon. *ſ.* 2.

No perſon ſhall be admitted to any benefice with cure, except he be of the age of 23 years at leaſt, and a deacon, and ſhall firſt have ſubſcribed the articles in preſence of the ordinary, and publicly read the ſame in the pariſh church of that benefice, with declaration of his unfeigned aſſent to the ſame. And every perſon to be admitted to a benefice with cure, except that within two months after his induction he publicly read the articles in the church in time of common prayer, with declaration of his unfeigned aſſent thereto,

thereto, and be admitted to miniſter the ſacraments within one year after his induction, if he be not ſo admitted before, ſhall be *ipſo facto* deprived. *ſ.* 3.

None ſhall be made miniſter, or admitted to preach, or miniſter the ſacraments, being under the age of 24 years; nor unleſs he firſt bring to the biſhop of that dioceſe from men known to the biſhop to be of ſound religion, a teſtimonial both of his honeſt life, and of his profeſſing the doctrine expreſſed in the articles; nor unleſs he be able to render to the ordinary an account of his faith in *Latin*, according to the articles, or have ſpecial gift or ability to be a preacher; nor ſhall be admitted to the order of deacon or miniſtry, unleſs he ſhall firſt ſubſcribe to the articles. *ſ.* 5.

None ſhall be admitted to any benefice with cure of the value of 30*l.* yearly in the queen's books, unleſs he be a bachelor of divinity, or a preacher allowed by ſome biſhop within this realm, or by one of the univerſities. *ſ.* 6.

All admiſſions to benefices, inſtitutions, and inductions, of any perſon contrary to this act, and all diſpenſations to the contrary, ſhall be void. *ſ.* 7.

Provided that no title to confer by lapſe ſhall accrue upon any deprivation *ipſo facto*, but after ſix months after notice of ſuch deprivation given by the ordinary to the patron. *ſ.* 8.

By 13 & 14 *Car.* 2. *c.* 4. All miniſters in any church or chapel, or other place of public worſhip within *England*, *Wales*, and *Berwick*, ſhall uſe the morning prayer, evening prayer, celebration, and adminiſtration of both the ſacraments, and all other the public and common prayer, in ſuch order as is mentioned in the book annexed to this act, intitled "The Book of Common Prayer, *&c.*" and the morning and evening prayers therein ſhall upon every Lord's day, and upon all other occaſions, and at the times therein appointed, be openly and ſolemnly read by every miniſter or curate in every church, chapel, or other place of public worſhip, within this realm. *ſ.* 2.

Every perſon who ſhall be put into any eccleſiaſtical benefice ſhall in the church, chapel, or place of public worſhip belonging to his benefice, within two months after he ſhall be in poſſeſſion thereof, upon ſome Lord's day publicly read the morning and evening prayer according to the ſaid book, and after ſuch reading thereof ſhall before the congregation declare his unfeigned aſſent and conſent to the uſe of all things in the ſaid book, in theſe words:

I A. B. *do here declare my unfeigned aſſent and conſent to all and every thing contained and preſcribed in and by the book, intitled The book of common prayer, and adminiſtration of the ſacraments, and other rites and ceremonies of the church, according to the uſe of the church of* England, *together with the pſalter or pſalms of* David, *pointed as they are to be ſung* or *ſaid in churches, and the form or manner of making, ordaining, and conſecrating, of biſhops, prieſts, and deacons.*

And every ſuch perſon who ſhall (without ſome lawful impediment to be allowed by the ordinary) neglect to do the ſame (or in caſe of ſuch impediment, within on month after ſuch impediment removed) ſhall *ipſo facto* be deprived of all his eccleſiaſtical benefices. *ſ.* 6.

In all places where the proper incumbent of any benefice with cure doth reſide and keep a curate, the incumbent himſelf (not having ſome lawful impediment to be allowed by the ordinary) ſhall once at leaſt in every month publicly read the common prayers and ſervice, and (if there be occaſion) adminiſter each of the ſacraments, and other rites of the church, in the pariſh church or chapel, as in in the ſaid book is appointed; upon pain to forfeit 5*l.* to the uſe of the poor of the pariſh, upon conviction by confeſſion or proof of two witneſſes upon oath before two juſtices of peace; and in default of payment within ten days, to be levied by diſtreſs and ſale of goods, by warrant of the juſtices, by the churchwardens or overſeers of the poor. *ſ.* 7.

Every dean, canon, and prebendary, of every cathedral or collegiate church, and all maſters, and heads, fellows, chaplains, and tutors, in any college, hall, houſe of learning, or hoſpital, and every public profeſſor and reader in either of the univerſities, and in every college elſewhere, and every parſon, curate, lecturer, and otner perſon in holy orders, and every ſchool-maſter, and every perſon teaching youth in any houſe or private family as a tutor or ſchool-maſter, ſhall at or before his admiſſion to have poſſeſſion, ſubſcribe the declaration or acknowledgment following: *ſ.* 8.

I A. B. *do declare, that I will conform to the liturgy of the church* of England, *as it is now by law eſtabliſhed.* *ſ.* 9.

Which declaration ſhall be ſubſcribed by every of the ſaid maſters and heads, fellows, chaplains, and tutors, in any college, hall, or houſe of learning, and by every public profeſſor and reader in either of the univerſities, before the vice-chancellor, or his deputy; and ſhall be ſubſcribed before the archbiſhop, biſhop, or ordinary, of the dioceſe, by every other perſon hereby enjoined the ſame, upon pain that all the perſons aforeſaid failing in ſuch ſubſcription ſhall forfeit ſuch deanry, *&c.* and ſhall be deprived of the ſame; and ſuch deanry, *&c.* eccleſiaſtical promotion, curate's place, lecture, and ſchool, ſhall be void. *ſ.* 10.

If any ſchool-maſter, or other perſon inſtructing youth in any private family as a tutor or ſchool-maſter, ſhall inſtruct any youth as a tutor or ſchool-maſter, before licence obtained from his archbiſhop, biſhop, or ordinary of the dioceſe, according to the laws of this realm (for which he ſhall pay 12*d.* only) and before ſuch ſubſcription made; ſuch ſchool-maſter, *&c.* ſhall for the firſt offence ſuffer three months impriſonment, and for every other ſuch offence ſhall ſuffer three months impriſonment, and alſo forfeit to his majeſty 5*l.* And after ſuch ſubſcription made, every ſuch parſon, *&c.* ſhall procure a certificate under the hand and ſeal of the archbiſhop, *&c.* and ſhall publicly read the ſame, together with the declaration aforeſaid, upon ſome Lord's day within three months next following in his pariſh church, in the preſence of the congregation, in the time of divine ſervice; upon pain that every perſon failing therein ſhall loſe ſuch benefice or place, and ſhall be diſabled, and *ipſo facto* deprived of the ſame. *ſ.* 11.

No perſon ſhall be capable to be admitted to any parſonage, vicarage, benefice, or other eccleſiaſtical promotion or dignity, nor ſhall preſume to conſecrate and adminiſter the ſacrament of the Lord's ſupper, before he be ordained prieſt, according to the form in the ſaid book preſcribed, unleſs he have been made prieſt by epiſcopal ordination; upon pain to forfeit 100*l.* one moiety to the king, the other moiety to be divided between the poor of the pariſh and ſuch perſon as ſhall ſue for the ſame in any of his majeſty's courts of record, and to be diſabled from taking the order of prieſt by the ſpace of one year. *ſ.* 14.

The penalties in this act ſhall not extend to the foreigners of the foreign reformed churches allowed by the king in *England*, *ſ.* 15.

Pro-

Provided that no title to confer or preſent by lapſe ſhall accrue by any avoidance or deprivation *ipſo facto* by this ſtatute, but after ſix months after notice of ſuch voidance given by the ordinary to the patron, or ſuch ſentence of deprivation publicly read in the pariſh church of the benefice becoming void. *ſ.* 16.

No form of common prayers, adminiſtration of ſacraments, rites or ceremonies, ſhall be openly uſed in any church or public place in any college or hall in the univerſities, the colleges of *Weſtminſter*, *Wincheſter*, or *Eton*, other than what is appointed by the ſaid book; and every governor or head of any the ſaid colleges or halls, within one month next after his election, or collation, and admiſſion, ſhall publicly in the church, chapel, or other public place of the ſame college or hall, and in the preſence of the fellows and ſcholars, or the greater part of them then reſident, ſubſcribe unto the nine and thirty articles of religion, mentioned in the ſtatute 13 *Eliz. cap.* 12. and unto the ſaid book, and declare his unfeigned aſſent and conſent unto, and approbation of the ſaid articles, and of the ſame book, and to the uſe of all the prayers, rites and ceremonies, forms and orders, in the ſaid book contained, according to the form aforeſaid. And all ſuch governors or heads of colleges and halls, or any of them as ſhall be in holy orders, ſhall once at leaſt in every quarter (not having a lawful impediment) publicly read the morning prayer and ſervice by the ſaid book appointed in the church, chapel, or other public place, of the ſame college or hall; upon pain to be ſuſpended from all the benefits belonging to the ſame government or headſhip ſix months by the viſitor. And if any governor or head of any college or hall ſuſpended for not ſubſcribing, or for not reading of the morning prayer and ſervice as aforeſaid, ſhall not at or before the end of ſix months after ſuch ſuſpenſion ſubſcribe unto the ſaid articles and book, and declare his conſent thereunto as aforeſaid, or read the morning prayer and ſervice, ſuch headſhips ſhall be *ipſo facto* void. *ſ.* 17.

Provided that it ſhall be lawful to uſe the morning and evening prayer, and all other ſervice preſcribed in the ſaid book, in the colleges and halls in the univerſities, in the colleges of *Weſtminſter*, *Wincheſter*, and *Eaton*, and in the convocations of the clergy, in *Latin*. *ſ.* 18.

No perſon ſhall be a lecturer, or allowed to preach or read any ſermon or lecture in any church, or other place of public worſhip, unleſs he be firſt licenced by the archbiſhop of the province, or biſhop of the dioceſe, or by the guardian of the ſpiritualties, under ſeal, and ſhall in the preſence of the ſame archbiſhop, or biſhop, or guardian, read the thirty-nine articles, with declaration of his unfeigned aſſent to the ſame. And every perſon who ſhall be licenced or received as a lecturer in any church or place of public worſhip, the firſt time he preacheth (before his ſermon) ſhall publicly read the common prayers by the ſaid book appointed to be read for that time, and then publicly declare his aſſent unto, and approbation of, the ſaid book, and to the uſe of all the prayers, rites, and ceremonies, forms, and orders, therein contained and preſcribed, according to the form before appointed; and alſo ſhall upon the firſt lecture day of every month, ſo long as he continues lecturer, before his ſermon, publicly read the common prayers and ſervice in the ſaid book appointed, and after ſuch reading ſhall before the congregation declare his unfeigned aſſent and conſent unto, and approbation of, the ſaid book, *&c.* and every ſuch perſon who ſhall neglect to do the ſame, ſhall be diſabled to preach any lecture or ſermon in any church, chapel, or place of public worſhip, until he ſhall publicly read the common prayers and ſervice appointed by the ſaid book, and conform in all points to the things therein appointed. *ſ.* 19.

Provided that if the ſermon or lecture be to be preached or read in any cathedral or collegiate church or chapel, it ſhall be ſufficient for the lecturer, openly at the time aforeſaid, to declare his aſſent and conſent to all things contained in the ſaid book according to the form aforeſaid. *ſ.* 20.

If any perſon, who is by this act diſabled to preach any ſermon or lecture, ſhall, during the time that he ſhall continue ſo diſabled, preach any ſermon or lecture, he ſhall ſuffer three months impriſonment in the common gaol; and any two juſtices of peace of any county, and the mayor or other chief magiſtrate of any city or town corporate, upon certificate from the ordinary, of the offence committed, ſhall commit the perſon offending to gaol accordingly. *ſ.* 21.

At all times when any ſermon or lecture is to be preached, the common prayers and ſervice ſhall be publicly read by ſome prieſt or deacon in the church, or place of public worſhip, before ſuch ſermon or lecture be preached, and the lecturer ſhall be preſent at the reading thereof. *ſ.* 22.

This act ſhall not extend to the univerſity churches, when any ſermon or lecture is preached or read as the public univerſity ſermon or lecture. *ſ.* 23.

The ſeveral laws now in force for the uniformity of prayer and adminiſtration of the ſacraments, ſhall ſtand in force for the eſtabliſhing and confirming of the ſaid book, and no other. *ſ.* 24.

Provided that in thoſe prayers, litanies and collects, which relate to the king, queen, or royal progeny, the names be altered and fitted to the preſent occaſion, according to the direction of lawful authority. *ſ.* 25.

A true printed copy of the ſaid book ſhall at the coſts of the pariſhioners of every pariſh church, *&c.* be gotten, upon pain of forfeiture of three pounds by the month, for ſo long time as they ſhall be unprovided thereof. *ſ.* 26.

Provided that the biſhops of *Hereford*, *St. David's*, *Aſaph*, *Bangor*, and *Landaff*, ſhall take order among themſelves, that the book be tranſlated into the *Britiſh* or *Welſh* tongue; and that the ſame ſo tranſlated, and being by them, or three of them at the leaſt, peruſed, be printed; ſo that one of the ſaid books ſo tranſlated may be had for every cathedral, collegiate and pariſh church and chapel of eaſe in *Wales*, where the *Welſh* is commonly ſpoken: and the whole divine ſervice ſhall be uſed by the miniſters throughout *Wales*, where the *Welſh* tongue is commonly uſed, in the *Britiſh* or *Welſh* tongue: for which book ſo tranſlated, the churchwardens ſhall pay out of the pariſh money; and the ſaid biſhops, or three of them, ſhall ſet the price, for which the ſaid book ſhall be ſold: and one other book of common prayer in the *Engliſh* tongue, ſhall be in every church throughout *Wales*, and remain in ſuch convenient places within the churches, that ſuch as underſtand them may reſort to read the ſame. *ſ.* 27.

The deans and chapters of every cathedral or collegiate church, ſhall obtain, under the great ſeal, a printed copy of this act, and of the ſaid book annexed hereunto, to be by the ſaid deans and chapters preſerved for ever, and to be produced in any court of record, as often as they ſhall be lawfully required. And there ſhall be delivered copies of this act, and of the ſame book, into the courts at *Weſtminſter*, and into the tower of *London*, to be kept among the records, to be alſo produced as need ſhall require. Which books ſhall be as good records as this book hereunto annexed. *ſ.* 28.

This act ſhall not be prejudicial to the king's profeſſor of the law in *Oxford*, concerning the prebend of *Shipton*, within

within the cathedral church of *Sarum*, annexed to the place of the king's profeſſor. *ſ.* 29.

All ſubſcriptions to the articles ſhall be applied (touching the ſixth and thirtieth article) unto the book of ordaining and conſecrating of biſhops, prieſts, and deacons, in this act mentioned. *ſ.* 30.

By 15 *Car.* 2. *c.* 6. Every ſubſcription to be made before any vicar general or chancellor to any archbiſhop or biſhop, or commiſſary to the archbiſhop of *Canterbury*, or any other biſhop, ſhall be as effectual as if the ſame had been made before the archbiſhop or biſhop. *ſ.* 5.

The penalties by the act 13 & 14 *Car.* 2. *c.* 4. inflicted upon any perſon diſabled by the ſaid act, to preach, for any offence againſt the ſaid act, ſhall in like manner be inflicted on every perſon ſo offending, that is prohibited by the ſaid act to preach. *ſ.* 7.

By 5 *Ann. c.* 5. The act 13 *Eliz. c.* 12., and 13 *Car.* 2. *c.* 4. for the uniformity of public prayers, *&c.* (other than ſuch clauſes as have been repealed or altered by ſubſequent acts of parliament) and all other acts of parliament now in force for the eſtabliſhment and preſervation of the church of *England*, and the doctrine, worſhip, diſcipline and government thereof, ſhall be in force for ever. *ſ.* 1.

Every king or queen ſucceeding to the royal government of the kingdom of *Great Britain*, at his or her coronation, ſhall, in the preſence of all perſons attending, aſſiſting, or then and there preſent, take and ſubſcribe an oath, to maintain and preſerve inviolably the ſaid ſettlement of the church of *England*, and the doctrine, worſhip, diſcipline and government thereof, as by law eſtabliſhed within the kingdoms of *England* and *Ireland*, the dominion of *Wales*, and town of *Berwick*, and the territories thereunto belonging. *ſ.* 2.

This act ſhall for ever be a fundamental and eſſential part of any treaty of union to be concluded between the two kingdoms of *England* and *Scotland*, and ſhall be inſerted in expreſs terms in any act of parliament for ſettling and ratifying any ſuch treaty of union, and ſhall be therein declared to be an eſſential and fundamental part thereof. *ſ.* 3.—*Inſerted in the Act of Union*, 5 Ann. c. 8. in SCOTLAND.

By 23 *Geo.* 2. *c.* 28. Every allowance of any lawful impediment already given or hereafter to be given in purſuance of the 13 and 14 *Car.* 2. *c.* 4. *ſ.* 6. by any archbiſhop, biſhop, or ordinary, to any perſon for not reading in the church or place of public worſhip belonging to his benefice, within two months after he is in poſſeſſion of the ſaid benefice, on ſome Lord's day publicly the morning and evening prayers according to the book of common prayer, and for not publicly declaring his aſſent to the uſe of all things therein contained and preſcribed, ſhall extend to the not reading the certificate and declaration in the 8th, 9th, and 11th ſections of the ſaid act mentioned, although the ſame be not mentioned in the ſaid allowance, for the like time as the ſaid allowance extends to. *ſ.* 1.

Every perſon who hath read or ſhall read the articles mentioned in 13 *Eliz. c.* 12. and hath made or ſhall make the ſaid declaration, at the ſame time that he did read or ſhall read the morning and evening prayer, and declare his aſſent to the uſe of all things therein contained and preſcribed, according to the directions of 13 and 14 *Car.* 2. *c.* 4. ſhall be adjudged to have complied with the meaning of the 13 *Eliz. c.* 12. although the ſame were not or may not be read within two months after ſuch perſon's induction into any benefice with cure; and every ſuch perſon ſhall be diſcharged from any deprivation, or other forfeiture by virtue of the ſaid act. *ſ.* 2.

This act ſhall not reſtore any perſon to any parſonage, vicarage, or benefice, curate's place, or lecturer's place, which for want of reading ſuch certificate and declaration within the time directed by 13 and 14 *Car.* 2. *c.* 4. or of reading the ſaid articles and declaration concerning the ſame, according to 13 *El. c.* 12. hath been forfeited and is already filled up. *ſ.* 3. — *See* NONCONFORMISTS, OATHS.

Sewers.

By 6 *Hen.* 6. *c.* 5. During 10 years, commiſſions of ſewers ſhall be made by the chancellor, to be ſent into all parts of the realm, where ſhall be needful, according to the form in this act.

The form ſet down in this ſtatute is not uſed, ſince another form is appointed by 23 Hen. 8. c. 5. *which includes all the powers mentioned in the form of the commiſſion appointed by this act; except that by this commiſſion power is given to the commiſſioners, if need be, to ſtop up the trenches of freſh water deſcending to the ſea; which power is not granted in expreſs words by the latter ſtatute* 23 Hen. c. 5. *Made perpetual* 6 Hen. 8. c. 10.

By 8 *Hen.* 6. *c.* 3. Commiſſioners of ſewers ſhall have power to ordain and execute the ordinances and other affairs, to be made according to the purport of the commiſſions.

By 6 *Hen.* 8. *c.* 10. The act 6 *Hen.* 6. *c.* 5. and all other authorities concerning commiſſioners of ſewers, ſhall endure for ever; and the chancellor ſhall have power to grant commiſſions of ſewers to perſons named by the chancellor. *ſ.* 1.

The chancellor ſhall make no commiſſion to any perſon for the execution of this act, except he have lands of freehold to the yearly value of 20*l.* or be juſtice of *quorum* learned, within the ſhires. *ſ.* 2.

If ſuch commiſſion be directed to any perſon not having lands, *&c.* or not being juſtice of the *quorum*; ſuch commiſſion, and all preſentments before ſuch commiſſioners, ſhall be void. *ſ.* 3. This act to endure 10 years, *&c. Qu.* Whether this act is not revived and made perpetual by 23 *Hen.* 8. *c.* 5. *ſ.* 6.

By 23 *Hen.* 8. *c.* 5. Commiſſions of ſewers ſhall be directed in all parts within this realm, where need ſhall require, according to the form enſuing, to ſuch ſubſtantial perſons as ſhall be named by the lord chancellor and lord treaſurer, and the two chief juſtices, or by three of them, whereof the lord chancellor to be one. *ſ.* 1.

Henry *the eighth*, &c. *know ye, that foraſmuch as the walls, ditches, banks, gutters, ſewers, gotes, calcies, bridges, ſtreams, and other defences, by the coaſts of the ſea, and marſh ground, being and lying within the limits of* A. B. *or* C. *in the county* or *counties of* ——— *or in the borders or confines of the ſame, by rage of the ſea flowing and reflowing, and by mean of the trenches of freſh waters deſcending and having courſe by divers ways to the ſea, be ſo dirupt, lacerate, and broken; and alſo the common paſſages of ſhips, balengers, and boats, in the rivers, ſtreams, and other floods, within the limits of* A. &c. *in the county*

or *counties of* ——— *or in the borders or confines of the ſame, by mean of ſetting up, erecting, and making, of ſtreams, mills, bridges, ponds, fiſh-garths, mill-dams, locks, hebbing wears, hecks, flood-gates, or other like lets, impediments or annoyances, be letted or interrupted, ſo that great and ineſtimable damage for default of reparation of the ſaid walls, ditches, banks, fences, ſewers, gotes, gutters, calcies, bridges, and ſtreams; and alſo by mean of ſetting up, erecting, making, and enlarging of the ſaid fiſh-garths, &c. and other like annoyances in times paſt hath happened, and yet is to be feared, that far greater hurt, loſs, and damage, is like to enſue, unleſs that ſpeedy remedy be provided in that behalf.* ſ. 2.

We therefore, for that by reaſon of our dignity and prerogative royal we be bound to provide for the ſafety and preſervation of our realm of England, *willing that ſpeedy remedy be had in the premiſes, have aſſigned you, and ſix of you, of the which we will that* A. B. *and* C. *ſhall be three, to be our juſtices to ſurvey the ſaid walls, ſtreams, ditches, banks, gutters, ſewers, gotes, calcies, bridges, trenches, mills, mill-dams, flood-gates, ponds, locks, hebbing-wears, and other impediments, lets, and annoyances, and the ſame cauſe to be made, corrected, repaired, amended, put down, or reformed after your wiſdoms and diſcretions: and therein as well to ordain and do, after the form, tenor, and effect, of all and ſingular the ſtatutes and ordinances made before the 1ſt day of* March *in the 23d year of our reign, touching the premiſes, or any of them, as alſo to inquire by the oaths of the honeſt and lawful men of the ſhire or ſhires, place or places, where ſuch defaults or annoyances be, as well within the liberties as without (by whom the truth may the rather be known) through whoſe default the hurts and damages have happened, and who hath or holdeth any lands or tenements, or common paſture, or profit of fiſhing, or hath or may have any hurt or diſadvantage by any manner of means in the ſaid places, as well near to the dangers, lets, and impediments, as inhabiting or dwelling thereabouts, by the walls, ditches, banks, gutters, gotes, ſewers, trenches, and other impedimeots, and all thoſe perſons, and every of them, to tax, aſſeſs, charge, diſtrain, and puniſh, as well within the metes, limits, and bounds, of old time accuſtomed, or elſewhere within our realm of* England, *after the quantity of their lands, tenements, and rents, by the number of acres and perches, after the rate of every perſon's portion, tenure, or profit, or after the quantity of their common of paſture, or profit of fiſhing, or other commodities there, by ſuch ways and means, and in ſuch manner and form, as to you, or ſix of you, whereof* A. B. *and* C. *to be three, ſhall ſeem moſt convenient to be ordained and done, for redreſs and reformation to be had in the premiſes: and to reform, repair, and amend, the walls, ditches, banks, gutters, ſewers, gotes, calcies, bridges, ſtreams, and other the premiſes, in all places needful; as often, and where need ſhall be, to make new; and to cleanſe and purge the trenches, ſewers and ditches, in all places neceſſary; and further, to reform, amend, proſtrate, and overthrow, all mills, ſtreams, pond, locks, fiſh-garths, hebbing-wears, and other impediments and annoyances, as ſhall be found by inquiſition, or by your ſurveying to be exceſſive or hurtful; and to depute and aſſign diligent, faithful, and true keepers, bailiffs, ſurveyors, collectors, expenditors, and other miniſters and officers, for the ſafety, conſervation, reparation, reformation, and making of the premiſes, and every of them; and to hear the account of the collectors and other miniſters of and for the receipt and laying out of the money that ſhall be levied and paid, in and about the making, repairing, reforming, and amending of the walls, ditches, banks, gutters, gotes, ſewers, calcies, bridges, ſtreams, trenches, mills, ponds, locks, fiſh-garths, flood-gates, and other impediments and annoyances, and to diſtrain for the arrearges of every ſuch collection, tax, and aſſeſs, as often as ſhall be expedient, or puniſh the debtors and detainers of the ſame by fines, amerciaments, pains or other like means, after your good diſcretions; and to arreſt and take as many carts, horſes, oxen, beaſts, and other inſtruments neceſſary, and as many workmen and labourers, as for the works and reparation ſhall ſuffice, paying for the ſame competent wages, in that behalf; and alſo take as many trees, woods, underwoods, and timber, and other neceſſaries, as for the works and reparations ſhall be ſufficient, at a reaſonable price by you, or ſix of you, of the which we will that* A. B. *and* C. *ſhall be three, to be aſſeſſed or limited, as well within the limits and bounds aforeſaid, as in any other place within the ſaid county or counties, near unto the ſaid places; and to make and ordain ſtatutes, ordinances, and proviſions, from time to time, as the caſe ſhall require, for the ſafeguard, conſervation, redreſs, correction, and reformation, of the premiſes, and of every of them, and the parts lying to the ſame neceſſary and behooful, after the laws and cuſtoms of* Romney-marſh *in the county of* Kent, *or by any ways or means, after your own wiſdoms and diſcretions; and to hear and determine all and ſingular the premiſes, as well at our ſuit, as of any other whatſoever complaining before you, or ſix of you, whereof* A. B. *and* C. *ſhall be three, after the laws and cuſtoms aforeſaid, or by any other ways and means after your diſcretions; and to make and direct all writs, precepts, warrants, or other commandments, by virtue of theſe preſents, to all ſheriffs, bailiffs, and all other miniſters, officers, and other perſons, as well within liberties as without, before you, or ſix of you, whereof* A. B. *and* C. *to be three, at certain days, terms, and places to be prefixed, to be returned and received; and further to continue the proceſs of the ſame, and finally to do all and every thing and things, as ſhall be requiſite for the due execution of the premiſes, by all ways and means after your diſcretions; and therefore we command you, that at certain days and places, when and where ye, or ſix of you, whereof* A. B. *and* C. *to be three, ſhall think expedient, ye do ſurvey the walls, fenſes, ditches, banks, gutters, gotes, ſewers, calcies, ponds, bridges, rivers, ſtreams, water-courſes, mills, locks, trenches, fiſh-garths, flood-gates, and other lets, impediments, and annoyances, and accompliſh, fulfil, hear, and determine, all and ſingular the premiſes, in due form, and to the effect aforeſaid, after your good diſcretions; and all ſuch as ye ſhall find negligent, gainſaying, or rebelling, in the works, reparations, or reformations of the premiſes, or negligent in the due execution of this our commiſſion, that ye do compel them by diſtreſs, fines, and amerciaments, or by other puniſhments, ways, or means, which to you, or ſix of you, whereof* A. B. *and* C. *ſhall be three, ſhall ſeem moſt expedient for the ſpeedy remedy, redreſs, and reformation, of the premiſes, and due execution of the ſame; and all ſuch things as by you ſhall be made and ordained in this behalf, as well within liberties as without, that ye do cauſe the ſame firmly to be obſerved, doing therein as to our juſtice appertaineth, after the laws and ſtatutes of this our realm, and according to your wiſdoms and diſcretions.* ſ. 3.

Saved always to us ſuch fines and amerciaments, as to us thereof ſhall belong. And we alſo command our ſheriff or *ſheriffs of our ſaid county* or *counties of* ——— *that they ſhall cauſe to come before you, or ſix of you, of the which* A. B. *and* C. *ſhall be three, at ſuch days and places, as ye ſhall appoint to them, ſuch and as many honeſt men, of his or their bailiwick, as well within the liberties as without,*

by

by whom the truth may beſt be known, to inquire of the premiſes; commanding all other miniſters and officers, as well within liberties as without, that they and every of them ſhall be attendant to you in and about the due execution of this our commiſſion. In witneſs whereof we have cauſed theſe our letters patent to be made. Witneſs our ſelf at Weſtminſter, *the* ——— *day of* ——— *in the* ——— *year of our reign.* ſ. 4.

Every ſuch commiſſioner, after he hath knowledge thereof, ſhall put his diligence about the execution of the ſaid commiſſion. And before he ſhall take upon him the execution of the ſaid commiſſion, he ſhall take an oath before the lord chancellor, or ſuch to whom the chancellor ſhall direct the writ of *dedimus poteſtatem*, or before the juſtices of peace in the quarter ſeſſions, the tenor of which oath enſueth:

Ye ſhall ſwear, that you to your cunning, wit, and power, ſhall truly and indifferently execute the authority to you given by this commiſſion of ſewers, without any favour, affection, corruption, dread, or malice, to be born to any manner of perſon or perſons: and as the caſe ſhall require, ye ſhall conſent, and endeavour yourſelf, for your part, to the beſt of your knowledge and power, to the making of ſuch wholeſome, juſt, equal, and indifferent laws and ordinances, as ſhall be made and deviſed by the moſt diſcreet and indifferent number of your fellows being in commiſſion with you for the due redreſs, reformation, and amendment of all and every ſuch things as are contained and ſpecified in the ſaid commiſſion; and the ſame laws and ordinances to your cunning, wit, and power, cauſe to be put in due execution, without favour, meed, dread, malice, or affection; as God you help. ſ. 5.

Every ſtatute heretofore made concerning the premiſes, not being contrary to this act, nor heretofore repealed, ſhall ſtand for ever. ſ. 6.

The commiſſioners named in the ſaid commiſſions, have power to make laws and decrees, and to do every thing mentioned in the commiſſion; and the ſame laws to reform and make new. ſ. 7.

If any perſons aſſeſſed for any lands within the limits of any commiſſion, do not pay according to the ordinance of the commiſſioners, by reaſon whereof the commiſſioners for lack of payment, ſhall decree the lands from the owners thereof and their heirs, to any perſon for term of years, term of life, in fee-ſimple, or in tail, for payment of the ſame lot; every ſuch decree, engroſſed in parchment, ſhall bind all perſons that at the making of the ſame decree had any intereſt in ſuch lands; and not to be reformed, unleſs by authority of parliament. ſ. 8.

The ſame laws and decrees ſhall bind, as well the lands of the king as all other perſons. ſ. 9.

If any perſon take upon him to ſit by virtue of the ſaid commiſſions, not being ſworn in form aforeſaid; or if any perſon ſit as aforeſaid, not having lands for term of life to the yearly value of 40 marks, except he be reſiant and free of any city, borough, or town corporate, and have moveable ſubſtance of the value of 100 *l.* or elſe be learned in the laws, *viz.* admitted in one of the four inns of court for an utter barriſter, he ſhall forfeit 40 *l.* for every time, the one half to the king, and the other half to the uſe of him that will ſue. ſ. 10.

If any action ſhall be attempted for taking any diſtreſs, or any other act doing, by authority of the commiſſion, the defendant may make avowry, conuſance, or juſtification, alleging, that the ſaid diſtreſs or other act, whereof the plaintiff complaineth, was done by the authority of the commiſſion of ſewers for lot or tax aſſeſſed by the ſaid commiſſion, or for ſuch other act or cauſe as the ſaid defendant did, by authority of the ſame commiſſion, and according to the tenor, purport, and effect, of the act, without expreſſing any other circumſtance; whereupon the plaintiff ſhall be admitted to reply, that the defendant did take the ſaid diſtreſs, or did any other act ſuppoſed in his declaration, of his own wrong, without any ſuch cauſe alleged by the defendant; whereupon the iſſue ſhall be joined to be tried by verdict. ſ. 11.

After ſuch iſſue tried for the defendant, or nonſuit of the plaintiff after appearance, the defendant ſhall recover treble damages, by reaſon of his wrongful vexation, with his coſts; and that to be aſſeſſed by the ſame jury, or writ to inquire, as the cauſe ſhall require. ſ. 12.

Every of the commiſſioners ſhall have 4 *s.* for every day that they ſhall take pain in the execution of this commiſſion, and one clerk by them to be aſſigned, 2 *s.* for every day, of the rates aſſeſſed by authority of the ſaid comiſſion; and the ſaid commiſſioners, or ſix of them, ſhall have power to limit of the ſame rates, reaſonable ſums to the clerk, for writing of books and proceſs, and to the collectors, expenditors, and other. ſ. 13.

When ſuch commiſſion ſhall be made for the amendment of the premiſes within the duchy of *Lancaſter*; ſuch commiſſioner ſhall be appointed by the lord chancellor and lord treaſurer, and the two chief juſtices, and the chancellor of the duchy, or three of them, whereof the lord chancellor and the chancellor of the duchy to be two; and two commiſſions ſhall be awarded, one under the great ſeal, and the other under the ſeal of the duchy. ſ. 14.

The ſaid commiſſions ſhall be had without charge; unleſs to the king, 2 *s.* 6 *d.* for the ſeal; and for the writing and enrolling of any commiſſion, 5 *s.* ſ. 15.

After any commiſſion made, the king ſhall at his pleaſure, by *ſuperſedeas* out of chancery, diſcharge as well every ſuch commiſſion, as every commiſſioner named by authority of this act. ſ. 16.

When ſuch commiſſion ſhall be made for amendment of the premiſes within the principality of *Wales*, the county palatine of *Cheſter*, or within any other place where there is juriſdiction of county palatine; two commiſſions ſhall be made, one under the great ſeal, and the other under the county palatine. ſ. 18.

Provided that the chancellors, and ſuch other as ſhall have the cuſtody of the ſeals of the principality of *Wales*, or the county palatine of *Cheſter*, or of any other place where there is liberty of county palatine, upon reaſonable requeſt and upon ſight of the commiſſion under the great ſeal, ſhall make out another commiſſion under the ſeal of the county palatine, according to the tenor of the king's commiſſion under his great ſeal. ſ. 20.—*Made perpetual* 3 & 4 Edw. 6. c. 8.

By 25 *Hen.* 8. *c.* 10. No perſon ſhall be compelled to be ſworn, or to ſit in execution of any commiſſion of ſewers, unleſs he be dwelling within the county whereof he ſhall be aſſigned commiſſioner. ſ. 1.

If any perſon aſſigned commiſſioner of ſewers, be required by ſuch as have authority, to receive the oath, every perſon that refuſeth to take the ſame oath, and that refuſal returned into chancery, ſhall forfeit for the contempt five marks, and ſo from time to time; unleſs he in the chancery ſhew, in the term wherein ſuch return ſhall be made againſt him, ſufficient cauſe to be allowed by the lord chancellor for his excuſe. ſ. 2.

By 3 & 4 *Edw.* 6. *c.* 8. All ſcots, lots, and ſums of money, to be rated by virtue of ſuch commiſſion of ſewers, upon any the lands of the king, ſhall be levied by diſtreſs or otherwiſe, in like manner as in the lands of any other perſon. And all bills of acquittance of ſuch receiver as ſhall have the collection thereof, ſhall be a ſufficient diſcharge to the tenants; as alſo a ſufficient warrant to all receivers, auditors, and other officers of the king, for the allowance to ſuch tenant for the ſame. Moreover, ſuch fees, and none other, ſhall be paid for any commiſſion or *dedimus poteſtatem* under the ſeal of the duchy, as mentioned in the former act to be paid in the chancery. *ſ.* 2.

By 1 *Mar. ſt.* 3. *c.* 11. As well the act of ſewers, 23 *Hen.* 8. *c.* 5. may extend and give authority, that the commiſſioners for the county of *Glamorgan* ſhall have power to make ſuch laws and decrees, for ſaving the grounds from hurt by ſands ariſing out of the ſea and driven to land by winds, as they may for the withſtanding of the rage of the ſea or other waters. *ſ.* 3.

By 13 *Eliz. c.* 9. Every commiſſion of ſewers ſhall continue in force for 10 years next enſuing the date of ſuch commiſſion, unleſs the ſame be repealed or determined by any new commiſſion, or by *ſuperſedeas*. And all ſuch laws as ſhall be made by force of any ſuch commiſſion, written in parchment, indented, and under the ſeals of the commiſſioners, or ſix of them (whereof the one part ſhall remain with the clerk, and the other part in ſuch place as the commiſſioners ſhall appoint), ſhall, without any certificate made into chancery, and without the royal aſſent, continue in force, notwithſtanding any determination of ſuch commiſſion by *ſuperſedeas*, until ſuch time as the ſame laws ſhall be altered or repealed by the commiſſioners. *ſ.* 1.

After the expiration of 10 years next enſuing the date of the *teſte* of any commiſſion of ſewers, all ſuch laws as were made by virtue of ſuch commiſſion, and written in parchment, *&c.* ſhall continue in force for one year then next enſuing; and the juſtices of peace, or ſix of them, whereof two to be of the *quorum*, ſhall have power to execute the ſame. *ſ.* 2.

Provided, that if any new commiſſion of ſewers ſhall be made within the ſaid year, the power of the juſtices of peace, concerning the execution of ſuch laws, ſhall ceaſe. *ſ.* 3.

No farmer for years, of any lands within the limits of any ſuch commiſſion of ſewers, which may be chargeable by any laws to be made by virtue of ſuch commiſſion, wherein he ſhall be named commiſſioner, not having eſtate of freehold within *England*, of lands or tenements of the yearly value of 40 *l.*, ſhall have power to ſit or intermeddle with the execution of ſuch commiſſion, during the time he ſhall continue farmer of any ſuch lands. *ſ.* 4.

The ſaid commiſſioners ſhall not be compelled to make any certificate or return of the ſaid commiſſions, or of any their laws or doings, by authority of the ſaid commiſſions; nor ſhall have any fine or amerciament ſet upon them, or be moleſted for that cauſe. *ſ.* 5.

The clerks appointed for ſuch commiſſions of ſewers ſhall yearly eſtreat all the iſſues, fines, penalties, and amerciaments, that ſhall be due to her highneſs, into the exchequer, at ſuch time as juſtices of peace ought to do; upon pain to forfeit to the queen for every default 5 *l.* *ſ.* 6.

It ſhall be lawful for any commiſſioner, being alſo a farmer, and not having lands to the yearly value of 40 *l.* of freehold, to ſit by virtue of the ſaid commiſſion, and have his voice concerning all lands within the precinct of ſuch commiſſion, other than ſuch lands as he ſhall hold as farmer, as he might have done before this ſtatute. *ſ.* 7.

By 7 *Ann. c.* 10. It ſhall be lawful for the commiſſioners of ſewers, for non-payment of any lot or charge aſſeſſed upon any copyhold or cuſtomary lands within the limits of their commiſſion, to decree the ſaid copyhold lands from the owners, to any perſon for ſuch eſtate, as the owners thereof, or any claiming in remainder under them, at the time of ſuch decree made, had in the ſame. *ſ.* 1.

Provided that all perſons, to whom any ſuch ſale of copyhold lands ſhall be made, ſhall before they enter or take any profit, agree with the lords of the manors for ſuch fines as hath been moſt uſual to be paid, and upon ſuch agreement the lords at the next court ſhall not only grant to ſuch vendees, upon requeſt, the ſame copyhold lands by copy of court-roll for ſuch eſtate as to them ſhall be decreed, reſerving the ancient rents, cuſtoms, and ſervices, but alſo ſhall in the ſame court admit them tenants. *ſ.* 2.

It ſhall be lawful for the commiſſioners of ſewers, by warrant, to give authority to levy the money by them aſſeſſed upon the lands chargeable, by diſtreſs and ſale of the goods of perſons that ſhall not pay. *ſ.* 3.

Sheep.

By 25 *Hen.* 8. *c.* 13. No perſon ſhall keep or have above the number of 2000 ſheep at one time within this realm, upon pain to forfeit for every ſheep above the number, 3*s.* 4*d.* the one half to the king, and the other to ſuch as will ſue, *&c.* *ſ.* 1.

Provided that lambs ſhall not be accounted of the number, ſo long as they be under the age of a year. *ſ.* 2.

Provided alſo, that if any perſon having ſheep of his own, happen to be made executor or adminiſtrator to any perſon which had ſheep at his death, or happen to be married to any perſon which ſhall have ſheep, the perſon ſo advanced to loſe no penalty for having above the number by ſuch means, ſo that within one year next, the perſon ſo advanced, diſpoſe of ſo many of the ſheep, that he ſhall not have more than is before limited. *ſ.* 3.

Provided alſo, that if any perſon by his will give to any child within age, any number of ſheep, and appoint them to be kept unto ſuch time as the child ſhall come to a certain age, the ſheep ſo being in the poſſeſſion of any perſon to the uſe of ſuch child, ſhall not be accounted of the number prohibited by this act. *ſ.* 4.

The juſtices of peace ſhall have power to inquire of the offenders, as well by the oaths of 12 men, as by information, and to make ſuch proceſs upon every preſentment or information concerning this act, as upon preſentments of treſpaſs; and no perſon convict by this act ſhall be put to any leſs fine than after the rates afore limited. *ſ.* 5.

Provided that no perſon be put to anſwer by any original writ of debt or information, except the ſuit be commenced within one year after the offence contrary to this act; nor ſhall any perſon be put to anſwer by this act at the king's ſuit, except the preſentment, *&c.* be made within three years after the offence. *ſ.* 6.

Provided that all perſons which ſhall be ſeiſed of inheritance, or ſhall have jointure, or be tenant in dower, or by the courteſy, of any lands, paſtures, feedings, or liberty of foldage, may have upon their own demeſne lands, and other their paſtures, feedings, and foldcourſes, as many

their

their own ſheep and lambs as they might have had before this act.

In caſe any ſuch perſons keep upon their poſſeſſions the number of 2000 ſheep, the ſame perſons ſhall not keep any ſheep beſide the ſaid number upon any lands or feedings which they ſhall have otherwiſe; and in caſe the ſaid demeſne lands, feedings, and liberties, ſuffice not for keeping 2000 ſheep, every ſuch perſon ſhall feed upon his ſaid demeſne lands, and upon his farm holds, to the number of 2000 ſheep and not above, upon pain of forfeiture for every ſheep above that number, 3 *s.* 4 *d.* *ſ.* 8.

It ſhall be lawful to every perſon keeping a houſehold, to have ſuch convenient number of ſheep, over and above the number in this act, as ſhall be neceſſary for the expences of his houſehold, to be kept upon his own lands, or other lands, ſuch as he lawfully can provide; ſo that he have not for the expences of his houſehold any number more than ſhall ſuffice for the expences of his houſehold for one year. *ſ.* 9.

No perſon being owner or farmer of any liberty or foldcourſes, within *Norfolk* and *Suffolk*, ſhall take in farm any quillets of lands or paſtures, *viz.* any number of acres appertaining to any other perſon lying within the limit of the liberty of foldcourſes, but that they ſhall permit the owners or leſſees of the ſaid quillets to manure and paſture the ſaid quillets, and alſo ſuffer the ſheep of the owners or farmers of the ſaid quillets, after the rate of the ſame quillets, to go with the flock of the owner or occupier of the liberty of foldcourſe, paying the cuſtomary charges for the keeping and feeding of the ſame, upon pain of forfeiture for every time that any perſon having ſuch quillet, ſhall be diſturbed of feeding his ſheep, after the rate of his quillet, for every ſheep 3 *s.* 4 *d.* *ſ.* 10.

Provided that this act ſhall not be available to any owner or occupier of ſuch quillets, to claim paſture of feeding of ſheep in ſuch foldcourſes, but only where the owners and occupiers of ſuch quillets have uſed to have ſuch paſture and feeding in the ſaid foldcourſes by reaſon of their occupations of the ſame quillets; and where they have not uſed to have any ſheep kept within ſuch foldcourſes, the owners or occupiers of ſuch foldcourſes may take ſuch quillets lying within their foldcourſes in farm, agreeing with the owners or occupiers of the quillets for the ſame. *ſ.* 11.

The number of 2000 ſheep, limited by this act, ſhall be accounted ten hundred for every 1000 after the great hundred, ſo that every 1000 ſhall contain 1200 after the leſs hundred. *ſ.* 12.

Lambs under the age of one year, and as much as ſhall be from the time of the falling of them, unto the feaſt of *St. John Baptiſt*, ſhall not be taken for ſheep prohibited by the ſtatute. *ſ.* 13..

No perſon ſhall take to farm for term of life, years, or at will, by indenture, copy of court roll, or otherwiſe, any more houſes and tenements of huſbandry, whereunto lands are belonging, in town, village, hamlet, or tithing, above the number of two ſuch holds; and no perſon ſhall have any ſuch holds to the number of two, except he be dwelling within the pariſhes where ſuch holds be; upon the pain of forfeiture for every week 3 *s.* 4 *d.*, the one moiety to the king, and the other moiety to the party that will ſue for the ſame in any of the king's courts within one year after ſuch offence committed. *ſ.* 14.

It may be lawful to all ſpiritual perſons to keep as many ſheep upon their own lands as they might have done afore this act. *ſ.* 16.

By 14 *Geo.* 2. *c.* 6. If any perſon felonioufly drive away, or felonioufly ſteal, one or more ſheep or other cattle of any other perſon, or wilfully kill one or more ſheep or other cattle of any other perſon, with a felonious intent to ſteal the carcaſe or any part of it, or aſſiſt any perſon to commit any ſuch offence, the perſon guilty of any ſuch offence, ſhall be adjudged guilty of felony, and ſuffer death as in caſes of felony, without benefit of clergy. *ſ.* 1.

Every perſon who ſhall apprehend and proſecute to conviction any offender guilty of the offences before mentioned, ſhall receive as a reward upon every conviction 10 *l.*, to be paid within one month after ſuch conviction by the ſheriff of the county where ſuch offence is committed, without any deduction; the perſon apprehending ſuch offender tendering a certificate to the ſheriff, ſigned by the judge before whom ſuch offender is convicted, certifying ſuch conviction, and where the offence was committed, and that ſuch offender was apprehended and proſecuted by the perſon claiming the reward; which certificate the ſaid judge is to ſign before the end of the ſeſſions or aſſizes at which ſuch conviction is; and in ſuch certificate ſhall direct, in caſe more than one perſon claim the ſaid reward, what ſhare thereof ſhall be paid to each claimant; and if any ſuch ſheriff die or be removed, before the expiration of one month after ſuch conviction, and demand made of the ſaid reward (the ſame not being paid) then the next ſucceeding ſheriff ſhall pay the ſame within one month after demand and certificate made as aforeſaid; and if default of payment be made by any ſheriff, ſuch ſheriff ſhall forfeit to the perſon to whom ſuch money is due, double the ſum he ought to have paid; to be recovered by him or his executors, or adminiſtrators, in any court of record at *Weſtminſter*, with treble coſts of ſuit. *ſ.* 2.

All ſheriffs, their executors, and adminiſtrators, upon producing ſuch certificates and the receipts for the monies paid, ſhall be allowed upon their account all monies, other than double the ſums of money, and treble coſts of ſuit, which they diſburſe as aforeſaid; and if, upon account of any ſheriff, there be not money ſufficient in his hands to reimburſe him, then he ſhall be repaid by the commiſſioners of the treaſury, out of the revenue of the crown, upon certificate from the clerk of the pipe. *ſ.* 3.

By 15 *Geo.* 2. *c.* 34. The act 14 *Geo.* 2. *c.* 6. ſhall extend to any bull, cow, ox, ſteer, bullock, heifer, calf, and lamb, as well as ſheep, and to no other cattle.

Sheriffs.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 39. Such as fear the malice of ſheriffs ſhall deliver their writs in the open country, or in the county where the collection of the king's money is; and may take of the ſheriff or under-ſheriff a bill, wherein the names of the demandants and tenants ſhall be contained, and at the requeſt of him that delivered the writ, the ſeal of the ſheriff ſhall be put to the bill, and mention ſhall be made of the day of the delivery of the writ; and if the ſheriff will not put his ſeal to the bill, the witneſs of knights, and other credible perſons in preſence, ſhall be taken, that put their ſeals to ſuch bill. And if the ſheriff will not return writs delivered, and complaint be made to the juſtices, a writ judicial ſhall go unto the juſtices aſſigned to take aſſizes, that they ſhall inquire by ſuch as were preſent at the delivery of the writ, if they knew of the deliverance, and an inqueſt ſhall be returned; and if it be

be found that the writ was delivered to him, damages ſhall be awarded to the plaintiff or demandant; and by this means there ſhall be remedy when the ſheriff returneth, that the writ came ſo late that he could not execute the king's command. Alſo the treaſurer and barons of the exchequer, ſhall deliver to the juſtices in a roll, all the liberties in all ſhires that have return of writs: and if the ſheriff anſwer, that he hath made return to a bailiff of another liberty than is contained in the roll, the ſheriff ſhall be puniſhed as a diſheritor of the crown; and if he return, that he hath delivered the writ to a bailiff of ſome liberty that hath return, the ſheriff ſhall be commanded, that he do not ſpare for the aforeſaid liberty, but ſhall execute the king's precept; and that he do the bailiffs to wit, to whom he returned the writ, that they be ready at a day to anſwer why they did not execute the king's precept: and if they come at the day, and acquit themſelves, that no return was made to them, the ſheriff ſhall be condemned to the lord of the liberty, and likewiſe to the party grieved, to render damages; and if the bailiffs come not at the day, or do come, and do not acquit themſelves in manner aforeſaid, in every judicial writ, ſo long as the plea hangeth, the ſheriff ſhall be commanded that he omit not for the liberty, *&c.* Touching the article *quod de exitibus*, &c. if the plaintiff demand hearing of the ſheriff's return, it ſhall be granted him; and if he offer to aver, that the ſheriff might have returned greater iſſues, he ſhall have a writ judicial unto the juſtices aſſigned to take aſſizes, that they inquire in preſence of the ſheriff, (if he will be there) of how great iſſues the ſheriff might have made return, from the day of the writ purchaſed unto the day contained in the writ; and when the inqueſt is returned, if he have not afore anſwered for the whole, he ſhall be charged with the overplus by eſtreats of the juſtices, and ſhall be grievouſly amerced. And rents, corn in the grange, and all moveables (except horſe, harneſs, and houſehold ſtuff) are contained within the name of iſſues; and the ſheriffs ſhall be puniſhed by the juſtices for ſuch falſe returns, and if they offend the third time, none ſhall have to do therewith but the king. Alſo falſe anſwers, that they could not execute the king's precept for the reſiſtance of ſome great men, redound much to the diſhonour of the king; and as ſoon as the bailiffs teſtify that they found ſuch reſiſtance, forthwith all things ſet apart (taking the power of the ſhire) the ſheriff ſhall go in perſon to do execution; and if he find his under-bailiffs falſe, he ſhall puniſh them by impriſonment; and if he find them true, he ſhall puniſh the reſiſters by impriſonment, from whence they ſhall not be delivered without the king's ſpecial command. And if the ſheriff find reſiſtance, he ſhall certify to the court the names of the reſiſters, aiders, conſenters, commanders, and favourers; and by a writ judicial, they ſhall be attached by their bodies to appear at the king's court, and if they be convict of ſuch reſiſtance, they ſhall be puniſhed at the king's pleaſure; neither ſhall any officer of the king's meddle in aſſigning the puniſhment, for the king hath reſerved it ſpecially to himſelf.

Stat. de finib. 27 *Edw.* 1. *ſtat.* 1. *c.* 2. Sheriffs ſhall not be charged of any iſſues, nor ſhall levy any, before they paſs out of the exchequer by the eſtreats of the juſtices. And every head ſhall be charged for iſſues forfeited like as of amercements; and if any ſheriff will anſwer for the iſſues of any recogniſor, pledge, or mainpernor, by him returned, which is not able to pay ſuch iſſues or amercements, the ſheriff ſhall be charged in the exchequer. And let the ſheriffs, under pain of great forfeiture, make tallies of all ſuch money as they or their officers have received; and not return the names of any mainpernors, or ſureties, jurors, or other, but according to the tenor of the writs; and they ſhall not return the names of any freemen as pledges, without they conſent. And every year one baron and one clerk of the exchequer ſhall be ſent throughout every ſhire of *England*, to enrol the names of all ſuch as have paid that year debts exacted of them by green wax; and the ſame baron and clerk ſhall view all ſuch tallies, and enrol them; and ſhall hear and determine complaints made againſt ſheriffs and their clerks and bailiffs, that have done contrary to the premiſes; and the offenders ſhall be grievouſly puniſhed.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 8. The people ſhall have election of their ſheriff in every ſhire where the ſhrievality is not of fee, if they liſt.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 13. The commons ſhall chuſe ſheriffs that ſhall not charge them, and that ſhall not put any officer in authority for rewards or bribes, and that ſhall not lodge too oft in one place, nor with poor perſons, or men of religion.

By 9 *Edw.* 2. *ſtat.* 2. *confirmed by* 4 Edw. 3. c. 9. Sheriffs ſhall be aſſigned by the chancellor, treaſurer, barons of the exchequer, and by the juſtices, and in the abſence of the chancellor, by the treaſurer, barons, and juſtices; and none ſhall be ſheriff, except he have ſufficient land within the ſhire to anſwer the king and his people; and none that is ſteward or bailiff to a great lord ſhall be made ſheriff. And hundreds, whether they belong to the king, or to other, ſhall be kept by able perſons that have ſufficient lands within the ſhire where the hundred is; and ſuch hundreds ſhall be leaſed to perſons ſufficient, that need not to uſe extortion upon the people. And no ſheriff or hundredor ſhall leaſe his office in farm: and the execution of writs ſhall be done by hundredors ſworn and known, if it be not the open default of the hundredors, and then execution ſhall be done by perſons more convenient being ſworn, ſaving the returns of writs.

By 14 *Edw.* 2. *c.* 1. Of ſheriffs and other miniſters which gather the debts of the king, and make tallies and other acquittances to the debtors, yet do not acquit them in the exchequer, and of the ſame are impleaded in the exchequer, and by favour are put to little iſſues, which they will rather loſe than come to anſwer; the ſheriff, *&c.* when he is impleaded in the exchequer, and the great diſtreſs returned againſt him, and he cometh not to anſwer, there ſhall go forth another writ of diſtreſs, in which ſhall be commanded that proclamation be made in the full county, that the defendant come at ſuch a day and acquit the debtor of the ſum for the which he made the talley or acquittance; at which day, if the defendant come not, and the writ be returned, and proclamation certified, he ſhall be holden for convict, and the debt levied of him, and damages awarded to the plaintiff, according to the diſcretion of the barons. And this ſtatute ſhall extend as well to thoſe which have been ſheriffs and other miniſters, that let to leaſe their bailiwicks, as to the ſheriffs and other miniſters which hold their bailiwicks themſelves. And by this ſtatute no man ſhall be forbidden, but that he may complain of ſheriffs and other miniſters when they be found in the exchequer, and that they ſhall anſwer there as hath been uſed.

By Stat. 1 Edw. 3. ſt. 2. c. 4. *The treaſurer and barons might attermine the king's debts, to* 300 l. *and the ſheriffs ſhould not be charged with any ſum, if they charged themſelves with ſo much as they could levy without abaſe-*

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ment of the countenance of the debtor; but this ſeems to have reſpected only the debts then due, and if it did reſpect future debts, it muſt be ſuperſeded by 33 Hen. 8. c. 39. *which ſee in general title* DEBT TO AND FROM THE KING, *and other acts made ſince.*

By 2 *Edw.* 3. *c.* 4. Sheriffs and bailiffs of fee ſhall cauſe their counties and bailiwicks to be kept by ſuch as have lands therein.

By 5 *Edw.* 3. *c.* 4. No ſheriff, under-eſcheator, bailiff of franchiſe, wapentake, hundred, nor tithing, ſhall be, except he have lands ſufficient in the county, whereof to anſwer the king and his people.

By 14 *Edw.* 3. *c.* 7. *confirmed by* 23 Hen. 6. c. 7. No ſheriff ſhall tarry in his bailiwick over a year, and then another to be ordained in his place, that hath land ſufficient in his bailiwick, by the chancellor, treaſurer, and chief baron, taking to them the chief juſtices, if they be preſent; and that ſhall be done yearly (on the morrow of *St. Martin*, by 24 *Geo.* 2. *c.* 48. *ſ.* 12.) at the exchequer.

By 14 *Edw.* 3 *c.* 9. All the wapentakes and hundreds, which be ſevered from the counties, ſhall be rejoined to the counties; and the ſheriffs ſhall hold the ſame in their own hands, and put in ſuch bailiffs and hundredors, having lands within the bailiwicks and hundreds, for whom they will anſwer: and if they will let any hundreds, bailiwicks, or wapentakes, to farm, they ſhall let the ſame at the ancient farm, ouſting for ever the outriders and other which have notoriouſly deſtroyed the people. And no bailiff errant ſhall be put in the counties, unleſs where bailiffs errants have been in times paſt; and no more than one bailiff errant in one county. And all others which have been bailiffs of hundreds in fee, if they will hold the ſame in their own hands, they ſhall put in ſuch bailiffs for whom they will anſwer; and if they will let the ſame to farm, they ſhall let the ſame at the ancient farm. And the juſtices of the one bench and the other, the barons of the exchequer, and the juſtices aſſigned, ſhall have power to inquire of all that offend againſt this ordinance, when they come into the country; and if the ſheriffs or their farmers be found in default, and thereof be attainted, the hundreds and wapentakes where ſuch defaults ſhall be found, ſhall be taken into the king's hands, and let to other by the juſtices, and the offenders commanded to priſon till they have made fine and ranſom to the king; and nevertheleſs they ſhall anſwer to the king of the whole farm: and lords which hold hundreds or wapentakes in fee, ſhall ſet ſuch bailiffs which be ſufficient to anſwer the king and his people; and if their bailiffs do againſt this ordinance, they ſhall anſwer; and if they be attainted, ſhall have ſuch puniſhment as the law requireth, and they ſhall be out of their bailiwicks for ever, and other ſufficient put in their places by the ſame lords.

By 28 *Edw.* 3. *c.* 7. The ſheriffs ſhall be removed every year, ſo that no ſheriff that hath been in his office a year ſhall abide in the ſame office the next year.

By 28 *Edw.* 3. *c.* 9. No commiſſions or general writs ſhall be granted to ſheriffs, at their own ſuit, for their ſingular profit to gain of the people, to indict the people, and take fine and ranſom of them to their own uſe, and deliver them without ſuch perſons indicted being brought before the king's juſtices to have their deliverance.

By 42 *Edw.* 3. *c.* 9. *confirmed by* 23 Hen. 6. c. 7. No ſheriff, under ſheriff, nor ſheriff's clerk, ſhall abide in his office above one year.

By 1 *Ric.* 2. *c.* 11. *confirmed by* 23 Hen. 6. c. 7. None that hath been ſheriff of any county a year, ſhall be within two years next choſen again, or put in the ſame office, if there be other ſufficient.

By 1 *Hen.* 4. *c.* 11. Whereas the commons have ſhewed, that the ſheriffs be charged with the ancient farm of the counties, whereas parcel of the profits be given to other, the ſheriffs ſhall have allowance by their oath, of the iſſues of the counties: and if any ſheriff do extortion, and be thereof attainted, he ſhall be puniſhed at the king's will.

By 4 *Hen.* 4. *c.* 5. Every ſheriff ſhall abide in perſon within his bailiwick, and ſhall not let the bailiwick to farm, and ſhall be ſworn to do the ſame in ſpecial, amongſt other articles compriſed in the oath of the ſheriff.

By 1 *Hen.* 5. *c.* 4. They that be bailiffs of ſheriffs one year, ſhall be in no ſuch office by three years next following, except bailiffs of ſheriffs which inherit in their office. And no under ſheriff, ſheriff's clerk, receiver, nor ſheriff's bailiff, ſhall be attorney in any of the king's courts, during the time that he is in office.

By 4 *Hen.* 5. *c.* 2. Sheriffs ſhall have allowance upon their accounts, by their oaths, of things caſual that run not in farm, nor in demand; but of all ſuch things that run in yearly farms or yearly demands they ſhall be charged as in times paſt.

By 23 *Hen.* 6. *c.* 7. The ſtatute 14 *Edw.* 3. *c.* 7. 42 *Edw.* 3. *c.* 9. and 1 *Ric.* 2. *c.* 11. ſhall be obſerved in every county, the under ſheriffs and other officers within the city of *London* excepted; and ſuch counties, except in which divers be inheritable to the office of ſheriff, and alſo ſuch perſons which have eſtate of freehold in the office of ſheriff. And if any ſheriff, or under ſheriff, or ſheriff's clerk, occupy the office contrary to the ſtatutes before recited, he ſhall forfeit 200 *l.* yearly as long as he occupieth contrary to the ſaid ſtatutes; and every pardon for ſuch offence ſhall be void; and all patents of the ſaid offices for term of years, for life, or fee, ſhall be void; and whoſoever ſhall occupy the office of ſheriff by virtue of ſuch patents to be made for term of years, for life or fee, ſhall ſtand diſabled to bear the office of ſheriff by the ſame authority; and every liege man, which will ſue for the ſaid ſum forfeit, ſhall be received; the king to have the one half of all that ſhall be recovered, and he that purſueth to have the other half.

By 23 *Hen.* 6. *cap.* 9. No ſheriff ſhall let to farm his county, nor any of his bailiwicks, hundreds or wapentakes; nor ſhall the ſheriffs, under-ſheriffs, bailiffs of franchiſes, or other bailiff, return upon any writ or precept in any panel thereupon any bailiffs, officers, or ſervants to any of the officers aforeſaid; nor ſhall any of the officers aforeſaid by occaſion of their office take any thing of any perſon by them arreſted or attached, nor of any other, for the ſparing of any arreſt or attachment to be made by their body, nor of any perſon arreſted or attached, for fine, fee, ſuit of priſon, letting bail, or ſhewing any eaſe or favour, except as followeth, *viz.* for the ſheriff 20*d.* the bailiff which maketh the arreſt or attachment 4*d.* and the gaoler, if the priſoner be committed, 4*d.* and the ſheriff, under-ſheriff, ſheriff's clerk, ſteward or bailiff of franchiſe, nor coroner, ſhall take any thing by colour of his office, for the making of any return or panel, and for the copy of a panel, 4*d.* And the ſheriffs and other officers and miniſters aforeſaid, ſhall let out of priſon all perſons in their cuſtody by force of any writ, bill, or warrant, in any action perſonal, or by cauſe of indictment of treſpaſs, upon reaſonable ſurety of perſons having ſufficient within the counties, to keep their days; perſons in ward by redemption, execution, *capias utlagatum* or *excommunicatum*, ſurety of the peace, and all perſons commit by ſpecial commandment of any juſtices except. And no ſheriff, nor his officers, ſhall take any obligation for

for any cauſe aforeſaid, or by colour of their office, but only to themſelves, of any perſon, nor by any perſon, which ſhall be in their ward by courſe of law, but upon the name of their office, and upon condition that the ſaid priſoners ſhall appear at the day contained in the writs, bill, or warrant; and if any ſheriffs or officers aforeſaid, take any obligation in other form by colour of their offices, it ſhall be void; and he ſhall take no more for the making of ſuch obligation, warrant, or precept, but 4*d*. And every of the ſaid ſheriffs ſhall make yearly a deputy in the courts of chancery, king's bench, common pleas, and exchequer, of record, before they return any writs, to receive all writs and warrants; and all ſheriffs, bailiffs, gaolers, coroners, or other officers, which do contrary to this ordinance, ſhall loſe to the party grieved his treble damages, and ſhall forfeit 40*l*. whereof the king ſhall have the one half to be employed to the uſe of his houſe, and the party that will ſue the other half. And the juſtices of aſſize, juſtices of the one bench and of the other, and juſtices of peace, ſhall have power to inquire, hear and determine of office without ſpecial commiſſion, of all that do contrary to theſe ordinances. And if the ſheriffs return upon any perſon *cepi corpus*, or *reddidit ſe*, they ſhall be chargeable to have the bodies at the days of the returns as before this act. *ſ.* 1.

Provided that the warden of the gaol of the *Fleet*, and of the palace at *Weſtminſter*, ſhall not be damaged by this ordinance. *ſ.* 2. *See* ſtat. 1 Edw. 4. cap. 2. *in* Juſtices of Peace.

By 12 *Edw.* 4. *c.* 1. If any ſheriff execute or return any writ or warrant within *Michaelmas* term, after the ſixth of *November*, and before any writ of diſcharge delivered to him, he ſhall not be damnified by the ſtatute 23 *Hen.* 6. *cap.* 7. although he hath occupied the office before the days of return *craſtino Martini*, *octabis Martini*, or *quinden. Martini*.

By 17 *Edw.* 4. *c.* 7. Every old ſheriff ſhall have power, as well to execute and return every writ or warrant, as to execute every other thing which to his office pertaineth, during the terms of *St. Michael* and *St. Hilary*, unleſs he be lawfully diſcharged.

By 11 *Hen.* 7. *c.* 15. No ſheriffs, under-ſheriffs, nor ſhire clerks, ſhall enter any plaints in any man's name, unleſs the plaintiff be in perſon preſent, or by attorney known to be of good name, and find pledges to purſue his plaint perſons known in that county: and the plaintiff ſhall have but one plaint for one treſpaſs or contract: and if the ſheriffs, *&c.* take more plaints, than the plaintiff ſuppoſed that he hath cauſe of action, the ſheriffs, *&c.* ſhall forfeit 40*s*. one half to the king, and the other part to him that will ſue by action of debt or information in the exchequer; and the juſtices of peace ſhall have authority, upon complaint made by the party grieved, to examine the ſheriffs, *&c.* and if the juſtices of peace, or one of them, find default in the ſheriffs, *&c.* in entering of plaints deceitfully for their advantage, contrary to this act, the ſheriffs, *&c.* ſhall be convict and attaint of the offence, and ſhall forfeit 40*s*. to the king; and the juſtices that ſhall take the examination ſhall certify the ſame within a quarter of a year into the exchequer, upon pain of 40*s*. And the ſaid ſheriffs, under-ſheriffs, and ſhire-clerks, ſhall make a precept to the bailiff of the hundred to attach or ſummon the defendants ſo in ſuit, to appear and anſwer to the plaints; and if there be any default in the bailiffs of the hundreds in warning of the defendants, or in executing their office, they ſhall forfeit unto the king 40*s*. and be attaint and convict thereof, by like examination of the juſtices of peace. And the ſheriffs, under-ſheriffs, ſhire-clerks, and their deputies, ſhall make none eſtreats to levy the ſhires americaments, until two juſtices of peace (one of the *quorum*) have had the view of their books; and eſtreats ſhall be indented betwixt the juſtices of peace and the ſheriffs, and ſealed with their ſeals, one part to remain with the juſtices, and the other with the ſheriffs; and thoſe that ſhall be gatherers of the amerciaments ſhall be ſworn by the juſtices, that they take no more money than is contained in the eſtreats ſealed with the ſeals of the juſtices of peace, upon the ſame forfeitures as before, the gatherers to be convict by examination of the juſtices of peace, or one of them. Provided that the ſaid juſtices of peace be named at the general ſeſſions after the feaſt of *St. Michael*, by the *cuſtos rotulorum*, or by the eldeſt of the *quorum* in his abſence, to have the overſight of the ſheriffs, under-ſheriffs, ſhire-clerks, and other officers, and of the ſheriffs amerciaments; and the juſtices upon information of the party grieved ſhall make like proceſs as in action of treſpaſs againſt the ſheriffs, *&c.*

By 6 *Hen.* 8. *c.* 18. The under-ſheriffs, and other officers of ſheriffs of *Briſtol*, may occupy their offices from year to year, as the under-ſheriffs, and other officers of ſheriffs of *London* may do, notwithſtanding the acts 42 *Edw.* 3. *cap.* 9. and 23 *Hen.* 6. *cap.* 7. *ſ.* 3.

By 34 & 35 *Hen.* 8. *c.* 16. Every ſheriff accountable in the exchequer ſhall at his day of prefixion, after he is ſworn to account of the profit of his office, be ſworn by himſelf, or his attorney, to deliver into the ſaid court rolls of parchment, containing all ſums of money, which he hath levied, or might have levied to his knowledge, as a part of the ancient farms, and the other farms; and after the rolls ſo delivered, and the ſums of money in them contained caſt and rated before the lord treaſurer, chamberlains, chancellor, and barons, or before the barons in the abſence of the lord treaſurer, *&c.* the lord treaſurer, *&c.* or the barons, ſhall have power to make allowance in court of ſo much as the ſaid farms ſhall be more than the particulars contained in the rolls; and for ſaving of the king's ancient rights anſwerable in the exchequer, the lord treaſurer, chamberlains, chancellor, and barons, or the barons in the abſence of the treaſurer, *&c.* ſhall award proceſs, and uſe means by commiſſion, or otherwiſe, that the king may be be truly anſwered. *ſ.* 3.

The ſheriffs ſhewing a bill ſubſcribed with the hands of the juſtices preſent at the aſſizes and ſeſſions, making mention of the days that the ſaid juſtices did abide in the county, at the coſts of the ſheriffs, ſhall have allowance as well thereof as for other reaſonable coſts, upon their accounts in the exchequer, by the diſcretion of the lord treaſurer, chamberlains, chancellor, and barons, and in the abſence of the lord treaſurer, *&c.* by the barons; ſo that all the allowances for the coſts aboveſaid to all the ſheriffs do not amount in one year above 342*l*. 6*s*. 8*d*. This act to continue to the end of the next parliament. *ſ.* 5. *Altered and continued* 2 Edw. 6. cap. 4.

By 2 & 3 *Edw.* 6. *c.* 4. The act 34 *Hen.* 8. *c.* 16. ſhall be void, other than hereafter in this act ſhall be ſpecified. *ſ.* 2.

The ſheriffs ſhall have like tallies of reward, and other allowances, as they had before the making of the ſaid act, or elſe to be at their election to account according to the ſaid act; and they that ſo ſhall account and take no tally of reward, ſhall be intreated in the exchequer as though the ſaid act ſhould continue. *ſ.* 3

The ſame tallies of reward ſhall be ſtriken at the receipt of the exchequer, as have been accuſtomed. *ſ.* 4.

The ſame tallies ſhall be delivered unto the ſhiriffs without preſt or other charge. *ſ.* 5.

This act ſhall be a ſufficient warrant to the treaſurer

and other officers, for ſtriking and delivery of the ſaid tallies. *ſ.* 6.

All ſheriffs within thoſe ſhires, where no tallies of reward have been, and ſuch ſheriffs as ſhall take no tally of reward, ſhall in conſideration of their coſts, as well by the diets of the juſtices of aſſize as by any other means, have upon the end of their account ſuch allowances, upon petition in a bill to be brought in by the ſheriff, of their coſts, upon which bills the ſame ſheriffs to be ſworn in perſon, or by their under-ſheriffs, or attorney, without warrant or tally. *ſ.* 7.

All ſheriffs which ſhall take no tally of reward, ſhall be diſcharged upon their accounts of all ſuch farms, goods, profits, caſualties, and ſums of money, as they cannot levy. *ſ.* 8.

All ſheriffs which ſhall take no tally of reward, ſhall in like manner be diſcharged of all ſuch farms and ſums of money aforeſaid; except only of the vicontels of their ſhires, wherewith they ſhall be charged as they were before the former act. And alſo the ſheriffs of every ſhire ſhall have allowance in their accounts, of all ſuch ſums of money as they ſhall make true petition of, for ſuch poſſeſſions and hereditaments as become unto the king's hands, out of which any part of the vicontels were heretofore levied; and that without any other warrant. *ſ.* 9.

Provided that every ſheriff at his day of prefixion, immediately after that he or his attorney is ſworn to account, ſhall by himſelf, or by his attorney, be ſworn, when he ſhall anſwer before the lord treaſurer, *&c.* to bring into the ſaid court rolls of parchment, containing all ſums of money which he hath levied, or might have levied to his knowledge, as well of the farms called vicontels as of all other farms charged to the ſaid ſheriffs: and after the ſame rolls ſo delivered, and the particular ſums caſt and rated, the ſaid lord treaſurer, *&c.* ſhall have power for the levying of ſuch parcels belonging to the ſaid farms, omitted out of the ſaid rolls, and for ſaving of other the king's ancient rights, to award proceſs, and uſe means, by commiſſion or otherwiſe. *ſ.* 10.

The ſaid treaſurer, *&c.* ſhall have power to give and allow unto all ſuch commiſſioners as they ſhall aſſign, their reaſonable coſts. *ſ.* 11.

By 1 *Mar. ſt.* 2. *c.* 8. No perſon having the office of ſheriff of any county ſhall exerciſe the office of juſtice of peace in any county where he ſhall be ſheriff, during the time that he ſhall uſe the office of ſheriff. *ſ.* 2.

By 8 *Eliz. c.* 16. *made perpetual by* 13 Eliz. c. 22. *except for* Surrey *and* Suſſex. Whereas the counties of *Surrey* and *Suſſex*, *Eſſex* and *Hertford*, *Somerſet* and *Dorſet*, *Warwick* and *Leiceſter*, *Nottingham* and *Derby*, *Oxon* and *Berkſhire*, have had but one ſheriff to ſerve for two counties. *ſ.* 1.

The queen ſhall yearly make for every of the ſaid counties, one ſheriff, in like manner as for any other county. *ſ.* 2.

The barons of the exchequer ſhall have power to ſever the profers of the ſaid counties; which ſeverance of the profers ſhall be entered of record, and ſhall be final and perpetual. *ſ.* 3.

In ſuch manner as the profers ſhall be divided, the tally of reward of the aforeſaid counties, where any tally of reward ſhall be taken, ſhall be ſevered. *ſ.* 4.

The barons of the exchequer ſhall have power from time to time to take order for the payment of ſuch creation money, fees, annuities, and other ſums of money, as ought to be paid by the hands of the ſaid ſheriffs; and ſuch order ſhall be obſerved yearly. *ſ.* 5.

No ſheriff of any of the ſaid counties ſhall pay in any court of record, for any duty belonging properly to the office of ſheriff, any other than one half of the fees, which he ſhould be compelled to have paid, if he had been ſheriff of two of the ſaid ſhires. *ſ.* 6.

By 27 *Eliz. c.* 12. Every under-ſheriff in any ſhire, before he intermeddle with the office, ſhall take an oath before the juſtices of aſſize or the *cuſtos rotulorum*, or two juſtices of peace (one of the *quorum*), for the ſupremacy, and an oath, as followeth, *viz. I.* A. B. *ſhall not uſe or exerciſe the office of under-ſheriff corruptly, during the time that I ſhall remain therein, neither ſhall or will accept, receive, or take, by any colour, means or device whatſoever, or conſent to the taking of any manner of fee or reward of any perſon or perſons, for the impanelling or returning of any inqueſt, jury, or* tales, *in any court of record, for the queen, or betwixt party and party, above* 2s. *or the value thereof, or ſuch fees as are allowed and appointed for the ſame by the laws and ſtatutes of this realm; but will according to my power truly and indifferently with convenient ſpeed impanel all jurors, and return all ſuch writ or writs touching the ſame, as ſhall appertain to be done by my duty of office, during the time that I ſhall remain in the ſaid office. ſ.* 2.

So help me GOD.

Every bailiff of franchiſe, deputy and clerk of every ſheriff and under-ſheriff, and every other perſon which ſhall impanel or return any inqueſt, jury, or *tales*, or intermeddle with execution of proceſs, in any court of record, ſhall take the oaths aforeſaid before the perſons appointed by this act, or before the head officer of the place, if it be a town corporate, changing the words *the office of under-ſheriff* to words convenient for the office; and if any the ſaid perſons do impanel or return any inqueſt, jury, or tales, or intermeddle with the execution of proceſs, not having taken the oaths aforeſaid, ſuch perſon ſhall forfeit 40*l.* the one moiety to the uſe of the queen, the other moiety to him that will ſue for the ſame. *ſ.* 4.

If any under ſheriff, or other perſon mentioned in this act, ſhall do any act contrary to the oaths aforeſaid, or this act, ſuch perſon offending ſhall forfeit to the party grieved his treble damages; which forfeiture may be recovered in any of the queen's courts of record. *ſ.* 5.

The juſtices of aſſize, and juſtices of peace in their ſeſſions, ſhall have power to hear and determine the defaults contrary to this act, as well by preſentment and information as indictment. *ſ.* 6.

By 28 *or* 29 *Eliz. c.* 4. It ſhall not be lawful for any ſheriff, under ſheriff, bailiff of liberties, their officers, ſervants, or deputies, by colour of their offices, to take for the ſerving of any extent or execution upon the body, lands, or goods, of any perſon, more than in this act is appointed, *viz.* 12*d.* for every 20*s.* where the ſum exceedeth not 100*l.* and 6*d.* for every 20*s.* above 100*l.* that he ſhall levy and deliver in execution, or take the body in execution for; upon pain that every ſheriff, *&c.* which ſhall do the contrary, ſhall forfeit to the party grieved his treble damage, and ſhall forfeit 40*l.* the one moiety thereof to the queen, and the other moiety to the party that will ſue for the ſame. *ſ.* 1.

This act ſhall not extend to any fees to be taken for any execution within any city or town corporate. *ſ.* 2.

By 21 *Jac.* 1. *c.* 5. When ſheriffs, upon the paſſing of their accounts, ſhall have their *quietus eſt*, they ſhall be diſcharged of all money received and pretended not to be accounted for, unleſs they be called in queſtion within four

years after the time of their account and *quietus eſt*. And every officer that ſhall ſend out proceſs, or by whoſe default proceſs ſhall be ſent out, contrary to this act, ſhall forfeit to the party grieved, 40*l.* with coſts, to be recovered by action of debt, *&c.* in the king's bench or common pleas. *ſ.* 1.

Every ſuch offender, being three times convicted upon the trial of ſuch action, *&c.* ſhall be diſabled to continue in any office in the court of exchequer, or in any other court of juſtice. *ſ.* 2.

By 13 & 14 *Car.* 2. *c.* 21. No ſheriff for any county ſhall in the time of the aſſizes keep tables for entertainment of any perſons, other than thoſe of his own family or retinue, nor ſhall ſend in any preſent to any judges of aſſize for their proviſion, nor give any gratuity to their officers or ſervants; and no ſheriff ſhall have more than forty men ſervants with liveries attending upon him in the time of the aſſizes, nor under twenty men ſervants in *England*, nor under twelve men ſervants in *Wales*, upon pain to forfeit 200*l.* *ſ.* 1.

Nothing before in this act ſhall extend unto the ſheriffs of *London* and *Middleſex*, and the ſheriff of *Weſtmorland*, or the ſheriffs of any city or town. *ſ.* 2.

Every ſeizure concerning any lands charged in the foreign account of any ſheriff within *England*, ſhall be from the ſaid foreign account charged particularly in the great roll of the exchequer: and the remembrancers ſhall make copies of every ſuch ſeizure and inquiſition as ſhall be certified into their reſpective offices, without certifying the copy of the writ or commiſſion at large, mentioning only the date of the writ or commiſſion, and ſhall deliver the ſaid copies atteſted to the engroſſer of the great roll; and all ſuch ſeizures ſhall be delivered ſo atteſted to the ſaid engroſſer before the firſt day of the next term, after the remembrancers ſhall have received the ſame; unto which remembrancers ſhall be paid for every ſheet which they ſhall ſo write and deliver 8*d.* by the ſheriffs, who ſhall be allowed the ſame by the barons upon their accounts, out of the iſſues and profits of the premiſes ſo ſeized: and no ſheriff within *England* ſhall be charged in account to anſwer any illeviable ſeizure, farm, rent, or debt, or other thing which was not writ in proceſs to him to be levied; wherein the perſons of whom, or the lands out of which, together with the cauſe for which the ſame ſhall be levied, ſhall be particularly expreſſed, but ſhall be therefore diſcharged without petition, plea, or other trouble. *ſ.* 4.

All ſeizures made before the firſt year of king *James*, and all ſeizures and debts which are pardoned, ſhall be diſcharged, and the ſame ſhall be left out of ſheriffs accounts; and no proceſs ſhall be written forth to any ſheriff for the levying of the ſame, nor for any other rent or farm, which cannot be explained by ſetting forth the particulars thereof, or which have been unanſwered by the ſpace of forty years laſt; and all other dead farms and ſeizures, and all deſperate, illeviable and unintelligible debts ſhall be removed out of the annual roll and ſheriffs charge into the exannual roll, until by commiſſion they ſhall be revived and made anſwerable. *ſ.* 5.

The remembrancers ſhall inrol and certify to the ingroſſer of the great roll, all ſuch debts as any ſheriffs ſhall be charged with, either by virtue of their returns made to the barons of the exchequer upon writs of *fieri facias*, *levari facias*, *capias*, or other proceſs, and alſo all fines and amerciaments which ſhall be ſet by the exchequer upon any ſheriff, for contempts or neglects; and all ſuch debts, fines, and amerciaments ſhall be delivered by the firſt day of the next term after ſuch returns made, or fines, or amerciaments ſet, that they may be all charged in the ſheriffs accounts, and comprehended within their *quietus eſt*, upon pain that every officer in the exchequer, who ſhall offend contrary to this act, ſhall forfeit 40*l.* one moiety to the king, and the other moiety to the party grieved, to be recovered in any of his majeſty's courts at *Weſtminſter*. *ſ.* 6.

No perſon ſhall be aſſigned ſheriff of any county, except ſuch as have lands within the county ſufficient to anſwer the king and his people. *ſ.* 7.

When any ſheriffs, upon paſſing their accounts, ſhall have their *quietus eſt*, ſuch ſheriffs ſhall be thereby diſcharged of all ſums of money, notwithſtanding any pretence that the ſame were not accounted for, unleſs ſuch ſheriff ſhall be called in queſtion, and judgment be given againſt him, within four years after ſuch account or *quietus eſt*. *ſ.* 8.

This act ſhall not extend to the counties of *Cheſter*, *Lancaſter*, *Durham*, or the counties of *Wales*, being county palatines, as to their manner of accounting, but the ſheriffs ſhall account as formerly before the reſpective auditors. *ſ.* 9.

This act ſhall not enjoin his majeſty's remembrancer, or the lord treaſurer's remembrancer, to tranſcribe and deliver to the engroſſer of the great roll any inquiſitions or ſeizures, but ſuch as have been formerly charged in the foreign accounts of the ſheriffs; but inquiſitions upon attainders, or other forfeitures to the crown, ſhall be put in charge according to the uſage and decree of the court; nor ſhall this act exclude his majeſty's remembrancer from writing forth proceſs upon any his majeſty's debts, duties, outlawries, or other charge or proceſs of *levari facias*, at the proſecution of any perſon, to levy the iſſues and profits of lands ſeized into the king's hands, or proceſs of *venditioni exponas* for goods ſeized upon any debt to his majeſty, or upon any outlawry, or to alter the proceedings in the ſaid office upon any pleadings touching the ſaid debts and ſeizures: and no debt, fine, amercement, or ſeizure, which ſhall be charged in the great roll of the pipe from any record or proceeding in the office of his majeſty's remembrancer, nor any proceeding thereupon, ſhall be reſpited or diſcharged, but by order, warrant, or judgment, entered in the office of his majeſty's remembrancer: and in caſe any proceſs of ſummons of the pipe ſhall be awarded upon any ſuch debt, *&c.* and the ſame ſhall not be levied or anſwered to his majeſty, the clerk of the pipe, or engroſſer of the great roll, ſhall the next term after the return of ſuch ſummons certify the ſame in a ſchedule into the office of his majeſty's remembrancer, that further proceſs may be written forth for the levying thereof: and this act ſhall not be prejudicial to his majeſty's remembrancer in any juſt fees. *ſ.* 10.

By 3 *Geo.* 1. *c.* 15. The officers of the chancery and exchequer, the auditors and receivers of the crown revenue in *Wales*, and all other officers claiming any fee from ſheriffs or under ſheriffs, for making out their patents, or the *dedimus* for ſwearing them, and for entering their recognizance, or for writing out and return of their proceſs, or for their appoſals, or caſting out of court, or for paſſing their accounts, or for making their *quietus*, or for any other matter, may take the fees in the ſchedule hereafter ſpecified, but ſhall not take any greater fees, on penalty of 5*l.* and treble the ſum taken, with treble coſts to the party grieved, all which ſhall be awarded by the court of exchequer, on complaint and proof thereof before the barons in ſuch ſummary way as ſhall ſeem meet. *ſ.* 1.

The commiſſioners of the treaſury, the chancellor and chief

chief baron of the exchequer, and the other barons, or any two of them, ſhall at the requeſt of any ſheriff, or as often as they ſhall think fit, call before them the treaſurer's remembrancer, the clerk of the pipe, or their deputies, ſecondaries, and ſuch other officers as they ſhall think fit, and cauſe them to bring an account of all the rents and certainties written out yearly in proceſſes to the ſheriffs to levy for the crown; and may alter or eſtabliſh the ſums wherewith the ſheriff ſtands charged on the rolls of profers, to ſuch ſums as ſhall ſeem juſt; and orders ſhall be drawn up purſuant thereto, and entered on record in the offices of the king's remembrancer, the treaſurer's remembrancer, and the clerk of the pipe, before the laſt day of *Michaelmas* term then following; and the ſums ſo ſettled ſhall be the profers of each county, and the rolls of profers ſhall be made conformable thereto. *ſ.* 2.

All ſheriffs who ſhall levy any debts, *&c.* except poſt fines, due to his majeſty by proceſs upon the ſummons of the pipe or green wax, by *levari facias* out of the exchequer, ſhall have an allowance on their accounts of 12*d.* out of every 20*s.* for any ſum not exceeding 100*l.* and 6*d.* for every 20*s.* above the firſt 100*l.* and for all debts, *&c.* except poſt fines, due to his majeſty by proceſs and *fieri facias*, and extent, iſſuing out of the exchequer, 1*s.* 6*d.* out of every 20*s.* for any ſum not exceeding 100*l.* and 12*d.* for every 20*s.* over and above the firſt 100*l.* provided ſuch ſheriff ſhall anſwer the ſame on his account, by the general ſealing day of ſuch term in which he ought to be diſmiſſed the court, or in ſuch time to which he ſhall have a day granted to finiſh his accounts, by the chief baron, or one of the barons of the coif, and not otherwiſe. *ſ.* 3.

No ſheriff ſhall be obliged to charge in his accounts any money to be paid as rewards on the conviction of highwaymen, clippers, coiners, or houſebreakers, but may immediately apply for the ſame to the treaſury: who, on a certificate of the conviction of any offender, for which ſuch reward ſhall be ordered to be paid by the ſheriffs (by virtue of the acts 4 & 5 *Will. & Mar. cap.* 8. 6 & 7 *Will.* 3. *cap.* 17. and 5 *Ann. cap.* 31.) together with the acquittances of the parties intitled to receive the rewards, ſhall forthwith repay to ſuch ſheriffs the money ſo diſburſed without fee. *ſ.* 4.

No ſheriff or under ſheriff ſhall be attached for not being appoſed on any writ or proceſs, or for any neglect or contempt relating to his accounts, but by writ under ſeal of the court of exchequer, or by warrant ſigned by one of the barons, and to be executed by the marſhal, or his deputy; in which warrant the name of ſuch ſheriff or under ſheriff ſhall be inſerted, and his offence ſpecified. *ſ.* 5.

If any perſon, concerned in paſſing of ſheriffs accounts, ſhall retard any ſheriff, or by wilful neglect or abſence prevent any ſheriff from being appoſed or caſt out of court in due time, or after tender of his fees ſhall refuſe to inrol, ſign and deliver, his *quietus* in due time, he ſhall make ſuch recompence to the party grieved as ſhall be decreed by the barons, on complaint to them made, in ſuch ſummary way as they ſhall think fit. *ſ.* 6.

If any ſheriff of any county in *England* (except the counties palatine of *Cheſter*, *Durham*, and *Lancaſter*, and the ſeveral counties of *Wales*, which do not paſs their accounts before the clerk of the pipe) ſhall be in ſurpluſage on his account by reaſon of any diſburſements for the ſervice of the crown (other than the rewards of 40*l.* for the apprehending highwaymen, *&c.*) he ſhall not be obliged to take out a record of ſurpluſage, but may apply to the treaſury; who are required to pay the ſame, on the ſheriff's producing a certificate of ſuch ſurpluſage from the clerk of the pipe. *ſ.* 7.

If any ſheriff ſhall die before the expiration of his year, or before he be ſuperſeded, the under ſheriff ſhall nevertheleſs continue in his office, and execute the ſame in the name of the deceaſed, till another ſheriff be appointed and ſworn; and the under ſheriff ſhall be anſwerable for the execution of the office during ſuch interval as the high ſheriff would have been; and the ſecurity given by the under ſheriff and his pledges ſhall ſtand a ſecurity to the king and all perſons whatſoever, for the due performing of his office during ſuch interval. *ſ.* 8.

When any ſheriff ſhall by proceſs out of the exchequer extend any goods, *&c.* into the hands of his majeſty, *&c.* for any debts due to the crown, and ſhall die or be ſuperſeded before a *venditioni exponas* be awarded for ſale, or before he has made actual ſale thereof, and a writ ſhall afterwards be awarded to a ſubſequent ſheriff, who ſhall make ſale of ſuch goods, *&c.* the barons of the exchequer, if ſitting, or if not ſitting, they or any one of them of the degree of the coif, ſhall ſettle the fees or poundage for ſuch ſeizure and ſale between ſuch preceding and ſubſequent ſheriff, with regard to the trouble each ſheriff had in the execution of ſuch proceſs. *ſ.* 9.

It ſhall not be lawful for any perſon to buy, ſell, let, or take to farm, the office of under ſheriff or deputy ſheriff, ſeal keeper, county clerk, ſhire clerk, gaoler, bailiff, or any other office pertaining to the office of high ſheriff, or to contract for any of the ſaid offices, on forfeiture of 500*l.* one moiety to his majeſty, the other to ſuch as ſhall ſue in any court at *Weſtminſter* within two years after the offence. *ſ.* 10.

Nothing before in this act ſhall hinder any high ſheriff from conſtituting an under ſheriff, or a deputy ſheriff, as by law he may; nor to hinder the under ſheriff, in caſe of the high ſheriff's death, when he acts as high ſheriff, from conſtituting a deputy; nor to hinder ſuch ſheriff or under ſheriff from receiving the lawful fees of his office, or from taking ſecurity for the due anſwering the ſame; nor to hinder ſuch under ſheriff, deputy ſheriff, ſeal keeper, *&c.* from accounting to the high ſheriff for all ſuch lawful fees as ſhall be by them taken, nor for giving ſecurity ſo to do; nor to hinder the high ſheriff from allowing a ſalary to his under ſheriff, *&c.* or other officers. *ſ.* 11.

Beſides the penalties in 22 & 23 *Car.* 2. *cap.* 22. *made perpetual by* 4 & 5 *Will. & Mar. cap.* 24. [*ſee* ESTREATS] the barons of the exchequer may amerce ſuch clerk of aſſize, clerk of the peace, clerk of the commiſſioners of ſewers, clerk of the market, town clerk, and other perſons to whom it belongs to make return of eſtreats, for neglecting to return the eſtreats according to the ſaid two acts. *ſ.* 12.

No ſheriff, under ſheriff, bailiff, or other perſon employed in levying any debts, *&c.* due to the crown by proceſs of the exchequer, ſhall take any fee on pretence of ſuch levying, *&c.* except 4*d.* for an acquittance, which ſuch officer is to give to the perſon on whom ſuch debt, *&c.* is levied; and the bailiff, *&c.* receiving ſuch debt, *&c.* ſhall account for the ſame to the ſheriff, and may require an acquittance from ſuch ſheriff without fee; from which debts the ſheriffs ſhall diſcharge the debtors by totting and anſwering the ſame on their accounts in the exchequer: and if any ſheriff *&c.* ſhall *nichil* or not duly anſwer to the crown any debt ſo levied, he ſhall forfeit treble damages to the party grieved, and double the ſum; which ſhall be decreed to the party grieved by the court of exchequer, on complaint and proof

of ſuch abuſe before the barons, in ſuch ſummary way as to them ſhall ſeem meet. And if any ſheriff, &c. ſhall demand any money from any perſon from whom any debt is payable to the crown by proceſs out of the exchequer, on pretence of executing the proceſs, or in reſpect of fees due for collecting the ſame; or if any of the officers aforeſaid ſhall demand any ſum for forbearing to levy any ſuch debts written out to them by the ſaid proceſs, every ſuch offender ſhall be adjudged guilty of extortion, injuſtice, and oppreſſion; and being thereof convicted, ſhall forfeit treble damages and coſts to the party grieved, and double the ſum extorted; to be decreed by the barons, on complaint and proof, in a ſummary way; provided ſuch conviction be within two years after the offence. *ſ.* 13.

Nothing in this act ſhall deprive any ſheriff of ſuch poundage or allowance as is hereby given, or of ſuch poundage or reward as may be given them by warrant from the treaſury, chancellor of the exchequer, or the barons, for any extraordinary ſervice to the crown. *ſ.* 14.

All orders of the barons for coſts, damages, and penalties, in any caſe in this act mentioned, in ſuch ſummary way, ſhall have the ſame effect as any other orders or decrees of the court. *ſ.* 15.

It ſhall not be lawful for any ſheriff, or other bailiffs, or for the bailiff of any liberty, by colour of their office, or by reaſon of their executing any writ of *habere facias poſſeſſionem*, or *ſeiſinam*, to receive any greater fee than 12*d.* for every 20*s.* of the yearly value of any lands, &c. whereof poſſeſſion or ſeiſin ſhall be given, where the whole exceeds not the yearly value of 100*l.* and 6*d.* for every 20*s.* *per ann.* above the yearly value of 100*l.* *ſ.* 16.

Poundage in no caſe ſhall be taken on executing any writ of *capias ad ſatisfaciendum*, or on charging any perſon in execution by virtue of ſuch writ, for any greater ſum than the real debt amounts to; which ſum the plaintiff is to mark on the back of the writ before it be delivered to the ſheriff; and if any ſheriff, &c. ſhall take greater fees, ſuch offender ſhall be adjudged guilty of extortion, injuſtice, and oppreſſion; and being convicted ſhall forfeit to the party grieved treble damages, and double the ſum extorted; to be decreed by the court out of which ſuch writ iſſued, on complaint and proof of ſuch extortion before the court, in ſuch ſummary way as to them ſhall meet; and every perſon ſo offending ſhall forfeit 200*l.* one moiety to the king, and the other to ſuch as ſhall ſue in any court at *Weſtminſter*; provided ſuch ſuit be commenced within two years after the offence. *ſ.* 17.

Inſtead of the oath uſually adminiſtered to ſheriffs, the following oath ſhall be taken by them, except the ſheriffs of *Wales*, and of the county palatine of *Cheſter*, *viz.* *ſ.* 18.

I A. B. *do ſwear, that I will well and truly ſerve the king's majeſty in the office of ſheriff of the county of* ——— *and promote his majeſty's profit in all things that belong to my office, as far as I legally can or may; I will truly preſerve the king's rights, and all that belongeth to the crown; I will not aſſent to decreaſe, leſſen, or conceal, the king's rights, or the rights of his franchiſes, and whenſoever I ſhall have knowledge that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchiſes, ſuits, or ſervices, or in any other matter or thing, I will do my utmoſt to make them be reſtored to the crown again; and if I may not do it myſelf, I will certify and inform the king thereof, or ſome of his judges; I will not reſpite or delay to levy the king's debts, for any gift, promiſe, reward, or favour, where I may raiſe the ſame without great grievance to the debtors; I will do right, as well to poor as to rich, in all things belonging to my office; I will do no wrong to any man for any gift, reward, or promiſe, nor for favour or hatred; I will diſturb no man's right, and will truly and faithfully acquit at the exchequer all thoſe of whom I ſhall receive any debts or duties belonging to the crown; I will take nothing whereby the king may loſe, or whereby his right may be diſturbed, injured, or delayed; I will truly return, and truly ſerve, all the king's writs, according to the beſt of my ſkill and knowledge; I will take no bailiffs into my ſervice but ſuch as I will anſwer for, and will cauſe each of them to take ſuch oaths as I do, in what belongeth to their buſineſs and occupation; I will truly ſet and return reaſonable and due iſſues of them that be within my bailiwick, according to their eſtate and circumſtances, and make due panels of perſons able and ſufficient, and not ſuſpected or procured, as is appointed by the ſtatutes of this realm; I have not ſold or let to farm, nor contracted for, nor have I granted or promiſed for reward or benefit, nor will I ſell, or let to farm, nor contract for, or grant for reward or benefit, by myſelf, or any other perſon for me, or for my uſe, directly or indirectly, my ſheriffwick, or any bailiwick thereof, or any office belonging thereunto, or the profits of the ſame, to any perſon or perſons whatſoever; I will truly and diligently execute the good laws and ſtatutes of this realm, and in all things well and truly behave myſelf in my office, for the honour of the king, and the good of his ſubjects, and diſcharge the ſame according to the beſt of my ſkill and power.*

So help me GOD.

All under ſheriffs of any counties in *South Britain*, except the counties in *Wales* and county palatine of *Cheſter*, before they enter on their offices ſhall take the following oath, *viz.*

I A. B. *do ſwear, that I will well and truly ſerve the king's majeſty in the office of under ſheriff of the county of* ——— *and promote his majeſty's profit in all things that belong to the ſaid office, as far as I legally can or may; I will preſerve the king's rights, and all that belongeth to the crown; I will not aſſent to decreaſe, leſſen, or conceal, the king's rights, or the rights of his franchiſes; and whenſoever I ſhall have knowledge that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchiſes, ſuits, or ſervices, or in any other matter or thing, I will do my utmoſt to make them be reſtored to the crown again; and if I may not do it of myſelf, I will certify and inform ſome of his majeſty's judges thereof; I will not reſpite or delay to levy the king's debts for any gift, promiſe, reward, or favour, where I may raiſe the ſame without great grievance to the debtors; I will do right as well to poor as to rich in all things belonging to my office; I will do no wrong to any man for any gift, reward, or promiſe, nor for favour, or hatred; I will diſturb no man's right, and will truly and faithfully acquit at the exchequer all thoſe of whom I ſhall receive any debt, duties, or ſums of money, belonging to the crown; I will take nothing whereby the king may loſe, or whereby his right may be diſturbed, injured, or delayed; I will truly return, and truly ſerve all the king's writs, to the beſt of my ſkill and knowledge; I will truly ſet and return reaſonable and due iſſues of them that be within my bailiwick, according to their eſtates and circumſtances; and make due panels of perſons able and ſufficient, and not ſuſpected or procured, as is appointed by the ſtatutes of this realm; I have not bought, purchaſed, or taken to farm, or contracted for, nor have I promiſed or given any conſideration, nor will I buy, purchaſe, or take to farm, nor contract for, promiſe, or give any conſideration whatſoever, by myſelf, or any other perſon for me,*

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or for my uſe, directly or indirectly, to any perſon or perſons whatſoever, for the office of under ſheriff of the county of ——— which I am now to enter upon and enjoy, nor for the profits of the ſame, nor for any bailiwick thereof, or any other place or office belonging thereunto; I have not ſold nor contracted for, or let to farm, nor have I granted or promiſed, for reward or benefit, by myſelf, or any other perſon for me, or for my uſe, directly or indirectly, any bailiwick thereof, or any other place or office belonging thereunto; I will truly and diligently execute the good laws and ſtatutes of this realm, and in all things well and truly behave myſelf in my ſaid office for his majeſty's advantage, and for the good of his ſubjects, and diſcharge my whole duty according to the beſt of my ſkill and power.

So help me GOD.

Which oath is to be adminiſtered by ſuch commiſſioners as ſhall be named to adminiſter the foregoing oath to the high ſheriff, as often as a commiſſion of *dedimus* ſhall be ſued forth for that purpoſe, or by the barons, or one of them, when the ſheriff deſires to be ſworn in town. *ſ.* 19.

The ſheriffs of *Wales* and *Cheſter* ſhall not be obliged to take the ſaid oaths, but ſhall take the accuſtomed oath as formerly, except the words following, *viz. Ye ſhall be dwelling in your own proper perſon within your bailiwick, for the time ye ſhall continue in the ſame office, except ye be otherwiſe licenced by the king*, which words ſhall be left out. *ſ.* 20.

This act ſhall not extend to the ſheriffs of *London* and *Middleſex*, the county palatine of *Durham*, the county of *Weſtmorland*, or to the ſheriffs of any city or town being a county of itſelf, as to their placing in or diſpoſing of any of the offices of their under ſheriffs, county clerks, bailiffs, or other officers, or their continuance therein. *ſ.* 21.

The ſheriffs of *Wales* ſhall not be compelled to appear to be appoſed in the exchequer, but ſhall be appoſed before his majeſty's auditor in *Wales*; and the *quietus* of the ſaid ſheriffs, under the auditor's hand, ſhall be a ſufficient diſcharge. *ſ.* 22.

The auditors of *Cheſter*, *Lancaſter*, and *Durham*, ſhall ſtate the accounts of the ſheriffs of the ſaid counties, and appoſe them touching the execution of the king's proceſs; and the ſaid ſheriffs, on ſuch accounts, may ſue forth their *quietus eſt* from the ſaid auditors, according to ancient uſage. *ſ.* 23.

The ſheriffs of the city of *Cheſter* ſhall account as formerly before the mayor, touching all matters granted from the crown to the city by charters. *ſ.* 24.

The ſheriffs of the city of *Cheſter*, as for all other matters not granted to the city, and for which the ſheriffs are accountable to his majeſty, ſhall account for the ſame before, and be appoſed by, and obtain their *quietus eſt* from the auditor of the county of *Cheſter*, in the ſame manner as the ſheriffs of the county of *Cheſter*. *ſ.* 25.

The SCHEDULE in the Act mentioned, *viz.*

Fees to be paid for paſſing the patents of the ſeveral ſheriffs.

The charge taken in chancery on account of ſuing out of the patents of the ſheriffs of England and Wales.

	l.	*s.*	*d.*
The king's ſtamps	0	12	6
To the ſerjeant trumpeter	3	0	0
To the maſter of the rolls	0	8	8
Signing the docquet	0	4	0
Hanaper fee	0	15	0
The ſix clerks fee on the patent, writ of aſſiſtance, writ of diſcharge, and *dedimus*	1	7	0
For ingroſſing the patent, writ of aſſiſtance, writ of diſcharge, *dedimus*, the three oaths, the docquet parchment, and attending the ſealing the patent	1	14	4
The recognizance and duty in a *Welſh* patent, more	0	3	6

Fees to be paid by the ſheriffs for paſſing their accounts.

To the clerk of the pipe at the appoſal.

Cant.	1	13	4
Cumbr.	1	13	4
Ebor.	5	0	0
Hunt.	1	6	8
Lond. and Middleſex	2	0	0
Lincoln	2	13	4
Monmouth	1	13	4
Northumbr.	1	13	4
Rutland	1	6	8
Weſtmor.	1	6	8
The reſt of the counties of *England*, each	2	0	0

To the clerk of the pipe at caſting out of court, and for the quietus *and chancellor's allowance.*

Cant. Hunt	4	3	4
Cumb.	2	16	8
Ebor.	10	3	4
Kent	4	3	4
Lond. Middleſex	5	6	8
Monmouth	2	16	8
Northumbr.	2	16	8
Rutland	1	16	8
Weſtmor.	2	3	4
The reſt of the counties of *England*, each	3	3	4

Caſual fees to the clerk of the pipe for the allowance of juſtices wages.

Ebor.	1	0	0
Lond. Middleſex	0	13	4
Lincoln	0	10	0
The reſt of the counties of *England*, if ſuch allowance be made	0	6	8
For ſetting of a ſeizure or debt by petition or judgment	0	1	0
For allowance of a record of ſurpluſage for the firſt 5 *l.*	0	6	8
For every other 5 *l.*	0	3	4

To the clerk of the pipe for the ſeveral cities and accounting towns for their whole account and quietus.

Civit. Briſtol. — Glouc. — Ebor. Vil. Novi Caſtri.	of each	1	10	0

Civit.

		l.	s.	d.
Civit. Cantuar. — Coventry — Exon. — Litchf. — Lincoln — Norwic.	of each	1	0	0
Vil. Kingſton ſuper Hull — Not. — Pool — Southamp.	of each	1	0	0

To the ſecondaries and ſworn clerks at the appoſals of the ſheriffs at their coming into their account, and writing their annual books, together with the vicontels of the foot or charge of their whole account.

Bedf.		0	6	0
Berks, Bucks	each	0	6	0
Cant. Hunt.		4	13	4
Cornub.		6	0	0
Cumbr.		3	13	4
Derb.		5	0	0
Devon, Dorſet	each	6	0	0
Eſſex		10	6	8
Ebor.		17	0	0
Glouc. Heref.	each	6	0	0
Hert.		5	6	8
Kent		6	13	4
Lincoln		4	13	4
Leic.		6	13	4
Lond. Middleſex, two ſugar loaves and		4	0	0
Monmouth		3	0	0
Norf.		6	13	4
Northamp.		4	10	0
Northumbr.		4	13	4
Nott.		5	10	0
Oxon.		6	0	0
Rutl.		3	6	8
Surr. Suſſex	each	5	13	4
Salop Suff.	each	6	0	0
Southamp.		7	13	4
Staff.		5	13	4
Somerſ.		9	6	8
Weſtmorl.		2	0	0
Warw.		4	16	8
Wigorn.		6	0	0
Wilts		8	0	0

Fees for caſting out of court, and for quietus.

Bedf.		6	0	0
Bucks		5	6	8
Berks		5	6	8
Cant. Hunt.		4	13	4
Cornub.		5	13	4
Cumbr.		4	13	4
Derb.		5	6	8
Devon		8	6	8
Dorſ.		6	13	4
Eſſex		11	0	0
Ebor.		23	6	8
Glouc.		7	6	8
Heref.		6	0	0
Hert.		6	13	4
Kant.		11	13	4
Lincoln		6	0	0
Leic.		8	6	8
Lon. Middleſex, two ſugar-loaves and		4	0	0
Monmouth		3	0	0
North'ton, Norf.	each	7	6	8
Not.		6	6	8
Northumb.		4	13	4
Oxon.		8	6	8
Rutl.		2	0	0
Staff.		6	13	4
Surr. Suſſex	each	5	16	8
Salop		5	6	8
Suff.		6	0	0
South'pton		8	6	8
Somertſ.		10	0	0
Weſtmor.		2	8	4
Warw.		5	10	0
Wigorn.		7	6	8
Wilts		8	13	4

Fees of ſheriffs for cities and accounting towns.

Civit. Briſtol	3	6	8
— Cantuar.	2	13	4
— Ebor.	5	0	0
— Coventry	2	13	4
— Exon	1	10	0
— Glouc.	2	13	4
— Lincoln	2	13	4
— Litchf.	1	6	8
— Norwic.	3	6	8
— Wigorn.	2	0	0
Vil. Kingſton ſuper Hull	3	6	8
— Nott.	2	0	0
— Nov' Caſtrum	2	13	4
— Pool	1	10	0
— South'ton	2	0	0

The ſheriffs of the counties palatine of Cheſter *and* Lancaſter *do not account before the clerk of the pipe, but before the auditor of thoſe counties; but their books being writ every year, and certificates made (of what they take in charge) to the auditor, the following fees are to be taken by the clerk of the pipe, and the ſworn clerk for thoſe counties,* viz.

Cheſter	2	3	4
Lancaſt.	4	6	8

Fees to the firſt ſecondary.

For allowing the ſheriffs tallies of profer in each county.	0	6	8
In each city and town	0	3	4

Making

	l.	s.	d.
Making up the ſheriff's ſum containing his whole charge in *York* —	0	13	4
Lond. Middleſex. — —	0	13	4
For the reſt of the counties, each —	0	6	8
Allowing a talley *de remanente compi'*, or any other talley *de ſol'* in his account	0	1	0
For charging a poſt-ſcrow, which rarely happens — — —	0	3	4

To the ſecond ſecondary.

For drawing down a debt received by *diſtring'*, or levied by *fieri facias*, from either of the remembrancers office upon the ſcrow back	0	3	4
If an extraordinary length ——	0	6	8

To the portubag.

For ingroſſing the ſcrow of green wax of the ſheriff of the county of York —	1	0	0
Lond. Middleſex — —	0	10	0
The reſt of the counties of *England*, each	0	10	0
For the accounting towns and cities, each	0	3	4

Caſual fees to the ſworn clerks in their reſpective aſſignments.

For a *conſtat* of a ſeizure or debt in order to be ruled off or diſcharged —	0	4	4
For ſettling of a ſeizure or debt upon a ſheriff's account, by petition or judgment of court	0	3	4
Filing the certificates of felons goods, and charging the debts therein, each —	0	6	8

For the allowance of juſtices wages.

York — — —	2	0	0
Lond. Middleſex — ——	2	0	0
Lincoln — — —	1	0	0
The reſt of the counties of England, each	0	13	4

For ſheriffs allowances.

Ebor. — — —	0	13	4
Lond. Middleſex — —	3	6	8
The reſt of the counties, each —	0	6	8
Record of ſurpluſage for the firſt 5 *l.* —	0	6	8
For every other 5 *l.* — —	0	3	4

To the writing clerk for the whole year.

Cant. Hunt. — — —	5	0	0
Cornub. — — —	6	0	0
Devon. —— ———	6	0	0
Ebor. — — —	15	0	0
Kant. — — —	7	0	0
Lincoln — — —	6	10	0
Lond. Middleſex — —	6	0	0
Monmouth — — —	3	0	0
Rutland — — —	1	0	0

	l.	s.	d.
Somertſ. — — —	7	13	4
Suſſex — — —	3	10	0
Weſtmorl. — — —	2	0	0
The reſt of the counties, each —	5	0	0
Civit. Briſtol. — — —	1	0	0
Civit. Ebor. — — —	1	0	0
Civit. Norwic. — —	1	0	0
Kingſton ſuper Hull — —	0	18	4
Novum Caſtrum — — —	1	0	0
Vil. Pool — — —	0	6	8
The reſt of the cities, each ——	0	13	4
Com. Pal. Ceſtr. — —	0	6	8
Com. Pal. Lanc. — —	0	13	4

To be paid to the bagman of the office at the appoſal of the ſheriffs.

Of *England*, in each county 2 *s.* 6 *d.* and the caſting out — —	0	5	0
And for each city and accounting town	0	2	6

To the comptroller of the pipe.

For appoſal of *London*, *Middleſex*, and *York*, each — — —	2	0	0
For appoſal of *Surrey*, *Suſſex*, *Rutland*, and *Weſtmorland*, each —	0	15	0
—— of every other county —	1	7	6
For caſting out of *London*, *Middleſex*, and *York*, each — — —	2	0	0
—— of *Surrey*, *Suſſex*, and *Rutland*, each	0	15	0
—— of every other county —	1	10	0
For return of ſummons for *London*, *Middleſex*, and *York*, each — —	0	5	0
For return of every other ſummons	0	2	6
For petitions, which ſeldom happen —	2	6	0

Fees to be taken by the three clerks of the comptroller of the pipe in paſſing ſheriffs accounts.

	Appoſals. l.	s.	d.	Caſting out. l.	s.	d.
Bed. Hertf. North'ton. each —	1	2	6	1	0	0
Surr. Rutland, each — —	1	5	0	1	5	0
Lond. Middleſex, — —	1	5	0	3	5	0
Cambr. Heref. Leic. Norf. Nott. Staff. War. each — —	1	12	6	1	10	0
Suſſex — — —	1	15	0	1	15	0
Derby Oxon. each — —	1	19	2	1	16	8
Cant. Hunt. Glouc. Kant. Eſſex each — —	2	2	6	2	0	0

Bucks

				l.	s.	d.	l.	s.	d.
Bucks, Monmouth, Berks, Suffolk, Southamp. Worceſter	each	—		2	9	2	2	6	8
Wilts, Salop, Northumb. Lincoln	each	—	—	2	9	2	2	6	8
Cornwall, Devon, Dorſet, Somerſet	each	—	—	3	9	2	3	6	8
Ebor.	—	—	—	4	16	8	4	16	8
Weſtmor.	—	—	—	0	17	6	0	17	6

For return of every ſummons, 7 *s.* 6 *d.* except *London*, *Middleſex*, 15 *s.* *York*, 1 *l.* 5 *s.* and *Cornwall*, *Devon*, *Dorſet*, *Lincoln*, *Somerſet*, *Suffolk*, *Southampton*, *Wilts*, and *Salop*, each 17 *s.* 6 *d.* For the petition of allowance, 3 *s.* 6 *d.* except in *London*, *Middleſex*, and *York*, 13 *s.* 4 *d.* and in *Cornwall*, *Devon*, and *Somerſet*, 6 *s.* 8 *d.* each; for every other petition, 1 *s.* and for the juſtices wages in *London* and *Middleſex*, 10 *s.*

Fees to be paid by ſheriffs in the king's remembrancer's office, upon giving ſecurity when he enters into his office.

	l.	s.	d.
The ſtamp duty of the recognizance —	0	10	0
The caption fee before the baron —	0	8	0
The king's remembrancer's fee for the ſame, for the counties of *York* and *Norfolk*, each	0	13	4
To him for every other county of *England* except *Lancaſter* and *Durham*, and the counties of *Wales*, which give no ſecurity in the exchequer	0	10	0
To the attorney for making the recognizance, attending the baron, entering and enrolling the recognizance, making the *fiat*, and duty for the ſame, and filing the warrant of attorney	0	18	0
Upon the appoſal of every ſheriff upon the proceſs returnable in *Eaſter term*, to the deputy remembrancer	0	5	0
To the attorney that files the writs, and attends the appoſals	0	4	4
The like upon the proceſs returnable in *Michaelmas term*	0	9	4
For making the certificate when the ſheriff enters upon his account, of what ſeizures are by him made upon the proceſs returned in that office	0	4	4

Treaſurer's remembrancer's office in court of exchequer.

Fees taken of ſheriffs in the ſaid office on paſſing their accounts by the remembrancer.

	l.	s.	d.
Upon a baron's warrant for reſpiting a ſheriff's appoſals, or for a day over to finiſh his accounts	0	4	0
Upon the view of a ſheriff's accounts in *Eaſter* and *Michaelmas term*	0	6	8
Upon the commiſſion to ſwear a ſheriff in the country to account	0	6	8
Upon examining and ruling a ſheriff's petition of allowance for the two days granted *ex gratia curiae* for finiſhing his account, and for filing his affidavit of felons goods	0	12	0
Upon examining and ruling any other petition in a ſheriff's account	0	3	4
Upon a record of ſurpluſage for the firſt 5 *l.*	0	6	8
For every other 5 *l.* — — —	0	3	4
For filing any *conſtat* warrant, or other *exhibit*	0	1	0

By the ſworn clerks.

	l.	s.	d.
For making the view of a ſheriff's account in *Eaſter* and *Michaelmas term*, 5 *s.* each term	0	10	0
For giving a ſheriff notice termly, during his year of office, of any information or plaint againſt him, according to the ſtatute, and for attending his appoſals before the barons, and in *Eaſter* and *Michaelmas terms*, 20 *s.* each term	2	0	0
For drawing any warrant to be ſigned by the chancellor or a baron	0	6	8
For attending a baron for his hand thereto -	0	3	4
For directing a ſheriff in his buſineſs during the three terms he is upon his accounts, 10 *s.* each term	1	10	0
For making the commiſſion to ſwear a ſheriff in the county to account purſuant to a warrant from a baron	0	10	0
For the oath thereunto annexed —	0	6	8
For a high ſheriff's warrant to be ſworn to account, when he comes in perſon, and for attending his being ſworn	1	0	0
For an under ſheriff's warrant —	0	3	4
For attending and putting in a ſheriff's bills of profers at the receipt of exchequer in *cro' cli' paſchae* and *cro' Sci' Mich'* when his year is ended, at his ſwearing to account	1	6	8
For entering the two days *ex gratia curiae*	0	6	8
For drawing a ſheriff's oath touching felons goods	0	6	8
For a copy to tranſmit to the pipe —	0	3	4
For a certificate of the execution of a proceſs	0	6	8
For a ſearch in order to make ſuch certificate	0	3	4
For drawing any petition in parchment and enrolling it	0	6	0
For enrolling a ſheriff's bill of allowance -	0	13	4
For enrolling any ſchedule *in onere conſtat* or warrant by the roll	0	6	8
For a record or ſurpluſage for the the firſt 5 *l.*	0	6	8
For every other 5 *l.* — —	0	3	4
For copying any ſeizure made by a ſheriff, *per* ſheet	0	0	8
For examining and ſigning the ſame —	0	3	4
For a writ of aſſiſtance and ſeal —	0	10	0
For attending at *Weſtminſter* to diſmiſs a ſheriff the court on finiſhing his account	0	6	8

By the filazer.

	l.	s.	d.
For entering a high ſheriff's commiſſion or warrant *ad computand.* on the ſcroll of accountants	0	5	0

For

	l.	s.	d.
For an under ſheriff's warrant, and any warrant *ad recipiend. brevia*	0	2	0
For the ſheriff's tallies of profers —	0	2	0
For entering a ſheriff's writs on the bills —	0	2	0
And when he comes *poſt diem*, and amercements are ſet by the court, then for each amercement, 1 *s.* being uſually ſix during his year, *viz.*	0	6	0

When any plea, compoſition, order, *&c.* happens during a ſheriff's account, through his defaults or contempts, he pays the ſame fees that are paid by other ſuitors.

There have been ſome ſmall fees time out of mind paid to the under clerks, viz.

For writing a warrant or affidavit —	0	1	0
On return of proceſs twice a year, 5 *s. viz.*	0	10	0
For engroſſing a commiſſion, and oath annexed	0	5	0

As likewiſe to the portubag.

For carrying any writ to be ſealed, —	0	0	6
For a commiſſion — — —	0	1	0
A ſheriff pays him at each of his appoſals, 2 *s. viz.*	0	4	0
And for poſtage of all his buſineſs during the time he is upon his account	0	5	0

Fees to be paid in the office of remembrancer of the firſt fruits and tenths in his majeſty's exchequer.

For attending the ſheriff's appoſals at *Weſtminſter* upon their returning of writs iſſued for arrears of firſt fruits, and for filing the ſame in *Eaſter* term each	0	4	4
The like for *Michaelmas* term —	0	4	4

Fees to be received by the foreign appoſer, of all ſheriffs of counties, cities, and towns, at their appoſal upon the ſummons of the green wax, and for making out the juſtices wages when craved by the ſheriff.

Counties.	Appoſals. l.	s.	d.	Juſtices wages. l.	s.	d.
Bedford — —	3	5	0	1	12	6
Berks — —	3	5	0	1	12	6
Bucks — —	3	5	0	1	12	6
Cambridge *and* Huntingdon —	3	5	0	1	12	6
Cornwall — —	6	5	0	1	12	6
Cumberland — —	3	5	0	1	12	6
Derby — —	3	18	4	1	12	6
Devon — —	7	5	0	1	12	6
Dorſet — —	4	5	0	1	12	6
Eſſex — —	6	5	0	1	12	6
Glouceſter — —	4	5	0	1	12	6
Hereford — —	3	5	0	1	12	6
Hertford — —	3	18	4	1	12	6
Kent — —	6	5	0	1	12	6
Leiceſter — —	3	5	0	1	12	6
Lincoln — —	6	5	0	1	12	6
London and Middleſex —	7	10	0	5	10	0
Monmouth — —	3	5	0	1	12	6
Norfolk — —	6	5	0	3	5	0
Northampton — —	5	5	0	1	12	6
Nottingham — —	3	18	4	1	12	6
Northumberland — —	1	15	0	1	12	6
Oxford — —	3	5	0	1	12	6
Rutland — —	1	15	0	0	0	0
Salop — —	4	5	0	1	12	6
Somerſet — —	6	5	0	1	12	6
Southampton — —	3	18	4	1	12	6
Stafford — —	3	5	0	1	12	6
Suffolk — —	7	5	0	3	5	0
Surrey — —	3	5	0	1	12	6
Suſſex — —	3	5	0	1	12	6
Warwick — —	3	5	0	1	12	6
Weſtmorland — —	1	15	0	0	0	0
Worceſter — —	3	5	0	1	12	6
Wilts — —	5	5	0	1	12	6
York — —	9	5	4	3	5	0

Cities.	Appoſals.		
Briſtol — — —	0	17	6
Coventry — — —	0	17	6
Canterbury — — —	0	17	6
Exeter — — —	1	12	6
Glouceſter — — —	0	17	6
Litchfield — — —	0	15	10
Lincoln — — —	0	15	10
Norwich — — —	1	12	6
Worceſter — — —	0	17	6
York — — —	0	17	6

Towns.			
Kingſton *ſuper* Hull — —	0	15	10
Nottingham — — —	0	17	0
Newcaſtle upon Tyne — —	0	17	6
Pool — — —	0	14	2
Southampton — — —	0	17	6

Fees to be taken by the clerk of the extracts, and by the ſworn clerks in that office, of all ſheriffs accountable in the exchequer, upon their appoſal on the ſummons of the green wax.

To the clerk of the extracts for *Northumberland* and *Weſtmorland*, each	0	10	0
Of *London* and *Middleſex* — —	1	2	0
Of the county of *Rutland* — —	0	13	4
Of every other county, each — —	1	0	0
Of the city of *Exon* — — —	0	10	0
Of every other city and town, each —	0	6	8

To the ſworn clerk for writing out the ſummons twice every year, and attending the appoſals.

Of the county of *Rutland* — —	0	9	2
Of *Ebor.* — — —	1	16	8
Of *Surrey* — — —	1	13	4
Of *Weſtmorland* — — —	0	16	8
Of the counties of *Hereford*, *Hertford*, *Oxon.* *Suffolk*, and *Southampton*, each	1	0	0

	l.	s.	d.
Of every other county — —	1	6	8
Of the cities of *Briſtol*, *Litchfield*, and town of *Pool*, each	0	5	10
Of the city of *Exon* — —	0	10	0
Of every other city and town, each —	0	8	4
The fee due to the chancellor of the exchequer, his ſecretary, and clerk, for paſſing a ſheriff's allowance	0	15	0

Fees to be taken by the curſitor-baron, and his clerk, of the ſeveral ſheriffs of England.

To the baron for ſwearing to their account, and ſigning their warrant	0	16	8
To his clerk — — —	0	4	0
To the baron at their appoſals — —	1	0	0
To his clerk — — —	0	7	6
To the baron at their caſting out of court	1	0	0
To his clerk — — —	0	7	6

Sheriffs of *London* and *Middleſex*, and ſheriffs of the county of *York*, pay double fees, and the ſheriffs of *Suſſex*, *Surrey*, *Rutland* and *Weſtmoreland*, pay half fees.

Fees certain and caſual to be paid to the marſhals of his majeſty's court of exchequer, granted to them by patent under the great ſeal without ſalary.

Easter Term.

All ſheriffs of the counties of *England* come then to be appoſed on their writs and proceſs before the barons, and pay the ſaid marſhals (except *Rutland* and *Yorkſhire*) *Rutland* to pay half that fee, *Yorkſhire* double	0	15	10

Michaelmas Term.

The ſame ſheriffs are again appoſed on the ſame writs and proceſs, and to pay as above.

Easter Term.

Sheriffs of the cities and towns, and deputies of the cinque ports, each to pay upon their appoſals as followeth, *viz.*

Lincoln, *Canterbury*, *Pool*, *Glouceſter*, *Wigorn*, *Nottingham*, *Coventry*, *Southampton*, *Litchfield*, and the deputy of the cinque ports.	0	8	8
York, *Norwich*, *Exon*, *Newcaſtle*, *Hull*	0	13	4
Briſtol city — — —	0	10	6

Michaelmas Term.

The ſheriffs of cities and towns above, appoſed then, are to pay the ſame fees as in *Eaſter* term, and when ſworn to account, are to pay more	0	3	0
Bailiffs of liberties ſworn to account, are to pay, each	0	0	8
Briſtol eſcheator is to pay — —	0	3	4

Michaelmas Term.

	l.	s.	d.
Sheriffs of counties prefixed that term to be ſworn, and to take their accounts in charge before the curſitor-baron on the ſummons of the pipe, and before the foreign appoſer upon the green wax, *viz.* *Eſſex*, *Hertford*, *Kent*, *Cambridge*, *Huntingdon*, *Northampton*, *Lincoln*, *Stafford*, *Wigorn*, *Wilts*, *Cornub.* *Salop*, *Berks*, and *Bucks*, are to pay, each	1	9	2
Rutland is to pay half that fee — —	0	14	7
London and *Middleſex* to pay fees for a whole year	5	12	0
London gauger then ſworn in court is to pay	0	8	8

Hilary Term.

Sheriffs of counties ſworn and appoſed before the curſitor-baron and foreign appoſer, as in *Michaelmas* term, *viz.* *Surrey*, *Suſſex*, *Oxon*, *Berks*, *Norfolk*, *Suffolk*, *Hereford*, *Dorſet*, *Monmouth*, *Somerſet*, *Derby*, *Nottingham*, *Devon*, *Glouceſter*, *Warwick*, *Southampton*, and *Leiceſter*, to pay each	1	9	2
York pays double — — —	2	18	4

Easter Term.

Sheriffs of *Cumberland* and *Northumberland*, then prefixed and appoſed on the ſummons of the pipe and green-wax, before the curſitor-baron and foreign appoſer, to pay, each	1	9	2
Weſtmorland then to pay his fees for the whole year	2	6	8
Lancaſhire for the whole year — —	3	10	0
Cheſhire for the whole year — —	3	6	8
All ſheriffs diſcharged by proclamation in the court, except *York*	0	15	10
York is to pay — — —	1	11	8

Caſual fees.

Sheriffs attached by order of court or warrant	1	13	4
Sheriffs in cuſtody *per diem* — —	0	6	8

If the marſhal rides into the country, 6*d.* *per* mile forwards, and the ſame backwards.

Every ſheriff that hath further time given him by order of court, or warrant, to paſs his account, or to be appoſed, to pay	0	6	8

Fees to be taken by the four uſhers of his majeſty's exchequer.

Of every high-ſheriff when he enters on recognizance in the exchequer	0	8	0
Of every ſheriff of a county ſworn to anſwer upon his two appoſals on the king's remembrancer, treaſurer's remembrancer, and firſt-fruits proceſs, for each appoſal	0	8	0
Of every ſheriff of a city, *&c.* on each of his two appoſals	0	4	0

Of

	l.	s.	d.
Of every ſheriff of a county ſworn to his account, and on his appoſal on the pipe before proceſs before the curſitor-baron	0	18	6
Of every ſheriff of a city, &c. on the like appoſal	0	4	0
Of every ſheriff of a county at his caſting out of court, or finiſhing his account	0	8	0

London, *Middleſex*, and *Yorkſhire*, to pay double.

Fees to be taken by the court-keeper.

	l.	s.	d.
Of every high-ſheriff when he enters on recognizance in the exchequer	0	2	0
Of every ſheriff of a county-town to anſwer upon his two appoſals on the king's remembrancer, treaſurer's remembrancer, and firſt-fruits proceſs, for each of the ſaid appoſals	0	2	0
Of every ſheriff of a city, &c. on each of the two appoſals	0	1	0
Of every ſheriff of county ſworn to his account, and on his appoſal upon the pipe proceſs, before the curſitor-baron	0	3	0
Of every ſheriff of a city, &c. on the like appoſal	0	1	0
Of every ſheriff of a county upon his appoſal on the ſummons of green-wax before the foreign appoſer and clerk of the eſtreats	0	2	0
If appoſed out of term — —	0	2	6
Of every ſheriff of a city, &c. on the like appoſal	0	1	0
Of every ſheriff of a county on his caſting out of court, or finiſhing his accounts	0	2	0

London, *Middleſex*, and *York*, are to pay double.

Fees to be received by the meſſenger of the court.

	l.	s.	d.
Of every ſheriff of a county ſworn to anſwer upon his two appoſals on the king's remembrancer, treaſurer's remembrancer, and firſt-fruits proceſs, for each of the appoſals	0	6	8
Of every ſheriff of a city for each of the two appoſals	0	3	4

London, *Middleſex*, and *York*, to pay double.

Fees to be received by the tipſtaff.

	l.	s.	d.
Of every high ſheriff when he enters on recognizance in the exchequer	0	2	0
Of every ſheriff of a county ſworn to anſwer upon his two appoſals upon the king's remembrancer, treaſurer's remembrancer, and firſt-fruits proceſs, for each of the appoſals	0	2	0
Of every ſheriff of a city, &c. ſworn to anſwer the like appoſals	0	1	0
Of every ſheriff of a county ſworn to his account, and on his appoſal on the pipe proceſs before the curſitor-baron	0	3	0
Of every ſheriff of a city, &c. on his appoſal on the pipe proceſs before the curſitor-baron	0	1	0
Of every ſheriff of a county at his caſting out of court, and finiſhing his account	0	2	0

London, *Middleſex*, and *York*, to pay double.

Fees and allowances to be paid to the auditors of the exchequer, for making up and paſſing the under-mentioned ſheriffs accounts, viz.

	l.	s.	d.
For enrolling a ſheriff's patent, filing the ſeveral certificates, drawing and engroſſing the account, and for the *quietus* of the ſheriffs of *Cheſhire* and *Lancaſhire*, the fees for each county to be	20	0	0
For the county palatine of *Durham*, according to ancient cuſtom	9	6	8
For caſting out of ſheriffs in open court, except *London* and *Middleſex*, *York* and *Lincoln*	0	10	0
For *London*, *Middleſex*, *York*, and *Lincoln*	1	0	0

Fees to be paid by the ſheriffs of Wales *to the auditor of* Wales *and* Cheſhire, *for the ſeveral ſheriffs of* Wales.

	l.	s.	d.
For every old ſeizure charged in the ſheriff's account	0	1	0
For every new ſeizure charged in the ſheriff's account	0	2	0
For enrolling a ſheriff's patent, filing the ſeveral certificates, drawing and engroſſing the account, and for the *quietus* for each county	8	18	4

The fees due to the receiver of North *and* South Wales.

	l.	s.	d.
From every ſheriff upon paſſing his accounts at the audit for ſigning his accounts, and entering in the revenue book.	2	13	4

For the ſheriffs of Cheſhire.

	l.	s.	d.
For enrolling the ſheriff's patent, filing the ſeveral certificates, drawing and engroſſing the account, and the *quietus*	20	0	0

By 3 *Geo.* 1. *c.* 16. The yearly ſum of 4000 *l.* ſhall be ſet apart in the exchequer out of ſuch fund as by any act of this ſeſſion ſhall be charged with the ſame [*viz. out of the* aggregate fund] for the uſes hereafter mentioned. *ſ.* 1.

There ſhall be paid yearly out of the ſaid monies, on the 1ſt day of *Michaelmas* term, to the ſheriffs of the ſeveral counties after mentioned, the ſums herein expreſſed, to enable them to bear the expences of the letters patents for their offices, and to paſs their accounts, and to obtain their *quietus*; the ſaid yearly ſums to be received without any account or impreſt to be ſet upon them, and without paying any fees for the ſame, *viz.*—*ſ.* 2.

		l.	s.
To the ſheriff of the county of	Bedford — — —	93	6
	Berks — — —	96	0
	Bucks — — —	96	0
	Cambridge *and* Huntingdon — —	95	10
	Cheſter — — —	62	5
	Cornwall — — —	102	16
	Cumberland — — —	90	2
	Derby — — —	93	19
	Devon — — —	106	9
	Dorſet — — —	101	6
	Eſſex — — —	108	10
	Glouceſter — — —	98	10

		l.	s.
To the sheriff of the county of	Hereford	94	6
	Hertford	93	0
	Kent	108	10
	Lancaster	67	7
	Leicester	94	6
	Lincoln	101	3
	Middlesex	119	3
	Monmouth	89	3
	Norfolk	101	15
	Northampton	96	0
	Northumberland	91	0
	Nottingham	95	13
	Oxon	97	7
	Rutland	69	11
	Salop	98	3
	Somerset	112	19
	Southampton	101	3
	Stafford	95	10
	Suffolk	102	12
	Surrey	90	2
	Sussex	90	5
	Warwick	93	10
	Wilts	104	10
	Worcester	98	3
	York	150	0
	Angleſey	30	0
	Brecon	30	0
	Cardigan	30	0
	Carmarthen	30	0
	Carnarvon	30	0
	Denbigh	30	0
	Flint	30	0
	Glamorgan	30	0
	Merioneth	30	0
	Montgomery	30	0
	Pembroke	30	0
	Radnor	30	0
	Weſtmorland	40	6

By 6 *Geo.* 1. *c.* 21. No high ſheriff, under ſheriff, their deputies or agents, ſhall make out any warrant, before they have in their cuſtody the writs upon which ſuch warrants ought to iſſue, on forfeiture of 10*l.* *ſ.* 53.

Every warrant to be made out upon any writ out of the king's bench, common pleas, or exchequer, before judgment, to arreſt any perſon, ſhall have the ſame day and year ſet down thereon as ſhall be ſet down on the writ itſelf, under forfeiture of 10*l.* to be paid by the perſon who ſhall fill up or deliver out ſuch warrant; both penalties to be recovered and divided as the other penalties in 9 *Will.* 3. *c.* 25. *See* STAMPS. *ſ.* 54.

By 20 *Geo.* 2. *c.* 37. All ſheriffs ſhall, at the expiration of their office, turn over to the ſucceeding ſheriff, by indenture and ſchedule, all ſuch writs and proceſs as remain in their hands unexecuted, who ſhall execute and return the ſame; and in caſe any ſheriff neglect to turn over ſuch proceſs, he ſhall be liable to make ſatisfaction by damages and coſts to the party aggrieved. *ſ.* 1.

No ſheriff ſhall be called upon to make a return of any writ or proceſs, unleſs he be required ſo to do within ſix months after the expiration of his office. *ſ.* 2.

By 24 *Geo.* 2. *c.* 48. The officers and perſons who by 14 *Edw.* 3. *c.* 7. or any other law, ought to aſſemble at the exchequer yearly, on the morrow of *All Souls*, for nominating ſheriffs, ſhall not aſſemble on that day, but ſhall aſſemble yearly on the morrow of *St. Martin* at the exchequer. *ſ.* 12.

By 7 *Geo.* 3. *c.* 29. the 29 *Eliz. c.* 4. ſhall not extend to allow any ſheriff, under ſheriff, or other perſon employed in the execution of proceſs, any poundage, for taking any perſon in execution upon any proceſs at the ſuit of any ſheriff, or other officer of the crown, upon any bail bond entered into for the appearance of any perſon proſecuted, either for duties, or for any penalty inflicted by any act made or to be made for preventing the clandeſtine running or receiving any cuſtomable or prohibited goods; or in any caſe whatſoever where the officer would not be entitled to poundage, if the proceedings were carried on directly in the name of the crown.

Ships.

By 8 *Eliz. c.* 13. The maſter, wardens, and aſſiſtants, of *Trinity-houſe* at *Deptford-ſtrond* may at their coſts ſet up beacons and marks for the ſea, in ſuch places near the coaſts or forelands as to them ſhall ſeem meet. *ſ.* 2.

No ſteeple, trees, or other things, ſtanding as ſea marks, whereof to the owner or occupier of the place, where the ſame doth ſtand, before the firſt of *March* next, notice ſhall be given by the queen's letters under her ſignet, ſhall at any time hereafter be taken or cut down; upon pain that every perſon, by whoſe conſent ſuch offence ſhall be committed, ſhall forfeit 100*l.* one moiety to the queen and the other moiety to the ſaid *Trinity-houſe*; and if the perſons offending be not of the value, they ſhall be deemed convict of outlawry. *ſ.* 4.

By 22 & 23 *Car.* 2. *c.* 11. Where any goods ſhall be laden on board any *Engliſh* ſhip of the burden of 200 tons or upwards, and mounted with 16 guns or more, if the commander yield up the goods to any *Turkiſh* ſhips, or to any pirates or ſea rovers, without fighting, he ſhall, upon proof thereof, made in the court of admiralty, be incapable of taking charge of any *Engliſh* ſhip as commander; and if he thereafter take upon him to command any *Engliſh* ſhip, he ſhall ſuffer impriſonment by warrant from the ſaid court during ſix months for every offence; and in caſe the perſons taking the ſaid goods ſhall releaſe the ſhip, or pay unto the maſter any money or goods for freight or other reward, the ſaid goods or money, or the value thereof, as alſo the maſter's part of ſuch ſhip ſo releaſed, ſhall be liable to repair the perſons whoſe goods were taken, by action in the court of admiralty; and in caſe the commander's part, together with ſuch money and goods, ſhall not be ſufficient to repair all the damages ſuſtained, the reparations recovered on the maſter's part ſhall be divided *pro rata* amongſt the perſons proſecuting and proving their damages, and the perſons damaged ſhall have their action againſt the maſter for the remainder. *ſ.* 2.

No maſter of any ſuch *Engliſh* ſhip, being at ſea, and having diſcovered any ſhip to be a *Turkiſh* ſhip, pirate, or ſea rover, ſhall depart out of his ſhip. *ſ.* 3.

If the maſter of any *Engliſh* ſhip, though not of the burden of 200 tuns or mounted with 16 guns, yield his ſhip to any *Turkiſh* ſhip, pirate, or ſea rover, (not having at leaſt his double number of guns), without fighting, ſuch maſter ſhall be liable to all the penalties in this act. *ſ.* 4.

Upon proceſs out of the court of admiralty, it ſhall be lawful for all commanders of his majeſty's ſhips, or the commanders of any other *Engliſh* ſhips, to ſeize ſuch ſhips or maſters ſo offending, according to the proceſs, and the ſame to ſend in cuſtody into any ports of his majeſty's dominions,

minions, to be proceeded againſt according to this act. *ſ.* 5.

Provided that none be hereby encouraged to violate the rights of the ports of any foreign prince or ſtate in amity. *ſ.* 6.

If the mariners or inferior officers of any *Engliſh* ſhip, laden with goods, decline or refuſe to fight and defend the ſhip, when they be thereunto commanded by the maſter, or utter any words to diſcourage the other marines from defending the ſhip, every mariner found guilty of declining or refuſing as aforeſaid, ſhall loſe all his wages due to him, together with ſuch goods as he hath in his ſhip, and ſuffer impriſonment not exceeding ſix months, and during ſuch time be kept to hard labour for his maintenance. *ſ.* 7.

Provided that if any ſhip be yielded contrary to the will of the commander, by the diſobedience of the mariners, teſtified by their having laid violent hands on him, the maſter ſhall not be liable to the ſentence of incapacity, nor to any action for the loſſes ſuſtained by the merchants, unleſs he have received back from the takers his ſhip, or ſome reward. *ſ.* 8.

Every mariner who ſhall have laid violent hands on his commander, to hinder him from fighting in defence of his ſhip and goods, ſhall ſuffer death as a felon. *ſ.* 9.

When any *Engliſh* ſhip ſhall have been defended by fight and brought to her port, in which fight any of the officers or ſeamen be wounded, it ſhall be lawful for the judge of admiralty, or his ſurrogate, or the judge of the vice-admiralty within which the ſhip ſhall arrive, upon petition of the maſter or ſeamen, to call unto him ſuch as he ſhall be informed to be adventurers or owners of the ſhip and goods, and by advice with them to raiſe upon the owners and adventurers by proceſs of the court, ſuch ſums of money as himſelf with the major part of the adventurers or owners preſent ſhall judge reaſonable, not exceeding two *per cent.* of the ſhip and goods, according to the firſt coſt of the goods by the invoice (which the owner or his factor is to produce) or by the oath of the owner or his correſpondent; which money ſhall be paid to the regiſter of the court, who ſhall receive 3 *d.* in each pound, thence to be diſtributed amongſt the captain, maſter, officers, and ſeamen, of the ſaid ſhip, or widows and children of the ſlain, according to the direction of the judge, with the approbation of three or more of the owners or adventurers, who ſhall proportion the ſame unto the ſhip's company, having ſpecial regard unto the widows and children of ſuch as ſhall have been ſlain, and to ſuch as ſhall have been wounded or maimed. *ſ.* 10.

In caſe the company belonging unto any *Engliſh* merchant ſhip ſhall take any ſhip which ſhall firſt have aſſaulted them, the officers and mariners ſhall, after condemnation of ſuch ſhip and goods, have ſuch part thereof as is practiſed in private men of war. *ſ.* 11.

If any captain, maſter, mariner, or other officer, belonging to any ſhip, ſhall wilfully caſt away, burn, or deſtroy the ſhip, or procure the ſame to be done, he ſhall ſuffer death as a felon. *ſ.* 12. *See general title* FELONS, *&c.*

By 4 & 5 *Ann. c.* 20. From the placing a light uſeful for ſhippen in *Ediſtone* light-houſe, there ſhall be paid to the maſter, wardens, and aſſiſtants, of *Trinity-houſe* of *Deptford-ſtrond*, by the maſters and owners of all *Engliſh* ſhips and barks which ſhall paſs by the ſaid light-houſe (except coaſters), 1*d. per* tun outward-bound, and 1*d. per* tun inward-bound, *viz.* of the merchant one moiety, and of the owner the other moiety; and of all ſuch aliens ſhips as paſs by the ſaid light-houſe, 2 *d.* for every tun of the burden; and every coaſter paſſing by the ſaid light-houſe ſhall pay 2 *s.* for each time; the ſaid duties to be collected by ſuch perſons as the ſaid maſter, wardens, and aſſiſtants ſhall appoint, in ſuch port, whence ſuch ſhip ſhall ſet forth, or arrive, before they load or unload; the ſaid duties to be recovered by action of debt in any court at *Weſtminſter*.

By *Ann. c.* 37. The judge of admiralty, or other perſon thereto authoriſed, ſhall, within five days after requeſt, finiſh the uſual preparatory examination of the perſons commonly examined, in order to prove lawful prize of any ſhip taken in *America*, and the monition uſual in ſuch caſes ſhall be iſſued and executed within three days after requeſt; and in caſe no claim ſhall be made and atteſted upon oath, giving 20 days notice, after the execution of ſuch monition, or if there be ſuch claim, and the claimant ſhall not within five days give ſecurity, (to be approved by ſuch court of admiralty,) to pay double coſts to the captors, in caſe the ſame ſhall be adjudged lawful prize, the judge of ſuch court of admiralty ſhall, upon producing the ſaid examination, or copies thereof, and upon producing upon oath all papers and writings which ſhall have been taken with ſuch capture (or upon oath made that no ſuch papers were found) immediately proceed to ſentence, either to diſcharge ſuch capture, or to condemn the ſame as lawful prize; and in caſe ſuch claim ſhall be duly entered, and ſecurity given, and there ſhall appear no occaſion to examine any witneſſes, other than what ſhall be near ſuch court of admiralty, ſuch judge ſhall forthwith cauſe ſuch witneſſes to be examined, and (within ten days after ſuch claim made, and ſecurity given) proceed to ſentence: but in caſe upon making ſuch claim, and the allegation and oath thereupon, or the producing ſuch writings as ſhall have been found taken with ſuch capture, or upon the ſaid preparatory examinations, it ſhall appear doubtful to the judge, whether ſuch capture be lawful prize or not, and it ſhall appear neceſſary to have an examination of witneſſes remote from ſuch court of admiralty, and ſuch examination ſhall be deſired, the judge ſhall cauſe ſuch capture to be apprized by perſons named on the part of the captor, and ſworn, and after ſuch appraiſement, and within 14 days after the making of ſuch claim, proceed to take ſecurity from the claimants to pay the captors the value thereof according to ſuch appraiſement, in caſe the ſame be adjudged lawful prize, and after ſuch ſecurity given, the judge ſhall make an interlocutory order for delivering the ſame to ſuch claimants or their agents. *ſ.* 4.

If any claimant refuſe to give ſuch ſecurity, the judge ſhall cauſe the captors to give ſecurity, to be approved of by the claimant, to pay the value according to the appraiſement, in caſe ſuch capture ſhall be adjudged not to be lawful prize; and the judge ſhall thereupon proceed to make an interlocutory order for the delivering of the ſame to the captors or their agents. *ſ.* 5.

All captures brought into any of her majeſty's plantations in *America* ſhall, without breaking bulk, be under the joint cuſtody of the naval officer, and of the captors, until either the ſame ſhall, by final ſentence, have been cleared or condemned, or ſuch interlocutory orders as aforeſaid ſhall have been made for the delivering of the ſame; and upon the condemnation thereof, ſhall, in caſe the ſame were taken by any privateer, be delivered unto the captors, and in caſe the ſame were taken by any of her majeſty's ſhips of war, unto ſuch perſons as her majeſty ſhall direct; and if any judge or other officer delay any proceedings relating to the condemning or diſcharging of any ſuch capture, every ſuch judge and officer ſhall forfeit 500 *l.* one moiety thereof to her majeſty, and the other moiety, with coſts, to ſuch perſon as ſhall inform or ſue for the ſame in any

any of the courts in her majeſty's plantations, or in *Great Britain*. *ſ.* 6.

There ſhall not be paid to the judges and officers of ſuch court of admiralty for the condemning of ſuch capture above 10*l.* in caſe ſuch prize be under the burden of 100 tuns, nor above 15*l.* in caſe the ſame be of that or greater burden. *ſ.* 7.

Any captors or claimants may appeal from the court of admiralty to her majeſty in her privy council, ſo as the ſame be made within 14 days after ſentence, and ſecurity be given by the appellant, that he will proſecute ſuch appeal, and anſwer the condemnation, as alſo pay treble coſts as ſhall be awarded by her majeſty in caſe the ſentence of ſuch court of admiralty be affirmed, and ſo as execution be not ſuſpended by ſuch appeal. *ſ.* 8.

Every maſter of a trading or privateer ſhip ſhall, before he ſhall receive any perſon to ſerve on board ſuch ſhip, endeavour (by all the ways that he conveniently can) to diſcover whether ſuch perſon hath deſerted from any of her majeſty's ſhips of war; and in caſe any ſuch maſter ſhall receive any perſon on board ſuch ſhip without ſuch endeavour, or which he ſhall know hath deſerted from any of her majeſty's ſhips of war, ſuch maſter ſhall forfeit to the queen, 20*l.* for every man, to be recovered with coſts in any court in her majeſty's dominions. *ſ.* 10.

Every maſter of a merchant ſhip, and commander of a privateer, ſhall, before he ſet ſail from any port, deliver to the chief officer of the cuſtoms, a liſt of all the men belonging to ſuch ſhip, containing their names, ages and deſcriptions, upon pain that he ſhall forfeit 10*l.* to her majeſty for every man he ſhall receive whoſe name ſhall not be inſerted in ſuch liſt, to be recovered with coſts in any courts. *ſ.* 11.

Such officer of the cuſtoms ſhall return to ſuch maſter an atteſted copy of ſuch liſt, and upon the death or alteration of any ſeaman the liſt ſhall be altered and delivered in to the naval officer or chief officer of the cuſtoms in any port where ſuch ſhip ſhall arrive; all which liſts ſhall be produced to any officers of her majeſty's ſhips of war demanding the ſame: and if any man belonging to her majeſty's ſhips ſhall be found on board any merchant ſhip or privateer, whoſe name ſhall not be contained in ſuch liſt, the maſter of ſuch veſſel ſhall forfeit to her majeſty 20*l.* for every ſuch man. *ſ.* 12.

The maſter of every trading ſhip, and every packet-boat which ſhall be outward-bound for any port in *America*, ſhall be obliged (at the deſire of any of her majeſty's officers thereunto authoriſed, and at the charges of her majeſty) to receive and carry to the port whereto ſuch ſhip ſhall be bound, and deliver to ſuch perſon to whom they ſhall be aſſigned, any number of mariners or other perſons entered into her majeſty's ſea ſervice and pay (over and above the complement of ſeamen which ſuch ſhip uſually carries, not exceeding the fifth part of ſuch complement) upon pain of forfeiting 20*l.* for every ſuch ſeaman that he ſhall refuſe to carry. *ſ.* 13.

Whereas laws are in force within ſeveral of her majeſty's plantations in *America* for the preventing the carrying off any ſlave without the conſent of the owner, or the carrying off any other perſon until ſuch perſon ſhall have taken out his ticket from the ſecretary's office within ſuch plantation; all commanders of private ſhips of war, or merchant ſhips having letters of marque, ſhall be ſubject to ſuch laws. *ſ.* 18.

By 8 *Ann. c.* 17. The duties in the act 4 & 5 *Ann. c.* 20. directed to be paid by any ſhip paſſing by *Edyſtone* light-houſe, ſhall be paid for every ſuch ſhip, as well thoſe belonging to her majeſty's ſubjects as ſtrangers, which ſhall paſs by the ſaid light-houſe from or to any port, and ſhall be received of the maſter of ſuch ſhip in any part of *Great Britain* or *Ireland* and may be recovered in any of her majeſty's courts of law. *ſ.* 1.

No cuſtomer, collector, or other officer of the cuſtoms, ſhall make out any cocket or other diſcharge, or take any report outwards, for any ſhip, until the duties granted by the ſaid act, and payable by the maſter of ſuch ſhip, be paid; and that ſuch maſter produce a light bill, teſtifying the receipt thereof. *ſ.* 2.

It ſhall be lawful for every perſon authoriſed by the *Trinity-houſe* to go on board any foreign ſhip to receive the duties, and for non-payment to diſtrain any tackle belonging to ſuch ſhip; and in caſe of any delay in payment for three days after diſtreſs, it ſhall be lawful for the receivers of the ſaid duties to cauſe the ſame to be appraiſed by two perſons, and to ſell the ſaid diſtreſs. *ſ.* 3.

By 3 *Geo.* 1. *c.* 13. If any perſon ſhall take upon him to conduct or pilot any ſhip by or from *Dover*, *Deal*, or the iſle of *Thanet*, to any place on the river *Thames* or *Medway*, before he has been firſt examined by the maſter and wardens of the ſociety or fellowſhip of pilots of the *Trinity-houſe* of *Dover*, *Deal*, and the iſle of *Thanet*, touching his ability, and approved and admitted into the ſaid ſociety at a court of loadmanage by the lord warden of the cinque ports, or his deputy, and the maſter and wardens; ſuch perſon for the firſt offence ſhall forfeit 10*l.* for the ſecond 20*l.* and for every other offence 40*l.*, to be recovered with coſts by any perſon in the court of admiralty for the cinque ports, in caſe ſuch offender live and be found within the juriſdiction of the ſaid court, or elſe by action in any the courts at *Weſtminſter*; one moiety of the forfeiture to go to the informer, the other to the maſter and wardens of the ſaid ſociety, to be diſtributed amongſt ſuch ſuperannuated pilots, and the widows of pilots, of the ſaid ſociety, as the maſter and wardens ſhall appoint. *ſ.* 1.

This act ſhall not prevent the maſter or mate of any ſhip, or part-owner, reſiding at *Dover*, *Deal*, or the iſle of *Thanet*, from piloting his own ſhip; nor ſubject any perſon to the penalties, who ſhall be hired by any maſter to pilot his veſſel; provided none of the ſociety, within one hour after ſuch ſhip ſhall arrive at any of the ſaid places, be ready to pilot the ſame. *ſ.* 2.

Maſters of merchant ſhips may make choice of ſuch pilot of the ſociety as they ſhall think fit; and no perſon ſhall continue in the ſociety who ſhall not pilot a ſhip at leaſt twice in one year (unleſs prevented by ſickneſs) to and from the places above mentioned. *ſ.* 3.

For conducting any ſhip from *Dover*, *Deal*, or the iſle of *Thanet*, to any places on the river *Thames* and *Medway*, the following and no greater prices ſhall be taken, *viz.* For every ſhip drawing ſeven foot water, 3*l.* 10*s.*; eight foot, 4*l.*; nine foot, 4*l.* 10*s.*; ten foot, 5*l.*; eleven foot, 5*l.* 10*s.*; twelve foot, 6*l.*; thirteen foot, 6*l.* 10*s.*; fourteen foot, 7*l.*; fifteen foot, 7*l.* 10*s.*; ſixteen foot, 8*l.* ſeventeen foot, 8*l.* 10*s*; and no allowance to be made for odd inches. *ſ.* 4.

If any pilot negligently loſe the ſhip under his care, and be thereof convicted, he ſhall for ever after be incapacitated for acting as a pilot; and the number of ſuch pilots ſhall not be leſs than 120, whoſe names, ages, and places of abode, ſhall every 25th of *March* be affixed in ſome public place at the cuſtom-houſes at *London* and *Dover*; and for not returning ſuch liſt, the maſter and wardens of the ſociety ſhall forfeit 10*l.* to be recovered in the cinque ports by any perſon who ſhall ſue for the ſame. *ſ.* 5.

The

The lord warden of the cinque ports ſhall nominate, under his hand and ſeal, three or more perſons in each of the cinque ports, two ancient towns and their members, to adjuſt any difference relative to ſalvage, between the maſter of any ſhip that has in bad weather been forced from her anchor and cable, and the perſons bringing them aſhore; and if any veſſel be forced from her cables and anchors by extremity of weather, and leave the ſame in any roads within the juriſdiction of the cinque ports, and the ſalvage cannot be adjuſted between the parties concerned, the ſame ſhall be determined in 12 hours by any one or more of the perſons appointed as aforeſaid. *ſ.* 6.

This act ſhall not hinder any perſon from aſſiſting a ſhip in diſtreſs. *ſ.* 7.

The maſter and ſuch two wardens of the ſociety as ſhall be appointed to examine any perſon on his being admitted a pilot, ſhall take the following oath, to be given by the regiſter of the court of loadmanage. *ſ.* 8.

I A. B. *do ſwear, that I will impartially examine and inquire into the capacity and ſkill of* ——— *in the art of pilotage over the* Flats, *and round the* Long-ſand head, *and the coaſts of* Flanders *and* Holland, *and will make true and ſpeedy return thereof to the lord warden of the cinque ports for the time being, or his deputy; without favour, affection, fee, or reward.*

So help me God.

This act ſhall not extend to the taking away any liberties veſted in the corporation of the *Trinity-houſe* of *Deptford-ſtrond*. *ſ.* 9.

This act ſhall continue to 25 March, 1792, &c. *by* 18 Geo. 3. c. 45. ſ. 7.

By 7 *Geo.* 1. *c.* 21. *ſ.* 14. *continued by* 18 Geo. 3. c. 45. ſ. 7. *until* 25 March 1792, *&c.* The lord warden of the cinque ports, or his deputy, with the aſſent of the commiſſioners of loadmanage, and of the maſters and wardens of the ſociety of pilots of the *Trinity-houſe* of the cinque ports at a court of loadmanage, may, during the continuance of 3 *Geo.* 1. *c.* 13. make rules and orders for the better government and regulation of the pilots reſiding at *Dover*, *Deal*, and the iſle of *Thanet*, and may order a ſufficient number of them, not leſs than 18, to ply conſtantly at ſea, to be ready to conduct ſhips up the rivers of *Thames* and *Medway*; and the lord warden, *&c.* at a court of loadmanage, may ſuſpend or deprive any of the ſaid pilots for breaking the ſaid rules or orders; and if any pilot, during ſuch ſuſpenſion or deprivation, take upon himſelf to conduct any ſhip, by or from *Dover*, *Deal*, or the iſle of *Thanet*, to any place upon the rivers of *Thames* or *Medway*, he ſhall be liable to all penalties provided by the ſaid act, againſt ſuch perſons as ſhall conduct ſhips from and to the places aforeſaid, without being firſt examined and approved of by the maſter and wardens of the ſaid ſociety.

By 8 *Geo.* 1. *c.* 17. It ſhall be lawful for perſons authoriſed by the majority of the *Britiſh* merchants and factors reſiding in *Portugal*, being aſſembled with the conſul general, or his deputy, in any of the ports in *Portugal*, to recover from all commanders of *Britiſh* ſhips trading from *Great Britain* or *Ireland*, or any other his majeſty's dominions, to any of the dominions of the king of *Portugal*, the following ſums, *viz.* any ſum not exceeding 200 *reis per* tun on all tunnage goods (except wheat, barley, rye, coals, timber, boards, and lumber); and 100 *reis per* tun on wheat, barley, *&c.*; and 15 *per cent.* on the freight of all other goods exported from any of the king's dominions to any place in the dominions of the king of *Portugal*; and all bills of lading ſhall ſpecify to pay the monies accordingly, under denomination of contribution as *per* act of parliament; and the perſons paying the ſame ſhall be reimburſed by the freighters, or the perſons to whom the goods ſhall be conſigned; and if no bill of lading ſhall appear, and no freight or tunnage is ſettled between the owner of the goods and the maſter of the veſſel, the freight or tunnage ſhall be valued by two indifferent *Britiſh* merchants on the place, one to be choſen by the conſul general, and the other by the maſter of the ſhip, within ten days after unlading the goods; and if the perſons ſo choſen ſhall not agree the ſame in five days, ſuch two perſons ſhall chooſe a third (being a *Britiſh* merchant on the place) who ſhall decide the valuation in three days. *ſ.* 1.

All maſters of ſhips trading from *Great Britain*, *Ireland*, or any other his majeſty's dominions, to the dominions of the king of *Portugal*, and unloading there, ſhall within ten days after their arrival deliver to the conſul general, or deputy conſul, reſiding there, or to ſuch perſon as ſhall be appointed, a manifeſt upon oath, ſpecifying the particulars of the cargo, or of ſuch part thereof as ſhall be unloaded there, and to whom conſigned; which oath the conſul general, *&c.* is to adminiſter *gratis*. *ſ.* 2.

The conſul general, or his deputy, ſhall detain the clearances outwards of all ſuch *Britiſh* or *Iriſh* ſhips till payment. *ſ.* 3.

The monies ſhall be applied in manner following, *viz.* to the miniſter reſiding there, 300 *mill reis per annum*, by equal quarterly payments, and the remainder for relief of ſhipwrecked mariners, and other diſtreſſed perſons, his majeſty's ſubjects, and to ſuch other charitable and public uſes as ſhall be appointed by the majority of the *Britiſh* merchants and factors reſiding at *Liſbon*, and other parts in *Portugal*, being aſſembled with the conſul general or any of his deputy conſuls. *ſ.* 4.

Perſons formerly liable to pay the four *reis per mill*, ſhall, after payment of the ſums required by this act, be exempted from the ſame. *ſ.* 5.

The conſul general or his deputy conſuls, reſiding in *Portugal*, ſhall, as they ſee occaſion, call a general meeting of the *Britiſh* merchants and factors; and ſhall call ſuch meetings as often as ſhall be deſired by writing under the hands of any five *Britiſh* merchants or factors. *ſ.* 6.

This ſhall be a public act. And if any action be brought for any thing done in relation to the premiſes, the defendant may plead the general iſſue. *ſ.* 7.

By 8 *Geo.* 1. *c.* 24. *made perpetual by* 2 Geo. 2. c. 28. In caſe any captain or other officer of any of his majeſty's ſhips of war ſhall receive on board, or permit to be received on board, any goods, in order to trade with the ſame, except gold, ſilver, or jewels, and except goods belonging to any merchant ſhip wrecked, or in imminent danger, in order to the preſerving of them, and except ſuch goods as they ſhall be ordered to receive by the commiſſioners of the admiralty; every ſuch captain and officer ſhall forfeit his command and office, and be for ever incapable to ſerve in the naval ſervice, and ſhall forfeit to his majeſty all wages due to him for his ſervice in the ſhip whereunto he ſhall belong, when, or at any time after ſuch offence ſhall be committed. *ſ.* 8.—*See* 22 Geo. 2. c. 33. *ſ.* 1. *poſt.*

The ſaid captain or officer, and the owners of ſuch goods, ſhall forfeit the value of ſuch goods, one moiety to ſuch as ſhall make diſcovery of the offence, and the other moiety to *Greenwich-hoſpital*; all which forfeitures may be ſued for in the court of admiralty. *ſ.* 9.—*See* 22 Geo. 2. c. 33. *ſ.* 24. *poſt.*

By 3 *Geo.* 2. *c.* 36. All the powers and duties granted in letters patent, bearing date at *Weſtminſter* the 13th of July,

13 *Ann.* to *William Trench*, Eſq. deceaſed, for erecting a light-houſe on the iſland or rock called *Skerries*, near *Holyhead*, in the county of *Angleſea*, ſhall have continuance for ever, ſubject to a proviſo as to the maintaining of the light-houſe in the letters patent contained, and to the truſts in the act mentioned, and ſhall be veſted in *Sutton Morgan*, clerk, who married the only ſurviving child of the ſaid *William Trench*. *ſ.* 1.

The ſaid *Sutton Morgan*, his heirs and aſſigns, may demand of maſters and owners of every ſhip, or bottom, paſſing, croſſing, or ſailing, in or through *St. George*'s channel, by *Holyhead* or *Wicklow*, to or from any foreign port, or which ſhall paſs or croſs the ſaid channel, to or from any place in *Great Britain* ſouthward of *Holyhead* from or to *Wicklow*, or any place northward thereof in *Ireland*, or that ſhall paſs, croſs, or ſail, from any place nothward of *Holyhead*, and ſail between *Holyhead* and the *Calf of Man*, or any way in *St. George*'s channel, to the ſouthward of *Dublin*, and likewiſe from all coaſters paſſing to or from any place in *Great Britain*, north of *Holyhead*, from or to any port, *&c.* ſouth thereof, 1 *d. per* tun, coming into, and the like ſum *per* tun going out of, the ſaid ports in *Great Britain* or *Ireland*, and double ſuch duties for any foreign ſhip. *ſ.* 2.

Ships loaded with coals in *Great Britain* north of *Liverpool* for *Ireland*, or the greateſt part of their loading being coals, and paſſing from *Great Britain* to *Ireland*, ſhall only pay one voyage in every year, the ſame to be paid the firſt voyage yearly, before clearing out of the cuſtom-houſes, either in *Great Britain* or *Ireland*. *ſ.* 3.

In conſideration of the benefit the pacquet boats, ſailing between *Holyhead* and *Dublin*, receive by the ſaid light-houſe, the poſtmaſter-general ſhall pay to the ſaid *Sutton Morgan*, the annual ſum of 50 *l.* without fee, quarterly. *ſ.* 4.

If any perſon having command of any ſhip, ſhall refuſe to pay the duties, it ſhall be lawful for the ſaid *Sutton Morgan*, his heirs, *&c.* to ſeize any goods of any maſter or owner of ſuch ſhip, and to keep the ſame till the duties are paid; and in caſe of delay in payment three days after ſuch ſeizing, he may cauſe the ſame to be appraiſed by two ſworn appraiſers, and afterwards ſell the goods. *ſ.* 5.

Nothing herein ſhall charge any of his majeſty's ſhips of war. *ſ.* 6.

The ſaid *Sutton Morgan* ſhall be freed from the payment of 5 *l. per annum* quit rent, reſerved by the letters patent. *ſ.* 7.

If any ſuit be commenced for any thing done in purſuance of this act, the action ſhall be laid in the county, whether in *Great Britain* or *Ireland*, where ſuch act was done; and the defendant may plead the general iſſue. *ſ.* 8.

By 5 *Geo.* 2. *c.* 20. If any perſon ſhall take the charge of any ſhip as pilot down the river of *Thames*, or through the *North channel* to or by *Orfordneſs*, or round the *Long-ſand head* into the *Downs*, or down the *South channel* into the *Downs*, or from or by *Orfordneſs* up the *North channel*, or the river of *Thames*, or the river *Medway*, other than ſuch as ſhall be licenſed to act as a pilot by the maſter, wardens, and aſſiſtants, of the *Trinity-houſe* of *Deptford-ſtrond*, under the common ſeal of the corporation; every perſon ſo offending, and being convicted before two juſtices of peace for the city of *London*, or the counties of *Middleſex*, *Eſſex*, *Kent*, or *Surrey*, ſhall for every offence forfeit 20 *l.*, provided that nothing in this act extend to the obliging any maſter of any ſhip in the coal trade, or other coaſting trade, to employ a pilot. *ſ.* 1.

If any commander or other officer of any ſhip, (except his majeſty's ſhips,) ſhall, while ſuch ſhip ſhall be in the river of *Thames*, between *London-bridge* and *Blackwall*, keep any gun ſhotted, or ſhall fire, or permit to be fired any gun on board any ſhip, before ſun riſing or after ſun ſetting, ſuch commander or officer, ſhall, for every ſuch gun ſo kept ſhotted, forfeit 5 *s.* and for every gun ſo fired, 10 *s.* And if any commander, or other officer of any ſhip, or any other perſon on board, ſhall, while ſuch ſhip ſhall be in the river between *London-bridge* and *Blackwall*, permit to be heated or melted on board ſuch ſhip, any pitch, tar, roſin, or other combuſtible matter, ſhall forfeit 5 *l.* *ſ.* 4.

It ſhall be lawful for the ſaid maſter, wardens, and aſſiſtants, by inſtrument under their common ſeal, to authorize an elder brother to go in a boat, between ſun riſing and ſun ſetting, to any ſhip, and to go on board the ſame (his majeſty's ſhips always excepted) in order to ſearch for powder, guns ſhotted, and the heating and melting combuſtible matters, within the limits wherein ſuch offences are prohibited; and if the commander, or other officer refuſe to permit any perſon ſo authorized, to come on board and make due ſearch, every ſuch commander or officer ſhall forfeit 5 *l.* *ſ.* 5.

The pecuniary forfeitures ariſing by this act ſhall be applied for the benefit of the poor of the ſaid corporation. *ſ.* 6.

It ſhall be lawful for two juſtices of peace in the city of *London*, or any of the four counties above mentioned, not being members of the ſaid corporation, to hear and determine the offences againſt this act; and ſuch juſtices are required, upon information, within ten days after ſuch offence committed, to ſummon the party accuſed and the witneſſes, or, after oath made of the commiſſion of any of the facts above mentioned, by one credible witneſs, to iſſue a warrant for apprehending the party offending, and upon the appearance or contempt of the party accuſed, in not appearing (upon proof of notice given) to proceed to the examination of witneſſes, and to give judgment accordingly; and where the party accuſed ſhall be convicted of ſuch offence, either by view of the juſtices, or upon information, or confeſſion, to iſſue warrants for levying any pecuniary penalties on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within five days; and where goods of ſuch offender cannot be found, to commit ſuch offender to priſon for three months, or until ſuch penalty ſhall be paid; and any perſon aggrieved may appeal to the next quarter ſeſſions. *ſ.* 7.

The pilots already admitted by the ſaid corporation ſhall be ſubject to the regulations of the corporation: provided the regulations do not relate to the pilots keeping of turns, or to the ſettling the rates of pilotage; and ſhall pay the ancient dues, provided the ſame do not exceed 1*s.* in the pound out of their pilotage, for the uſe of the poor of the corporation, within ten days after the ſervice of ſuch pilots ſhall be ended. *ſ.* 8.

In caſe ſuch pilots ſhall refuſe to take the charge of any of his majeſty's ſhips, when appointed thereto by the ſaid corporation, or ſhall have miſbehaved themſelves in the conduct of any ſhips, or in any other part of their duty, or if pilots ſhall refuſe to obey any ſummons of the corporation, or ſuch orders as the corporation ſhall make in the premiſes; the general court of the ſaid corporation, upon examination thereof, are required to recal the warrants granted to ſuch pilots; and if ſuch perſons ſhall (after notice given by the clerk of the ſaid corporation to them in perſon, or left at their place of abode) act as pilots within the

the limits aforementioned, they ſhall be ſubject to all the penalties inflicted on unlicenced pilots. *ſ.* 9.

In caſe any ſhip ſhall be laid up or moored in *St. Saviour*'s dock (except ſuch ſhips as ſhall be loading or delivering their cargoes, and except ſuch ſhips not exceeding two at one time, as ſhall lie at *Shipwright Yard*, at the northweſt corner of the dock, during the time ſuch ſhips ſhall be repairing) the maſter of every ſuch ſhip ſhall forfeit for every day ſuch ſhip ſhall ſo continue to be laid up and moored 20*s.* *ſ.* 10.

Nothing in this act ſhall extend to the impeaching any privileges enjoyed by the pilots of the *Trinity-houſe* of *Kingſton upon Hull*, or the *Trinity-houſe* of *Newcaſtle upon Tyne*. *ſ.* 11.

This act ſhall not extend to the impeaching any of the franchiſes, nor to take away the ſole right of piloting merchant ſhips from or by *Dover*, *Deal*, and the iſle of *Thanet*, up the rivers *Thames* and *Medway*, granted to the ſociety and fellowſhip of the maſter wardens and pilots of the *Trinity-houſe* of *Dover*, *Deal*, and the iſle of *Thanet*, by 3 *Geo.* 1. *cap.* 13. *ſ.* 12.

This act ſhall be a public act; and any ſuit brought for any thing done in purſuance of this act ſhall be commenced within three months after the fact, and ſhall be laid in the county or place where the cauſe of action ariſes: and the defendant may plead the general iſſue, not guilty; and if judgment ſhall be given againſt the plantiff, the defendant ſhall have treble coſts. *ſ.* 13.

Nothing in this act ſhall prejudice any juriſdiction of the mayor, or of the mayor commonalty and citizens, of the city of *London*, upon the river *Thames*. *ſ.* 14.

This act ſhall not prejudice any juriſdiction belonging to the office of lord high admiral. *ſ.* 15.

By 7 *Geo.* 2. *c.* 15. No owners of any ſhip ſhall be liable to anſwer any loſs by reaſon of embezzlement (by the maſter or mariners) of any goods ſhipped on board, or for any act done by the maſter or mariners without the privity of ſuch owners, further than the value of the ſhip, and the amount of the freight during the voyage wherein ſuch embezzlement, or other malverſation ſhall be committed. *ſ.* 1.

If ſeveral freighters ſhall ſuffer damage by the means aforeſaid in the ſame voyage, and the value of the ſhip, and the amount of the freight, ſhall not be ſufficient to make compenſation, ſuch freighters ſhall receive ſatisfaction in average in proportion to their loſſes; and it ſhall be lawful for ſuch freighters, or for the owners of ſuch ſhip, to exhibit a bill in equity for a diſcovery of the total amount of ſuch loſſes, and alſo of the value of ſuch ſhip and freight, and for an equal payment thereof. *ſ.* 2.

If ſuch bill ſhall be exhibited by the part owners of ſuch ſhip, the plaintiffs ſhall annex an affidavit, that they do not collude with any of the defendants, and ſhall offer to pay the value of ſuch ſhip and freight, as ſuch court ſhall direct, as in caſes of bills of interpleader. *ſ.* 3.

Nothing in this act ſhall diſcharge any remedy which any perſon may have againſt the maſter and mariners. *ſ.* 4.—*See* 26 *Geo.* 3. *c.* 86.

By 9 *Geo.* 2. *c.* 25. It ſhall be lawful for ſuch perſons as ſhall be appointed by the conſul for his majeſty's ſubjects trading to the port of *Cadiz* and *Port St. Mary's*, together with the majority of the *Britiſh* merchants and factors there, to receive from all maſters of *Britiſh* and *Iriſh* ſhips trading to the ſaid ports, any ſums of money not exceeding one royal plate *per* ducat on the freight of goods (except tunnage goods) imported into the ſaid ports, and on all tunnage goods any ſums not exceeding two royals plate *per* tun; and all bills of landing of ſuch ſhips ſhall ſpecify to pay the ſaid monies under the denomination of contribution as by act of parliament; and the perſons paying the ſame ſhall be reimburſed by their freighters, or by the perſons to whom the ſaid goods ſhall be conſigned; and in caſe the maſter of ſuch ſhip ſhall neglect to ſpecify the payment of the ſaid monies in the bills of lading, he ſhall be anſwerable for the ſame; or in caſe no bill of lading ſhall appear, or no freight or tunnage be ſettled between the owners of the goods and the maſter, the freight or tunnage of ſuch goods ſhall be valued by two indifferent *Britiſh* merchants on the place, one to be appointed by the conſul, and the other by the maſter, within ten days after unloading; and in caſe the perſons ſo choſen ſhall not agree in three days, ſuch two perſons ſhall chooſe a third, being a *Britiſh* merchant on the place as an umpire, who ſhall decide the valuation in three days; and ſuch ſums ſhall be paid in either caſe. *ſ.* 1.

All commanders of *Britiſh* or *Iriſh* ſhips trading to the ports of *Cadiz* and *Port St. Mary's*, and delivering there, ſhall, within ten days after arrival, deliver to the conſul a manifeſt upon oath, ſpecifying the particulars of the cargo delivered there, and to whom conſigned; which oath ſuch conſul, or other perſon to be appointed by him, is to adminiſter *gratis*. *ſ.* 2.

The conſul ſhall detain the clearances outward until payment; and in caſe the maſter of ſuch ſhip ſhall depart without his clearances, the conſul ſhall, upon the return of the ſaid maſter to any port of his majeſty's dominions, have an action at law againſt him for the money which ought to have been paid. *ſ.* 3.

All monies to be raiſed as aforeſaid ſhall be applied to the relief of ſhipwrecked mariners, and other diſtreſſed perſons, his majeſty's ſubjects, and to ſuch other charitable and public uſes as ſhall be appointed by the conſul with the majority of *Britiſh* merchants and factors reſiding at the ſaid ports of *Cadiz* and *Port St. Mary's*. *ſ.* 4.

The conſul ſhall, as he ſhall ſee occaſion, call a general meeting of the *Britiſh* merchants and factors, and as often as he ſhall be deſired under the hands of any five of the *Britiſh* merchants or factors; and the majority at ſuch meetings ſhall order all matters relating to the premiſes. *ſ.* 5.

This act ſhall be a public act. And if any action be brought for any thing done in relation to the premiſes, the defendant may plead the general iſſue. *ſ.* 6.

By 10 *Geo.* 2. *c.* 14. It ſhall be lawful for perſons appointed by the conſul named for his majeſty's ſubjects trading to the port of *Leghorn*, together with the majority of the *Britiſh* merchants and factors there, to recover from all commanders of *Britiſh* or *Iriſh* ſhips trading from any part of his majeſty's dominions to the ſaid port, any ſums not exceeding one *livre per* tun on all tunnage goods imported into the ſaid port, and on all bale goods not exceeding one-third of a *livre per* bale or parcel: *to be recovered and applied with like directions as in* 9 Geo. 2. cap. 25. *for the conſulage duty at* Cadiz *and* Port St. Mary's. *ſ.* 1.

By 18 *Geo.* 2. *c.* 17. If any ſhip belonging to any his majeſty's ſubjects, find out and ſail through any paſſage by ſea between *Hudſon's Bay*, and the weſtern, and ſouthern ocean of *America*, the owners of ſuch ſhip ſo firſt finding out and ſailing through the ſaid paſſage, their executors, adminiſtrators, or aſſigns, ſhall receive a reward of 20,000 *l.* *ſ.* 1.—*See* 16 Geo. 3.

To aſcertain who are the firſt diſcoverers of the ſaid paſſage, the lord chancellor, the lord preſident of the privy

council, the lord privy ſeal, the lord ſteward of the houſehold, the lord chamberlain of the houſehold, the lord treaſurer, or firſt commiſſioner of the treaſury, the lord high admiral, or firſt commiſſioner of the admiralty, the principal ſecretaries of ſtate, the ſpeaker of the houſe of commons, the chancellor and under treaſurer of the exchequer, the firſt commiſſioner for trade and plantations, the treaſurer of the navy, the admirals of the red, white, and blue ſquadrons, are hereby appointed commiſſioners for the ſaid diſcovery; and are impowered to examine upon oath any perſons produced by the claimants to ſuch reward; and the ſaid commiſſioners, or the major part of them, of which the lord high admiral, or firſt commiſſioner of the admiralty, ſhall be one, being fully ſatisfied that ſuch paſſage by ſea is diſcovered and ſailed through, ſhall grant a certificate under their hands and ſeals to the perſons intitled to the ſame; which certificate ſhall be produced to the lord treaſurer, or three of the commiſſioners of the treaſury, and the ſaid 20,000*l.* ſhall be paid to the perſons named in the ſaid certificate, their executors, adminiſtrators, or aſſigns, out of any ſupplies granted in parliament after the ſaid diſcovery compleated and certificate produced. *ſ.* 2.

All ſubjects of his majeſty, reſiding in any place where adventurers may come in proſecution of the ſaid diſcovery, ſhall give them all aſſiſtance requiſite; and ſhall no ways moleſt, or refuſe them reaſonable ſuccour, in any diſtreſs. *ſ.* 3.

Nothing in this act ſhall prejudice the rights or privileges of the governor and company of adventurers of *England* trading to *Hudſon's Bay*. *ſ.* 4.

By 22 *Geo.* 2. *c.* 33. The 13 *Car.* 2. *ſt.* 1. *c.* 9. 2 *W.* & *M. ſt.* 2. *c.* 2. *ſ.* 4. which directs the form of an oath to be taken by officers preſent at trials by courts martial held by commiſſion from the commiſſioners of the admiralty, 6 *Geo.* 1. *cap.* 19. *ſect.* 4. relating to trials of offenders againſt 13 *Car.* 2. *ſt.* 1. *cap.* 9. ſo much of 8 *Geo.* 1. *cap.* 24. *ſect.* 8. as directs the puniſhment to be inflicted by a court martial upon any officer of his majeſty'y ſhips of war who permits to be received on board any goods in order to trade, the 18 *Geo.* 2. *cap.* 35. and 21 *Geo.* 2. *cap.* 11. are hereby repealed. *ſ.* 1.

The articles and orders following ſhall be duly obſerved. *ſ.* 2.

" 1. All commanders and officers of his majeſty's " ſhips of war, ſhall cauſe the public worſhip of Almighty " God, according to the liturgy of the church of *England*, " to be reverently performed in their ſhips; and ſhall take " care that prayers and preaching by the chaplains of " the ſhips be performed diligently, and that the Lord's " day be obſerved according to law.

" 2. All flag officers, and all perſons in his majeſty's " ſhips of war, being guilty of profane oaths, curſings, " execrations, drunkenneſs, uncleanneſs, or other ſcan- " dalous actions, in derogation of God's honour, and cor- " ruption of good manners, ſhall incur ſuch puniſhment " as a court martial ſhall impoſe, and as the nature and " degree of their offence deſerve.

" 3. If any officer, mariner, ſoldier, or other perſon " of the fleet, give or entertain intelligence to or with any " enemy or rebel, without leave from the king or the lord " high admiral, or the commiſſioners of the admiralty, " commander in chief, or his commanding officer, ſuch " perſon being convicted by a court martial ſhall be pu- " niſhed with death.

" 4. If any letter or meſſage from any enemy or rebel " be conveyed to any officer, mariner, ſoldier, or other " in the fleet, and the ſaid officer, *&c.* ſhall not within 12 " hours, having opportunity ſo to do, acquaint his ſuperior " officer, or the officer commanding in chief, with it; " or if any ſuperior officer being acquainted therewith, " ſhall not in convenient time reveal the ſame to the com- " mander in chief of the ſquadron, every ſuch perſon being " convicted by the court martial, ſhall be puniſhed with " death, or ſuch other puniſhment as the court martial " ſhall impoſe.

" 5. All ſpies, and all perſons who come or are found " in the nature of ſpies, to bring or deliver any ſeducing " letters or meſſages from any enemy or rebel, or endea- " vour to corrupt any officer or other in the fleet to be- " tray his truſt, being convicted by the court martial, " ſhall be puniſhed with death, or ſuch other puniſhment " as the court martial ſhall impoſe.

" 6. No perſon in the fleet ſhall relieve an enemy or " rebel with money, victuals, powder, ſhot, arms, am- " munition, or other ſupplies, upon pain of death, or ſuch " other puniſhment as the court martial ſhall think fit.

" 7. All the papers, charter parties, bills of lading, " paſſports, and other writings, taken aboard any ſhip " taken as prize, ſhall be preſerved; and the very origi- " nals ſhall, by the commanding officer of the ſhip which " takes ſuch prize, be ſent entirely to the court of admi- " ralty, or ſuch other court or commiſſioners as be autho- " riſed to determine whether ſuch prize be lawful capture, " to be proceeded upon according to law, upon pain that " every perſon offending herein loſe his ſhare of the cap- " ture, and ſuffer ſuch further puniſhment as the court " martial impoſe.

" 8. No perſon in the fleet ſhall take out of any prize " any money, plate, or goods, unleſs it be neceſſary for the " better ſecuring thereof, or for the neceſſary uſe of any of " his majeſty's ſhips, before the ſame be adjudged lawful " prize in ſome admiralty court; but the account of the " whole, without embezzlement, ſhall be brought in, and " judgment paſſed entirely upon the whole; upon pain that " every perſon offending herein forfeit his ſhare of the cap- " ture, and ſuffer ſuch further puniſhment as impoſed by a " court martial, or ſuch court of admiralty.

" 9. If any ſhip be taken as prize, none of the officers, " mariners, or other perſons on board her, ſhall be ſtripped " of their clothes, or in any ſort pillaged, beaten, or evil " intreated, upon pain that the perſon ſo offending be " liable to ſuch puniſhment as a court martial think fit.

" 10. Every flag officer, captain, and commander in " the fleet, who, upon ſignal or order of fight, or ſight of " any ſhip which it may be his duty to engage, or upon " likelihood of engagement, ſhall not make preparations " for fight, and ſhall not in perſon, and according to his " place, encourage the inferior officers and men to fight " courageouſly, ſhall ſuffer death, or ſuch other puniſhment " as a court martial deem him to deſerve; and if any per- " ſon in the fleet treacherouſly or cowardly yield or cry " for quarter, being convicted by a court martial, he ſhall " ſuffer death.

" 11. Every perſon in the fleet, who ſhall not duly " obſerve the orders of the admiral, flag officer, commander " of any ſquadron or diviſion, or other his ſuperior officer, " for aſſailing, joining battle with, or making defence " againſt any fleet, ſquadron, or ſhip, or ſhall not obey " the orders of his ſuperior officer in time of action, to the " beſt of his power, or ſhall not uſe all poſſible endeavours " to put the ſame effectually in execution, being convicted " by the court martial, ſhall ſuffer death, or ſuch other pu- " niſhment as a court martial deem him to deſerve.

" 12. Every

" 12. Every perſon in the fleet, who through cowardice, negligence, or diſaffection, ſhall in time of action withdraw or keep back, or not come into the engagement, or not do his utmoſt to take or deſtroy every ſhip which it is his duty to engage, and to aſſiſt all his majeſty's ſhips, or thoſe of his allies, which it is his duty to aſſiſt, being convicted by a court martial, ſhall ſuffer, by 19 *Geo.* 3. *c.* 17. *ſ.* 3. ſuch puniſhment as the nature and degree of the offence ſhall be found to deſerve.

" 13. Every perſon in the fleet, who through cowardice, neligence, or diſaffection, ſhall forbear to purſue the chace of any enemy, pirate, or rebel, beaten or flying, or ſhall not aſſiſt a known friend in view, to the utmoſt of his power, being convicted by a court martial, ſhall ſuffer, by 19 *Geo.* 3. *c.* 17. *ſ.* 3. ſuch puniſhment as the nature and degree of the offence ſhall be found to deſerve.

" 14. If, when action, or any ſervice is commanded, any perſon in the fleet preſume to delay or diſcourage the ſame upon pretence of arrears of wages, or upon any pretence whatſoever, being convicted by the court martial, he ſhall ſuffer death, or ſuch other puniſhment as a court martial deem him to deſerve.

" 15. Every perſon in the fleet, who ſhall deſert to the enemy, pirate, or rebel, or run away with any of his majeſty's ſhips, or any ordnance, ammunition, ſtores, or proviſion, belonging thereto, to the weakening of the ſervice, or yield up the ſame cowardly or treacherouſly, being convicted by the court martial, ſhall ſuffer death.

" 16. Every perſon in the fleet, who ſhall deſert, or entice others ſo to do, ſhall ſuffer death, or ſuch other puniſhment as a court martial judge fit: and if any commanding officer of any of his majeſty's ſhips of war receive a deſerter from any other of his majeſty's ſhips after diſcovering him to be ſuch, and ſhall not, with all convenient ſpeed, give notice to the captain of the ſhip to which ſuch deſerter belongs, or if the ſaid ſhips are at a diſtance from each other, to the ſecretary of the admiralty, or to the commander in chief, being convicted by the court martial, ſhall be caſhiered.

" 17. The officers and ſeamen of all ſhips appointed for convoy of merchant ſhips, or of any other, ſhall diligently attend upon that charge without delay, according to their inſtructions; and whoſoever ſhall be faulty therein, and not perform their duty, and defend the ſhips and goods in their convoy, without either diverting to other parts or occaſions, or neglecting to fight in their defence, if they be aſſailed, or running away cowardly and ſubmitting the convoy to hazard; or demand any money or reward from any merchant or maſter for convoying of any ſhips entruſted to their care, or miſuſe the maſters or mariners thereof, ſhall be condemned to make reparation of the damage as the court of admiralty adjudge, and alſo be puniſhed according to the quality of their offences, by death or other puniſhment adjudged fit by the court martial.

" 18. If any captain, or other officer of any of his majeſty's ſhips receive, or permit to be received on board, any goods other than for the uſe of the ſhip, except gold, ſilver, or jewels, and except the goods belonging to any merchant, or other ſhip ſhipwrecked, or in imminent danger either on the high ſeas, or in any port or creek, in order to the preſerving them for their proper owners, and except ſuch goods as he is ordered to take on board by order of the admiralty; every perſon ſo offending, being convicted by the court martial, ſhall be caſhiered, and be for ever incapable to ſerve in any office in the naval ſervice.

" 19. If any perſon in the fleet endeavour to make any mutinous aſſembly, being convicted by the court martial, he ſhall ſuffer death; and if any perſon in the fleet utter any words of ſedition or mutiny, he ſhall ſuffer death, or ſuch other puniſhment as a court martial deem him to deſerve; and if any officer, mariner, or ſoldier, in the fleet, behave himſelf with contempt to his ſuperior officer in the execution of his office, he ſhall be puniſhed by the judgment of a court martial.

" 20. If any perſon in the fleet conceal any traiterous or mutinous practice or deſign, being convicted by a court martial, he ſhall ſuffer death, or ſuch other puniſhment as a court martial think fit; and if any perſon in the fleet conceal any traiterous or mutinous words, ſpoken by any to the prejudice of his majeſty or government, or any words, practice, or deſign, tending to the hindrance of the ſervice, and ſhall not forthwith reveal the ſame to the commanding officer, or being preſent at any mutiny or ſedition, not uſe his utmoſt endeavours to ſuppreſs the ſame, he ſhall be puniſhed as a court martial think he deſerves.

" 21. If any perſon in the fleet find cauſe of complaint of the unwholeſomeneſs of the victual, or upon other juſt ground, he ſhall quietly make the ſame known to his ſuperior, or captain, or commander in chief; and the ſaid ſuperior, captain, or commander in chief ſhall, as far as he is able, cauſe the ſame to be preſently remedied; and no perſon in the fleet, upon any pretence, ſhall attempt to ſtir up any diſturbance, upon pain of ſuch puniſhment as a court martial think fit.

" 22. If any officer, mariner, ſoldier, or other perſon in the fleet, ſtrike any of his ſuperior officers, or draw, or offer to draw, or lift up any weapon againſt him, being in the execution of his office, being convicted by a court martial, he ſhall ſuffer death; and if any officer, mariner, ſoldier, or other perſon in the fleet, quarrel with any of his ſuperior officers in the execution of his office, or diſobey any lawful command of any of his ſuperior officers, being convicted by a court martial, he ſhall ſuffer death, or ſuch other puniſhment as ſhall be inflicted by a court martial.

" 23. If any perſon in the fleet quarrel or fight with any other perſon in the fleet, or uſe reproachful or provoking ſpeeches or geſtures, tending to make any quarrel or diſturbance, he ſhall, being convicted, ſuffer ſuch puniſhment as a court martial impoſe.

" 24. There ſhall be no waſteful expence of powder, ſhot, ammunition, or other ſtores in the fleet, nor any embezzlement thereof, but the ſtores and proviſions ſhall be carefully preſerved; upon pain of ſuch puniſhment upon the offenders, abettors, buyers, and receivers, (being perſons ſubject to naval diſcipline) as ſhall be by a court martial found juſt.

" 25. Every perſon in the fleet, who ſhall unlawfully burn or ſet fire to any magazine or ſtore of powder, or ſhip, boat, or veſſel, or tackle or furniture thereunto belonging, not then appertaining to an enemy, pirate, or rebel, being convicted by a court martial, ſhall ſuffer death.

" 26. Care ſhall be taken in the conducting and ſteering of his majeſty's ſhips, that through wilfulneſs, negligence, or other defaults, no ſhip be ſtranded or hazarded; upon pain that ſuch as be found guilty therein, be puniſhed by death, or ſuch other puniſhment as the offence by a court martial is judged to deſerve.

" 27. No perſon in the fleet ſhall ſleep upon his watch, " or negligently perform the duty impoſed on him, or for- " ſake his ſtation, upon pain of death, or ſuch other pu- " niſhment as a court martial think fit.

" 28. All murders committed by any perſon in the " fleet, ſhall be puniſhed with death by a court mar- " tial.

" 29. If any perſon in the fleet commit buggery with " man or beaſt, he ſhall be puniſhed with death by a court " martial.

" 30. All robbery committed by any perſon in the fleet, " ſhall be puniſhed with death, or otherwiſe, as a court " martial find meet.

" 31. Every officer or other perſon in the fleet, who ſhall " knowingly make or ſign a falſe muſter or muſter-book, " or command, counſel, or procure, the making or ſign- " ing thereof, or aid any other perſon in the making or " ſigning thereof, ſhall, upon proof before a court martial, " be caſhiered, and rendered incapable of further employ- " ment in his majeſty's naval ſervice.

" 32. No provoſt-martial belonging to the fleet ſhall " refuſe to apprehend any criminal, whom he is authoriſed " by legal warrant to apprehend, or to receive or keep any " priſoner committed to his charge, or wilfully ſuffer him " to eſcape, or diſmiſs him without lawful order, upon " pain of ſuch puniſhment as a court martial deem him to " deſerve: and all captains, officers, and others in the fleet, " ſhall do their endeavours to detect, apprehend, and " bring to puniſhment, all offenders, and aſſiſt the officers " appointed for that purpoſe, upon pain of being puniſhed " by a court martial.

" 33. If any flag officer, captain, or commander, or " lieutenant belonging to the fleet, be convicted before a " court martial of behaving in a ſcandalous, infamous, " cruel, oppreſſive, or fraudulent manner, unbecoming an " officer, he ſhall be diſmiſſed from his majeſty's ſer- " vice.

" 34. Every perſon in actual ſervice and full pay, and " part of the crew belonging to any of his majeſty's ſhips, " who ſhall be guilty of mutiny, deſertion, or diſobedience, " to any lawful command in any part of his majeſty's do- " minions on ſhore, when in actual ſervice relative to the " fleet, ſhall be liable to be tried by a court martial, and " ſuffer the like puniſhment for every ſuch offence, as if " the ſame had been committed at ſea.

" 35. If any perſon in actual ſervice and full pay in his " majeſty's ſhips, commit upon the ſhore, in any place " out of his majeſty's dominions, any of the crimes pu- " niſhable by theſe articles and orders, he ſhall be liable to " be tried and puniſhed for the ſame in like manner, as if " the ſaid crimes had been committed at ſea.

" 36. All other crimes, not capital, committed by any " perſon in the fleet, which are not mentioned in this act, " or for which no puniſhment is hereby directed, ſhall be " puniſhed according to the cuſtoms uſed at ſea."

Provided no perſon convicted of any offence, by the ſentence of any court martial be impriſoned for a longer term than two years. *ſ.* 3.

Nothing in this act ſhall empower any court martial to proceed to the puniſhment or trial of any of the offences ſpecified in the articles aforeſaid, or of any offence whatſoever (other than the offences ſpecified in the 5th, 34th, and 35th of the foregoing articles) not committed upon the main ſea, or in great rivers only, beneath the bridges of the ſaid rivers nigh to the ſea, or in any haven, river, or creek within the juriſdiction of the admiralty, and not committed by ſuch perſons as at the time of the offence be in actual ſervice and full pay in the fleet of his majeſty, ſuch perſons only excepted, and for ſuch offences only as are deſcribed in the 5th of the foregoing articles. *ſ.* 4.

Nothing in this act ſhall empower any court martial conſtituted by this act, to proceed to the puniſhment or trial of any land officer or ſoldier on board any tranſport ſhip, for any of the offences ſpecified in the articles aforeſaid. *ſ.* 5.

The lord high admiral of *Great Britain*, or the commiſſioners for executing that office, ſhall have power to grant commiſſions to any officer commanding in chief any fleet or ſquadron of ſhips of war, to aſſemble courts martial conſiſting of commanders and captains; and if ſuch commander in chief die, or be recalled, or removed from his command, then the officer upon whom the command of the ſaid fleet or ſquadron devolves, ſhall have the ſame power to aſſemble courts martial, as the firſt commander in chief was inveſted with. *ſ.* 6.

Provided no commander in chief of any fleet or ſquadron, or detachment thereof, conſiſting of more than five ſhips, ſhall preſide at any court martial in foreign parts, but the officer next in command to ſuch commander in chief ſhall hold ſuch court martial and preſide thereat. *ſ.* 7.

If any commander in chief of any fleet or ſquadron, in foreign parts, detach any part of ſuch fleet, every commander in chief ſhall, by writing under his hand, empower the chief commander of the detachment (and in caſe of his death or removal, the officer to whom the command of ſuch detachment belongs) to hold courts martial, during the time of ſuch ſeparate ſervice, or until the commander of the ſaid detachment return to his commander in chief, or come under the command of any other his ſuperior officer, or return to *Great Britain* or *Ireland*. *ſ.* 8.

If any five or more of his majeſty's ſhips of war meet in foreign parts, it ſhall be lawful for the ſenior officer of the ſaid ſhips to hold courts martial, and preſide thereat, during ſo long time as the ſaid ſhips or any five of them continue together. *ſ.* 9.

Provided that where any material objection may render it improper for the perſon next in command to the ſenior officer or commander in chief in foreign parts to hold courts martial, or preſide thereat, it ſhall be lawful for the lord high admiral, or commiſſioners of the admiralty, as alſo the commander in chief of any ſuch fleet or ſquadron in foreign parts, to appoint the third officer in command to preſide at, or hold ſuch court martial. *ſ.* 10.

The lord high admiral of *Great Britain*, or the commiſſioners for executing that office, may direct any flag officer or captain in any port of *Great Britain* or *Ireland*, to hold courts martial in ſuch port; provided ſuch flag officer or captain be the firſt, ſecond, or third, in command in ſuch port, and ſuch flag officer or captain ſhall preſide at ſuch court martial. *ſ.* 11.

No court martial to be held by this act ſhall conſiſt of more than 13 or of leſs than five perſons, to be compoſed of ſuch flag officers, captains, or commanders preſent, as are next in ſeniority to the officer who preſides. *ſ.* 12.

Nothing herein contained ſhall authoriſe the lord high admiral, or the commiſſioners of the admiralty, or any officer empowered to hold courts martial, to direct the particular number of perſons of which any court martial ſhall conſiſt. *ſ.* 13.

In caſe any court martial be appointed to be held at any place where there are not leſs than three, nor yet ſo many as five officers of the degree of a poſt captain, or of a ſuperior rank, it ſhall be lawful for the officer who is to

preſide, to call to his aſſiſtance as many of the commanders of his majeſty's veſſels under the rank of a poſt captain, as together with the poſt captains will make up the number of five. *ſ.* 14.

The 19 Geo. 3. c. 17. ſ. 1. *repealed the* 15 ſec. of 22 Geo. 2. *and enacted that the proceedings of any court martial ſhall not be delayed by the abſence of any of its members, provided a ſufficient number remain to compoſe ſuch court, which ſhall ſit from day to day* (Sunday *excepted) until the ſentence be given: and no member of the ſaid court ſhall abſent himſelf from the ſaid court during the whole trial, upon pain of being caſhiered from his majeſty's ſervice, except in caſe of ſickneſs, or other extraordinary occaſion, to be judged of by the court.* ſ. 2.

All the officers preſent who conſtitute the court martial, ſhall, before they proceed to trial, take the oath aftermentioned before the court; which oath the judge advocate, or his deputy, or the perſon appointed to officiate as ſuch, is to adminiſter.

I A. B. *do ſwear, that I will duly adminiſter juſtice, according to the articles and orders eſtabliſhed by an act paſſed in the* 22d *year of the reign of his majeſty king* George *the ſecond, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his majeſty's ſhips, veſſels, and forces, by ſea, without partiality, favour, or affection; and if any caſe ſhall ariſe, which is not particularly mentioned in the ſaid articles and orders, I will duly adminiſter juſtice according to my conſcience, the beſt of my underſtanding, and the cuſtom of the navy in the like caſes; and I do further ſwear, that I will not, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of this court martial, unleſs thereunto required by act of parliament.*

So help me God.

And ſo ſoon as the ſaid oath is adminiſtered to the members, the preſident of the court is to adminiſter to the judge advocate, or the perſon officiating as ſuch, the following oath:

I A. B. *do ſwear, that I will not, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of this court martial, unleſs thereunto required by act of parliament.*

So help me God.

In caſe any perſon in the fleet, being called upon to give evidence at any court martial, refuſe to give his evidence upon oath, or prevaricate, or behave with contempt to the court, it ſhall be lawful for ſuch court martial to puniſh ſuch offender by impriſonment, at the diſcretion of the court, ſuch impriſonment not to continue longer than three months, in caſe of ſuch refuſal or prevarication, nor longer than one month in the caſe of ſuch contempt: and every perſon who commits any wilful perjury, in any evidence upon oath, at any ſuch court martial, or who corruptly procures any perſon to commit ſuch wilful perjury, ſhall be proſecuted in the king's bench, by indictment or information, and every iſſue joined in ſuch indictment or information ſhall be tried by a jury of *Middleſex*, or ſuch other county as the ſaid court direct; and every perſon convicted upon ſuch indictment or information ſhall be puniſhed with ſuch pains and penalties as are inflicted for the like offences by 5 *Eliz. c.* 9. and 2 *Geo.* 2. *c.* 25. *ſ.* 17.

In ſuch information or indictment, it ſhall be ſufficient to ſet forth the offence, without ſetting forth the commiſſion for holding the court martial, or the particular matter to be tried before ſuch court. *ſ.* 18.

No ſentence of death given by any court martial held within the narrow ſeas (except in caſes of mutiny) ſhall be put in execution, till after the report of the proceedings of the court be made to the lord high admiral, or the commiſſioners of the admiralty, and their directions given therein; and if the court be held beyond the narrow ſeas, ſuch ſentence of death ſhall not be carried into execution, but by order of the commander of the fleet or ſquadron wherein ſentence was paſſed; and where ſentence of death is paſſed in any ſquadron detached from any other fleet, ſuch ſentence, except in caſes of mutiny, ſhall not be put in execution, but by order of the commander of the fleet from which ſuch detachment is made, or of the lord high admiral or commiſſioners of the admiralty; and where ſentence of death is paſſed, in any court martial held by the ſenior officer of five or more of his majeſty's ſhips meeting in foreign parts, ſuch ſentence of death (except in caſes of mutiny) ſhall not be carried into execution but by order of the lord high admiral or commiſſioners of the admiralty. *ſ.* 19.

The judge advocate of any fleet, or his deputy, ſhall have power to adminiſter an oath to any witneſs at any trial by court martial; and in the abſence of the judge advocate and his deputy, the court martial ſhall have power to appoint any perſon to execute the office of judge advocate. *ſ.* 20.

All the powers given by the ſeveral articles and orders eſtabliſhed by this act, ſhall remain in force with reſpect to the crews of ſuch of his majeſty's ſhips as be wrecked, or otherwiſe deſtroyed; and all the command and authority given to the officers ſhall remain until they be diſcharged from his majeſty's ſervice, or removed into ſome other ſhip, or until a court martial be held to inquire into the cauſes of the loſs of the ſaid ſhip; and if upon ſuch inquiry it appear by the ſentence of the court martial, that the officers or ſeamen of the ſaid ſhip did their utmoſt to preſerve the ſhip, and ſince the loſs thereof have behaved obediently to their ſuperior officers, then all the pay of ſuch officers and ſeamen as have done their duty, ſhall be paid to the time of their diſcharge or death; or if they be then alive to the time of the holding ſuch court martial, or removal into ſome other ſhip; and every ſuch officer and ſeaman, who, after the wreck or loſs of his ſhip, ſhall act contrary to the diſcipline of the navy, and the articles herein eſtabliſhed, ſhall be ſentenced by the ſaid court martial, and puniſhed as if the ſhip to which he did belong was not ſo wrecked or deſtroyed. *ſ.* 21.

All the pay of ſuch officers and ſeamen of any of his majeſty's ſhips as are taken by the enemy, and upon inquiry at a court-martial appear by the ſentence of the ſaid court to have done their utmoſt to defend the ſhip, and ſince the taking thereof to have behaved obediently to their ſuperior officers, ſhall continue and be paid, from the time of their being ſo taken to the time of the holding ſuch court martial, or until they be diſcharged from his majeſty's ſervice, or removed into ſome other ſhip of war, or (if they die in captivity, or not live to the time of the holding ſuch court martial) to the time of their death, in ſuch manner as if the ſaid ſhip was not taken. *ſ.* 22.

No

No perſon not flying from juſtice ſhall be tried or puniſhed by any court martial for any offence againſt this act, unleſs the complaint of ſuch offence be made in writing to the lord high admiral, or the commiſſioners of the admiralty, or any commander in chief of his majeſty's ſquadrons or ſhips impowered to hold courts martial, or unleſs a court martial to try ſuch offender be ordered either within three years after ſuch offence committed, or within one year after the return of the ſhip, or of the ſquadron, to which ſuch offender belongs, or of the offender, into *Gritain Britain* or *Ireland*. *ſ.* 23.

For making the 8 *Geo.* 1. *cap.* 24. more effectual, be it enacted, that if any captain or other officer of any of his majeſty's ſhips receive on board, or ſuffer to be received on board ſuch ſhip, any goods contrary to the meaning of the 18th article beforementioned, he ſhall, for every ſuch offence, over and above any puniſhment inflicted by this act, forfeit the value of all ſuch goods, or the ſum of 500*l.* at the election of the informer, or perſon ſuing; ſo that no more than one of theſe penalties be recovered by this and the ſaid act againſt the ſame perſon for the ſame offence; one moiety of which penalties ſhall be paid to the informer, and the other moiety to the uſe of *Greenwich* hoſpital; which forfeiture ſhall be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the high court of admiralty, at the election of the informer, and the court ſhall award coſts to the parties: and where judgment is given againſt any ſuch offender, the court ſhall with all convenient ſpeed certify the ſame to the lord high admiral or commiſſioners of the admiralty. *ſ.* 24.

Nothing in this act ſhall take away from the lord high admiral of *Great Britain*, or the commiſſioners of the admiralty, or any vice admiral, or any judge or judges of the admiralty, or their deputies, or any other officers of the admiralty, or any others having or claiming any admiral power or authority within the king's dominions, or from any perſon or court, any power, right, juriſdiction, pre-eminence, or authority, which they lawfully had before the making of this act, ſo as the ſame perſon be not puniſhed twice for the ſame offence. *ſ.* 25.

By 29 *Geo.* 2. *c.* 27. The 22 *Geo.* 2. *c.* 33. ſhall be in full force and be executed for the trial and puniſhment of all offences mentioned in the ſame act, committed by any officers, ſeamen, or others who ſerve on board any of his majeſty's ſhips or veſſels employed in the lakes, great waters, or rivers, in *North America*, not within any county ſettled by the king's ſubjects, and under the regular government of his laws and courts, although within his dominions, as fully as if the ſame offences had been committed upon the main ſea, or in great rivers beneath the firſt bridges nigh the ſea, or in any haven, river, or creek, within the juriſdiction of the admiralty of *Great Britain*.

By 9 *Geo.* 3. *c.* 30. If any ſhip, or other veſſel, except his majeſty's ſhips of war, or ſhips or veſſels belonging to his royal navy, or employed in his ſervice, ſhall ſtop or faſten to any of his majeſty's moorings, or fix themſelves to any of his ſhips or hulks, or ride or moor with their own anchors, ſo as in any manner, or with any wind, to be liable to bear againſt any of his majeſty's ſhips of war, or other veſſels; the captain, maſter, commander, or perſon, then on board, and having the command of ſuch veſſel, ſhall forfeit ten pounds for every tide; unleſs neceſſitated ſo to do by want of tide, ſtreſs of weather, or other unavoidable accident; one moiety to be applied to the uſe of the royal hoſpital at *Greenwich*, and the other moiety to him who ſhall ſue; to be recovered in any court of record at *Weſtminſter*, with coſts. *ſ.* 2.

The perſon on board commanding any ſuch veſſel ſhall, upon an order given to him in writing by any officer of his majeſty's ſhips of war, docks, or yards, unlooſe from the ſaid moorings, and remove ſuch veſſel, in caſe it ſhall be then moored, with its own anchors, ſo as to prevent the ſame from riding, or being liable to bear againſt any of his majeſty's ſaid ſhips or hulks; and upon neglect or refuſal to comply with ſuch order for twenty-four hours after given, it ſhall be lawful for every ſuch officer of his majeſty's ſhips, docks, or yards, to unlooſe, or cauſe ſuch veſſel to be unlooſed, and to remove the ſame, ſo as to prevent the ſame from riding, or being liable to bear againſt his majeſty's ſaid ſhips or hulks. *ſ.* 3.

And ſuch officers ſhall be indemnified for what they ſhall ſo do in purſuance of this act. *ſ.* 4.

By 16 *Geo.* 3. *c.* 6. If any veſſel belonging to ſubjects, or to his majeſty, ſhall find out and ſail through any paſſage by ſea, between the *Atlantic* and *Pacific* oceans, in any direction or parallel of the northern hemiſphere to the north of the fifty-ſecond degree of northern latitude, the owner of ſuch veſſel, if belonging to ſubjects, or the commander, officers, and ſeamen, if belonging to his majeſty, ſhall receive twenty thouſand pounds. *ſ.* 1.

If any veſſel ſhall approach to within one degree of the northern pole, the owner of ſuch veſſel, if belonging to ſubjects, or the commander, officers and ſeamen, of ſuch ſhip, if belonging to his majeſty, their executors, *&c.* ſhall receive, as a reward for ſuch firſt approach towards the northern pole, five thouſand pounds. *ſ.* 2.

The commiſſioners appointed for the purpoſes of 18 *Geo.* 2. and ſuch other perſons as for the time being are commiſſioners for diſcovery of the longitude, are appointed commiſſioners for the purpoſes of this act; and are authoriſed to call for journals, books, and papers, kept on board the ſhip of the claimant, and alſo to examine perſons upon oath (which three are impowered to adminiſter): and the ſaid commiſſioners, or the major part (conſiſting of thirteen at the leaſt, of which the lord high admiral, or firſt commiſſioner of the admiralty, and the royal aſtronomer of *Greenwich*, ſhall be two), being ſatisfied, upon examination and proof, that ſuch northern paſſage by ſea into the *Pacific* ocean is effectually diſcovered, and ſailed through as aforeſaid, and that ſuch approach towards the northern pole, as aforeſaid, has been then firſt actually made by ſea, or that either the one or the other has been fully accompliſhed within the meaning of this act, are to grant a certificate accordingly, under their hands and ſeals, to ſuch perſon as they ſhall judge intitled to the ſame, which certificate ſhall be produced to the treaſury, and the ſaid twenty thouſand pounds, and five thouſand pounds, or the one or the other, ſhall be paid to ſuch perſon named in the ſaid certificate, his executors, *&c.* out of any the ſupplies granted in parliament, after the ſaid diſcovery and approach, or one or other ſhall be made and proved, and the ſaid certificate produced. *ſ.* 3.

The claim on behalf of any ſhip, unto the rewards given by this act, ſhall be made and entered with, or be by letter ſignified to, the ſecretary of the lord high admiral, or firſt commiſſioner of the admiralty, at the admiralty office in *London*, within ſix months from the time that ſuch ſhip ſhall have arrived at any port of *Great Britain* or *Ireland*, otherwiſe the claimant ſhall not receive either of the rewards. *ſ.* 4.

If the ſaid rewards, or either of them, ſhall be claimed by

By and adjudged to the commander, officers, and ſeamen, of any ſhip belonging to his majeſty, the ſame ſhall be diſtributed among ſuch commander, officers and ſeamen, in ſuch proportions as ſhall be directed by his majeſty in council. *ſ.* 5.

By 22 *Geo.* 3. *c.* 25. It ſhall not be lawful for any ſubjects to ranſom, or to enter into any contract for ranſoming any ſhip belonging to any ſubjects, or any goods on board the ſame, which ſhall be captured by the ſubjects of any ſtate at war with his majeſty, or by any perſons committing hoſtilities againſt his ſubjects. *ſ.* 1.

All contracts which ſhall be entered into, and all bills, notes, and other ſecurities, which ſhall be given by any perſon for ranſom of any ſuch ſhip, or of any goods on board the ſame, ſhall be abſolutely void. *ſ.* 2.

If any perſon ſhall ranſom, or enter into any contract for ranſoming, any ſuch ſhip, or any goods on board the ſame, ſuch perſon ſhall forfeit five hundred pounds; to be recovered, with full coſts, by any perſon who ſhall ſue, by action of debt, in any court of record at *Weſtminſter*. *ſ.* 3.

By 25 *Geo.* 3. *c.* 31. The treaſurer of the navy for the time being, in all memorials by him preſented to the treaſury for money for navy ſervices, ſhall pray that ſuch ſum as he requires may be iſſued to the bank of *England* on his account; and ſhall tranſmit with each memorial, a copy of the letter from the commiſſioners of the navy, victualling, and ſick and hurt boards, directing him to apply for ſuch ſum; in which letter the commiſſioners ſhall ſpecify for what ſervice the money is wanted; and ſhall alſo ſtate the balances then in the hands of the treaſurer of the navy, under each head of ſervice; and the commiſſioners of the treaſury, by their letter, ſhall direct the auditor of the exchequer to iſſue to the bank, on account of the treaſurer of the navy, naming ſuch treaſurer, the ſum for which ſuch letter ſhall be drawn, upon the unſatisfied order at the exchequer in favour of the treaſurer, for which the receipt of the caſhier of the bank ſhall be a diſcharge; and all ſums for which letters of the commiſſioners of the treaſury ſhall be drawn, ſhall be iſſued to the bank, as they have been heretofore iſſued to the treaſurer of the navy; and all ſuch monies to be iſſued to the bank, ſhall be placed on an account in the books of the bank, to be intituled 'The 'Account of the Treaſurer of his Majeſty's Navy,' inſerting the name of ſuch treaſurer for the time being, for the pay branch, caſhier's branch, and the victualling branch; and on receipt of all ſuch monies at the exchequer, the treaſurer of the navy ſhall certify to the commiſſioners of the navy an account of the whole receipt, under the heads of ſervice, and ſhall alſo certify to the commiſſioners of the victualling, and ſick and hurt boards, the particular ſums received, and applicable to thoſe ſervices. *ſ.* 1.

No fees ſhall be paid at the exchequer or treaſury for the tranſactions aforeſaid, beyond what hath been uſually paid upon impreſts and accounts hitherto made, according to the former cuſtom of tranſacting buſineſs between the exchequer, navy pay-office, and bank. *ſ.* 2.

No money for the ſervice of the navy ſhall be iſſued from the exechequer to the treaſurer of the navy, or be placed in his hands, but the ſame ſhall be iſſued to the bank, and placed to the accounts above, according to the ſervices for which it is iſſued. *ſ.* 3.

The treaſurer of the navy, by himſelf, or perſons in his office authoriſed, ſhall draw upon the bank for all navy ſervices whatever, and ſhall ſpecify in each draft, the head of ſervice for which the ſame is drawn; and no draft ſhall be a ſufficient voucher to the bank, unleſs the ſame ſpecifies the head of ſervice for which it is drawn and paid. *ſ.* 4.

The monies iſſued unto the bank on account of the treaſurer of the navy, ſhall not be paid out of the bank, unleſs for navy ſervices, and in purſuance of drafts drawn on the bank; and which drafts, ſo drawn, ſhall be authority to the bank to pay ſuch money to the perſons mentioned in ſuch drafts, or to the bearer of them. *ſ.* 5.

Upon the death, reſignation, or removal, of the treaſurer of the navy, the balance of caſh for which he ſhall at that time have credit, on his account as treaſurer of the navy, with the bank, ſhall, at the end of the current month after a ſucceſſor ſhall be appointed to the office, veſt in ſuch ſucceſſor, in truſt for the ſervice of the navy under the heads, and be forthwith transferred, to the account of ſuch ſucceſſor treaſurer, to be applied to the ſaid ſervice, in purſuance of the like drafts as aforeſaid: and the treaſurer of the navy ſhall form his memorials and requiſitions to the treaſury, and iſſue his drafts as aforeſaid, for all charges on account of the navy ſervice, which ſhall be due, although the ſame may have accrued in the time of any former treaſurer. *ſ.* 6.

The ſaid treaſurer of the navy ſhall make up an annual account of the navy and victualling ſervices, intituled, 'The Account of the Treaſurer of his Majeſty's Navy,' to be ſigned and atteſted by every treaſurer who ſhall have paid any part of the ſaid account; on every account to begin on 1ſt *Jan.* and end the 31ſt *Dec.* in each year, and to tranſmit the ſame (having been previouſly examined in the offices of the commiſſioners of the navy, of the victualling-office, and of the ſick and hurt, and ſigned by the commiſſioners of the navy) to the auditor of the impreſt, who ſhall, within three months after the receipt thereof, examine the ſaid accounts, and, if found ſatisfactory, preſent the ſame to the proper officer for declaration; and when declared, a quietus, in the uſual form, ſhall be made out to the ſaid treaſurer. *ſ.* 7.

The treaſurer ſhall every year inſert, in the ſaid annual account, all payments made by him in the courſe of ſuch year; and all bills drawn by the commiſſioners of the navy or victualling, ſhall be vouchers to diſcharge the treaſurer; and when the ſaid treaſurer ſhall, in the account of any year, have taken credit for any payments made in purſuance of impreſt bills, or on account, no further bills ſhall in any ſubſequent period be drawn upon the ſaid treaſurer for clearing the ſaid impreſts, but the perſons to whom the payments have been made on account, ſhall be ſet *inſuper* in the exchequer, and to be made accountable for the ſame, and the treaſurer ſhall be no longer chargeable for the ſame. *ſ.* 8.

The treaſurer ſhall keep the account with the bank of all monies iſſued to or directed to be paid to him for the ſervice of the navy; and the ſaid treaſurer, obſerving the rules hereby preſcribed, ſhall not be anſwerable for any money he ſhall not receive; and the bank ſhall be anſwerable for all monies received by them for the ſervice of the navy. *ſ.* 9.

If any perſon ſhall forge, or procure to be forged, or knowingly aſſiſt in forging the name or hand of the treaſurer, or the perſon authoriſed as aforeſaid, to any draft, inſtrument, or writing whatſoever, for receiving any of the money in the bank on account of the treaſurer, or ſhall forge, or cauſe to be forged, or knowingly aſſiſt in the forging any draft, inſtrument, or writing in form of a draft, made by ſuch treaſurer, or perſon authoriſed; or ſhall utter any ſuch, knowing the ſame to be forged, with an intention to defraud any perſon, ſuch perſon ſhall be guilty of felony, without benefit of clergy. *ſ.* 10.

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This act ſhall not prevent the treaſurer from iſſuing to the pay clerks at the out-ports, ſuch ſums as may be thought neceſſary by the navy board for paying ſhips, and carrying on recalls; and the pay clerk at each port ſhall make up, at the end of every month, an account of all his receipts and payments during that month, which account ſhall be ſigned by him, the comptroller's clerk, and the ticket office clerk, at each port, and tranſmit the ſame, within fourteen days after the expiration of each month, to the treaſurer, and a copy thereof to the commiſſioners of the navy; and the comptroller's clerk at every out-port ſhall tranſmit to the navy board every week an account of the payments made by the treaſurer's clerk at that port. *ſ.* 11.

Upon the death, reſignation, or removal, of every treaſurer, the accounts of the pay clerks at the out-ports ſhall be immediately made up, and the balance of caſh, for which he ſhall at that time have credit with each of them, ſhall as ſoon as a ſucceſſor ſhall be appointed, be carried to the credit of the account of ſuch ſucceſſor, and an account thereof forthwith tranſmitted to the commiſſioners of the navy. *ſ.* 12.

By 26 *Geo.* 3. *c.* 86. No owners of any ſhip ſhall be ſubject to make good any loſs or damage by reaſon of any robbery, embezzlement, ſecreting, or making away with, of any gold, ſilver, diamonds, jewels, precious ſtones, or other goods, or merchandize, which ſhall be ſhipped on board any ſhip, or for any act or forfeiture done or occaſioned without the knowledge of ſuch owners, further than the value of the ſhip, with all her appurtenances, and the full amount of the freight due, or to grow due, for the voyage wherein ſuch robbery, *&c.* ſhall be made, *&c.* although the maſter or mariners ſhall not be concerned in or privy to ſuch robbery, *&c.* *ſ.* 1.

No owner of any veſſel ſhall be ſubject to anſwer for any loſs or damage which may happen to goods ſhipped on board ſuch ſhip, by reaſon of any fire happening on board the ſaid ſhip. *ſ.* 2.

No maſter or owners of any ſhip ſhall be ſubject to anſwer for any loſs or damage which may happen to any gold, ſilver, diamonds, watches, jewels, or precious ſtones, put on board ſuch ſhip, by reaſon of any robbery, *&c.* unleſs the owner or ſhipper thereof ſhall, at the time of ſhipping the ſame, inſert in his bill of lading, or otherwiſe declare in writing to the maſter or owners, the true nature, quality, and value of ſuch gold, *&c.* *ſ.* 3.

If ſeveral freighters or proprietors of any ſuch gold, *&c.* or other goods, ſhall ſuffer any loſs or damage by any of the means aforeſaid, in the ſame voyage (fire only excepted), and the value of the ſhip, with her appurtenances, and the amount of the freight during ſuch voyage, ſhall not be ſufficient to make full compenſation to all of them, ſuch freighters or proprietors ſhall receive their ſatisfaction thereout in average, in proportion to their loſſes: and in ſuch caſe, it ſhall be lawful for ſuch freighters or proprietors, or for the owners of ſuch ſhip, to exhibit a bill in any court of equity for a diſcovery of the total amount of ſuch loſſes, and alſo of the value of ſuch ſhip, appurtenances, and freight, and for an equal diſtribution and payment thereof amongſt ſuch freighters or proprietors, in proportion to their loſſes, according to equity: but if ſuch bill ſhall be exhibited by the part owners of ſuch ſhip, the plaintiffs ſhall annex an affidavit to ſuch bill, that they do not collude with any of the defendants; and ſhall thereby offer to pay the value of ſuch ſhip, appurtenances, and freight, as ſuch court ſhall direct; and ſuch court ſhall thereupon take ſuch method for aſcertaining ſuch value as to them ſhall ſeem juſt, and ſhall direct the payment thereof in like manner as is now uſed in caſes of bills of interpleader. *ſ.* 4.

Nothing in this act ſhall impeach, leſſen, or diſcharge any remedy which any perſon ſhall have againſt the maſter and mariners of ſuch ſhip, for any embezzlement, *&c.* or on account of any fraud, abuſe, or malverſation of ſuch maſter and mariners; but it ſhall be lawful for every perſon ſo injured, to purſue ſuch remedy as he might have done before this act. *ſ.* 5.

The act for regulating the marine officers while on ſhore which paſſes annually, generally contains a clauſe to the following effect, viz.

All his majeſty's marine forces, as well officers as private men, ſhall, during their being borne as part of the complement of any of his majeſty's ſhips, be ſubject, in all reſpects, as any officers or ſeamen employed in his majeſty's ſea ſervice, to be governed and puniſhed for offences according to 22 *Geo.* 2. *cap.* 33.

Simony.

By 1 *Will. & Mar. ſt.* 1. *c.* 16. After the death of the perſon ſimoniacaly promoted, the ſimony ſhall not be alleged to the prejudice of any other patron innocent of ſimony, or of his clerk, upon pretence of lapſe to the crown, metropolitan, or otherwiſe; unleſs the perſon ſimoniacaly preſented, or his patron, was convicted of ſuch offence at common law, or in ſome eccleſiaſtical court, in the life time of the perſon ſimoniacaly promoted. *ſ.* 2.

No leaſe *bona fide* to be made by any perſon ſimoniacaly promoted, for valuable conſideration, to any perſon not having notice of ſuch ſimony, ſhall be avoided by reaſon of ſuch ſimony. *ſ.* 3. *See* Ecclesiastical Persons, Elections.

Soldiers.

By 18 *Hen.* 6. *c.* 18. *ſ.* 2. No captain which ſhall have the conduct of retinues, and ſhall receive the king's wages for the ſame, ſhall abate of his ſoldiers any part of their wages, except for their clothing, *viz.* if they be waged for half a year 10*s.* a gown of a gentleman, and 6*s.* 8*d.* for a yeoman; upon pain of 20*l.* for every ſpear, and 10*l.* for a bow, to the king.

By 7 *Hen.* 7. *c.* 1. If any captain be retained to ſerve the king on the ſea, or beyond ſea in feat of war, which hath not his perfect number of men, according as he ſhall be retained, or give not them their full wages, as he ſhall receive of the king for them, except for jackets for them that receive land wages, *viz.* 6*s.* 8*d.* for a yeoman, and 13*s.* 4*d.* for a gentleman, for a year, he ſhall forfeit to the king all his goods, and their bodies to priſon. *ſ.* 1.

Every captain, petty captain, and other having under them retinue of ſoldiers at the king's wages, ſhall upon the pain aforeſaid, pay to their retinue the wages ratably as is allowed unto them by the king, or the treaſurer of his wars; and this payment ſhall be within ſix days after the captain, *&c.* ſhall have received their wages. And if any ſoldier, being no captain immediately retained with the king, which ſhall be in wages, or take any preſt, to ſerve the king upon the ſea, or upon the land beyond the ſea, depart

part out of the king's ſervice without licence of his captain; ſuch departing ſhall be felony, and he ſhall not enjoy the benefit of clergy. And all the juſtices in every ſhire where ſuch offenders be taken, have power to enquire of the ſaid offences, and the ſame to hear and determine, as though the ſaid offences were done in the ſhire. And the departing of ſuch ſoldiers, and their retainers, ſhall be tried in the ſhire where they be arreſted and arraigned. Provided that no captain be charged by this act for lack of his number, whoſe ſoldiers ſhall die, or otherwiſe depart, not in default of the captain; ſo that the captain, if he be at land wages, ſhew the departing or lacking of his ſoldier within ten days, unto the treaſurer of the wars; or if the captain be at ſea wages, he ſhew the lacking of the ſoldier to the admiral of the navy, at next meeting with the admiral. *ſ.* 2.

By 2 & 3 *Edw.* 6. *c.* 2. If any ſoldier ſerving the king in his wars, in his dominions, or on the ſeas, or beyond the ſeas, do ſell, give, or put away, any horſe or harneſs, wherewith he ſhall be ſet forth; ſuch ſoldier upon proof before the lieutenant, high admiral, the king's deputy, vice-admiral, warden, or captain, and in their abſence before any of their deputies, ſhall be impriſoned by the lieutenant, or other before named, until he have ſatisfied the owner of the horſe or harneſs. *ſ.* 3.

If ſuch ſoldier eſcape, the ſame ſoldier, upon complaint made by the party grieved, his executors or adminiſtrators, upon proof thereof made to any juſtice of peace where ſuch ſoldier ſhall be found, ſhall be committed to ward until he have ſatisfied the party grieved for ſuch horſes and harneſs. *ſ.* 4.

If the ſoldier bring ſufficient teſtimony before the juſtice, from the lieutenant, or any of the perſons above named, under ſeal, teſtifying that the horſe or harneſs were loſt in the king's ſervice, againſt the will of the ſoldier, or that the ſame was taken by the ſaid lieutenant, or others before named, from the ſoldier, for any reaſonable reſpect, and appointed to ſome other to ſerve in the place of the ſaid ſoldier, ſuch ſoldier ſhall be diſcharged; and ſuch to whom the ſaid horſe or harneſs ſhall be appointed, not bringing home to the owner the ſaid horſe and harneſs after he ſhall be diſcharged, to ſuffer like pain. *ſ.* 5.

If any ſoldier depart without licence of the lieutentant, or any of the other above named, with booty or otherwiſe, being in the enemy's country, or elſewhere in the king's ſervice, or out of any garriſon, ſuch ſoldier ſhall be judged as a felon, without advantage of his clergy; and the juſtices of every ſhire where ſuch ſoldiers ſhall be taken, ſhall have power to enquire, hear and determine, the offences concerning ſuch departure, as in other caſes of felony. *ſ.* 3. [*Revived by* 4 & 5 Phil. & Mar. cap. 3.]

If any commiſſioner or captain, to whom the king ſhall direct his commandment by commiſſion or letters, for the levying or ſetting forth of men to ſerve the king in his wars, ſhall for gain diſcharge any perſon by him appointed to ſerve the king as a captain, ſoldier, or pioneer, and do aſſign any other perſon in his ſtead, every perſon ſo offending, ſhall forfeit to the king, for ſuch default of every man ſo diſcharged, 20 *l.* *ſ.* 7.

If any captain, appointed to have the order of any number of ſoldiers under any higher officer, licence any ſoldier to depart without the aſſent in writing of the lieutenant, or the others beforenamed, he ſhall forfeit 20 *l.* to the king. *ſ.* 8.

If any lieutenant, or other beforenamed, having the order of any number of ſoldiers ſerving as aforeſaid, demand or take of the king or his treaſurers any wages for more ſoldiers than ſerved, or for more days than ſuch ſoldiers ſerved, and do not note the day of every ſuch ſoldier's entry into wages, and day of his death and departure, and deliver the ſame to ſuch treaſurers every month; ſuch lieutenant, *&c.* ſo offending, ſhall forfeit to the king for every default 5 *l.* and be impriſoned one month, and loſe his office. *ſ.* 9.

No captain ſhall give to any of his ſoldiers, appointed to ſerve under him in any garriſon, any licence to depart from his ſervice, but only the lieutenant, or others aforeſaid; upon pain of impriſonment, as well of the captain as ſoldier, at the diſcretion of the lieutenant, or the others beforenamed. *ſ.* 10.

Every lieutenant and other before named, upon pain of 10 *l.* ſhall cauſe to be proclaimed the effect of this act, *viz.* every lieutenant of any army, in every field under his charge to proclaim this act every month, and the king's deputies of every fortreſs, and captain of any fortreſs, to proclaim this act once every quarter. *ſ.* 11.

Every perſon giving to the lieutenant, or others above named, information of any of the offences above remembered, ſhall have one month's wages of him that ſhall be found faulty, to be paid by the treaſurer, upon warrant of the lieutenant, *&c.* *ſ.* 12.

Nothing herein ſhall extend to any orders eſtabliſhed for the government of any place of the king's, to be governed by ſuch orders as may pleaſe his grace to ſet forth. *ſ.* 13.

It ſhall be lawful to every of the ſaid lieutenants and others, to retain to their own uſe, of the wages of their ſoldiers, the ſum following, *viz.* 6 *s.* 8 *d.* for the livery or coat of every yeoman ſoldier, and 13 *s.* 4 *d.* for every gentleman. *ſ.* 14.

No lieutenant or other the ſaid perſons ſhall be prejudiced by this act for lack of his number, for any ſoldiers as ſhall die during his ſervice, or be ſick, or that ſhall depart againſt the will of his lieutenant, *&c.* unleſs it be in the default of any of them. *ſ.* 15.

Provided that this act be not prejudicial to any for non-payment of the king's wages to their houſhold ſervants, and others to whom they ſhall daily find meat and drink. *ſ.* 16.

This act ſhall not charge any perſon for taking any gift of any of his tenants or friends towards the relief of the ſame perſons, being commanded by the king to ſerve in wars, or find men on horſeback or on foot, nor for aid reſerved or covenanted to be paid to any perſon appointed to ſerve in wars, or to find horſe or men, by reaſon of any grant, covenant, or tenure. *ſ.* 17.

This act ſhall not charge any lieutenant, or others, for detaining part of the ſoldiers wages, for payment of victuals, harneſs, weapons, or for preſt money. *ſ.* 18. *Confirmed by* 4 & 5 Phil. & M. c. 3. ſ. 9.

By 43 *Eliz.* *c.* 3. Every pariſh ſhall be charged to pay weekly ſuch a ſum towards the relief of ſick, hurt, and maimed ſoldiers and mariners, having been preſt and in pay for her majeſty's ſervice, as by the juſtices of peace in their quarter ſeſſions after *Eaſter* yearly ſhall be appointed; ſo as no pariſh be rated above 10 *d.* nor under 2 *d.* and ſo as the total ſum of ſuch taxation of the pariſhes, in any county where there ſhall be above fifty pariſhes, do not exceed 6 *d.* for every pariſh; which ſums ſhall be yearly aſſeſſed by the pariſhioners within themſelves, or in default thereof, by the church-wardens and conſtables, or in default of their agreement, by order of ſuch juſtice of peace as ſhall dwell in the pariſh, or if none be there dwelling, in the parts next adjoining. *ſ.* 3.

If any perſon neglect to pay, it ſhall be lawful for the church-wardens and conſtables, or in their defaults for the ſaid juſtices, to levy ſuch ſum by diſtreſs and ſale of goods. *ſ.* 4.

The church-wardens and conſtables ſhall collect every ſuch ſum, and the ſame pay over to the high conſtable, ten days before the quarter ſeſſions, about the feaſt of *St. John Baptiſt*; and ſuch high conſtable ſhall pay over the ſame to ſuch perſons as ſhall be by the juſtices elected treaſurers of the ſaid collection: the ſame to be ſuch as at the laſt taxation of the ſubſidy next before the election ſhall be ſeſſed at 10*l.* in lands yearly, or at 15*l.* in goods: which treaſurers ſhall continue but one year, and then give up their charge, with a due account of their receipts and diſburſements, in *Eaſter* quarter ſeſſions, or within ten days after, to ſuch others as ſhall be elected. *ſ.* 5.

If any church-warden, petty conſtable, or high conſtable, or his executors or adminiſtrators, ſhall fail to make payment, every ſuch church-warden or petty conſtable ſhall forfeit 20*s.* and every high conſtable, his executors, *&c.* 40*s.* to be levied by the treaſurers, by diſtreſs and ſale. *ſ.* 6.

If any treaſurer, his executors, *&c.* ſhall fail to give up his account, or ſhall be negligent in his charge, it ſhall be lawful for the juſtices in their ſeſſions to aſſeſs ſuch fine as ſhall ſeem convenient, not under 5*l.* *ſ.* 7.

Every ſoldier or mariner, having had their limbs loſt, or diſabled in their bodies by ſervice in her majeſty's pay, or ſuch as ſhall hereafter return into this realm hurt or maimed, or grievouſly ſick, ſhall, if he be able to travel, make his complaint to the treaſurers of the county out of which he was preſſed, or if he were no preſt man, to the treaſurers of the county where he was born or laſt inhabited by the ſpace of three years, at his election; and if he be not able to travel, to the treaſurers of the county where he ſhall arrive; and ſhall bring a certificate under the hand and ſeal of the general of the camp, or governor of the town, wherein he ſerved, and of the captain of the band, or his lieutenant, or in the abſence of the general or governor, from the marſhal or deputy governor, or from any admiral of her majeſty's fleet, or in his abſence from any other general of her majeſty's ſhips, or in abſence of ſuch general, from the captain of the ſhip wherein the ſaid mariners or ſoldiers did ſerve the queen, containing the particulars of his hurts and ſervices; which certificate ſhall be alſo allowed by the general muſter-maſter, reſident within this realm, or receiver-general of the muſter rolls, the treaſurer and controller of her majeſty's navy, under his hand; then upon ſuch certificate, ſuch treaſurers ſhall, according to the nature of his hurt, and commendation of his ſervice, aſſign unto him ſuch relief as ſhall ſeem convenient, until the next quarter ſeſſions; at which it ſhall be lawful for the juſtices under their hands to make an inſtrument of grant of like relief, to endure as long as this act, if the ſoldier or mariner ſhall ſo long live, and the penſion not be revoked; which ſhall be a warrant to all treaſurers for the county, to make payment of ſuch penſion quarterly, except the ſame be by the juſtices revoked or altered; ſo that ſuch relief aſſigned to any ſuch ſoldier or mariner, having not borne office in the wars, exceed not the yearly penſion of 10*l.* nor to any that hath borne office under the degree of a lieutenant, 15*l.* nor to any that hath ſerved in the office of lieutenant, 20*l.* *ſ.* 8.

It ſhall be lawful for the juſtices and others, having authority by this act to aſſign penſions to ſoldiers and mariners, upon juſt cauſe to revoke or alter the ſame in the quarter ſeſſions, or general aſſemblies for cities or towns corporate where the penſion ſhall be granted. *ſ.* 9.

It may be lawful for the treaſurers of the county where ſuch ſoldiers and mariners ſhall arrive, upon their certificate (though not allowed) to give them any convenient relief for their journey, to carry them to the next county, with a teſtimonial of their allowance to paſs on towards ſuch a place. And in like manner it ſhall be lawful for the treaſurer of the next county, and ſo from county to county, till they come to the place where they are to find their maintenance. *ſ.* 10.

The treaſurers ſhall keep a book of computation of all ſuch ſums as they levy, and alſo a regiſter of the names of every perſon unto whom they ſhall have diſburſed any relief, and ſhall alſo enter every certificate, by warrant whereof ſuch relief hath been diſburſed; and the muſter-maſter, or receiver-general of the muſter-rolls, ſhall keep a book wherein ſhall be entered the names of all whoſe certificates ſhall be by him allowed, with an abſtract of their certificates; and every treaſurer not accepting the certificate brought unto him from the muſter-maſter, ſhall write the cauſe of his not allowing thereof under the ſaid certificate, or on the back thereof. *ſ.* 11.

If any treaſurer ſhall refuſe to give relief according to this act, it ſhall be lawful for the juſtices in their quarter ſeſſions to fine ſuch treaſurers; the fine to be levied by diſtreſs and ſale, to be proſecuted by any two of them whom they ſhall authoriſe. *ſ.* 12.

Every ſoldier or mariner that ſhall be taken begging, or any that ſhall counterfeit any certificate in this act expreſſed, ſhall for ever loſe his penſion, and ſhall be deemed a common rogue or vagabond, and ſhall have like impriſonment and puniſhment. *ſ.* 13. *Altered by* 12 Ann. ſt. 2. cap. 23. ſect. 1. & 17 Geo. 2. cap. 5. ſect. 3. See VAGRANTS.

The ſurplus of the ſtock of any county ſhall by the juſtices of peace in their quarter ſeſſions be beſtowed upon ſuch charitable uſes as are limited in the ſtatutes concerning relief of the poor and puniſhment of rogues and beggars. *ſ.* 14.

The juſtices of peace within any county ſhall not intromit or enter into any city, borough, place, or town corporate, where is any juſtice of peace for ſuch city, *&c.* for the execution of this act; but it ſhall be lawful to the juſtices, mayors, and other head officers, of thoſe cities, *&c.* to proceed to the execution of this act within their liberties. *ſ.* 15.

All forfeitures to be forfeited by any treaſurer or other for any cauſe mentioned in this act ſhall be employed to the relief of ſuch ſoldiers and mariners; and the overplus, with the overplus of the ſtock, ſhall be employed as before mentioned, except the juſtices ſhall think meet to keep the ſame in ſtock for the relief of ſuch ſoldiers and mariners, as out of the ſame county may afterward be appointed to receive penſions; and the relief ſhall be given to ſoldiers and mariners out of the county or place where they were preſſed, ſo far forth as the taxation will extend; and if the whole taxation there ſhall be before employed, or that they ſhall not be preſt men, then out of the place where they were born or laſt inhabited three years at their election. *ſ.* 16.

If the rate ſhall not be ſufficient for the relief of ſuch ſoldiers and mariners as ſhall be to be relieved within the city of *London*, it ſhall be lawful for the mayor, recorder, and aldermen, to tax ſuch ſums for the ſaid relief as ſhall be convenient, ſo as ſuch ſums do not exceed 3*s.* weekly out of any pariſh, and ſo as in the total the ſum ſhall not exceed or be under 12*d.* weekly out of every pariſh one with another. This act to endure to the end of the next ſeſſion of parliament. *ſ.* 19. *Continued indefinitely by* 3 Car. 1. cap. 4. *and* 16 Car. 1. cap. 4.

By

By 31 *Car.* 2. *c.* 1. No officer, military or civil, nor any other perſon, ſhall preſume to quarter any ſoldier upon any ſubject or inhabitant of this realm, without his conſent; and it ſhall be lawful for every ſuch ſubject and inhabitant to refuſe to ſojourn any ſoldier, notwithſtanding any command or billeting whatſoever. *ſ.* 54. *But ſee the annual mutiny act*, 30 Geo. 3. c. 6. *poſt.*

By 12 *Ann. ſt.* 1. *c.* 13. All officers and ſoldiers who have been in her majeſty's ſervice, and have not deſerted, and that have uſed any trade, or were apprentices to any trade, or any officer or ſoldier that is able to practice any trade, may ſet up ſuch trades, *viz.* ſuch as have been apprentices may ſet up ſuch trades as fully as if they had ſerved out their terms; and all others of the ſaid officers and ſoldiers may ſet up ſuch trades as they are apt for, in any town or place within the counties where they were born; and if any ſuch officer or ſoldier ſhall be ſued or indicted for uſing ſuch trades, he ſhall, upon the general iſſue, be found not guilty; and ſuch perſons who ſhall proſecute, ſhall pay unto ſuch officer or ſoldier treble coſts. *ſ.* 1.

Provided that no officer ſhall have the benefit of this act, that ſhall not prove his ſervice, either by producing his commiſſion, or a certificate under the hand and ſeal of ſome field officer, or two commiſſion officers of the regiment wherein he ſerved, or ſome general officer of the army, certifying his knowledge of the ſervice, and the certificate to be proved by one witneſs, or for default of ſuch certificate, by the oath of two witneſſes. *ſ.* 2.

If any perſons pretending to have been officers or ſoldiers ſhall produce a forged commiſſion, or falſe certificate, to the intent to have the benefit of this act, and thereof be convicted, they ſhall ſuffer impriſonment not exceeding three months, and loſe the benefit of this act. *ſ.* 3.

Where any money ſhall be iſſued for the pay of any regiment, troop or company, to any colonel, agent, captain, or other perſon, and ſhall not be paid to the officers and ſoldiers of ſuch regiment, *&c.* and the colonel, agent, captain or other perſon, to whom ſuch pay ſhall be iſſued, ſhall die before the ſame be paid to the officers or ſoldiers, every executor and adminiſtrator of ſuch colonel, *&c.* ſhall preferable to any other debts, out of the aſſets which ſuch colonel, *&c.* ſhall leave, ſatisfy the money owing to the ſeveral officers and ſoldiers to whom the ſame ſhall of right belong, excepting ſuch ſtoppages as are made according to the rules of the army. *ſ.* 7.

Provided that neither this act, nor 10 & 11 *Will.* 3. *cap.* 11. *for enabling ſuch officers and ſoldiers as had been in his majeſty's ſervice, during the late war, to excerciſe trades*, ſhall be prejudicial to the privileges of the univerſities of *Cambridge* and *Oxford*, or extend to give liberty to any perſon to ſet up the trade of a vintner, or to ſell any liquors, within the ſaid univerſities, without licence from the vice-chancellors. *ſ.* 9.

By 1 *Geo.* 1. *c.* 47. If any perſons (other than inliſted ſoldiers) ſhall in *Great Britain* or *Ireland*, or in the iſles of *Jerſey* or *Guernſey*, by words or other means, perſuade and procure any ſoldier in the ſervice of his majeſty to deſert, or ſhall endeavour to procure ſuch ſoldier to deſert, he ſhall forfeit 40 *l.* to his majeſty, *&c.* or to any other perſon who ſhall ſue for the ſame: and if any ſuch offender being convicted hath not goods, *&c.* to ſatisfy the ſame, or if from the circumſtances of the crime it ſhall be thought proper, the court before which the conviction ſhall be, ſhall award the offender to priſon for any time not exceeding ſix months, and alſo to ſtand in the pillory for one hour in ſome market town near the place, or in the market town where the offence was committed, in open market. *ſ.* 1.

No action ſhall be brought, or proſecution carried on, by virtue of this act, unleſs the ſame be commenced within ſix months after this offence. *ſ.* 2.

Any perſon, having profeſſed the popiſh religion, who ſhall not at the time of his inliſting declare to the officer or ſoldier who inliſteth him, that he has been, or is, of the popiſh religion, ſhall be liable to ſuch corporal puniſhment not extending to life, as a court martial ſhall inflict. *ſ.* 3.

By 3 *Geo.* 1. *c.* 2. For ſuch offences as ſhall be committed againſt the act 1 *Geo.* 1. *cap.* 47. in *England*, the penalties ſhall be recoverable in any of the courts at *Weſtminſter*, and in *Scotland* in the court of exchequer there, and in *Ireland* in any of the four courts at *Dublin*. *ſ.* 50.

By 28 *Geo.* 2. *c.* 1. All aſſignments, bargains, ſales, contracts, orders, agreements, or ſecurities, made by any out penſioner of *Chelſea* hoſpital for any money to become due on account of the out penſion, to out penſioners, ſhall be void. *ſ.* 1.

Every out penſioner admitted on the penſion liſt, ſhall, on his admiſſion receive in advance, ſuch proportion of the penſion as is equal to the remaining number of days of the current half year then unexpired; and from the end of the ſaid half year, ſhall, on his perſonal appearance, or affidavit that ſuch out penſioner was living during the whole or part of the half year preceding, and reciting the place of his abode (ſuch affidavit to be made before a juſtice of peace of any county or place in *Great Britain* or *Ireland*, where ſuch out penſioner reſides, for the taking of which no fee ſhall be paid) continue to receive in advance the ſaid penſion by half yearly payments. *ſ.* 2.

The agent appointed by his majeſty for the payment of the out penſion in the manner hereby directed, ſhall receive from the treaſurer of *Chelſea* hoſpital ſuch monies as be neceſſary to diſcharge the ſame, and pay the ſaid penſion to the out penſioners as aforeſaid, and give a receipt for the ſaid monies to the ſaid treaſurer; which ſhall be a diſcharge to the ſaid treaſurer; and the auditors of the impreſts are to allow all ſuch acquittances in the accounts of the treaſurer of *Chelſea* hoſpital; and the commiſſioners of the treaſury are to iſſue in advance to the treaſurer of *Chelſea* hoſpital ſuch money as is neceſſary for the payment of the ſaid out penſion, upon warrant ſigned by the commiſſioners of *Chelſea* hoſpital or three of them. *ſ.* 4.

The commiſſioners of *Chelſea* hoſpital, or three of them, are to cauſe to be made up, the laſt day of every half year, a liſt of the out penſioners who have either perſonally appeared, or been certified by affidavits to be living, during the whole or part of the half year then expiring. *ſ.* 5.

The commiſſioners of *Chelſea* hoſpital, or three of them, ſhall, on ſuch liſts ſo exhibited to them, cauſe to be made out a warrant to the treaſurer of *Chelſea* hoſpital, and ſign the ſame, directing the ſaid treaſurer to iſſue in advance unto the hands of an agent appointed as aforeſaid, ſuch ſum as is requiſite for the payment of the out penſion. *ſ.* 6.

The treaſurer of *Chelſea* hoſpital ſhall deduct 1 *s.* in the pound of all monies applicable to the payment of the ſaid out penſion, as well as out of all monies directed to be iſſued in advance to the out penſioners of *Chelſea* hoſpital, to be applied as his majeſty ſhall by warrant under his ſign manual direct; and after the deduction of the ſaid 1 *s.* in the pound, the ſaid penſioners ſhall be paid without any other deduction. And if the agent appointed for the payment of the penſions, or other agent or clerk employed in paying the ſame, take any fee for paying the ſaid penſion, or on any account relative to the ſaid out penſion, ſuch perſon ſo offending ſhall *ipſo facto* forfeit his office, and for-

feit 100 *l.* to any perſon who ſhall ſue for the ſame by action of debt, *&c.* in any court of record, within twelve calendar months after the offence; in which no eſſoin, *&c.* ſhall be allowed; and be deemed incapable of ſerving his majeſty in any office civil or military. *ſ.* 7.

By 23 *Geo.* 3. *c.* 50. The paymaſter-general of his majeſty's forces, in all memorials by him preſented to the treaſury, for money for army ſervices, ſhall pray, that ſuch ſum may be iſſued to the bank of *England* on his account, ſpecifying the ſum he requires, and for what ſervices, and the commiſſioners of the treaſury ſhall direct the auditor to iſſue to the bank, on account of the paymaſter-general, naming ſuch paymaſter, the ſum for which ſuch letter ſhall be drawn upon the unſatisfied order at the exchequer, in favour of the ſaid paymaſter, for which, the receipt of the caſhier ſhall be a diſcharge; and all ſums for which ſuch letters of the commiſſioners of the treaſury ſhall be drawn, ſhall be iſſued to the bank, as they have been heretofore iſſued to the paymaſter of the forces; and ſuch monies iſſued to the bank ſhall be placed to an account in the books of the ſaid bank, to be intituled, *The Account of the Paymaſter-General of his Majeſty's Forces*, inſerting the name of ſuch paymaſter for the time being. *ſ.* 2.

No fees whatſoever ſhall be paid at the exchequer o rtreaſury for the tranſactions aforeſaid, beyond what hath been uſually paid upon impreſts and accounts hitherto made, according to former cuſtom between the exchequer, pay-office, and bank. *ſ.* 3.

No money for the ſervice of the army ſhall be iſſued from the exchequer to the paymaſter of the forces, or placed in his hands; but the ſame ſhall be iſſued to the bank, to be placed to the account above mentioned. *ſ.* 4.

The paymaſter-general by himſelf, or deputy, or the perſon in his office autnoriſed by the ſaid paymaſter, ſhall draw upon the bank for all army ſervices, and ſhall ſpecify in each draft the ſervice for which the ſame is drawn: and no draft ſhall be a ſufficient voucher to the bank, unleſs the ſame ſpecifies the ſervice for which it is drawn, and has been paid by the bank. *ſ.* 5.

The monies iſſued to the bank on account of the paymaſter-general, ſhall not be paid out of the bank, unleſs for army ſervices, and in purſuance of drafts drawn on the bank, and ſigned by the paymaſter-general, or his deputy, or the perſon authoriſed as aforeſaid; in which drafts ſhall be ſpecified the heads of ſervice to which the ſums therein mentioned are to be applied; which drafts, ſo drawn, ſhall be authority to the bank to pay ſuch money to the perſons mentioned in ſuch drafts, or to the bearer of them. *ſ.* 6.

In the firſt memorial every month, or oftener if required, to the commiſſioners of the treaſury, by the paymaſter-general, for a ſupply of money for army ſervices, ſuch paymaſter ſhall inſert, in the body of ſuch memorial, the balance of public money, on his account, in the hands of the bank, together with an account of all the claims, *&c.* with which ſuch balance is chargeable. *ſ.* 7.

Upon the death, reſignation, or removal of the paymaſter, the balance of caſh for which he ſhall have credit, on his account as paymaſter, with the bank, ſhall, as ſoon as a ſucceſſor ſhall be appointed to the ſaid office, veſt in ſuch ſucceſſor, in truſt for the ſervice of the army, and be placed to the account of ſuch ſucceſſor paymaſter-general, to be applied to the ſaid ſervice, in purſuance of like drafts. And the paymaſter-general ſhall make up, or cauſe to be made up, an annual account of the ordinary and extraordinary ſervices of the army, intituled, *The Account of the Paymaſter-General of his Majeſty's Forces*, to be ſigned and atteſted by every paymaſter-general, who ſhall have paid or diſcharged any part of the ſaid account; the account to begin on 25th *Dec.* and to end on 24th *Dec.* following, in every year, and to tranſmit the ſame, together with proper vouchers, to the auditor of the impreſt, who ſhall, within ſix months after receipt thereof, examine, or cauſe to be examined, the ſaid annual accounts, and, if found ſatisfactory, preſent the ſame to the proper officer for declaration; and when declared, a *quietus*, in the uſual form, ſhall be made out to the ſaid paymaſter. *ſ.* 8.

The paymaſter-general ſhall keep the account with the bank of all monies iſſued for the ſervice of the army: and the ſaid paymaſter, obſerving the regulations hereby preſcribed, ſhall not be anſwerable for any money which he ſhall not actually receive; and the bank ſhall be anſwerable for all monies received by them for the ſervice of the army. *ſ.* 9.

If any perſon ſhall forge, or cauſe to be forged, or wilfully aſſiſt in forging the name or hand of the paymaſter-general, or of his deputy, to any draft, cheque paper, inſtrument, or writing whatſoever, in order to the receiving any money in the hands of the bank, on account of the paymaſter-general, or ſhall forge, or cauſe to be forged, and knowingly aſſiſt in the forging any draft, *&c.* or writing, in form of a draft made by ſuch paymaſter-general, or his deputy; or ſhall utter or publiſh ſuch, knowing the ſame to be forged, with an intention to defraud any perſon; ſuch perſon ſhall be guilty of felony, and ſhall ſuffer death, without benefit of clergy. *ſ.* 10.

All books of accounts kept in the office of paymaſter-general, ſhall belong to the ſaid office, and ſhall not be at the diſpoſal of the paymaſter-general as his private books, but nothing herein ſhall prevent any perſon who hath exerciſed the office of paymaſter-general, or his executors or adminiſtrators, by themſelves, or others, from taking copies thereof, until an acquittance in the exchequer ſhall be made out. *ſ.* 11.

No fee whatſoever (except the ſalaries after mentioned) ſhall be taken in the ſaid office of paymaſter-general for any thing done therein; and in lieu thereof, the officers, clerks, and ſervants, in the ſaid office, ſhall receive annual ſalaries, payable quarterly, without deduction, together with ſuch further augmentations (to be made no oftener than once in the year) as the increaſe of buſineſs in the office ſhall require; the ſaid ſalaries, and augmentations to be regulated by the paymaſter-general, with the concurrence of the treaſury, and his majeſty's approbation had thereon; and a liſt of the ſaid officers, *&c.* together with an account of the ſalaries paid, and augmentations made to them, ſhall be entered in a book, intituled *The Salary Book*, and depoſited in the office of the paymaſter, and copies thereof lodged in the treaſury and bank; and if any perſon belonging tothe office, ſhall take any fee, (except the ſalaries and allowances above), he ſhall be diſmiſſed from his office, and be incapable of ſerving his majeſty in any employment whatever for three years. *ſ.* 12.

No ſtoppage ſhall be made for diſcharging fees of office; and if any agent ſhall preſume to ſtop the two days pay as heretofore, ſuch agent ſhall be diſmiſſed from his agency, and be rendered incapable of ſerving his majeſty in that capacity for three years. *ſ.* 14.

All ſums ſaved from the allowance for clothing of invalid and independent companies, or brought in account in conſequence of any ſavings made in the adminiſtration of *Chelſea* hoſpital, ſhall be paid to the treaſurer or vice treaſurer of the ſaid hoſpital, towards a fund for an augmentation to the half pay of officers who have been, or ſhall be maimed in his majeſty's land ſervice, or as an augmentation to the penſions of widows, or as penſions to the children of ſuch officers as have been killed in the

land ſervice, as his majeſty ſhall direct; provided no addition to half pay, in conſequence of maims, or penſions to widows whoſe huſbands have, or ſhall have been killed in ſervice, ſhall exceed twenty-five pounds a year; nor ſhall the allowance to a ſingle child of an officer killed exceed twenty pounds a year, nor be continued longer (if a male) than to twenty-five years of age, or until he be provided for in his majeſty's ſervice; or, if more children are left, the ſhare of each child ſhall not exceed twelve pounds a year, to be continued as the males, and no otherwiſe. *ſ.* 15.

Nothing in this act ſhall deprive the paymaſter of the uſual allowances for himſelf, or for contingencies, nor prevent him from adminiſtering the ſaid contingencies according to the courſe. *ſ.* 16.

Nothing herein ſhall take away, or alter, the power of the paymaſter to appoint, or change, at his pleaſure, any officers and clerks employed in his office; or, with the conſent of the treaſury, ſignified in writing, to increaſe the number of clerks, in caſe the buſineſs of the office ſhould render ſuch increaſe neceſſary; which additional officers and clerks ſhall, upon appointment, become intitled to the like ſalaries as are before directed to be paid to officers and clerks in a ſimilar rank in the office, and ſhall be ſubject to all the regulations made by this act. *ſ.* 17.

All eſtimates, debentures, clearing warrants, and all warrants and accounts, of whatſoever nature, belonging to the army, whether for one or more years (any part of a year, as the ſervice may require, excepted), ſhall be made out from 25th *Dec.* in every year. *ſ.* 18.

The ſecretary at war ſhall form, or cauſe to be formed, eſtimates for the ſeveral annual ſervices of which the eſtabliſhments of the army conſiſt, *viz.* an eſtimate of the charge of the penſions to be paid to the widows of commiſſioned officers; an eſtimate of the charge of the clothing of the non-commiſſioned officers and private men of regular forces; an eſtimate of the charge of agency, charged in the clearing of the regiments, and of the allowances made to the agent of the ſubſiſtence of non-effective men, called *Warrant Men*; an eſtimate of the charge of the in and out penſioners of *Chelſea* hoſpital, and of the expences of the hoſpital; an eſtimate of the actual pay of the commiſſioned and non-commiſſioned officers, and privates, of his majeſty's forces, on the ſeveral eſtabliſhments; an eſtimate of the charge of the allowances made to captains, paymaſters, ſurgeons, and for the uſe of riding maſters, rough riders, and expences incident to the ſame; an eſtimate of the charge of the allowance to the paymaſter-general of his majeſty's land forces, the ſecretary at war, the commiſſary-general of the muſters, the judge advocate, their deputies, clerks, and the contingent expences of their offices, exchequer fees, and all other ſervices now paid out of the deduction of twelvepence in the pound, and one day's pay, and not otherwiſe provided for by this act: and the ſaid ſecretary at war ſhall tranſmit copies of the ſaid eſtimates, as ſoon as agreed to by the houſe of commons, to the office of the paymaſter-general. *ſ.* 19.

The paymaſter-general ſhall form his memorials and requiſitions to the treaſury, and iſſue his drafts upon the bank, upon 24th *June*, and 24th *Dec.* in every year, in equal payments, to ſuch perſons as have a regular aſſignment from the colonels, lieutenant colonels commandant, majors and captains commandant, and captains, for the monies appropriated for the clothing of the non-commiſſioned officers and privates of the regular forces. *ſ.* 20.

Nothing in this act ſhall extend to the making any alteration in the privileges, profits, or emoluments, which the ſaid colonels now derive, either from the clothing of non-effective men, called warrant men, or hautbois, of their regiments, troops, and companies; but the ſaid colonels, *&c.* ſhall enjoy the ſame privileges. *ſ.* 21.

The ſecretary at war ſhall tranſmit to the office of the paymaſter-general an account of the effective commiſſioned and non-commiſſioned officers and privates of the regular forces, and embodied militia, ſerving in *Great Britain*, diſtinguiſhing each corps ſeverally; and the ſaid paymaſter ſhall, form his memorials, and iſſue his drafts, for the ſubſiſtence of the effective commiſſioned and non-commiſſioned officers and privates, according to the ſaid accounts, and for no other ſervice under the ſaid title. *ſ.* 22.

This act ſhall not prevent the paymaſter general from iſſuing to the agents of the regiments, *&c.* in monthly payments, the allowances given to the agents, in lieu of the ſubſiſtence of non-effective men, formerly paid to them. *ſ.* 24.

The allowances heretofore made to the colonel or commandant, known by the name of *allowances to the colonel of the ſubſiſtence of non-effective men, called* Warrant Men *and* Hautbois, ſhall be added to the pay of the colonels and commandants; and the paymaſter general ſhall iſſue the ſame in monthly payments, at the time the ſubſiſtence of the army is iſſued. *ſ.* 25.

The ſecretary at war ſhall form, or cauſe to be formed, an eſtimate of the monies which may be neceſſary for recruiting each regiment, *&c.* and tranſmit the ſaid eſtimate to the office of the paymaſter general, who ſhall form his memorials and iſſue his drafts, as aforeſaid, for the ſame, at the times, and in the proportions, which the ſecretary at war ſhall direct; and charge the ſame to the account of each regiment for whoſe uſe the ſaid monies have been iſſued. *ſ.* 26.

Every officer employed in recruiting any regiment ſhall, every two months, make up and tranſmit, examined and certified by his commanding officer, if reſident in *Great Britain*, (who ſhall certify the ſame) to the adjutant general of his majeſty's forces, an abſtract of the numbers recruited during the two preceding months, and alſo tranſmit a copy of the ſaid abſtract, together with a regular account of the expences which have attended the ſaid ſervice, during the two preceding months, to the agent of the corps for which ſuch officer is recruiting; and on failure herein, the officer, through whoſe neglect ſuch abſtract and account, or a copy thereof, ſhall not have been tranſmitted to the adjutant general, or to the agent, ſhall be liable to be tried for ſuch neglect by a general court martial, and if convicted, ſhall be caſhiered, or ſuffer ſuch other puniſhment as by ſuch court martial ſhall be awarded; and the commanding officer of the regiment, *&c.* in which ſuch neglect ſhall be committed, ſhall make a report thereof to his colonel, if in *Great Britain*, who ſhall report the ſame to the commander in chief, or to the ſecretary at war, that the officer ſo neglecting may be brought to trial for the ſame. *ſ.* 27.

The ſecretary at war ſhall form, or cauſe to be formed, on 24th *June*, and 24th *Dec.* in every year, an account for the preceding ſix months, of the monies neceſſary to be iſſued for defraying the expence of repaying ſuch parts of the poundage deducted from the pay of the forces as are now returned to the effective men of his majeſty's forces, or which his majeſty ſhall, by warrant, under his royal ſign manual, hereafter direct to be repaid; and tranſmit the ſame to the office of the paymaſter general, who ſhall, within 14 days, from the receipt thereof, form his memorials, and iſſue his drafts for the ſame, upon the ſaid 24th *June* and 24th *Dec.* *ſ.* 28.

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The ſecretary at war ſhall form, or cauſe to be formed, an eſtimate of the monies neceſſary to be iſſued on account of the extra price of bread, when troops are in barracks; alſo an eſtimate of the monies neceſſary to be iſſued for defraying the expences of marches; alſo on or before 1ſt *Nov.* in every year, an eſtimate of the monies neceſſary to be iſſued for horſe and dragoon forces, uſually called *Graſs Money*; and alſo, on the 24th *June* and 24th *Dec.* in every year, an eſtimate of the monies neceſſary to be iſſued for the expences of deſerters, ſubſiſtence of diſcharged men, fees of offices, hoſpital expences, carriage and expences of new arms, travelling expences of officers and horſes before they join the regiment; together with all leſſer contingencies now uſually paid, or which his majeſty ſhall, by any future regulations, under his royal ſign manual, direct to be allowed to each regiment, *&c.* and to tranſmit the ſame to the office of paymaſter general, who ſhall form his memorials and iſſue his drafts for the monies contained in the ſaid eſtimates, at ſuch times, and in ſuch proportions, as the ſecretary at war ſhall direct, or are provided for by this act, and charge the ſame to the account of each corps. *ſ.* 29.

An annual allowance ſhall be made to each of the captains of companies of foot, during their continuance in ſervice, according to the eſtabliſhment of their companies, *viz.* when the companies are at the eſtabliſhment of 76 men, the annual allowance ſhall be 56*l.* 10*s.*; when reduced under 76, and are above 50 men, the annual allowance ſhall be 47*l.* 7*s.* 6*d*; and when reduced to 50 men or under, the allowance ſhall be 38*l.* 5*s.*; and alſo the annual allowance of 30*l.* now made to the captains of troops of horſe and dragoons, ſhall continue to be made; for which ſaid allowances the paymaſter general ſhall form his memorials and iſſue his drafts as aforeſaid, on 24th *June*, and 24th *Dec.* in every year, in equal payments, and charge the ſame to the account of the ſeveral regiments, *&c.* to which the ſaid captains belong. *ſ.* 30.

An annual allowance of 100*l.* ſhall be made to each of the captains of the regiment and independent companies of invalids, when the eſtabliſhment of their companies ſhall amount to 70 private men, and 80*l.* when under the ſaid number; for which allowances the paymaſter general ſhall form his memorials and iſſue his drafts on 24th *June*, and 24th *Dec.* in every year, in equal payments, and charging the ſame to the account of the regiment, *&c.* *ſ.* 31.

An annual allowance of 120*l.* ſhall be made to each of the paymaſters and ſurgeons, when the eſtabliſhment of their companies is 50 private men, and 70*l.* after the companies ſhall be reduced below the ſaid number; for which allowances the paymaſter general ſhall form his memorials, *&c.* *ſ.* 32.

An annual allowance after the rate of 10*l.* for every troop of horſe and dragoon forces, ſhall be made to each of the paymaſters when the eſtabliſhment of the troop amounts to 40 private men; and 7*l.* 15*s.* after reduced below the ſaid number; and alſo an annual allowance after the rate of 8*l.* for every troop of horſe and dragoon forces, ſhall be made to the ſurgeon when the eſtabliſhment of the troop amounts to 40 private men, and 6*l.* 4*s.* after reduced below the ſaid number; and alſo an annual allowance after the rate of 23*l.* 6*s.* for every troop of horſe and dragoon forces ſhall be made to the colonel, lieutenant colonel, and major commandant, of every corps, for the uſe of the riding maſters, rough riders, or for incidental expences relating to the ſame, when the eſtabliſhment of the troop amounts to 40 private men; and 18*l.* 1*s.* after reduced below the ſaid number: for which allowances the paymaſter general ſhall form his memorials, *&c.* *ſ.* 33.

Every paymaſter of a regiment, troop, or company, of regular forces, or embodied militia, ſhall make out, and tranſmit to the agent of ſuch regiment, an account, every two months, of the exact ſubſiſtence actually paid to effective officers and men, and of the broken periods ariſing from deaths, deſertions, or diſcharges of men, in the courſe of the ſaid two months; and on 24th *June*, and 24th *Dec.* in every year, the ſaid paymaſter ſhall make up, and within three months from each of the above periods, tranſmit to the agent, the following accounts, *viz.* an account of all the expences which have attended the recruiting ſervice of regular forces, for the preceding ſix months, diſtinguiſhing the ſubſiſtence of recruits, levy money, and every other article of expence under their ſeveral heads; an account of the poundage paid to the effective men, in the preceding ſix months; an account of the allowances made for the extra price of bread, to ſuch of the troops who have been in barracks the preceding ſix months; an account of the expences which have attended the marches; an account of the monies paid for the preceding ſix months, uſually called *Graſs Money*; an account of hoſpital expences, travelling expences of officers and horſes, before they join the troop, and all other leſſer contingencies which his majeſty ſhall, by any future regulations, under his royal ſign manual, direct to be allowed, for the preceding ſix months, under their ſeveral heads; the ſaid accounts to be examined and certified by the commanding officer of each corps, who ſhall examine and certify the ſame; and on failure herein, the paymaſter, through whoſe neglect the ſaid accounts ſhall not be tranſmitted, ſhall be liable to a trial for ſuch neglect by a general court martial, and if convicted, ſhall be caſhiered, or ſhall ſuffer ſuch other puniſhment as by ſuch court martial ſhall be awarded; and the commanding officer of the regiment in which ſuch neglect ſhall be committed, ſhall make a report thereof to his colonel, if in *Great Britain*, who ſhall report the ſame to the commander in chief, or to the ſecretary at war, that the officers offending may be brought to a trial. *ſ.* 34.

The agent of every regiment of regular forces, and embodied militia, ſhall make up an annual account of each regiment, *&c.* for the preceding year, ending 24th *Dec.* the account of the forces and militia ſerving in *Great Britain*, to be made up within ſix months after the expiration of the year; the accounts of the corps on foreign ſervice, within two months after the accounts enabling the agents to make up their annual accounts, ſhall be received by the ſaid agents; and in the ſaid accounts, the impreſts or monies received, including the monies received for caſt horſes ſold, and every other receipt which belongs and ought to be brought to the credit of the public, in the accounts of the corps, and the diſburſements ſhall be diſtinguiſhed under their ſeveral heads of ſervice, the arrears due to the officers, and the agency due to them, upon the full pay of the commiſſioned officers, non-commiſſioned officers, and private men, of the corps then and there to be charged, and the balance then ſtruck which is due from the public to the ſaid regiment, *&c.*, and tranſmit the ſame within the time, together with proper vouchers, agreeable to the preſent, or any future regulations which his majeſty ſhall, under ſign manual, direct, to the office of the ſecretary at war, and a copy thereof to the office of the paymaſter general; and on failure herein, or in any other of the regulations preſcribed to the ſaid agents, the ſaid agents ſhall forfeit 100*l.* to be recovered by any perſon who ſhall ſue for the ſame; and the ſecretary at war ſhall examine and ſettle, or cauſe to be examined, *&c.* the aforeſaid annual accounts, and tranſmit the ſame, together with the certificates of the charges allowed, and the balances, within three months after receipt of the ſaid accounts, to the office of the paymaſter general. *ſ.* 35.

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This act ſhall not diſcharge any agent from making up, in the courſe of the year, ſuch account as the ſecretary at war may require; and any agent refuſing obedience to ſuch requiſition ſhall be liable to the penalty aforeſaid. *ſ.* 36.

His majeſty's forces ſhall be muſtered on, or as near as may be to 24th *June*, and 24th *Dec.* in every year; at which time the commiſſaries ſhall take exact liſts of the commiſſioned and non-commiſſioned officers, and private men, then the regiments, and alſo liſts of ſuch commiſſioned and non-commiſſioned officers, and private men, who have been in the regiments, for part of the preceding half year, ſpecifying the periods at which ſuch officers, and private men, came into the corps, and when they died or were removed; and alſo the dates and atteſtations of all recruits, acquired in the preceding half year: and the commiſſary general of muſters ſhall tranſmit the ſame to the offices of the ſecretary at war, and paymaſter general, and comptrollers of the accounts of the army, on or before the 29th *Sept.* and 1ſt *May*, following the ſaid muſters. *ſ.* 37.

The ſecretary at war ſhall prepare and ſend, together with the annual accounts of the agents, and certificates, warrants to the office of the paymaſter general, directing the paymaſter general to make out debentures, wherein the ſums borne on the ſeveral eſtabliſhments, and the monies diſburſed on account thereof, ſhall be ſpecified, and the balance certified, which is due to or from each regiment, *&c.* of regular forces, and embodied militia; which ſaid debenture the paymaſter general ſhall tranſmit to the office of the ſecretary at war, within three months from the receipt thereof; and the ſecretary at war ſhall, immediately on receipt of the ſaid debentures, make out, or cauſe to be made out, clearing warrants, directing the paymaſter general to form memorials and requiſitions, and to iſſue drafts for the balance due to each regiment, *&c.* of regular forces, and embodied militia, for clearings, and to charge the ſame to the account of the ſaid regiment, *&c.*; and the ſaid clearing warrants ſhall direct the paymaſter general to make the exceſs which ſhall ariſe upon the ſeveral eſtabliſhments, after deducting therefrom the monies diſburſed, a ſaving, and to carry it to the credit of the public; and to charge every deficiency, which ſhall ariſe from the eſtabliſhment not being ſufficient to diſcharge the diſburſements paid on account, as aforeſaid, to the general account of contingencies, or to ſuch other fund as may be applicable thereto. *ſ.* 38.

This act ſhall not extend to the making any alteration in the horſe guards, horſe grenadier guards, the royal regiment of horſe guards, and the foot guards. *ſ.* 39.

By 30 *Geo.* 3. *c.* 6. Whereas the keeping a ſtanding army within this kingdom in time of peace, unleſs it be with conſent of parliament is againſt law; and whereas it is judged neceſſary that a body of forces ſhould be continued for the ſafety of this kingdom, the defence of the poſſeſſions of the crown of *Great Britain*, and the preſervation of the balance of power in *Europe*; and that the number of ſuch forces ſhould conſiſt of 17,448 men including 1629 invalids: and whereas during the late war, ſome part of the forces, exceeding the number aforeſaid, has been employed beyond the ſeas, which muſt render the time when ſuch forces may return uncertain, ſome of which are to be broke, and others reduced on their arrival; and and whereas no man can be forejudged of life or limb, or ſubjected in time of peace to any puniſhment within this realm, by martial law, or in other manner than by the judgment of his peers, and according to the known laws of this realm; yet it being requiſite that ſoldiers who ſhall mutiny or deſert be brought to ſpeedy puniſhment, be it enacted, if any commiſſioned officer, or liſted or in pay as a non-commiſſioned officer or ſoldier, ſhall, during the continuance of this act, excite, or join in any mutiny, in either the land or marine forces, or ſhall not uſe his endeavours to ſuppreſs the ſame, or coming to the knowledge of any mutiny, or intended mutiny, ſhall not without delay give information thereof to his commanding officer, or ſhall miſbehave himſelf before the enemy, or ſhall ſhamefully abandon or deliver up any garriſon, fortreſs, poſt, or guard, committed to his charge, or which he ſhall be commanded to defend, or ſhall compel the governor or commanding officer to deliver up to the enemy, or to abandon the ſame, or ſhall ſpeak words or uſe any other means to induce ſuch governor or commanding officer, or others, to miſbehave before the enemy, or abandon any garriſon, *&c.*, or ſhall leave his poſt before relieved, or ſhall be found ſleeping on his poſt, or ſhall hold correſpondence with, or give advice to any rebel or enemy, either by letters, meſſages, ſigns, or tokens, or ſhall treat with ſuch rebel or enemy, without his majeſty's licence, or licence of the general, or chief commander, or ſhall ſtrike or uſe any violence againſt his ſuperior officer, in the execution of his office, or ſhall diſobey any lawful command of his ſuperior officer, or ſhall deſert his majeſty's ſervice, all perſons ſo offending, whether ſuch offence ſhall be committed within this realm, or in any other of his majeſty's dominions, or in foreign parts, upon land or upon the ſea, ſhall ſuffer death or ſuch other puniſhment as by a court martial ſhall be awarded. *ſ.* 1.

" Non-commiſſioned officers and ſoldiers inliſting in " any other regiment, *&c.* to be deemed deſerters." *ſ.* 2.

If any ſoldier in any regiment, *&c.* ſhall deſert or commit any offence againſt this act, or againſt the articles of war, ſuch perſon ſhall be liable to be tried by a court martial, and puniſhed in like manner as if he had originally belonged to the ſame, notwithſtanding it ſhall have been diſcovered that he had previouſly belonged to ſome other regiment: but if ſuch perſon ſhall be claimed by ſuch other regiment, and be proceeded againſt as a deſerter therefrom, his ſubſequent deſertion may, unleſs already tried for the ſame, be given in evidence as an aggravation of his crime, previous notice being given the deſerter of the fact intended to be proved. *ſ.* 3.

His majeſty may grant a commiſſion, under ſign manual, for holding of general courts martial within this realm, and may alſo extend his royal warrant to any general officer having the chief command of a body of forces within the ſame, authoriſing him to convene general courts martial for the trial of offences committed by forces under his command; and alſo his majeſty may grant his warrant to the governor of *Gibraltar*, and of any other dominions beyond the ſeas, or to the perſon there commanding in chief, for convening, or authoriſing any officer, not under the degree of a field officer, to convene general courts martial, for the trial of offences committed by forces under their command. *ſ.* 4.

Such courts martial may inflict corporal puniſhment on any ſoldier for immoralities, miſbehaviour, or neglect of duty. *ſ.* 5.

" General court martial not to conſiſt of leſs than 13, " (except within the gariſon of *Fort James* or other gar- " riſon on the river *Gambia*, or upon any detachment from " ſuch garriſon, and the preſident to be a field officer, or " officer next in ſeniority, not under the degree of a cap- " tain; (except in the garriſon of *Fort James*, &c. where " they

" they are to conſiſt of five at leaſt); and courts martial " may adminiſter oaths to witneſſes." *ſ.* 6.

In all trials by general courts martial, every member aſſiſting at ſuch trial, before any proceeding be had thereupon, ſhall take the following oaths, before the judge-advocate or his deputy.

YOU ſhall well and truly try and determine, according to your evidence in the matter now before you:

So help you GOD.

I *A. B. do ſwear, that I will duly adminiſter juſtice, according to the rules and articles for the better government of his majeſty's forces, and according to an act of parliament now in force, for the puniſhment of mutiny and deſertion, and other crimes therein mentioned, without partiality, favour, or affection; and if any doubt ſhall ariſe, which is not explained by the ſaid articles, or act of parliament, according to my conſcience, the beſt of my underſtanding, and the cuſtom of war in the like caſes. And I further ſwear, that I will not divulge the ſentence of the court, until it ſhall be approved by his majeſty, or by ſome perſon duly authoriſed by him; neither will I, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of the court martial, unleſs required to give evidence thereof as a wineſs, by a court of juſtice, in a due courſe of law:*

So help me GOD.

And ſo ſoon as the ſaid oaths ſhall have been adminiſtered, the preſident of the court is to adminiſter to the judge-advocate, or perſon officiating as ſuch, an oath, in the following words:

I A. B. *do ſwear, that I will not, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of the court martial, unleſs required to give evidence thereof as a witneſs, by a court of juſtice, in a due courſe of law:*

So help me GOD.

And no ſentence of death ſhall be given againſt any offender, (except in the garriſon of *Fort James*, *&c.*) unleſs nine officers preſent ſhall concur therein: and where a court martial ſhall conſiſt of more officers than thirteen, as likewiſe within *Fort James*, *&c.* when any court martial ſhall conſiſt of a leſſer number, then the judgment ſhall paſs by the concurrence of two-thirds of the officers preſent: and no trial ſhall be had but between eight in the morning and three in the afternoon, except in caſes which require an immediate example. *ſ.* 7.

" Deſerter may be adjudged to ſerve in any corps abroad " for life, or for a term of years; but returning without " leave, before expiration of ſuch term, and convicted " thereof by a court martial, he ſhall ſuffer death." *ſ.* 8.

The party tried within *Europe*, (except in *Gibraltar*), ſhall be intitled to a copy of the ſentence and proceedings of ſuch court martial, (he paying for the ſame), at any time not ſooner than three months after ſentence; and at *Gibraltar*, not ſooner than ſix months after ſentence; and in his majeſty's other dominions beyond the ſeas, or in foreign parts, not ſooner than 12 months after ſentence, whether ſuch ſentences be approved or not. *ſ.* 9.

Every judge-advocate, or perſon officiating as ſuch, at any court martial, is to tranſmit the original proceedings and ſentence of ſuch court martial, to the judge-advocate-general in *London*; which proceedings ſhall be kept in the office of ſuch judge-advocate-general. *ſ.* 10.

" Proceedings of courts, or entries, or copies thereof, " not liable to ſtamp duties." *ſ.* 11.

None to be tried a ſecond time for the ſame offence, except in caſe of appeal from a regimental to a general court martial; and no ſentence given by any court martial, and ſigned by the preſident, ſhall be liable to be reviſed more than once. *ſ.* 12.

This act not to exempt ſoldiers from being proceeded againſt by law. *ſ.* 13.

Muſters ſhall be made of every regiment twice at leaſt every year. *ſ.* 14.

If any perſon make, or cauſe to be made, any falſe certificate, to excuſe any ſoldier for abſence from any muſter, or other ſervice, which he ought to attend, upon pretence of being employed on other duty of the regiment, or of ſickneſs, being in priſon, or on furlough; then ſuch perſon ſhall forfeit 50*l.* and ſhall be caſhiered and diſplaced from his office, and diſabled to have any military office within this realm, or in his majeſty's ſervice; and no certificate ſhall excuſe the abſence of any ſoldier, but for the reaſons above mentioned, or one of them; and the commiſſary of the muſters is to ſet down on the roll, at the taking of the muſter, the reaſon of the abſence of ſuch ſoldier, and the ſame ſhall be certified by the commanding officer on the back of the roll. *ſ.* 15.

Every officer that ſhall make any falſe muſter of man or horſe, and every commiſſary, muſter maſter, or other officer, who ſhall willingly allow the muſter roll wherein ſuch falſe muſter is contained, or any duplicate thereof; and alſo every commiſſary, *&c.* who ſhall take or cauſe to be taken, any money or gratuity, for muſtering any regiment, *&c.* or for ſigning any muſter rolls, *&c.* upon proof thereof upon oath, made by two witneſſes, before a general court martial, ſhall be caſhiered, and diſabled to hold any civil or military office in his majeſty's ſervice. *ſ.* 16.

Commiſſary or muſter maſter to give notice of muſter to the mayor, or chief magiſtrate or officer, of the place where the ſaid ſoldiers muſtered ſhall be quartered; who is to be preſent at ſuch muſter, and give aſſiſtance for diſcovering any falſe muſter; and ſuch commiſſary or muſter maſter, that ſhall neglect to give ſuch notice, or ſhall refuſe to take the aid of ſuch mayor, ſhall forfeit 50*l.* and be diſcharged; and no muſter roll ſhall be allowed, unleſs ſigned by the mayor, *&c.*; but in caſe ſuch mayor, *&c.* ſhall not, upon notice, attend ſuch muſter, or ſhall refuſe to ſign ſuch muſter roll, without giving good reaſons for ſuch refuſal, then the commiſſary may muſter ſuch regiment, without incurring the penalty; and ſuch muſter roll ſhall be allowed, though not ſigned, provided oath be made by the commiſſary, before any juſtice, that ſuch notice was given to the mayor. *ſ.* 17.

If any perſon ſhall be falſely muſtered, or offer himſelf falſely to be muſtered, upon proof thereof upon oath by two witneſſes, before the next juſtice, and upon certificate thereof under the hand of the commiſſary of muſters, or chief magiſtrate, made to ſuch juſtice, the ſaid juſtice is to commit ſuch offender to the houſe of correction for 10 days; and if any perſon ſhall willingly lend or furniſh any horſe to be muſtered, which ſhall not belong to the trooper, the ſaid horſe ſhall be forfeited to the informer, if the ſame doth belong to the perſon lending; or otherwiſe, the perſon lending ſhall forfeit 20*l.* upon oath by two witneſſes before the next juſtice; which 20*l.* ſhall be levied by warrant of the ſaid juſtice, by diſtreſs and ſale of the goods of the perſon offending; and in caſe ſuch offender ſhall not have goods to the value of the penalty, or ſhall not pay ſuch penalty within four days after conviction, then ſuch juſtice ſhall, by warrant, either commit ſuch offender to the common gaol for three months, or cauſe ſuch offender to be publicly whipped; and the ſaid forfeiture ſhall be to ſuch perſon that

ſhall

ſhall give information thereof; and the ſaid informer, if belonging to the ſervice, ſhall have a right to be diſcharged forthwith, if he demand the ſame. *ſ.* 18.

Every commiſſion officer, ſtorekeeper, or commiſſary, that ſhall embezzle or miſapply, or cauſe to be embezzled or miſapplied, or ſhall wilfully ſuffer any proviſions, forage, arms, clothing, ammunition, or other military ſtores, to be ſpoiled or damaged, upon proof upon oath, made by two witneſſes, before a general court martial, ſhall be diſmiſſed the ſervice, and forfeit 100*l.*; and is to make good, at his own expence, the loſs ſuſtained, to be aſcertained by ſuch court martial, which ſhall have power to ſeize the goods of the perſon offending, and ſell them for the payment of the 100*l.* and ſuch damage: and if ſufficient goods cannot be found and ſeized, then the perſon offending ſhall be committed to priſon, or the common gaol, for ſix months, and until he ſhall pay ſuch deficiency; and after the ſum ſhall be recovered and levied, the ſame ſhall be applied as his majeſty ſhall direct. *ſ.* 19.

Muſter maſter, *&c.* taking a muſter, to make oath before the mayor, *&c.* if a juſtice, or otherwiſe before ſome other juſtice of the peace, in manner and form following:

I A. B. *do ſwear, that I ſaw, at the time of making the within muſter, ſuch commiſſioned officers, non-commiſſioned officers, and private men, and horſes, as are borne, and not reſpited, on the muſter roll (excepting thoſe for whom a ſigned certificate is indorſed thereon.)*

Which the ſaid commiſſary or muſter maſter is to inſert and ſubſcribe on the back of the muſter roll by him tranſmitted into the office of the commiſſary general; and he is to inſert, in the docket annexed to the ſaid roll, the place where, and the preciſe day when the muſter was taken. *ſ.* 20.

If any paymaſter, agent, or clerk of any garriſon, regiment, *&c.* ſhall detain for one month, the pay of any officer or ſoldier, (clothes and other allowances being deducted) after ſuch pay ſhall be by him received; or if any officers having received their ſoldiers pay, ſhall refuſe to pay each non-commiſſion officer and ſoldier their pay, when due, at the rate of 17*s.* 6*d. per* week for each corporal of light horſe; 14*s. per* week for each trumpeter and private trooper; 9*s.* 11*d. per* week for each dragoon; 9*s.* 4*d. per* week for each ſerjeant; 6*s.* 2*d. per* week for each corporal; 5*s. per* week for each trumpeter and drummer; 4*s. per* week for each private ſoldier of his majeſty's three regiments of foot guards; and 6*s. per* week for each ſerjeant; 4*s.* 6*d. per* week for each corporal and drummer; and 3*s. per* week for each foot ſoldier, of any other regiment or independent company: and at the end of every two months to account for 1*s. per* week to each ſerjeant, and 2*d. per* week to each corporal and drummer, and 6*d. per* week to each foot ſoldier; the ſaid 1*s. per* week, 2*d. per* week, and 6*d. per* week, being the remainder of the ſubſiſtence of each ſerjeant, *&c.* then upon proof thereof before a court martial, ſuch paymaſter, *&c.* ſhall be diſcharged, and forfeit to the informer 100*l.* to be levied as aforeſaid; and the informer, if a ſoldier, (if he demands it) ſhall be diſcharged from any further ſervice: and the commanding officers of the three regiments of foot guards, are, if they judge it neceſſary for the good of the ſervice, to make the ſame ſtoppages of 1*s. per* week from each ſerjeant, 2*d. per* week for each corporal and drummer, and 6*d. per* week for each foot ſoldier; and at the end of every two months to account for the ſaid 1*s. per* week to each ſerjeant, and two pence *per* week for each corporal and drummer, and 6*d. per* week to each foot ſoldier, in the ſame manner as is hereby directed for marching regiments. *ſ.* 21.

The agents are required to obſerve ſuch directions as ſhall be given by his majeſty, under his ſign manual, or by the treaſury, and if any agent neglect to obſerve ſuch directions, he ſhall be diſcharged from his office, and be diſabled to hold any ſuch office in his majeſty's ſervice. *ſ.* 22.

If any officer or commiſſary muſter any perſon by a wrong name knowingly, upon conviction before a general court martial, he ſhall ſuffer the penalties inflicted upon thoſe who make falſe muſters. *ſ.* 23.

During the continuance of this act, it ſhall be lawful for the conſtables, tythingmen, headboroughs, and other chief officers and magiſtrates of cities, towns, and villages, and other places, within *England*, *Wales*, and *Berwick*, and in their default or abſence, for any one juſtice of peace in or near ſuch city, *&c.* and for no others, to quarter and billet the officers and ſoldiers in his majeſty's ſervice, in inns, livery ſtables, ale-houſes, victualling-houſes, and the houſes of ſellers of wine by retail, to be drank in their houſes, and all houſes of perſons ſelling brandy, ſtrong waters, cider, or metheglin, by retail, to be drank in houſes, (except the houſes of diſtillers, and the houſe of any ſhopkeeper, whoſe principal dealings ſhall be more in other goods than in brandy and ſtrong waters, ſo as ſuch diſtillers and ſhopkeepers do not ſuffer tippling in their houſes) and in no other, and in no private houſes; nor ſhall any more billets be ordered, than there are effective ſoldiers preſent to be quartered. And if any conſtable, tythingman, or ſuch like officer or magiſtrate preſume to quarter or billet any ſuch officer or ſoldier in any private houſe, without the conſent of the owner; ſuch owner ſhall have his remedy at law againſt ſuch magiſtrate or officer for the damage; and if any military officer take upon him to quarter ſoldiers otherwiſe than is allowed by this act, or offer any menace or compulſion to any mayors, conſtables, or other civil officers before-mentioned, to diſcourage them from performing their duty hereby required, ſuch military officer ſhall (being convicted before two of the next juſtices of peace, by oath of two witneſſes) be *ipſo facto* caſhiered, and diſabled to hold any military employment in his majeſty's ſervice; provided the conviction be affirmed at the next quarter ſeſſions, and a certificate tranſmitted to the judge advocate, who is to certify the ſame to the next court martial. And in caſe any perſon find himſelf aggrieved, in that ſuch conſtable, *&c.* or magiſtrate (ſuch magiſtrate not being a juſtice of the peace) has quartered in his houſe a greater number of ſoldiers than he ought to bear in proportion to his neighbours, and ſhall complain thereof to a juſtice of peace of the diviſion, city, or liberty; or in caſe ſuch magiſtrate be a juſtice of peace, then on complaint to two juſtices; ſuch juſtices ſhall have power to relieve ſuch perſon, by ordering ſo many of the ſoldiers to be removed, and quartered upon ſuch other perſons as they ſhall ſee cauſe. *ſ.* 24.

No juſtice of peace having any military office or commiſſion in *England*, ſhall be concerned in quartering ſoldiers in the regiment, troop, or company, under the command of ſuch juſtice; but all acts executed by ſuch juſtice concerning the ſame, ſhall be void. *ſ.* 25.

The officers and ſoldiers ſo quartered ſhall be received and furniſhed with diet and ſmall beer by the owners of the inns, *&c.* paying the rates after mentioned. *ſ.* 26.

In caſe any perſon, on whom any ſoldier ſhall be quartered, (except on a march, or employed in recruiting, and

except the recruits for ſeven days, for ſuch non-commiſſion officers and ſoldiers, recruiting, and recruits), ſhall be deſirous to furniſh ſuch non-commiſſion officers or ſoldiers with candles, vinegar, and ſalt, and with either ſmall beer or cider, not exceeding five pints, for each man *per diem*, *gratis*, and allow them the uſe of fire, and utenſils for dreſſing and eating their meat, and give notice of ſuch his deſire to the commanding officer, and ſhall furniſh the ſame accordingly, then the non-commiſſion officers and ſoldiers, ſo quartered, ſhall provide their own victuals; and the officer to whom it belongs to receive, or that does receive the pay and ſubſiſtence, ſhall pay the ſums after mentioned to be payable for diet or ſmall beer, to the non-commiſſion officers and ſoldiers aforeſaid. *ſ.* 27.

If any officer ſhall take, or knowingly ſuffer to be taken, any money of any perſon for excuſing the quartering of officers or ſoldiers, ſuch officer ſhall be caſhiered, and be incapable of ſerving in any military employment. *ſ.* 28.

Where horſe or dragoons ſhall be quartered, the men and their horſes ſhall be billeted in the ſame houſes, except in caſe of neceſſity; and in no other caſe there ſhall be leſs than one man billeted where there ſhall be one or two horſes, nor leſs than two men where there ſhall be four horſes, and ſo in proportion; and each man ſhall be billeted as near his horſe as poſſible. *ſ.* 29.

Commanding officers of any regiment, *&c.* may exchange any men or horſes quartered in any place, with another man or horſe quartered in the ſame place, for the benefit of the ſervice; provided the number of men or horſes, do not exceed the number at that time billeted on ſuch houſe; and the conſtables, *&c.* are to billet ſuch men and horſes ſo exchanged accordingly. *ſ.* 30.

The officers, men, and horſes, belonging to his majeſty's horſe or dragoons, ſhall be quartered in the inns and other houſes in which officers and ſoldiers are by this act allowed to be quartered, and they ſhall be received and furniſhed by the occupiers of ſuch inns, *&c.* with diet and ſmall beer, and with ſtables, and hay and ſtraw for their horſes, paying for the ſame the rates after mentioned, out of the ſubſiſtence money for diet and ſmall beer, and hay and ſtraw for their horſes. *ſ.* 31.

When any horſe or dragoons ſhall be quartered upon the owner or occupier of any ale-houſe, *&c.* who have no ſtables, then, upon complaint made by the perſon having no ſtables, to two juſtices, and upon his making ſuch allowance in lieu of his quartering ſuch horſe, as ſuch juſtices ſhall think reaſonable, it ſhall be lawful for ſuch juſtices to order the men and their horſes to be removed, and quartered upon ſome other perſons who have ſtables, and to ſettle a proper allowance to be made by the perſon having no ſtables, in lieu of his quartering ſuch horſe removed; and alſo to order that ſuch allowance ſhall be paid by the perſon from whom ſuch men and horſes ſhall be removed, amongſt the perſons to whom ſuch men and horſes ſhall be removed, or be applied in the furniſhing of quarters for the reception of ſuch men and horſes as the caſe may require, and as ſuch juſtices ſhall think fit. *ſ.* 32.

It ſhall be lawful for any two juſtices for the county or place where any non-commiſſion officer or ſoldier ſhall be quartered, having either wife or child, to cauſe ſuch ſoldier to be ſummoned before them, in the town or place where he is quartered, to make oath of the place of their laſt legal ſettlement; and ſuch noncommiſſion officers and ſoldiers are to obey ſuch ſummons, and make oath accordingly; and ſuch juſtices are to give an atteſted copy of ſuch affidavit, to the perſon making the ſame, to be by him delivered to his commanding officer, to be produced when required; which atteſted copy ſhall be admitted in evidence, as to ſuch laſt legal ſettlement, before any juſtices of peace, or at any general or quarter ſeſſion of the peace: provided that in caſe any ſoldier be again ſummoned to make oath as aforeſaid, then on ſuch atteſted copy of the oath by him formerly taken being produced, he ſhall not be obliged to take any further oath with regard to his legal ſettlement; but ſhall leave a copy of ſuch atteſted copy of examination, if required. *ſ.* 33.

It ſhall be lawful to quarter officers and ſoldiers in *Scotland* as the laws in force in *Scotland* at the time of the union; and no officer ſhall be obliged to pay for his lodging where he ſhall be regularly billeted, except in the ſuburbs of *Edinburgh*. *ſ.* 34.

No paymaſter general, or paymaſter of the army, paymaſter of the marines, ſecretary at war, commiſſary, or muſter maſter, or any other officer or their under officers, ſhall receive any fees, or make any deductions out of the pay of any officer or ſoldier, other than the uſual deductions for clothing, and 12 *d.* in the pound to be diſpoſed of as his majeſty ſhall think fit, and the one day's pay in the year for the uſe of the royal hoſpital at *Cheſſea*, and ſuch other neceſſary deductions as ſhall be directed by his majeſty under his ſign manual. *ſ.* 35.

The commiſſioners of the treaſury may, at the end of every two months, iſſue the money due for the clothing of the ſeveral regiments, *&c.* notwithſtanding the muſter rolls have not been duly returned. And the paymaſters are to make deductions of all off-reckonings, and to pay the ſame to ſuch perſons only as have a regular aſſignment for clothes delivered to the regiment, *&c.* and when no ſuch aſſignment appears, the off-reckonings to remain in the hand of the ſaid paymaſter, for the uſe of the regiment, *&c.* until a new contract for clothing and aſſignment is made. *ſ.* 36.

Every officer to whom it belongs to receive the pay or ſubſiſtence money, either for a whole regiment, or particular troops and companies, ſhall, upon each receipt, give public notice to all perſons keeping inns, or other places where officers or ſoldiers are quartered, and ſhall appoint the ſaid innkeepers, *&c.* to repair to their quarters at ſuch times as they ſhall appoint for the payment of the officers or ſoldiers, which ſhall be within 4 days after the receipt of the ſame; and the ſaid innkeepers, *&c.* ſhall then acquaint ſuch officers with the accounts or debts between them and the officers and ſoldiers quartered in their houſes; which accounts the ſaid officers are required to accept and pay before any of the ſubſiſtence be diſtributed: provided the accounts exceed not, for a commiſſion officer of horſe, under the degree of a captain, for diet and ſmall beer, *per diem*, 2 *s.*; nor for one commiſſion officer of dragoons under the degree of a captain, 1 *s.*; nor for one commiſſion officer of foot, under the degree of a captain, 1 *s.*; and if ſuch officer have a horſe, for each horſe's hay and ſtraw, *per diem*, 6 *d.*; nor for one light horſeman's diet, *&c. per diem*, 6 *d*; and hay and ſtraw for his horſe *per diem*, 6 *d.*; nor for one dragoon's diet, *&c. per diem*, 6 *d.*; and hay and ſtraw for his horſe, *per diem*, 6 *d.*; nor for one foot ſoldier's diet *per diem*, 4 *d.* And if any officer ſhall not give notice as aforeſaid, and ſhall not, upon producing ſuch account ſtated, pay the ſame, upon complaint and oath made thereof, by two witneſſes, at the next quarter ſeſſions, the paymaſters of his majeſty's guards and garriſons, and marines, are required (upon certificate of the juſtices of the ſum due, and the perſons to whom owing)

to

to ſatisfy the ſaid ſums out of the arrears due to the ſaid officers, upon penalty that ſuch paymaſters ſhall forfeit their places; and in caſe there be no arrears due to the ſaid officers, then the paymaſters are to deduct the ſums they ſhall pay, purſuant to the certificate of the juſtices out of the next ſubſiſtence money of the regiment. And ſuch officers ſhall, for every ſuch offence, or for neglecting to give notice of the receipt of ſuch ſubſiſtence money, be *ipſo facto* caſhiered. And where the ſubſiſtence money due to any officer or ſoldier ſhall by accident not be paid, or ſuch officer or ſoldier ſhall neglect to pay the ſame, ſo that quarters are not paid; and where any horſe, foot or dragoons, ſhall be upon march, ſo that no ſubſiſtence can be remitted to them, or they ſhall neglect to pay the ſame; every ſuch officer ſhall, before his departure out of his quarters, make up the accounts with every perſon with whom ſuch regiment, *&c.* ſhall have quartered, and ſign a certificate thereof, and give the ſaid certificate to the party to whom ſuch money is due, with the name of ſuch regiment, *&c.* to which he belongs; to the end the ſaid certificate may be tranſmitted to the paymaſter of his majeſty's guards and garriſons, or to the paymaſter of the marines, who are to make payment thereof under pain as is before directed for non-payment of quarters. *ſ.* 37.

No commiſſary ſhall muſter any regiment, *&c.* within the city of *Weſtminſter*, and borough of *Southwark*, and liberties thereof, but in the preſence of two juſtices of peace, not officers of the army, under the before mentioned penalty; unleſs ſuch juſtices, upon forty-eight hours notice given to ſix juſtices, reſiding within the city and liberties aforeſaid, ſhall neglect to attend ſuch muſter; and in caſe of ſuch neglect, ſuch commiſſary may proceed to muſter ſuch regiment, *&c.* provided oath be made before any juſtice, within forty-eight hours after ſuch muſter taken, that ſuch notice was given to ſix juſtices: which juſtices ſo attending, are hereby empowered to ſign the muſter-rolls, and to take cognizance of ſuch muſter, and to examine the truth thereof. *ſ.* 38.

It ſhall be lawful for the high conſtables, petty conſtables, headboroughs, and tythingmen, within the city and liberties of *Weſtminſter* and places adjacent, when required, to billet the officers and ſoldiers of his majeſty's foot guards, in ſuch houſes only as by this act are limited, in and about the city and liberties of *Weſtminſter* and places adjacent; except the city of *London*. And when any order ſhall iſſue for the quartering officers or ſoldiers in *Weſtminſter*, and places adjacent, the high conſtable ſhall deliver out precepts to the ſeveral petty conſtables, headboroughs, or tythingmen of each pariſh and diſtrict, within their reſpective diviſions; and ſuch petty conſtables, *&c.* ſhall quarter every ſuch officer and ſoldier in houſes ſubjected thereto by this act, in the ſame manner as in other parts of *England*. *ſ.* 39.

The petty conſtables, *&c.* in *Weſtminſter*, ſhall, at every general quarter ſeſſions of the peace for the city and liberties of *Weſtminſter* and parts adjacent, deliver to the juſtices in ſeſſions upon oath, liſts ſigned by them reſpectively, of all ſuch houſes, with the number of perſons inhabiting the ſame, within their diſtrict reſpectively, as are ſubject to receive ſoldiers, together with the number of officers and ſoldiers quartered in each houſe; and ſuch liſts ſhall remain with the clerk of the peace of the city and liberties of *Weſtminſter*, that all perſons may inſpect the ſame without fee; and ſuch clerk ſhall deliver to any perſon who ſhall require the ſame, copies of ſuch liſts, upon being paid two-pence a ſheet, each ſheet to contain one hundred and fifty words; and if neglect be made by any petty conſtable, in delivering ſuch liſt to the quarter ſeſſions, or if he deliver any falſe or defective liſt, not ſpecifying all ſuch houſes, or the names of all officers and ſoldiers quartered in each houſe, ſuch petty conſtable, *&c.* ſhall for each offence forfeit 5 *l.* to the uſe of the poor of ſuch reſpective pariſhes, *&c.* to be levied by diſtreſs and ſale of goods, by warrant of one juſtice for the city of *Weſtminſter*, or county of *Middleſex*, and for want of diſtreſs the juſtice is to commit the perſon offending to the common gaol of the city of *Weſtminſter*, or county of *Middleſex*, for any time not exceeding three months, and not leſs than one month. *ſ.* 40.

The deputy of the commiſſary general ſhall, upon every half yearly muſter, at any place ten miles diſtant from *London*, cloſe the muſter-rolls of the regiment, *&c.* within twenty-four hours after ſuch muſter ſhall have been made; and ſhall return the rolls taken, by the poſt, (or other ſafe conveyance), within ſeven days after cloſed, to the office of the commiſſary general of muſters, who ſhall tranſmit one ſet of every of the ſaid rolls to the ſecretary at war, one to the paymaſter-general of the land forces, and one to the comptrollers of the accounts of the army, before 1ſt *May*, and 29th *Sept.* following: and no alterations or indorſements ſhall be made in the ſaid muſter-rolls, other than in the caſe of orders of leave, or dates of commiſſions, and other than involuntary errors or literal miſtakes in writing, upon pain of forfeiting their employments, and 20 *l.* to any perſon that will ſue for the ſame. *ſ.* 41.

All juſtices of peace, being required by an order from his majeſty, or the general of his forces, or the maſter general or lieutenant-general of his ordnance, ſhall as often as ſuch order is brought unto one of them by the quarter-maſter, adjutant, or other officer of the regiment, detachment, troop, or company ordered to march, iſſue out their warrants to the conſtables, or petty conſtables of the diviſion from, through, near, or to which ſuch regiment, *&c.* ſhall be ordered to march; requiring them to make ſuch proviſion for carriages with able men to drive the ſame, as is mentioned in the warrant, allowing them time to do the ſame, that the neighbouring parts may not always bear the burthen: and in caſe ſufficient carriages cannot be provided within ſuch liberty or precinct, then the next juſtice of the county, or diviſion, ſhall upon ſuch order being brought, iſſue his warrants to the conſtables, or petty conſtables of ſuch next county or precinct, to make up ſuch deficiency: and the officers, who by virtue of the warrant from the juſtices are to demand the carriages of the conſtable, are at the ſame time to pay to the ſaid conſtable for the uſe of the perſon who ſhall provide ſuch carriages and men, 1 *s.* for every mile any waggon with five horſes ſhall travel; and 1 *s.* for every mile any wain with ſix oxen, or four oxen with two horſes, ſhall travel; and 9 *d.* for every mile any cart with four horſes ſhall travel; and in proportion for leſs carriages; for which the conſtable is to give a receipt; and ſuch conſtable ſhall appoint ſuch perſons, having carriages within their reſpective liberties, as they think proper, to provide ſuch carriages and men, according to the warrant: and if any military officer for the uſe of whoſe troop or company the carriage was provided, ſhall conſtrain any waggon, or carriage, to travel more than one day's journey, or ſhall not diſcharge the ſame in due time for their return home, or ſhall ſuffer any ſoldier or ſervant (except ſuch as are ſick) or any woman to ride in the waggon or carriage, or ſhall force any conſtable by threatenings to provide ſaddle horſes for themſelves or ſervants, or ſhall force horſes from the owners; every ſuch officer ſhall forfeit 5 *l.* proof being made upon oath before two juſtices; who are to certify

the ſame to the paymaſter-general, or other paymaſter, who is to pay the 5 *l.* according to the order of the juſtices, and deduct the ſame out of ſuch officer's pay. *ſ.* 42.

If any high conſtable or petty conſtable ſhall wilfully neglect to execute ſuch warrants for providing carriages, or if any perſon appointed by ſuch conſtable to provide any carriage and man, ſhall neglect to provide the ſame; or any other perſon ſhall wilfully do any thing, whereby the execution of the ſaid warrants ſhall be hindered; every perſon ſo offending, ſhall forfeit any ſum not exceeding 40 *s.* nor leſs then 20 *s.* to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, and every ſuch offence may be enquired and determined by two juſtices of peace near the place, who have power to cauſe the penalty to be levied by diſtreſs and ſale of goods. *ſ.* 43.

The treaſurers of each county ſhall without fee, pay unto ſuch conſtable ſuch reaſonable ſums laid out for ſuch carriages, over and above what was paid by the officer requiring ſuch carriages, out of the public ſtock of ſuch county, according to ſuch directions, as the juſtices of peace, in their quarter ſeſſions, ſhall make, which orders ſhall be made without fee. *ſ.* 44.

In caſe the public ſtock of the county be not ſufficient to ſatisfy the extraordinary charge of carriages, the juſtices of peace in quarter ſeſſions ſhall have power to raiſe monies upon the counties, as they now raiſe monies for county gaols and bridges. *ſ.* 45.

No waggon, or carriage, impreſſed by authority of this act, ſhall be liable to carry above thirty hundred weight. *ſ.* 46.

The carriages for the ſervice of the forces quartered or marching in *Scotland*, ſhall be provided as was directed by the law in force in *Scotland* at the time of the union. *ſ.* 47.

If any officer, military or civil, by this act authoriſed to quarter ſoldiers, ſhall quarter any of the wives, children, men, or maid ſervants of any officer or ſoldier, in any houſes againſt the conſent of the owners; the party offending, if an officer of the army, ſhall, upon complaint and proof made to the commander in chief of the army, or judge advocate, be *ipſo facto* caſhiered; and if a conſtable, or other civil officer, he ſhall forfeit to the party aggrieved 20 *s.* upon complaint and proof made to the next juſtice of peace, to be levied by warrant of ſuch juſtice, by diſtreſs and ſale of goods. *ſ.* 48.

If any officer or ſoldier ſhall, without leave of the lord of the manor, under his hand and ſeal, take, kill, or deſtroy, any hare, coney, pheaſant, partridge, pigeon, or any other ſort of fowls, poultry, or fiſh, or his majeſty's game, in *Great Britain*; and upon complaint thereof ſhall be, upon oath of one witneſs, convicted before any juſtice of peace, every officer ſo offending ſhall forfeit 5 *l.* to be diſtributed among the poor of the place; and every officer commanding in chief upon the place, for every ſuch offence committed by any ſoldier under his command, ſhall forfeit 20 *s.* to be diſtributed in manner aforeſaid: and if upon conviction by the juſtices and demand by the conſtable or overſeers of the poor, ſuch officer ſhall not within two days pay the ſaid penalties, he ſhall forfeit his commiſſion. *ſ.* 49.

Every non-commiſſion officer who ſhall be convicted at a general or regimental court martial, of having embezzled or miſapplied any money with which he may have been entruſted for the payment of the men under his command, or for inliſting men into his majeſty's ſervice, ſhall be reduced to ſerve as a private ſoldier, be put under ſtoppages until the money be made good, and ſuffer ſuch corporal puniſhment (not extending to life or limb) as the court martial ſhall think fit. *ſ.* 50.

It ſhall be lawful for the conſtable, headborough, or tythingman of the place, where any perſon reaſonably ſuſpected to be a deſerter ſhall be found, to apprehend him, and cauſe him to be brought before a juſtice of peace living near; and if by confeſſion, or the teſtimony of one witneſs upon oath, or by the knowledge of ſuch juſtice it ſhall appear that ſuch perſon is a liſted ſoldier, and ought to be with the troop or company, ſuch juſtice ſhall cauſe him to be conveyed to the gaol of the county or place, or houſe of correction, or to the *Savoy* in caſe ſuch deſerter be apprehended in *London* or *Weſtminſter*, or places adjacent; and tranſmit an account thereof to the ſecretary at war: and the keeper of ſuch gaol ſhall receive the ſubſiſtence of ſuch deſerter during the time he ſhall continue in cuſtody, but ſhall not be intitled to any fee on account of the impriſonment. *ſ.* 51.

Such juſtice ſhall alſo iſſue his warrant to the collectors of the land-tax of the pariſh where ſuch deſerter ſhall be apprehended, for paying out of the land-tax ariſing in the year 1790, to the perſon who ſhall apprehend any deſerter, 20 *s.* for every deſerter ſo apprehended. *ſ.* 52.

If any perſon harbour, conceal, or aſſiſt any deſerter knowing him to be ſuch, he ſhall forfeit for every ſuch offence 5 *l.* or if any perſon knowingly detain, buy, exchange, or receive, any arms, clothes, caps, or other furniture belonging to the king, from any ſoldier or deſerter, or any other perſon, or cauſe the colour of ſuch clothes to be changed, the perſon ſo offending ſhall forfeit for every offence 5 *l.* and upon conviction by the oath of one witneſs, before any juſtice of peace, the penalties ſhall be levied by warrant of the ſaid juſtice by diſtreſs and ſale of goods, one moiety to the informer, and the reſidue to the officer to whom ſuch ſoldier did belong: and in caſe any offender convicted of harbouring or aſſiſting any deſerter, or having knowingly received any arms, *&c.* belonging to the king, or cauſed the colour of ſuch clothes to be changed, ſhall not have ſufficient goods, or ſhall not pay ſuch penalties within four days after conviction, the juſtice ſhall by warrant either commit ſuch offender to the common gaol for three months, or cauſe ſuch offender to be publicly whipt. *ſ.* 53.

No commiſſion officer ſhall break open any houſe to ſearch for deſerters, without warrant from a juſtice of peace; and every commiſſion officer who ſhall without warrant forcibly enter into, or break open, the dwelling-houſe or out-houſes of any perſon under pretence of ſearching for deſerters, ſhall upon proof thereof forfeit 20 *l.* *ſ.* 54.

It ſhall be lawful for his majeſty, to form articles of war for the better government of his forces. *ſ.* 55.

And to erect courts martial, with power to try, hear, and determine any offences by ſuch articles of war, and inflict penalties by ſentence of the ſame, as well within *Great Britain*, *Jerſey*, *Guernſey*, *Alderney*, *Sark and Man*, and the iſlands thereto belonging, as in *Gibraltar*, and dominions beyond the ſeas. *ſ.* 56.

Provided no perſon be adjudged to ſuffer any puniſhment extending to life or limb, by the ſaid articles of war, within *Great Britain*, *Jerſey*, *Guernſey*, *Alderney*, *Sark and Man*, and the iſlands thereto belonging, for any crime not expreſſed to be ſo puniſhable by this act. *ſ.* 57.

If any officer or ſoldier, beyond the ſeas commit any offences triable by courts martial by this act, and be brought into this realm *Jerſey*, *&c.* ſuch officer or ſoldier ſhall be tried and puniſhed for the ſame, as if the offence had been committed within this realm. *ſ.* 58.

No

No perſon acquitted or convicted of any capital crimes, by the civil magiſtrate, ſhall be liable to be puniſhed by a court martial for the ſame, otherwiſe than by caſhiering. *ſ.* 59.

If any officer, non-commiſſion officer or ſoldier be accuſed of any capital crime, or of any violence or offence againſt the perſon or property of any ſubject puniſhable by the known laws of the land; the commanding officer of every regiment, troop, company, or party, is required to uſe his utmoſt endeavours to deliver over ſuch accuſed perſon to the civil magiſtrate; and ſhall alſo be aſſiſting to the officers of juſtice in the apprehending ſuch offender: and if ſuch commanding officer ſhall wilfully neglect upon application to deliver over any ſuch accuſed perſon to the civil magiſtrate, or to be aſſiſting to the officers of juſtice in apprehending ſuch offender, ſuch officer being convicted before two juſtices of peace for the county where the fact is committed, by the oath of two witneſſes, ſhall be *ipſo facto* caſhiered, and diſabled to hold any civil or military office in his majeſty's ſervice; provided the conviction be affirmed at the next quarter ſeſſions, and a certificate thereof tranſmitted to the judge advocate, who is to certify the ſame to the next court martial. *ſ.* 60.

Every paymaſter, agent, or clerk of any garriſon, regiment, troop, or company, liable to account with the executors and adminiſtrators of every officer or ſoldier, for the pay of ſuch officer or ſoldier, ſhall on reaſonable demand deliver an account to ſuch executor or adminiſtrator, of ſuch money as he ſhall have received for ſuch officer or ſoldier, ſuch executor, *&c.* paying for the ſame; and ſhall account with ſuch executor, *&c.* And every ſuch paymaſter, *&c.* offending herein, ſhall forfeit the like penalties as appointed for colonels or agents not giving accounts of the pay to ſuch officers and ſoldiers themſelves. *ſ.* 61.

If any action be brought for any thing done in purſuance of this act, it ſhall be lawful for any perſon ſued to plead the general iſſue: and if the verdict paſs with the defendant, *&c.* the judge, before whom the matter ſhall be tried, ſhall allow the defendant treble coſts. *ſ.* 62.

Every ſuit for any thing done in purſuance of this act, or againſt any member or miniſter of a court martial, in reſpect of any ſentence of ſuch court, or of any thing done in purſuance of ſuch ſentence, ſhall be brought in ſome of the courts of record at *Weſtminſter*, or the court of ſeſſion in *Scotland*. *ſ.* 63.

For offences committed againſt 1 *Geo.* 1. *c.* 47. within *England*, the penalties ſhall be recoverable in any court of record at *Weſtminſter*; and for ſuch offences committed in *Scotland*, in his majeſty's courts of exchequer in *Scotland*; and for ſuch offences committed in *Guernſey*, *Alderney*, and *Sark*, and the iſlands thereto belonging, in the royal court of *Guernſey*; and for ſuch offences committed in *Jerſey*, in the royal court of *Jerſey*, and for offences committed within the iſlands of *Man*, in any of the courts of record in the ſaid iſland, or in any court of record at *Weſtminſter*. *ſ.* 64.

No volunteer ſoldier, either in *Great Britain*, *Ireland*, *Jerſey*, *Guernſey*, *Alderney*, or *Sark*, or the iſlands thereto belonging, or in any of his majeſty's plantations, ſhall be liable to be taken out of his majeſty's ſervice by any proceſs or execution, other than for ſome criminal matter, unleſs for a real debt, or other juſt cauſe of action; and unleſs before the taking out of ſuch proceſs or execution (not for a criminal matter) the plaintiff, or ſome perſon on his behalf, make affidavit before a judge of the court, out of which ſuch proceſs ſhall iſſue, or ſome perſon authoriſed to take affidavits in ſuch courts, that to his knowledge the original ſum juſtly due to the plaintiff from the defendant, amounts to the value of 10*l.* over and above all coſts of ſuit, a memorandum of which oath ſhall be marked on the back of ſuch proceſs; for which memorandum or oath no fee ſhall be taken. And if any perſon ſhall be arreſted contrary to this act, it ſhall be lawful for one judge of ſuch court, upon complaint by the party, or his ſuperior officer, to examine into the ſame by the oath of the parties, or otherwiſe, and by warrant to diſcharge ſuch ſoldier, without fee, upon proof before him that ſuch ſoldier was legally liſted, and arreſted contrary to this act, and alſo to award to the party complaining, ſuch coſts as he ſhall think reaſonable; for the recovery whereof, he ſhall have the like remedy that the plaintiff might have had for his coſts. *ſ.* 65.

It ſhall be lawful for any plaintiff, upon notice given in writing of the cauſe of action to ſuch perſon ſo liſted, or left at his laſt place of reſidence before ſuch liſting, to file a common appearance in any action upon account of any debt, ſo as to intitle ſuch plaintiff to proceed to judgment and outlawry, and to have an execution thereupon, other than againſt the body of him ſo liſted. *ſ.* 66.

Soldiers confined for debt ſhall not be intitled to any pay until the day of return to the regiment, *&c.* *ſ.* 67.

If any high conſtable, conſtable, beadel, or other officer, or perſon, who by colour of this act ſhall quarter any officers or ſoldiers, ſhall neglect, for two hours, to quarter ſuch officers or ſoldiers when required, provided ſufficient notice be given before the arrival of ſuch troops; or ſhall receive, demand, or agree for any money or reward for excuſing any perſon from quartering any ſuch officer or ſoldier; or in caſe any perſon, liable to have any officer or ſoldier quartered on him, ſhall refuſe to receive or victual ſuch officer or ſoldier, or to allow according to this act the things before directed, or ſhall neglect to furniſh good and ſufficient hay and ſtraw for each horſe ſo quartered at the rate beforementioned, and ſhall be convicted before any juſtice of peace of the county, *&c.* within which ſuch offence ſhall be committed, either by confeſſion, or by oath of one witneſs; every perſon ſo offending, ſhall forfeit for every ſuch offence, any ſum not exceeding 5*l.* nor leſs than 40*s.* to be levied by diſtreſs and ſale of goods, by warrant of ſuch juſtice directed to any conſtable within the county or liberty, or to any of the overſeers of the poor of the pariſh where the offender dwells, the ſaid ſum to be applied in the firſt place in making ſatisfaction to any ſoldier for the expence he may have been put to in not being quartered as ſuch juſtice ſhall direct, and the remainder ſhall be paid to the overſeers of the poor of the pariſh wherein the offence ſhall be committed, for the uſe of the poor. *ſ.* 68.

It ſhall be lawful for any juſtice of peace, within their reſpective counties, *&c.* by warrant, to require any high conſtable, conſtable, beadel, or other officer, who ſhall quarter any ſoldiers, to give an account in writing unto the ſaid juſtice, of the number of officers and ſoldiers quartered by them, and the names of the perſons, upon whom quartered, with an account of the place where ſuch houſekeeper dwells, and of the ſigns belonging to their houſes. *ſ.* 69.

Where any troops or parties have occaſion in their march to paſs regular ferries in *Scotland*, it ſhall be lawful for the commanding officer, either to paſs over with his party as paſſengers, or to hire the ferry boat entire; and in caſe he ſhall take paſſage for himſelf and party as paſſengers, he ſhall only pay for himſelf, and each perſon, half the ordinary rate; and in caſe he ſhall hire the ferry boat, he ſhall pay half the ordinary rate for ſuch boat; and where

there are no regular ferries, officers, without or without parties, are to agree for boats as other perſons. *ſ.* 70.

When any perſon ſhall be inliſted as a ſoldier, he ſhall within four days, but not ſooner than twenty-four hours, after ſuch inliſting, be carried before the next juſtice of peace, or chief magiſtrate of any city or town corporate (not being an officer in the army) and before ſuch juſtice or chief magiſtrate, he ſhall be at liberty to declare his diſſent to ſuch inliſting; and upon ſuch declaration, and returning the inliſting money, and paying 20*s.* for charges, ſuch perſon ſhall be diſcharged in the preſence of ſuch juſtice; but if ſuch perſon neglect within twenty-four hours to return and pay ſuch money, he ſhall be deemed inliſted, as if he had given his aſſent before the juſtice; or if ſuch perſon declare his having voluntarily inliſted himſelf, then ſuch juſtice ſhall certify under his hand, that ſuch perſon is duly inliſted; ſetting forth the place of the birth, age, and calling (if known) and that the ſecond and ſixth ſections of the articles of war againſt mutiny and deſertion were read to him, and that he had taken the oath mentioned in the articles of war; and if any perſon ſo to be certified ſhall refuſe to take the ſaid oath of fidelity before the ſaid juſtice, it ſhall be lawful for ſuch officer, from whom he has received ſuch money, to confine ſuch perſon until he ſhall take the oath; and every military officer that ſhall offend herein, ſhall incur the like penalty as is inflicted upon any officer for making a falſe muſter, to be recovered as any penalties by this act. *ſ.* 71.

If any perſon ſhall receive the inliſting money from any officer (knowing it to be ſuch) and ſhall abſcond or refuſe to go before ſuch juſtice to declare his aſſent or diſſent, ſuch perſon ſhall be deemed inliſted, and may be proceeded againſt, as if he had taken the oath directed by the articles of war to be taken before ſuch juſtice or chief magiſtrate. *ſ.* 72.

Offences againſt any acts for puniſhing mutiny and deſertion, or any of the articles of war, may, during the continuance of this act, be inquired of, tried, adjudged, and puniſhed, by the like methods, as the like offences againſt this act. *ſ.* 73.

No perſon ſhall be puniſhed for any offence againſt any of the ſaid acts, or articles of war, committed more than three years before the iſſuing of the commiſſion for ſuch trial; unleſs the perſon accuſed, by reaſon of having abſented himſelf, or ſome other impediment, ſhall not have been amenable to juſtice within that period; in which caſe ſuch perſon ſhall be tried within two years after the impediment ſhall have ceaſed. *ſ.* 74.

The officers and perſons employed in the ſeveral trains of artillery ſhall be ſubject to all the penalties in this act, and ſhall in all reſpects be holden to be within the meaning of every part of this act. *ſ.* 75.

All officers and ſoldiers of any troops in pay, raiſed in any of the *Britiſh* provices in *America*, by authority of the reſpective governors or governments thereof, ſhall when they act in conjunction with his majeſty's *Britiſh* forces, be liable to martial law and diſcipline, in like manner as the *Britiſh* forces, and ſhall be ſubject to the ſame trial and puniſhments. *ſ.* 76.

And whereas the officers and ſoldiers of the ſaid troops, being taken priſoners in *America*, are frequently ſent over to *Great Britain*, it ſhall be lawful for the conſtables, and other civil magiſtrates, within *England*, *Wales*, and *Berwick*, to quarter the officers and ſoldiers of the *American* troops in all ſuch houſes as are liable to receive his majeſty's *Britiſh* forces: and all perſons on whom the officers and ſoldiers of the ſaid troops ſhall be legally quartered, refuſing to receive and provide for them as is directed for his majeſty's forces, ſhall be ſubject to the ſame penalties as in the caſe of the *Britiſh* forces. *ſ.* 77.

Where any corps beyond ſeas ſhall be relieved in order to return home, ſuch of the men as ſhall chooſe, may be inliſted, and incorporated with thoſe appointed to remain; and the occaſion of quitting ſuch former corps to be recited in inliſting certificate. *ſ.* 78.

This act ſhall extend to *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, and the iſlands thereto belonging, as to the clauſes for muſtering and paying, and puniſhment of officers and ſoldiers charged with mutiny or deſertion, or other offences puniſhable by general court martial; and alſo to the clauſes which relate to the puniſhment of perſons who ſhall conceal deſerters, or ſhall knowingly buy, exchange, or receive, any arms, clothes, caps, or furniture, belonging to the king, or any regimental neceſſaries, from any ſoldier or deſerter, or who ſhall cauſe the colour of ſuch clothes to be exchanged. *ſ.* 79.

Nothing in this act ſhall extend to any of the militia forces of this kingdom, or *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, excepting only in ſuch caſe wherein, by any act for regulating the militia, the proviſions in this or any act for puniſhing mutiny and deſertion, are extended to the militia, and alſo except ſo far as relates to the muſtering of the militia, according to the proviſions after mentioned. *ſ.* 80.

When neceſſary, it ſhall be lawful for officers of the land and marine forces to ſit in conjunction upon courts martial, and to proceed in the trial of any officer or ſoldier of the land forces, as if ſuch courts martial were compoſed of officers of the land forces only; and the officers of land and marine forces are to rank according to the ſeniority of their commiſſions in either ſervice. *ſ.* 81.

Officers of the king's forces, and officers in the *Eaſt India* company's ſervice, may ſit in conjunction at courts martial, *&c.* and proceed as if ſuch courts martial were compoſed of officers of his majeſty's land forces, or of officers in the ſervice of the company, only: with this diſtinction, that, upon the trial of any officer or ſoldier of his majeſty's land forces, regard ſhall be had to the regulations made by this act; and the oaths adminiſtered to the court martial ſhall be in the terms by this act preſcribed: and upon the trial of any officer or ſoldier in the ſervice of the company, regard ſhall be had to the regulations made by 27 *Geo.* 2. *c.* 9. *See* EAST INDIA COMPANY, *in* PART I. page 140. *ſ.* 82.

Every regiment or corps of militia and fencible men, when embodied and in actual ſervice, ſhall be regularly muſtered by commiſſaries appointed for that purpoſe, in the ſame manner, and as often as the army is muſtered; and the magiſtrates ſhall have the ſame powers, and both officers and men ſhall be ſubject to the ſame regulations, as are impoſed on officers and ſoldiers of the army by this act. *ſ.* 83.

The officer commanding each regiment or corps of militia, or fencible men, ſhall certify, on the back of the muſter-roll, the names of thoſe men who are within ſix months of the time of the expiration of their ſervice, and alſo the number of men which have been inrolled ſince the laſt muſter, diſtinguiſhing the ballotted men from the ſubſtitutes; and every man ſo inrolled ſhall be intituled to receive his pay from the time of his inrollment. *ſ.* 84.

Perſons convicted of offences by which they become liable to pecuniary penalties under this act, the following ſhall be the form of conviction: *ſ.* 85.

Middleſex. *BE it remembered, that on the* ——— *day of* ——— *in the year of our Lord* ——— *at* ——— *in*

——— *in the county aforeſaid*, A. B. *came before us* C. D. *and* E. F. *two of his majeſty's juſtices of the peace in and for the ſaid county, and informed us, upon oath, that* G. H. *of* ——— *on the* ——— *day of* ——— *now laſt paſt, at* ——— *in the ſaid county, did* (here ſet forth the fact in the manner deſcribed in the ſtatute); *whereupon the ſaid* G. H. *after being duly ſummoned to anſwer the ſaid charge, appeared before us the ſaid juſtices on the* ——— *day of* ——— *at* ——— *in the ſaid county, and having heard the charge contained in the ſaid information, declared that he was not guilty of the ſaid offence; but the ſame being fully proved upon the oath of* I. K. *a credible witneſs, it manifeſtly appears to us the ſaid juſtices, that the ſaid* G. H. *is guilty of the ſaid offence charged upon him in the ſaid information. It is therefore conſidered and adjudged by us, the ſaid juſtices, that he, the ſaid* G. H. *be convicted; and we do hereby convict him of the offence aforeſaid; and we do hereby declare and adjudge, that the ſaid* G. H. *hath forfeited the ſum of* ——— *lawful money of* Great Britain, *for the offence aforeſaid, to be diſtributed as the law directs, according to the ſtatute in that caſe made and provided.*

Given, *&c.*

This act ſhall continue in force within *Great Britain*, from 24th *March* 1790, until 25th *March* 1791, and ſhall continue in force in *Jerſey*, *Guernſey*, *Alderney*, *Sark* and *Man*, and the iſlands thereto belonging, from the 30th *April*, 1790, until 1ſt *May* in the year 1791; and ſhall continue in force within *Gibraltar* and in his majeſty's other dominions beyond the ſeas from 24th *March* 1790, until 25th *March* 1791. *ſ.* 86.

An act paſſes annually for the regulation of the marine forces while on ſhore whereby they are made ſubject to proviſions ſimilar to the foregoing.

South Sea Company.

By 9 *Ann. c.* 21. To make a proviſion for the public debts and deficiencies, which to 25th *Dec.* 1711, amounted to 8,971,325 *l.*, and for raiſing the further ſum 500,000*l.* for the ſervice of the year, which makes the total amount to 9,471,325 *l.* and for paying an intereſt or annuity of ſix *per cent.* until the principal be paid as herein is mentioned which doth amount to the annual ſum of 568,279 *l.* 10 *s.* Certain duties in this act ſpecified were appropriated; *but ſuch duties having been ſince repealed and conſolidated by* 27 Geo. 3. c. 13. *theſe incumbrances are now charged on the conſolidated fund.* See general title, FUNDS.

Every year for ever, reckoning the year to begin from the 25th of *Dec.* the annual ſum of 568,279 *l.* 10 *s.* of the monies to ariſe by the duties, ſhall be the yearly fund for anſwering the annuities in this act expreſſed. *ſ.* 20.

All the money ariſing by the duties, or ſo much thereof as ſhall be ſufficient, ſhall be appropriated for the raiſing the ſaid yearly fund, and ſhall be iſſued out at the receipt of the exchequer without fee; and the officers in the exchequer, who ſhall make any delay in iſſuing the ſaid money, or ſhall be guilty of diverting the ſaid monies to any other uſe, ſhall be forejudged from their offices, and be rendered incapable to ſerve her majeſty in any office of truſt or profit; and alſo ſhall pay double the value of any ſum delayed or miſapplied to any perſon grieved thereby, and who will ſue for the ſame. *ſ.* 21.

In caſe the ſaid duties ſhall be ſo deficient as that within any one year the ſaid payments ſhall not be ſufficient to ſatisfy the ſaid yearly ſum of 568,279 *l.* 10 *s.* ſuch deficiency ſhall be made good out of the next aids to be granted by parliament. *ſ.* 22.

In caſe there ſhall be any ſurplus of the duties at the end of any year, ſuch ſurplus ſhall be applied towards diſcharging the principal of the capital ſtock of the intended company; and the yearly ſum of 568,279 *l.* 10 *s.* ſhall be abated in proportion. *ſ.* 23.

Upon one year's notice, upon re-payment by parliament of the principal ſum of which the capital ſtock of the intended company ſhall conſiſt, and of all arrears of the ſaid annuities, the duties hereby appropriated may be diſpoſed of by parliament, and the ſaid yearly fund charged thereupon ſhall ceaſe. *ſ.* 24.

It ſhall be lawful for her majeſty, by letters patent, to incorporate all perſons intitled to any of the public debts, deficiencies, or ſums of money, provided for by this act, with power to chooſe their governor, directors, and other officers; and the perſons ſo incorporated ſhall be capable in law to purchaſe and retain, to them and their ſucceſſors, lands and hereditaments not exceeding the yearly value of 1000 *l.* *ſ.* 25.

It ſhall be lawful for her majeſty, by the ſaid letters patent, or by commiſſion under the great ſeal, to direct how the tallies or debentures, provided for by this act, and the money intended to be made part of the capital ſtock of the ſaid corporation, ſhall be ſubſcribed into or made part of the ſaid capital ſtock; and alſo to direct how the officers of the exchequer may know how much the capital ſtock of the company doth conſiſt, that the officers may know whether they are to pay to the caſhier of the company the whole annual ſum of 568,279 *l.* 10 *s.* or only a proportionable part. *ſ.* 26.

If it appear that the joint ſtock of the company ſhall amount to more than 9,471,325 *l.* ſo that the annuity for the ſame ſhall amount to more than 568,279 *l.* 10 *s.*, then there ſhall be added to the ſaid annual ſum ſo much more as ſhall make the ſame amount to 6 *l.* *per cent. per ann.* upon the whole capital ſtock, and ſuch additional annuity ſhall be chargeable upon the ſaid funds. *ſ.* 34.

Over and above the ſaid annual ſum, there ſhall be paid to the ſaid commpany the further annual ſum of 8000 *l.* for charge of management out of the ſame funds. *ſ.* 35.

It ſhall be lawful for her majeſty, by any commiſſion, or letters patent, under the great ſeal, to direct how the ſhares of every perſon in the ſtock of the company ſhall be tranſferable to ſuch perſons as ſhall freely and voluntarily accept of the ſame; and all transferrences made in ſuch manner, and no other, ſhall be good in law. *ſ.* 36.

The eſtates and ſtocks of the ſaid company, and the ſhares of each member therein, ſhall be perſonal and not real eſtate, and ſhall go to executors or adminiſtrators, and not to the heirs. *ſ.* 37.

The annuities iſſuing out of the ſaid yearly fund, or the ſhares of any members of the company in the capital ſtock of the ſame, or in the benefit of trade to be annexed thereto, or the ſtock or money to be raiſed for that purpoſe, ſhall be exempted from taxes. *ſ.* 38.

No member of the company ſhall, in reſpect of his being a member, governor, or director, or having any ſtock therein, be diſabled from being a member of parliament, or liable to be a bankrupt; and no ſtock in the company ſhall be liable to foreign attachment. *ſ.* 42.—*The three laſt ſections are repeated in the ſubſequent acts for enlarging the* South-ſea funds.

It ſhall not be lawful for the corporation to borrow, owe, or take up, any money on their bills or notes payable at demand, or at any leſs time than ſix months; and it ſhall not

not be lawful for the corporation to diſcount bills or notes, or to keep books or caſh for any perſon, other than the books and caſh of the corporation. *ſ.* 43.

The ſaid yearly fund ſhall (under the penalties aforeſaid) be iſſued at the receipt of exchequer to the ſaid company, and the payment thereof ſhall be made weekly, ſo as by ſuch payments the whole of the annuities due to the company at the end of any quarter, be not exceeded. *ſ.* 44.

The corporation to be erected ſhall have for ever, the the ſole trade to and from all places of *America*, on the eaſt ſide thereof, from the river of *Aranoca* to the ſouthernmoſt part of the *Terra del Fuego*; and on the weſt ſide thereof, from the ſouthernmoſt part of the *Terra del Fuego* through the *South Seas*, to the northernmoſt part of *America*; and to all places within the ſaid limits, reputed to belong to the crown of *Spain*, or which ſhall hereafter be diſcovered, not exceeding 300 leagues from the continent of *America*, between the ſouthernmoſt part of *Terra del Fuego* and the northernmoſt part of *America* on the weſt ſide (except the kingdom of *Brazil*, and ſuch other places on the eaſt ſide of *America* as are in poſſeſſion of the crown of *Portugal*, and the country of *Surinam* in the poſſeſſion of the *States General*) it being intended that it may be lawful for all the ſubjects of her majeſty to trade to any part on the eaſt ſide of *America*, now in the poſſeſſion of the crown of *Portugal*, or the *States General*. *ſ.* 46.

The ſaid company, and every perſon licenſed by the ſaid corporation, may for ever traffic to and from the *South Seas*, and other parts within the limits aforeſaid. *ſ.* 47.

It ſhall be lawful for her majeſty, by her charter of incorporation, to empower the company to make laws for the good government of the ſaid trade, and to inflict puniſhments by impriſonments, mulcts, fines, and amercements, for breaches thereof, and to levy ſuch mulcts, *&c.* to the uſe of the company. *ſ.* 48.

If any of the ſubjects of her majeſty, other than the company, or their factors or ſervants, or perſons by them licenſed, ſhall viſit or frequent, trade or adventure unto or from the *South Seas*, or other the parts within the limits aforeſaid, or ſhall freight or fit out any ſhip, or lade any goods, with intent to trade to or from the *South Seas*, or other parts within the limits aforeſaid; every ſuch offender ſhall incur the forfeiture of all ſhips employed in ſuch trade, and all the goods laden thereupon, and all the proceed of the ſame, and alſo double the value thereof, one-fourth part to her majeſty, one-fourth part to ſuch as will ſeize or ſue for the ſame, and the other two fourth parts to the uſe of the company; ſuch penalty to be recovered with coſts in any of her majeſty's courts of record. *ſ.* 49.

The company ſhall have all the iſlands, cities, forts, towns, and places, which they, their factors or ſervants, or other perſons licenſed by them to trade, or ſuch of the ſhips of her majeſty as ſhe ſhall allow for the defence of the trade, ſhall diſcover or poſſeſs within the limits aforeſaid, to be holden of her majeſty in free and common ſocage, by fealty, and rendering to her majeſty the annual rent of one ounce of gold for the ſame, if demanded. *ſ.* 50.

The company ſhall have all ſhips and goods which ſhall be taken as prize by the ſhips employed or licenſed by the company within the limits aforeſaid, or by ſuch ſhips of her majeſty as ſhe ſhall allow for the defence of the trade, without any account; ſave only that the officers and ſeamen on board the ſaid ſhips of her majeſty, which ſhall be aſſiſting to the taking any ſuch ſhips or goods as prize, ſhall have ſuch ſhare thereof as her majeſty ſhall direct by the charter of incorporation. And it ſhall be lawful for the company and their ſervants, and other perſons employed or licenſed by them, to ſeize by force of arms, the perſons, ſhips, goods, or effects of any of the ſubjects of her majeſty who ſhall frequent, trade, or adventure into the *South Seas* or other the limits aforeſaid, and to detain to the uſe of the company, the ſhips, goods, and effects, ſo ſeized, and to ſend into *Great Britain*, the perſons of ſuch of the ſubjects of her majeſty as ſhall be ſo ſeized, in order to their being proſecuted according to law. *ſ.* 51.

In caſe any commanders or officers of ſuch ſhips of her majeſty, as ſhall be employed in ſecuring the ſaid trade, ſhall not conform themſelves to ſuch inſtructions as they ſhall receive from the directors of the the company in writing, every ſuch commander and officer ſhall be for ever incapable to ſerve her majeſty in any place of truſt or profit, and ſhall pay to the company double the value of all ſuch damage as the company ſhall ſuſtain by the breach of ſuch orders, to be recovered with coſts, in any court of record of her majeſty. *ſ.* 52.

All ſuch perſons as ſhall be born on board any of the ſhips employed about the ſaid trade, or in any the places which ſhall be diſcovered or poſſeſſed by the company, ſhall be deemed natural-born ſubjects. *ſ.* 53.

No ſhip which ſhall belong to, or be freighted by the company, or perſons licenſed by them to trade within the limits aforeſaid, ſhall be ſtopped or detained by any embargo or other reſtraint, unleſs ſuch ſhips be particularly named in ſuch embargo. *ſ.* 54.

It ſhall be lawful for her majeſty, by letters patent, to grant unto the company ſuch further powers as ſhe ſhall think fit for the encouraging the ſaid trade, ſo as ſuch powers, *&c.* be not contrary to the laws of this realm, or the prerogative of the crown, or the privileges of the governor and company of the bank of *England*. *ſ.* 55.

Upon importation of any goods by the company, and in all other caſes where ſecurity is required to be given by the company to the crown, it ſhall be lawful for the commiſſioners and officers of the cuſtoms, to take ſuch ſecurity by bonds under the common ſeal of the company. *ſ.* 56.

All bonds under the common ſeal of the company ſhall charge, as well the annual fund payable to the company, as the other ſtock and effects of the company; and all bonds under the common ſeal, whereby the company ſhall oblige themſelves to pay any money, ſhall be aſſignable at law, by indorſement upon ſuch bond, under the hand of the perſon to whom ſuch money ſhall in ſuch bond be made payable, his executors, adminiſtrators, or aſſigns, and not otherwiſe; and every ſuch aſſignee may, in failure of payment, maintain his action of debt againſt the company as if ſuch bond had been made to ſuch aſſignee. And if any perſon ſhall counterfeit the common ſeal of the company, or ſhall forge or alter any bond, under the common ſeal of the company, or ſhall offer to diſpoſe of any ſuch forged or altered bond (knowing the ſame to be ſuch), or ſhall demand the money therein contained, or any part thereof, of the company, or their officers (knowing ſuch bond to be forged, *&c.*) with intent to defraud the company, or any other perſon, every perſon ſo offending (and being convicted) ſhall be guilty of felony, and ſuffer death without benefit of clergy. *ſ.* 57.—*This clauſe is re-enacted in the ſubſequent acts.*

It ſhall not be lawful for the company to ſail into any the limits beyond the ſouthernmoſt part of *Terra del Fuego*, except only through the ſtraits of *Magellan*, or round *Terra del*

del Fuego, nor to go from thence into the *Eaſt Indies*, nor return to *Great Britain*, or any place in *Europe*, *Aſia*, *Africa*, and *America*, by any other way except through the ſtraits of *Magellan*, or by *Terra del Fuego*; and it ſhall not be lawful for the company, or any perſon licenſed by them, to trade in any goods of the product or manufacture of the *Eaſt Indies*, *Perſia*, *China*, or any other places within the limits granted to *the united company of merchants of* England *trading to the* Eaſt Indies, and not granted to the corporation to be erected by virtue of this act, or with any ſhips coming from the places aforeſaid; ſuch *India* goods as ſhall be exported from *Great Britain*, and alſo ſuch gold, ſilver, wrought plate, and goods, that are the produce or manufactures of the *Weſt Indies*, or continent of *America* excepted. And it ſhall not be lawful for the company intended to be erected, or any perſons licenſed by them, to ſend any ſhip within the *South Seas*, from *Terra del Fuego*, to the northernmoſt part of *America*, above 300 leagues to the weſtward of the ſhores of *Chili*, *Peru*, *Mexico*, *California*, or any other the lands of *America* contained between *Terra del Fuego* and the northernmoſt part of *America*, upon pain that all ſuch ſhips going in or returning from the *South Seas*, otherwiſe than as aforeſaid, and all the goods on board them, and likewiſe all the goods of the *Eaſt Indies*, *Perſia*, *China*, or other the limits aforeſaid, ſo traded in, may be ſeized, and double the value thereof ſhall alſo be forfeited by the owners or employers thereof; one third part of which forfeitures to be to her majeſty, and other two third parts to the *united company of merchants of* England *trading to the* Eaſt Indies, to be recovered with coſts in any of her majeſty's courts at *Weſtminſter*. *ſ.* 58.

It ſhall be lawful for her majeſty, by her letters patent, to direct a ſtock, to conſiſt of 20*s.* upon every 100*l.* of the capital ſtock of the intended company, to be raiſed by the members thereof, in proportion to their ſtock, in ſuch manner as her majeſty ſhall direct, ſo as no other of her majeſty's ſubjects be thereby excluded from the fiſhing trade; the ſaid ſtock to be kept apart, and employed in the improving and carrying on the fiſhery, for the benefit of the company. *ſ.* 59.

Provided that no money ſhall be called in from the members of the corporation for carrying on the fiſhery, or other trade hereby granted, but by order of a general court of the company, called for that purpoſe, and whereof there ſhall be 14 days notice in the *London Gazette*. *ſ.* 60.

No perſon ſhall be elected governor, deputy-governor, or director of the ſaid corporation, during the time that he ſhall be governor, *&c.* of the bank, or of the united company of merchants of *England* trading to the *Eaſt Indies*; and every perſon elected governor, deputy-governor, or director, of the ſaid corporation, ſhall, during the time he ſhall be ſuch governor, *&c.* be incapable of being choſen governor, *&c.* of the bank, or of the *Eaſt India* company. *ſ.* 61.

By 10 *Ann. c.* 19. It ſhall be lawful for the treaſurers of the navy and ordnance, and the paymaſters of the guards, garriſons, and land forces, or any other officers or perſons who ſhall be entitled to any ſhares of the capital ſtock of *the governor and company of merchants of* Great Britain *trading to the* South Seas *and other parts of* America *and for encouraging the fiſhery*, for the public uſe, by warrant from three of the commiſſioners of the treaſury, to borrow any ſums of money upon credit of the ſaid public ſtock, and to mortgage ſuch ſtock to the lenders. *ſ.* 185.

All the money borrowed upon the credit of ſuch ſtock ſhall be applied by the ſaid treaſurers, *&c.* to ſuch public uſes whereunto the ſtock to be mortgaged would have been applicable. *ſ.* 186.

By 10 *Ann. c.* 30. Upon one year's notice upon repayment by parliament of the principal ſum, of which the capital ſtock of the company ſhall conſiſt, and of all arrears of the annuities, the duties by the act 9 *Ann. c.* 21. appropriated, may be diſpoſed of by parliament, and the ſaid yearly fund, and the annuities out of the ſame ſhall ceaſe; but the corporation, after ſuch redemption of the yearly fund, ſhall continue for ever, and enjoy all forts, factories, and acquiſitions, that they ſhall erect and make within the limits preſcribed by the ſaid act, and the lands that ſhall be by them purchaſed in *Great Britain* not exceeding 1000*l. per annum*; and the members thereof ſhall have the ſole benefit of trade to the *South Seas*, and all other benefits, as if no ſuch redemption were had; and after ſuch redemption of the ſaid yearly fund by parliament, or after one moiety thereof ſhall be redeemed, the ſaid governor and company may, by by-laws, made in their general court, direct what ſhare in the remaining capital ſtock, and ſtock in trade, ſhall qualify the members to vote in any general court, and for electing a governor, ſub-governor, deputy-governor, and for the being elected in the ſaid offices.—*This proviſion is re-enacted in the ſeveral ſubſequent clauſes of redemption.*

By 1 *Geo.* 1. *ſtat.* 2. *c.* 21. The ſum of 822,023*l.* 4*s.* 8*d.* ſhall be added to the capital ſtock of the *South-Sea* company, which, with the ſame addition, doth amount to 10,000,000*l.* and the treaſurer of the navy ſhall write the ſaid ſum of 822,032*l.* 4*s.* 8*d.* in the company's book as part of the capital ſtock, and the ſaid additional ſtock ſhall be transferable, and have the ſame dividends, and be ſubject to the ſame rules, as the reſt of the capital ſtock. *ſ.* 1.

All the revenues which by 9 *Ann. c.* 21. were appropriated for anſwering the yearly fund to be adjuſted by that act, as they ſhall ſeverally take effect, ſhall be applied for making good all payments which ſhall grow due on the increaſed fund, and the yearly ſum of 8000*l.* for management, under ſuch penalties for miſapplying or detaining any monies applicable to the payments by this act directed, as by the ſaid act 9 *Ann. c.* 21. or any other act relating thereto. *ſ.* 5.

The commiſſioner of the treaſury ſhall quarterly, at the four uſual feaſts, or within twenty days after, cauſe an account to be made of all the monies which, within the quarter then ended, ſhall have come into the exchequer, of the ſaid duties; and if the monies ſhall appear to fall ſhort of one-fourth part of the yearly ſums of 600,000*l.* *(being the intereſt of the ten millions at* 6 per cent.) and 8000*l.* for the preceding quarter; then every ſum ſo deficient ſhall, on demand made by the company or their caſhier by writing, left for the treaſurer of the navy at his pay office, or within 20 days after ſuch demand be made good by the ſaid treaſurer, out of any monies then in his hands, or firſt coming into his hands, for the ſervice of the navy, with preference to all other payments: and the treaſurer of the navy is required, (in default of money,) to diſpoſe of any tallies, orders, or other parliamentary ſecurities, as ſhall be in his hands, for the ſervice of the navy, to diſcharge the deficiency due to the company, and within 20 days after ſuch demand to pay the ſame in money. *ſ.* 6.

If any treaſurer of the navy ſhall delay to make ſuch payment of any public monies which ſhall be in his hands, or (in default of money) to diſpoſe of any the tallies, *&c.* and to apply the money for making good ſuch deficiency, he ſhall forfeit his office, and be liable to pay to the company the value of every ſum ſo neglected to be paid, with treble

damages and full coſts, to be recovered in any of his majeſty's courts of record, wherein no privilege of parliament, &c. ſhall be allowed. ſ. 7.

There ſhall be annually, within 20 days after 25th *Dec.* an eſtimate in writing made by the treaſury, by a *medium* of three preceding years, of how much the revenues ſettled for payment of the ſaid yearly fund of 600,000 *l.* and 8000 *l.* will produce, from the 25th *Dec.* preceding ſuch account, and ending the 25th *Dec.* ſucceeding the ſame, and how much it is like to fall ſhort; and the treaſury ſhall cauſe ſuch eſtimate to be laid before the commons in parliament, if ſitting, otherwiſe at their next ſeſſion, that ſufficient proviſion may be made for the navy for that year. ſ. 8.

On one year's notice, on repayment by the parliament of the ſaid 10,000,000 *l.* and of all arrears of the ſaid yearly ſums of 600,000 *l.* and 8000 *l.* all the duties by 9 *Ann. c.* 21. appropriated, may be diſpoſed of by parliament, and the ſaid yearly fund of 600,000 *l.* and 8000 *l.* ſhall ceaſe; but the corporation ſhall continue for ever, and enjoy all ſuch forts, factories, and other benefits, &c. to which they would have been entitled by 10 *Ann. c.* 30. in caſe the redemption were made purſuant to that act. ſ. 9.

By 3 *Geo.* 1. *c.* 9. After the nativity of St. *John Baptiſt* 1718, the ſaid yearly fund of 600,000 *l.* ſhall ceaſe. ſ. 2.

The ſaid company ſhall have a yearly fund of 500,000 *l.* and the ſaid 8000 *l. per annum*, charged on the duties, &c. which by 9 *Ann. c.* 21. were chargeable with the ſaid former yearly payments, and paid quarterly out of the duties before mentioned. ſ. 3.

Orders ſhall be ſigned by the treaſury for payment of the monies to be paid to the company; which orders ſhall be effectual, and not determinable on the death or removal of any commiſſioners of the treaſury, nor ſhall any commiſſioners of the treaſury, &c. have power to revoke ſuch order. ſ. 8.

Weekly, or otherwiſe, as monies of the ſaid duties, &c. ſhall be brought into the exchequer, ſuch monies ſhall be iſſued on ſuch orders, ſo as ſuch weekly or other payments do not exceed the ſum of the quarterly payment which ſhall grow due at the end of each quarter. ſ. 9. — *Theſe two laſt paragraphs are re-enacted in the ſubſequent acts under this title.*

If the produce of the ſaid duties, &c. ſhall be ſo deficient, that the money ariſing thereby ſhall not extend to complete the payment at the end of any quarter, the deficiency of ſuch quarter ſhall be ſupplied out of the overplus of the ſaid duties in any ſubſequent quarter; and in default thereof by the ſpace of half a year, ſuch deficiencies ſhall be made good out of the *general fund*, or out of money to be raiſed at the exchequer for purchaſing annuities at 5 *l. per cent.* for every ſuch deficiency; which annuities ſhall be charged on the *general fund*, and be payable and transferable at the bank of *England*, till redemption by parliament. ſ. 12.

If, at the end of any quarter, there ſhall be a ſurplus of the monies brought into the exchequer, of the ſaid duties, &c. over and above the money due, for the ſaid yearly fund of 500,000 *l.* &c. ſuch ſurplus ſhall attend the diſpoſition of parliament. ſ. 14.

The company may borrow money upon bills, &c. under their common ſeal, or on credit of their capital ſtock, for ſuch intereſt, for any time not leſs than ſix months, as they ſhall think fit; which bills, &c. ſhall not be chargeable with ſtamp duties. ſ. 16.—*The laſt two clauſes are re-enacted in ſubſequent acts.*

The company ſhall continue a corporation, and ſhall receive the the ſaid yearly ſum of 500,000 *l.* and 8000 *l.* till the ſame be redeemed; and ſhall enjoy all their forts, factories, &c. and ſole benefit of trade to the *South Seas.* ſ. 18.

On one year's notice to be given by authority of parliament at any of the quarterly feaſt days, and on repayment by parliament of the ſaid ten millions, and on payment of all arrears of the ſaid yearly ſums of 500,000 *l.* and 8000 *l.* the ſaid yearly ſums ſhall determine. ſ. 20.

If notice ſhall be given by parliament for redemption of the ſaid yearly ſums, and payment be made of any ſum not leſs than one million at a time, and of all arrears then due for the ſaid yearly ſums, ſo much of the ſaid yearly ſum of 500,000 *l.* as ſhall bear proportion to the monies paid in part of the principal ſhall determine. ſ. 21.

After redemption of all the ſaid yearly ſums of 500,000 *l.* and 8000 *l.* the ſaid duties, &c. ſhall be redeemed by parliament, and ſhall not be applied without authority of parliament. ſ. 22.

All the powers and directions which by any former act or charter are granted to the company (being not determined or altered) ſhall continue. ſ. 23.

All ſuch transfers of ſtocks in the company's books, as are not by this act exempted from ſtamp duties, ſhall not be liable to any higher duties. ſ. 24.

Any vote of the houſe of commons, ſignified by their ſpeaker, to be delivered at the public office of the *South Sea* company, ſhall be deemed a ſufficient notice within this act, for redeeming their ſaid funds. ſ. 25. — *This laſt proviſion is re-enacted in the ſubſequent clauſes of redemption.*

By 5 Geo. 1. c. 19. *reciting* 8 Ann c. 4. *for raiſing a yearly fund of* 135,000 l. *and that* 1,500,000 l. *was contributed on the ſaid act, and the annuities payable out of the ſaid fund by virtue thereof, amount to* 32,625 l. per annum, *in reſpect of fortunate tickets, and to* 102,373 l. 12 s. per annum, *in reſpect of tickets that did not prove fortunate; and* 168,748 l. 5 s. *in arrear thereon; and that the ſaid company is willing to permit the proprietors of the lottery annuities for the reſidue of the term of* 32 *years, to ſubſcribe their intereſt at* 11 *years purchaſe and a half; and to permit the proprietors of the ſum of* 168,748 l. 5 s. *to ſubſcribe the ſame; and to advance* 778,750 l. *it is enacted*, that all ſuch duties as were granted by 8 *Ann. c.* 4. ſhall continue for ever.

The proprietors of the lottery annuities, and of the arrears amounting to 168,748 *l.* 5 *s.* may ſubſcribe ſuch annuities and arrears in books. ſ. 6.

All perſons by whom ſuch ſubſcriptions ſhall be made, &c. ſhall have in the increaſed capital of the company, ſhares as aforeſaid. ſ. 11.

A ſum attended with annuities of 87,342 *l.* 4 *s.* 5 *d. was ſubſcribed in purſuance of this act, and a farther ſum in purſuance of* 6 Geo. 1. c. 4.

The corporation ſhall advance into the exchequer, towards diſcharging the national debts, the ſum of 778,750 *l.* ſ. 12.

If all the ſaid annuities and arrearages be not ſubſcribed before the 20th of *June* 1719, the corporation ſhall advance into the exchequer ſo much of the ſaid ſum of 778,750 *l.* as ſhall bear proportion to the lottery annuities and arrearages ſubſcribed; and ſuch of the ſaid lottery annuities and arrearages as ſhall not be ſubſcribed, ſhall be paid out of the produce of the ſaid duties. ſ. 14.

The value of the ſaid lottery annuities, at 11 years and a half's purchaſe, and the ſaid arrearages, or ſo much as ſhall

ſhall be ſubſcribed, and alſo the ſaid ſum to be advanced by the corporation, ſhall be deemed an additional ſtock of the corporation, and united to their preſent capital of ten millions. *ſ.* 17.

The company ſhall have, for the ſaid additional ſtock, an annuity of 5 *l. per cent. per ann.* united with their preſent annuity of 500,000 *l. per annum. ſ.* 18.

The ſaid corporation ſhall have towards the charge of management, an additional yearly ſum of 2000 *l.* or a ſum bearing the ſame proportion to 2000 *l. per annum*, as the additional ſtock, when adjuſted, ſhall bear to 2,500,000 *l. ſ.* 19.

The ſaid additional yearly fund, and the ſaid yearly ſum of 2000 *l.* or ſuch leſſer proportional ſum, ſhall be chargeable on the monies ariſing at the exchequer, of the ſaid duties. *ſ.* 21.

So much of the fund of 135,000 *l. per annum*, as by the act 8 *Ann. c.* 4. is applicable to the payment of ſuch of the ſaid lottery annuities as ſhall not be ſubſcribed into the ſtock of the ſaid company before the 20th of *June* 1719, ſhall be applied for payment of ſuch unſubſcribed lottery annuities. *ſ.* 22.

No member of the company, in reſpect of his having any ſhare therein, *&c.* ſhall be liable to any penalty, for not qualifying himſelf as perſons who ſhall take any office of profit or truſt. *ſ.* 27.

Contracts, bills, bonds, *&c.* under the common ſeal of the corporation, ſhall not be chargeable with any ſtamp duties. *ſ.* 30.

On one year's notice to be given by parliament, at any of the quarterly feaſt days, and on re-payment by parliament of the whole ſum whereof the company's capital ſtock, with the ſtock to be added, ſhall conſiſt, and on payment of all arrears, the ſaid yearly funds ſhall ceaſe. *ſ.* 32.

If at any time notice ſhall be given by parliament for redemption, and payment, according to ſuch notice be made of any ſum (not leſs than one million at a time) in part of the principal, and of all arrears; ſo much of the yearly fund, as ſhall bear proportion to the monies ſo paid in part, ſhall ceaſe. *ſ.* 33.

After redemption of all the ſaid yearly funds, the ſeveral duties, *&c.* ſhall be redeemed by parliament, and ſhall not be applied without authority of parliament. *ſ.* 34.

All things which by any former acts of parliament, or by any charters, are enacted or granted concerning the ſaid corporation (being not altered or determined) ſhall continue. *ſ.* 35.

By 6 *Geo.* 1. *c.* 4. The preamble recites 4 *Will. & Mar. c.* 3. whereby certain duties were granted, and ſtand charged with annuities amounting to 124,409 *l.* 1 *s.* 9 *d. per annum*, part purchaſed on a term of ninety-ſix years from 25th *Jan.* 1695, and other part upon a term of eighty-nine years from 25th *Jan.* 1702, the act 5 *Will. & Mar. c.* 20. whereby ſeveral additional duties were granted, and ſtand charged with annuities amounting to 15,236 *l.* 12 *s. per annum*, part purchaſed upon a term of ninety-ſix years from 25th *Jan.* 1695, and other part upon the term of eighty-nine years from 25th *Jan.* 1702, the act 12 *Will.* 3. *c.* 12.; and the act 12 *Ann. c.* 3. and that by virtue of the ſame and ſubſequent acts, the weekly payments therein mentioned, ſtand charged with annuities amounting to 104,745 *l.* 10 *s.* 6 *d.* 2 *q. per ann.* (above 1200 *l. per annum*, for charges of paying the ſaid annuities) purchaſed for ninety-nine years, from 25th *March* 1704. And 3 *Ann. c.* 2. whereby ſeveral annuities amounting to 46,000 *l. per annum*, were purchaſed for ninety-nine years from 25th *Dec.* 1705. And 4 *Ann. c.* 6. whereby ſeveral annuities amounting to 184,242 *l.* 14 *s. per annum*, were purchaſed for ninety-nine years from 25th *March* 1706. And the act 5 *Ann. c.* 19. whereby ſeveral annuities amounting to 72,187 *l.* 10 *s. per annum* were purchaſed for ninety-nine years from 25th *March* 1707. And 6 *Ann. c.* 5. whereby annuities, amounting to 40,000 *l. per annum*, were purchaſed for ninety-nine years from 25th *March* 1708. And 6 *Ann. c.* 5. whereby ſeveral annuities, amounting to 80,000 *l. per annum*, were purchaſed for ninety-nine years from 24th *June* 1708. *All which annuities amount in the whole to* 666,821 *l.* 8 *s.* 3½ *d. per annum.* And 8 *Ann. c.* 7. whereby ſeveral annuities amounting to 81,000 *l. per annum* were purchaſed for thirty-two years from 29th *Sept.* 1710. And that by 8 *Ann. c.* 4. certain additional duties were impoſed for thirty-two years from 29th *Sept.* 1710, and a yearly fund of 135,000 *l.* eſtabliſhed for payment of lottery annuities; and that purſuant to 5 *Geo.* 1. *c.* 19. the yearly ſum of 87,342 *l.* 4 *s.* 5 *d.* (part of the ſaid yearly fund of 135,000 *l.*) has already been purchaſed by the *South Sea* company, and together with 1,397 *l.* 9 *s.* 6 *d. per annum* more, for charges of management, is already added to the yearly fund of the corporation; and that the yearly ſum of 46,260 *l.* 6 *s.* 1 *d.* (the reſidue of the ſaid yearly fund of 135,000 *l.*) is payable in lottery annuities, and upon pay tickets. Which yearly ſums ſo payable during thirty-two years, amount to 127,260 *l.* 6 *s.* 1 *d. per annum.* And that ſeveral principal ſums amounting to 16,546,482 *l.* 7 *s.* 1 *d.* 1 *q.* are ſecured by ſeveral acts, for which annuities at ſeveral rates are payable, till redemption of the funds charged, *viz* 563,300 *l.* to complete 633,010 *l.* principal money, which by virtue of the late queen's letters patents, bearing date 13th *Oct.* 1713, grounded upon 12 *Ann. ſt.* 1. *c.* 11. was charged with intereſt at 4 *l. per cent.* upon a yearly fund of 35,000 *l.* payable for thirty-two years from *Michaelmas* 1713, out of the civil liſt revenues in the ſame patents mentioned; the ſum of 1,055,990 *l.* to complete 1,157,360 *l.* which, in reſpect of the blank tickets drawn in the lottery for raiſing 1,400,000 *l.* for the ſervice of the year 1714, was charged at 5 *l. per cent.* upon the yearly fund of 116,573 *l.* 12 *s.* payable out of certain duties [*Of theſe blanks* 865,250 l. *were ſubſcribed purſuant to this act, and the reſt were paid off. See* 2 Geo. 2. c. 3.] the ſum of 652,020 *l.* to compleat the ſum of 719,040 *l.* which in reſpect of the prize tickets in the laſt mentioned lottery was charged upon the ſaid yearly fund of 116,573 *l.* 12 *s.* at 4 *l. per cent.* [*Of theſe prizes* 538,720 l. *were ſubſcribed, and the reſt paid off. See* 2 Geo. 2. c. 3.] And ſeveral ſums amounting to 1,079,000 *l.* principal monies were advanced for the uſe of the public, purſuant to two acts paſſed in 1 *Geo.* 1. *c.* 19. for which ſums amounting to 1,079,000 *l.* the contributors are entitled to annuities of 5 *l. per cent.* payable by the caſhier of the bank; and the annuities amount to 53,950 *l. per annum* (above 650 *l. per annum* for charges of management) but ſubject to redemption. And in purſuance of 3 *Geo.* 1. *cap.* 7. ſeveral annuities at 5 *l. per cent. per annum*, amounting to 476,717 *l.* 17 *s.* 8 *d. per annum*, are payable by the caſhier of the bank for ſeveral principal ſums amounting to 9,534,357 *l.* 13 *s.* 11 *d.* 3 *q.* And in purſuance of 3 *Geo.* 1. *c.* 7. ſeveral annuities of 4 *l. per cent.* amounting to 102,036 *l.* 13 *s.* 2 *d. per annum*, are payable by the caſhier of the bank for principal ſums amounting to 2,550,916 *l.* 8 *s.* 8 *d.* 2 *q.* [198,958 *l.* 8 *s.* 3 *d. were left unſubſcribed, and were redeemed.* See 13 *Geo.* 1. *c.* 3. and 393,194 *l.* 14 *s.* 5½ *d. were left unſubſcribed*] all which annuities computed at 5 *l. per cent.* and at 4 *l. per cent.* in purſuance of 3 *Geo.* 1. are payable out of

(the conſolidated fund by 27 *Geo.* 3. *c.* 13.) and in purſuance of a clauſe in the land-tax act 5 *Geo.* 1. annuities amounting to 5515 *l.* 12 *s. per annum*, after the rate of 5 *l. per cent.* were made payable by the caſhier of the bank, out of the general fund, to the treaſurer of the navy, to make good a deficiency of 110,312 *l.* 17 *s.* 4 *d.* And in purſuance of 5 *Geo.* 1. an annuity amounting to 23 *l.* 8 *s.* 3 *d.* 1 *q. per annum*, after the rate of 4 *l. per cent.* became payable by the caſhier of the bank out of the general fund, for the principal ſum of 585 *l.* 7 *s.* 1 *d.* due on a loſt debenture; and in purſuance of 5 *Geo.* 1. *c.* 3. ſeveral annuities amounting to 20,000 *l.* at 4 *l. per cent.* for principal ſums amounting to 500,000 *l.* contributed to a lottery founded on that act, are payable by the caſhier of the bank out of the yearly fund of 20,000 *l.* charged on the aggregate fund [58,300 *l. of this lottery annuity left unſubſcribed, and paid off.*] And in purſuance of 5 *Geo.* 1. *c.* 9. 500,000 *l.* was raiſed by a lottery; which together with intereſt at 4 *l. per cent.* to be paid at the exchequer out of a yearly fund of 30,559 *l.* 14 *s.* ſettled for thirty-two years from the 25th of *March* 1719, and charged upon certain duties on coals [*of this lottery annuity* 434,605 l. *was ſubſcribed, and the reſt paid off*] ſo that all the principal ſums for which intereſt is payable out of the ſaid redeemable funds at 5 *l. per cent.* amount to 1,055,990 *l.* and at 4 *l. per cent.* to 1,715,320 *l.* And the principal ſums for which the ſaid annuities are payable at 5 *per cent.* amount to 10,723,670 *l.* 11 *s.* 3 *d.* 3 *q.* and the annuities payable for the ſame to 536,183 *l.* 10 *s.* 6 *d.* 3 *q.* and the principal ſums for which annuities are payable at 4 *l. per cent.* amount to 3,051,501 *l.* 15 *s.* 9 *d.* 2 *q.* and the annuities to 122,060 *l.* 1 *s.* 5 *d. per annum.* And that the *South Sea* company is willing to take in by purchaſe or ſubſcription, the ſaid annuities, payable during the ſaid terms of ninety-ſix, eighty-nine, and ninety-nine years (computed to amount to 666,821 *l.* 8 *s.* 3 *d.* 3 *q.*) provided, that for ſuch annuities they may have an addition to their capital ſtock of twenty years purchaſe; and the company are alſo willing to take in the lottery annuities, computed to amount to 46,260 *l.* 6 *s.* 1 *d. per annum* for twenty-three years from *Michaelmas* 1719, provided that for every ſuch lottery annuity, they may have an addition made to their capital ſtock of fourteen years purchaſe: and they are alſo willing to take in the abovementioned annuities (computed to amount to 81,000 *l. per annum)* for the term of twenty-two years and three quarters from *Chriſtmas* 1719, provided that for every ſuch annuity ſo taken in, they may have an addition to their ſtock for fourteen years purchaſe; and they are likewiſe willing to take in the redeemable debts and annuities (computed to amount to 16,546,482 *l.* 7 *s.* 1 *d.* 1 *q.*) either by purchaſe, ſubſcriptions, or paying them off; provided that they may have an addition of 100 *l.* to their capital for every 100 *l.* taken in, *&c.* And then it is enacted, that the duties therein mentioned, *(ſince repealed and conſolidated by* 27 *Geo.* 3. *c.* 13.) ſhall have continuance for ever. *ſ.* 1.

The monies ariſing by the ſaid duties ſhall be brought into the exchequer, that the *South Sea* company may out of the ſame be ſecured the payment of ſuch annuities as ſhall become payable to them in purſuance of this act. *ſ.* 4.

The commiſſioners of the treaſury ſhall conſtitute managers who ſhall prepare books, wherein ſhall be entered the particulars following, *viz.* one book for the names of perſons entitled to the annuities payable for the long terms of ninety-ſix, eighty-nine, and ninety-nine years, which ſhall be taken in, and the particular duties whereupon every ſuch annuity was charged; and there ſhall be entered in the ſame book ſuch prices as ſhall be agreed on between the corporation and the proprietors; and there ſhall be likewiſe entered the additions which are to be made to the capital ſtock of the company, after the rate of twenty years purchaſe, for taking in the ſaid long terms. *ſ.* 5 & 6.

The ſaid managers ſhall prepare books, wherein ſhall be entered the particulars following, *viz.* the names of perſons entitled to any of the annuities, payable out of the ſaid yearly fund of 81,000 *l.* for twenty-two years and three quarters from *Chriſtmas* 1719, who ſhall ſubſcribe the ſame, and every annuity ſo payable which ſhall be taken in, and the duties whereupon ſuch annuity was charged, and the prices agreed upon; and likewiſe the additions which are to be made to the capital ſtock of the company, after the rate of fourteen years purchaſe, for taking in the ſaid annuities. *ſ.* 7.

The managers ſhall alſo prepare books, wherein ſhall be entered the particulars following, *viz.* the names of the perſons entitled to any of the ſaid annuities payable upon unſubſcribed lottery tickets of the year 1710, out of the remainder of the yearly fund of 135,000 *l.* for twenty-three years from *Michaelmas* 1719, (being the remainder of the term of thirty-two years) who ſhall ſubſcribe the ſame; and every annuity ſo payable, which ſhall be taken in, and the duties upon which ſuch annuity was charged, and the prices agreed on; and likewiſe the additions to be made to the capital ſtock of the company, after the rate of fourteen years purchaſe, for taking in the ſaid lottery annuities. *ſ.* 8.

The ſaid managers ſhall prepare other books, wherein ſhall be entered every principal ſum carrying intereſt at 5 *l. per cent.* which ſhall have been paid off by the company to the proprietors of the ſaid principal ſums computed to amount together to 11,779,660 *l.* 11 *s.* 3 *d.* 3 *q.* and the names of the proprietors, and the duties on which the intereſt of 5 *l. per cent.* were charged; and there ſhall be alſo entered the additions which are to be made to the company's capital ſtock of 100 *l.* for every 100 *l.* ſo paid off. *ſ.* 9.

The ſaid managers ſhall alſo prepare other books wherein ſhall be entered every principal ſum paid off by the company to the proprietors of the ſaid principal ſums, computed to amount to 4,766,821 *l.* 15 *s.* 9 *d.* 2 *q.* and the names of the proprietors, and the duties out of which the ſame were payable; and the new additions to be made to the company's ſtock for every 100 *l.* ſo paid off. *ſ.* 10.

The *South Sea* company may redeem all or any the redeemable debts abovementioned, amounting to 16,546,482 *l.* 7 *s.* 1¼ *d.* and the intereſt or annuity in reſpect thereof to the proprietors ſhall ceaſe, and in lieu thereof a like annuity ſhall be paid to the *South Sea* company till the 24th of *June*, 1727, and from thence after the rate of 4 *l. per cent.* till redemption by parliament, ſo as ſuch debts be paid off at the rate of 100 *l.* for every 100 *l.* principal. *ſ.* 19 & 20.

The company may, before the firſt of *March* 1721, take in by purchaſe or ſubſcription all or any the abovementioned annuities of the ſaid terms of ninety-ſix, eighty-nine, and ninety-nine years, computed to 666,821 *l.* 8 *s.* 3½ *d. per ann.* and the lottery annuities, computed to 46,260 *l.* 6 *s.* 1 *d. per ann.* for the ſaid term of twenty-three years from *Michaelmas* 1719, and alſo the abovementioned annuities, computed to 81,000 *l. per ann.* for the ſaid term of twenty-two years and three quarters from *Chriſtmas* 1719, at ſuch prices as ſhall be agreed upon, ſo as ſuch prices be paid by the firſt of *March* 1721. *ſ.* 21.

The ſaid managers ſhall make up diſtinct accounts of all the annuities and debts that ſhall have been taken in, *viz.* one account of all the annuities taken in as part of the annuities computed to 666,821 *l.* 8 *s.* 3½ *d. per ann.* another account

account of all the annuities taken in as part of the annuities computed to 81,000*l. per ann.* another account of the unſubſcribed lottery annuities, taken in as part of the annuities computed to 46,260*l.* 6*s.* 1*d. per ann.* another account of the principal ſums taken in as part of the abovementioned ſums computed to 563,300*l.* at 4*l. per cent.* by virtue of her majeſty's letters patent; another account of all the principal ſums taken in as part of the abovementioned ſums, computed to 1,055,990*l.* at 5*l. per cent.* and 652,020*l.* at 4*l. per cent.* by virtue of the acts 12 *Ann. ſt.* 2. *cap.* 9. and 1 *Geo.* 1. *ſt.* 1. *cap.* 2. another account of all the principal ſums taken in as part of the abovementioned ſum of 500,000*l.* at 4*l. per cent.* by one of the lottery acts of 5 *Geo.* 1. and another account of all the principal ſums taken in as part of the abovementioned 10,723,670*l.* 11*s.* 3¾*d.* for which annuities are payable by the caſhier of the bank at 5*l. per cent.* or as part of the abovementioned 3,051,501*l.* 15*s.* 9½*d.* for which annuities are payable by the ſame caſhier at 4*l. per cent.* *ſ.* 27.

The values at twenty years purchaſe for ſuch annuities computed to 666,821*l.* 8*s.* 3½*d. per ann.* and at fourteen years purchaſe for the lottery annuities, computed to 46,260*l.* 6*s.* 1*d. per ann.* and the values at *cent. per cent.* of the redeemable debts computed to 16,546,482*l.* 7*s.* 1¼*d.* which ſhall be taken in or paid off, ſhall be added to the preſent capital ſtock of the company; and the company, for every addition to their capital, after the 24th of *June* 1727, till redemption by parliament, ſhall have an addition to their yearly fund of 4*l. per cent.* *ſ.* 30.

The treaſury ſhall ſettle the addition to be made to the company's capital ſtock, according to the values ſpecified in ſuch accounts. *ſ.* 32.

The annuity payable to the company after *Midſummer* 1727, at 4*l. per cent.* till redemption, ſhall grow due quarterly at the four uſual feaſts (nevertheleſs to be ſatisfied by weekly or other payments) out of the monies to ariſe of the duties now chargeable with the ſaid annuity; and the ſeveral additions to the company's annuity by virtue of this act ſhall be charged in like manner: and in caſe any of the ſaid particular duties are temporary, every ſuch additional annuity till redemption, ſhall be payable out of the like duties by this act continued for ever. *ſ.* 33.

The treaſury ſhall cauſe an eſtimate to be taken of the whole annual coſt to the public, for paying and accounting for all the annuities and debts ſpecified in this act, and upon receiving the abovementioned accounts from the managers, ſhall allow to the company a proportion of the coſts for the annuities and debts then appearing to be taken in, *viz.* as 11,746,844*l.* 8s. 10*d.* (being their preſent capital) is to the yearly ſum of 9397*l.* 9*s.* 6*d.* being their preſent allowance for management) ſo the ſtock, which they are to have for the annuities and debts by ſuch account appearing to be taken in, ſhall be to the proportional ſum to be allowed to the company towards their charges; ſo as all the proportional ſums laſt mentioned do not exceed one year's coſt for paying and accounting for all the annuities and debts beforementioned. *ſ.* 34.

The ſums for charges of management ſhall be paid to the company as their preſent annuity, till the ſame funds be redeemed, and ſhall be charged upon the duties by this act charged with the company's annuity. *ſ.* 35.

Such of the ſaid annuities and debts as ſhall not be taken in or paid off in purſuance of this act, and the intereſt for the ſame, ſhall continue to be paid to the proprietors at the ſame offices, and out of the ſame duties, as if this act had never been. *ſ.* 42.

The *South Sea* company (in conſideration of the liberty given them of increaſing their capital ſtock by taking in, or paying off, all the redeemable debts, before computed to 16,546,482*l.* 7*s.* 1¼*d.*) ſhall pay into the exchequer, towards diſcharging the principal and intereſt of ſuch national debts as were incurred before the 25th of *December* 1716, the ſum of 4,156,306*l.* 4*s.* 11*d.* *ſ.* 44.

The ſame corporation (in conſideration of the increaſe made to their capital ſtock by taking in the ſaid annuities for the terms of ninety-ſix, eighty-nine, and ninety-nine years, and thirty-two years) ſhall pay into the exchequer four years and a half's purchaſe upon all ſuch of the annuities as ſhall be taken in, to be applied towards diſcharging the ſaid national debts incurred before the 25th of *December* 1716. *ſ.* 45.

The ſame corporation ſhall pay into the exchequer, towards diſcharging the ſaid national debts, one year's purchaſe upon all ſuch of the ſaid annuities of ninety-ſix, eighty-nine, and ninety-nine years, as ſhall not be taken in by the 1ſt of *March* 1721. *ſ.* 46.

The company may call in from their members, or by opening books of ſubſcription, or by granting annuities redeemable by the company, or by any other method, raiſe any ſums of money, as in a general court ſhall be ordered: and if any member ſhall neglect to pay his ſhare at the times appointed by notice in the *Gazette*, and fixed on the *Royal Exchange*, it ſhall be lawful for the company, not only to ſtop the dividend payable to ſuch member, but alſo to ſtop the transfers of the ſhares of every defaulter, and to charge him with intereſt at 5*l. per cent.* and if the principal and intereſt be unpaid three months, the court of directors ſhall have power to authoriſe perſons to ſell ſo much of ſuch defaulter's ſtock as will ſatisfy the ſame; and the company, in a general court, may cauſe any money ſo called in to be divided amongſt the members. *ſ.* 48.

The company may borrow money upon any contracts, bills, or bonds, under their common ſeal, or upon credit of their ſtock, for any time not leſs than ſix months. *ſ.* 49.

The money ſo called in from the members ſhall (if the company think proper) be deemed an additional ſtock; nevertheleſs the company, in reſpect of ſuch ſtock, ſhall not be intitled to any increaſe of their annuity. *ſ.* 52.

The company ſhall continue for ever one body corporate, by the name of *The governor and company of merchants of* Great Britain *trading to the* South Seas, *and other parts of* America, *and for encouraging the fiſhery*, and ſhall enjoy the ſaid funds till redemption, and ſhall enjoy for ever all their forts and acquiſitions, ſole benefit of trade to the *South Sea*, *&c.* *ſ.* 57.

Upon repayment by parliament of the whole ſum, whereof the company's capital ſtock ſhall conſiſt, and upon payment of all arrears to the quarterly feaſt then next preceding, and till payment be made, the funds and yearly ſums for management ſhall ceaſe. *ſ.* 58.

Upon repayment by parliament of any ſum (not leſs than one million at a time) in part of the ſaid capital, and upon payment of all arrears upon their yearly fund, then ſo much of their annuity as ſhall bear proportion to the monies paid in part of the principal ſhall ceaſe. *ſ.* 59.

After ſuch redemption, ſo much of the revenues applicable thereunto ſhall be underſtood to be redeemed by parliament, and ſhall not be iſſued without authority of parliament; nevertheleſs the corporation ſhall remain for ever, and ſhall enjoy all their forts, acquiſitions, *&c.* *ſ.* 60.

All powers, penalties, *&c.* concerning the company, or perſons employed under them, ſhall for ever continue. *ſ.* 61.

If the ſub-governor, deputy-governor, directors or other members,

members, of the company, ſhall purchaſe any lands or revenues belonging to the crown, upon the account of the corporation, or lend money by way of loan or anticipapation on any branch of the revenue, other than ſuch parts only on which a credit of loan is granted by parliament; ſuch ſub-governor, &c. being convicted of conſenting, agreeing or approving, of ſuch lending, &c. ſhall forfeit treble the value of the money ſo lent, one fifth to the informer, to be recovered in the courts at *Weſtminſter*, and the reſidue to be diſpoſed of towards public uſes, as ſhall be directed by parliament. *ſ.* 66.

The ſums to be paid into the exchequer by the *South Sea* company (over and above the monies of the ſinking fund, to be applied for leſſening public debts, ſhall be iſſued in manner following, *viz.* firſt ſuch public debts carrying intereſt at 5*l. per cent.* or more, incurred before the 25th of *December* 1716, (not being part of the company's capital ſtock) as may be redeemed before the 25th of *December* 1722, ſhall be paid off; then the remainder of the ſaid ſums ſhall be applied towards paying off ſo much of the capital ſtock of the company, as ſhall carry intereſt at 5*l. per cent.* And the treaſury are to cauſe all the monies ariſing of the ſaid ſums to be applied in the manner hereby preſcribed. *ſ.* 67.

By 6 *Geo.* 1. *c.* 11. If any perſon ſhall forge or alter any receipt for ſubſcriptions, or any warrant for dividends, under the hands of the officers of the *South Sea* company, or any indorſement or writing thereon or therein, or ſhall tender any ſuch forged or altered receipt or warrant, or any receipt or warrant with ſuch counterfeit indorſement, or writing, knowing the ſame to be ſo forged, &c. to the company or any of their officers, or ſhall offer to diſpoſe of the ſame, with intent to defraud the company or any other perſon; every ſuch offender (being convicted) ſhall be adjudged a felon without benefit of clergy. *ſ.* 50.

By 7 *Geo.* 1. *c.* 5. On repayment by parliament to the *South Sea* company of any ſum not leſs than 500,000*l.* at a time, in part of the principal monies of the capital ſtock belonging to the company, and on payment of all arrears of their annuities and charges of management, ſo much of their annuities as ſhall bear proportion to the monies ſo paid in part of the principal ſhall ceaſe. *ſ.* 26.

By 7 *Geo.* 1. *ſt.* 2. The ſum of 4,156,306*l.* 4*s.* 11*d.* which in purſuance of 6 *Geo.* 1. *cap.* 4. *ſect.* 44. the *South Sea* company was to pay into the exchequer, and the ſeveral further ſums after the rates of four years and a half's purchaſe, and one year's purchaſe ſhall be diſcharged. *ſ.* 1.

The ſum of two millions, part of the captial ſtock which ſhall belong to the ſaid company ſhall be annihilated, and a proportional part of their annuities ſhall ceaſe for the benefit of the public. *ſ.* 2.

The company ſhall make an addition of 33*l.* 6*s.* 8*d.* in ſtock upon every 100*l.* already allowed to the proprietors of the redeemable annuities, and of the ſecond, third, and fourth money ſubſcriptions; which, together with the ſtock already allowed them at the rate of 400*l. per cent.* ſhall be in full diſcharge of their redeemable annuities which were ſubſcribed, and in full diſcharge of the monies paid on the ſaid ſubſcriptions; and no more money ſhall be demanded by the company on any of the four money ſubſcriptions. *ſ.* 3.

For a further relief to be given to the proprietors of the irredeemable annuities in the ſecond ſubſcription, by an addition of ſtock valued at 150 *l. per cent.* the company ſhall make an addition in ſtock to the ſaid proprietors, over the ſtock allowed them by a reſolution of the general court; which additions ſhall be in the proportions following, *viz.* on every annuity of 100*l.* ſubſcribed for the remainder of ninety-nine years, in the ſecond ſubſcription, 203*l.* 6*s.* 8*d.* ſtock; on every annuity of 98*l.* ſubſcribed for the remainder of ninety-ſix, or eighty-nine years, called fourteen *per cent.* in the ſaid ſecond ſubſcription, 178*l.* 5*s.* 4*d.* ſtock; on every 90*l. per ann.* ſubſcribed for the remainder of thirty-two years, called nine *per cent.* in the ſecond ſubſcription, 73*l.* 9*s.* 4*d.* ſtock; on every annuity of 100*l.* ſubſcribed for the remainder of thirty-two years, called benefits of the lottery 1710, in the ſecond ſubſcription, 65*l.* 16*s.* 8*d.* ſtock; on every 98*l. per ann.* ſubſcribed for the remainder of thirty-two years, called blank pay tickets of the ſaid lottery, in the ſecond ſubſcription, 126*l.* 14*s.* 8*d.* ſtock. *ſ.* 4.

All the increaſed capital ſtock, which was gained by the company by taking in public debts, after the diſtribution of ſuch parts as are by this act to be diſtributed, ſhall be divided among all the proprietors of the capital ſtock. *ſ.* 5.

By 8 *Geo.* 1. *c.* 21. It ſhall be lawful for the *South Sea* company to ſell their ſtock, as well that pledged to the company, as that which was allowed for ſubſcription receipts pledged as aforeſaid, or any part of their fund payable at the exchequer, not exceeding 200,000*l.* a year, by lottery or otherwiſe. *ſ.* 1.

If the company ſhall raiſe any of the money, by ſelling part of their annuities at the exchequer at 5*l. per cent.* ſuch part not to exceed 200,000*l. per ann.*) the contractors for purchaſing the ſame ſhall be capable in law to hold and enjoy the parts ſo purchaſed. *ſ.* 4.

The values to be computed at twenty years purchaſe, for ſuch parts of the annuities as ſhall be ſo purchaſed, ſhall become a capital ſtock of the perſons or bodies politic who ſhall purchaſe the ſame; and in caſe the purchaſe be made by any body corporate, ſuch body may unite the capital ſtock ſo created to their own capital; and every member of ſuch body corporate ſhall have credit for his ſhare in the ſtock ſo increaſed; and the capital ſtock of the *South Sea* company ſhall be leſſened ſo much as the parts ſold ſhall amount to. *ſ.* 7.

It ſhall be lawful for any bodies corporate, who ſhall have purchaſed any parts of the ſaid annuities, for enabling themſelves to pay for the ſame, to raiſe money, by opening books for taking in ſubſcriptions for ſale of any part of their capital ſtock ſo created, or by making calls of money from their members, or by borrowing money. *ſ.* 10.

The capital ſtock which any perſons in purſuance of this act ſhall be intitled unto, and the parts of the annuities of the *South Sea* company which ſhall be ſo purchaſed, and the particular ſhare of every member of ſuch bodies corporate in the ſame, ſhall be a perſonal and not a real eſtate, and ſhall be free from taxes; and if any body corporate ſhall be entitled thereto, the members of ſuch body may transfer their ſhares in the books of the company, in ſuch method as is preſcribed for transfers of original ſtock, &c. or may deviſe the ſame by will: and the parts of the annuities which ſhall be purchaſed by perſons (not being a body corporate) may be aſſigned by writing under their hands and ſeals; and ſuch aſſignments may be made *toties quoties*, ſo as ſuch aſſignments be notified in the books of the auditor of the receipt; and may be deviſed by will, ſo as ſuch will be entered in the ſame office within three months after the deceaſe of the teſtator. *ſ.* 11.

No member of any body corporate, which ſhall be intitled to ſtock purſuant to this act, ſhall in reſpect of his ſhare therein be liable to be a bankrupt, and the ſtock of ſuch bodies corporate ſhall not be liable to foreign attachment. *ſ.* 12.

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The purchaſers of any parts of the annuities of the *South Sea* company ſhall hold and enjoy the ſame, till the parts ſo purchaſed be redeemed; and any body corporate purchaſing ſuch parts of the ſaid annuities ſhall continue a corporation, till the redemption of the parts purchaſed by them. *ſ.* 13.

On repayment by parliament to the perſons or bodies corporate, who ſhall be intitled to the capital ſtock in reſpect of the annuities ſo purchaſed, of the whole ſum whereof the ſaid capital ſhall conſiſt, and of all arrears thereof, the part of the annuities ſo purchaſed ſhall ceaſe. *ſ.* 14.

On repayment of any ſum (not leſs than one eighth part of ſuch capital ſtock at a time) in part of the principal, and of all arrears, ſo much of the ſaid purchaſed annuities as ſhall bear proportion to the monies ſo paid in part of the principal ſhall ceaſe. *ſ.* 15.

After redemption of the annuities, ſo much of the duties, *&c.* applicable thereto, ſhall be underſtood to be redeemed by parliament. *ſ.* 16.

So much of the capital ſtock of the *South Sea* company, as ſhall remain after ſale of ſuch parts as ſhall be ſold purſuant to this act, ſhall be redeemable by parliament, upon payment of ſuch ſums whereof their capital ſhall conſiſt, and of all arrears of their annuities, and of the yearly ſums allowed for charges of management; and the redemption of their capital may be made upon payment at one time, or ſeveral times, not being leſs than one million at a time. *ſ.* 17.

By 8 *Geo.* 1. *cap.* 22. The treaſury ſhall rectify the errors of thoſe employed in taking ſubſcriptions for increaſing the capital ſtock of the *South Sea* company, in an inſtrument dated the 9th of *December* 1720, by a new inſtrument, thereby declaring, that principal ſums amounting to 67,831*l.* 6*s.* 10*d.* ſhall be added to the principal ſums amounting to 11,172,593*l.* 15*s.* 10*d*, by the ſaid inſtrument declared to be added to the capital ſtock of the ſaid company, whereof 7,558,315*l.* 10*s.* 3*d.* as well as the ſaid 67,831*l.* 6*s.* 10*d.* omitted by miſtake, was for bank annuities payable by 3 *Geo.* 1. *cap.* 7. *ſ.* 2.

For rectifying a miſtake which tends to the prejudice of the public, the treaſury ſhall, by memorandums endorſed on the inſtrument dated the 28th of *Sept.* 1720, and upon the ſubſcription books wherein the miſtakes are inſerted, cauſe the ſum of 400*l.* part of the additional capital ſtock of 8,551,618*l.* 15*s.* by the ſaid laſt-mentioned inſtrument declared to be added to the ſaid capital ſtock, to be abated. *ſ.* 3.

The treaſury may inſpect any duplicates tranſmitted by the managers for taking ſubſcriptions for increaſing the capital ſtock of the company, and if they find any errors therein, they ſhall rectify the ſame. *ſ.* 4. — *See* FORGERY.

By 9 *Geo.* 1. *c.* 6. The clauſe in 7 *Geo.* 1. *ſt.* 2. *ſ.* 2. whereby it was enacted, that two millions of the capital ſtock of the *South Sea* company ſhould be annihilated, is repealed; and the ſaid two millions ſhall be revived, and added to the preſent capital ſtock of the company. *ſ.* 1.

The two millions by this act revived ſhall be divided amongſt all the proprietors of the ſtock. *ſ.* 2.

The whole capital ſtock of the *South Sea* company, computed 33,802,483 *l.*14*s.* ½*d.* ſhall be divided into two equal parts. *ſ.* 3.

One moiety of the ſaid ſtock, which will by computation amount to 16,901,241*l.* 17*s.* ¼*d.* ſhall be converted into a joint ſtock, attended with annuities, payable out of the *South Sea* company's funds, in lieu of all dividends, *viz.* with annuities at 5*l. per cent.* till the 24th *June* 1727, and from thence at 4*l. per cent.* till redemption by parliament; and the ſame moiety ſhall be called *the joint ſtock of* South Sea *annuities*; and the other moiety of the capital ſtock ſhall remain in the company as a joint ſtock, attended with the reſidue of the yearly funds, payable at the exchequer till redemption; and alſo attended with the ſeveral ſums for charges of management, and with all benefits of trade, *&c.* And as concerning the moiety ſo converted into *South Sea* annuities, every proprietor ſhall be entitled to annuities at 5*l. per cent.* till the 24th *June* 1727, and from thence at 4*l. per cent.* till redemption; and the *South Sea* company ſhall receive at the exchequer, out of the duties, *&c.* charged with their whole annuities yearly, the intereſt of the ſame moiety till redemption, in truſt for the proprietors; and all powers, *&c.* in force ſhall be continued for ſecuring the ſaid joint ſtock of *South Sea* annuities, and the yearly funds to attend the ſame. *ſ.* 4.

The ſaid annuities ſhall be payable half-yearly, at *Lady-day* and *Michaelmas*. *ſ.* 5.

If any deficiencey ſhall happen in the produce of the duties, *&c.* the *South Sea* annuities ſhall bear one half of ſuch deficiency, till the ſame be provided for by parliament. *ſ.* 6.

The ſhares which every perſon ſhall be intitled to in the annuities ſhall be written into new ledgers. *ſ.* 7.

The annuities ſhall be free from taxes. *ſ.* 8.

Perſons intitled to the annuities ſhall be poſſeſſed thereof as a perſonal eſtate, and the ſame ſhall not be liable to foreign attachment. *ſ.* 9.

All the principal monies in the joint ſtock of the *South Sea* annuities ſhall be deemed one capital or joint ſtock, on which the annuities ſhall be attending, and the ſhares therein ſhall be transferable; and the *South Sea* company ſhall cauſe to be kept in *London* an office and books, in which all transfers of the ſaid annuities ſhall be entered; which entry ſhall be ſigned by the parties making ſuch aſſignments, or their attornies; and the perſons to whom ſuch transfers ſhall be made ſhall under-write their acceptance, and no other method of transferring the ſaid ſtock and annuities ſhall be good: provided that any perſon may bequeath the ſame; but ſuch legatee ſhall receive no payment, till ſo much of the will as relates to *South Sea* annuities be entered in the office. *ſ.* 10.

No ſtamp duties ſhall be chargeable on any transfers of the annuities. *ſ.* 11.

The *South Sea* company ſhall enjoy in their own right the reſidue of the ſaid annuities, till redemption, and ſhall alſo have the ſums of 8000*l. per ann.* and 1397*l.* 9*s.* 6*d. per ann.* and other ſums, for charges of management; and ſhall alſo enjoy all profits of trade, and other privileges, *&c.* belonging to the company. *ſ.* 12.

As well the *South Sea* company, and their general courts, courts of directors and ſub-committees, as alſo the members of the company, in reſpect of the remaining moiety of the capital ſtock, and of the allowances for management, *&c.* ſhall enjoy the like powers, *&c.* as the company might have exerciſed if this act had not been. *ſ.* 13.

If any deficiency ſhall happen in the produce of the duties, *&c.* the company ſhall bear half of ſuch deficiency, till it be provided for by parliament. *ſ.* 14.

On repayment by parliament to the *South Sea* company of the whole capital ſum of 33,802,483*l.* 14*s.* ½*d. viz.* 16,901,241*l.* 17*s.* ¼*d.* for the uſe of the proprietors of the *South Sea* annuities, and the remaining 16,901,241*l.* 17*s.* ¼*d.* on account of the capital ſtock to be continued to the company, and on payment of all arrears, the annuities payable

at

at the exchequer to the company, in truſt for the *South Sea* annuitants, and in their own right, as alſo the yearly ſums for management, ſhall ceaſe. *ſ.* 16.

On repayment of any ſum, not leſs than 500,000*l.* at a time, in part of the ſaid capital ſtock, ſo much of the yearly funds as ſhall bear proportion to the monies ſo paid in part ſhall ceaſe. *ſ.* 17.

After redemption of the ſaid capital ſums, ſo much of the duties applicable thereto ſhall be underſtood to be redeemed by parliament. *ſ.* 18.

By 1. *Geo.* 2. *c.* 8. Whereas the principal ſum of 500,000*l.* lottery annuities charged by 5 *Geo.* 1. *c.* 9. on the duties upon coals granted by 9 *Ann. c.* 22. were by 6 *Geo.* 1. *c.* 4. empowered to be ſubſcribed into the *South Sea* ſtock; and in purſuance thereof 434,605*l.*, part thereof, was taken into the ſaid ſtock, and the reſidue paid off: the commiſſioners of the treaſury are directed to pay off the ſaid 434,605*l.* on or before the 25th of *June* 1728, out of the monies to be advanced by the bank of *England* for the purchaſe of annuities, and at the ſame time to pay to the *South Sea* company, out of the ſinking fund, the farther ſum of 65,395*l.* which will compleat a ſum of 500,000*l.* for the redemption of a proportionable part of the annuities attending their whole principal monies, whether in capital ſtock or annuity ſtock; and 250,000*l.* being one moiety, ſhall be applied in diſcharge of ſo much of their capital ſtock; and the remaining 250,000*l.* ſhall be applied in diſcharge of ſo much of the joint ſtock of *South Sea* annuities. *ſ.* 19.

The *South Sea* company ſhall apply the ſame in equal moieties to the redemption of ſuch parts of their *South Sea* ſtock or annuities as ſhall belong to the company in their own right, and undiſtributed among the proprietors. *ſ.* 20.

The monies ſo to be paid to the *South Sea* company may be uſed by them in paying debts, dividends, or other ſervices, of the company. *ſ.* 21.

By 3 *Geo.* 2. *c.* 16. Whereas, by rectifying a ſmall error in the computing the amount of the *South Sea* ſtock, as recited in 9 *Geo.* 1. *c.* 6. and by deducting half a million paid off purſuant to 1 *Geo.* 2. *c.* 8. the capital ſum remaining due on each of the funds of *South Sea* ſtock and *South Sea* annuities, doth amount to 16,651,101*l.* 12*s.* 9*d.* ¼., and it is judged expedient, that one million be applied for paying off ſo much of the *South Sea* ſtock: out of the ſurpluſſes of the ſinking fund, ariſen at the feaſt of the nativity of St. *John Baptiſt*, 1730, there ſhall be iſſued to the *South Sea* company ſuch monies as ſhall be in the exchequer, for redeeming part of the capital ſtock due to the company, till the payments ſhall amout to one million; and a proportional part of the ſtock ſhall determine for the benefit of the public. *ſ.* 4.

The *South Sea* company ſhall, upon the receipt of the ſaid one million, diſtribute the ſame amongſt all the proprietors of their ſtock, towards ſinking ſo much of their ſhares in the ſtock. *ſ.* 5.

Where any proprietors ſhall out of the ſaid one million be paid off a dividend of capital which ſhall not amount to more than 100*l.* the company, at any time before the ſhutting of the books, are required to permit any proprietors of ſtock to transfer to ſuch proprietors any quantity of ſtock not exceeding the ſum ſo divided out of the capital, without ſtamps or other charges: and it ſhall be lawful for the company to ſell to any of their proprietors any parcel of their ſtock as now remains in the company, or in any perſons in truſt for them, as ſhall be ſufficient for the ſaid purpoſes, and no more. *ſ.* 7.

Where in purſuance of this act any payment ſhall be made of the capital of any ſuch ſtock as ſhall be veſted in truſt, *&c.* ſuch payments ſhall not be applied as dividends of profit, but ſhall remain in the hands of the truſtees, till otherwiſe diſpoſed of at intereſt; and the truſtees may lay out the ſame, or any part thereof, in the purchaſe of other capital ſtock of the ſame kind; and if ſuch truſtees by writing indorſed on, or annexed to, the receipts, and ſigned or acknowledged before one of the maſters of chancery, ſhall declare that the monies were the produce of the ſaid dividend, and the maſter ſhall certify the ſame by ſubſcribing his name (for which he ſhall be paid 1*s.*) the ſtock mentioned in ſuch receipts ſhall be liable to the ſame truſts as the reſt of the truſt ſtock remaining in ſuch truſtees, and the truſtees ſhall be indemnified. *ſ.* 8.

Nothing in this act ſhall reſtrain any truſtees from laying out any of the truſt monies in any other purchaſes or ſecurities. *ſ.* 9.

By 4 *Geo.* 2. *c.* 5. Out of the ſurpluſſes called the ſinking fund, at the feaſt of *St. Michael* 1731, there ſhall be iſſued to the governor and company of merchants of *Great Britain* trading to the *South Seas*, *&c.* towards redeeming part of the capital ſtock of annuities due to the ſaid company, until the payments amount to one million; and a proportional part of their ſaid annuities ſhall ceaſe, with like directions as to truſtees, *&c. as in* 3 Geo. 2. cap. 16. *ſ.* 1.

By 5 *Geo.* 2. *c.* 17. Out of the ſinking fund, at the nativity of *St. John Baptiſt* 1732, there ſhall be iſſued to the governor and company of merchants of *Great Britain* trading to the *South Seas*, *&c.* towards redeeming part of the annuities attending on the capital ſtock, 1,000,000*l.* ſterling; and a proportionable part of their ſtock ſhall ceaſe; *with like proviſions as in* 3 Geo. 2. cap. 16. *ſ.* 1.

By 6 *Geo.* 2. *c.* 25. Out of the ſinking fund at *Michaelmas* 1733, ſhall be applied to the *South Sea* company for redeeming part of the *South Sea* annuities, 1,000,000*l.* and a proportional part of their annuities ſhall ceaſe; *with like proviſions as in* 4 Geo. 2. c. 5. *ſ.* 2.

By 6 *Geo.* 2. *c.* 28. After the 24th of *June* 1733, the capital ſtock of the *South Sea* company, which amounts to 14,651,103*l.* 8*s.* 1*d.* and the ſhares of the reſpective proprietors, ſhall be divided into four equal parts. *ſ.* 1.

Three fourth parts of the ſaid capital ſtock, which will amount to 10,988,327*l.* 11*s.* ¾*d.* ſhall be converted into a joint ſtock attended with annuities payable out of the funds of the *South Sea* company after the rate of four *per cent.* until redemption by parliament, and ſhall be called *The new joint ſtock of* South Sea *annuities*; and the other fourth part amounting to 3,662,775*l.* 17*s.* ¼*d.* ſhall remain in the ſaid *South Sea* company as a trading or capital ſtock, attended with the reſidue of the annuities or funds payable at the exchequer to the ſaid company for their whole capital, until redemption, and attended with the ſums allowed for charges of management, and with all effects, profits of trade, debts, privileges, and advantages, belonging to the *South Sea* company. *ſ.* 2.

The proprietors of the ſaid three-fourth parts ſhall have, free of all charges, certain annuities of four *per cent.* on the ſaid ſum of 10,988,327*l.* 11*s.* ¾*d.* from the ſaid 24th of *June* 1733, until redemption by parliament; and the *South Sea* company, ſhall receive at the exchequer, out of the revenues charged with their annuities, the annuity to attend the ſaid three-fourth parts, ſo converted into the new joint ſtock of *South Sea* annuities, in truſt for the annuitants. *ſ.* 3.

The proprietors of the remaining fourth of the ſaid capi-

tal ſtock ſhall have proportional ſhares of the ſaid annuities, and all benefits of trade. *ſ.* 4.

The accountant of the company ſhall twice every year at *Chriſtmas* and *Midſummer*, or within one month after, ſtate an account of the company's affairs, which ſhall be laid before the next general court, in order to their declaring a dividend: and all dividends ſhall be made out of the clear profits, and ſhall not exceed what the company may reaſonably divide, without incurring any farther debt; provided that the company ſhall not at any time divide more than four *per cent. per ann.* until their preſent debts be paid off; and the *South Sea* company, and their trading ſtock, ſhall be, excluſively from the ſaid new *South Sea* annuities, liable to all the debts and incumbrances of the company. *ſ.* 5.

The new *South Sea* annuities ſhall be payable from the feaſt of *St. John* the *Baptiſt* 1733, half yearly. *ſ.* 6.

The trading capital ſhall be charged with the payment of the new annuities, as alſo for the payment of the former joint ſtock of *South Sea* annuities. *ſ.* 7.

Provided that the company ſhall have received the annuity payable to them at the exchequer; and on failure of paying the ſame, or within ſixty days after, then ſuch trading ſtock ſhall alſo be charged with the payment of intereſt of five *per cent.* *ſ.* 8.

If any deficiency ſhall happen in the funds of the *South Sea* company, the new *South Sea* annuities ſhall bear a proportional part of ſuch deficiency. *ſ.* 9.

The *South Sea* company ſhall be intitled to all powers and advantages penalties and directions, enacted by any former laws, for better ſecuring the whole capital ſtock of the funds of the ſaid *South Sea* company, or preventing the forging any dividend warrant, or transfers of annuities, comprehended in the act 8 *Geo.* 1. *cap.* 22. to be in force as to the ſaid new joint ſtock of *South Sea* annuities. *ſ.* 10.

The proportional ſhares, which every perſon ſhall have in the ſaid new *South Sea* annuities, ſhall be written off from the books of the company into books for that purpoſe. *ſ.* 11.

The new *South Sea* annuities ſhall be free from taxes. *ſ.* 12.

The ſaid new annuities ſhall be perſonal eſtate, and not liable to foreign attachment. *ſ.* 13.

The principal monies in the ſaid new joint ſtock of *South Sea* annuities ſhall be a joint ſtock, and any ſhare therein ſhall be transferrable; and the *South Sea* company ſhall cauſe to be kept within the city of *London* an office, and books, in which all tranfers of the new annuities ſhall be entered, and ſigned by the party making ſuch transfer, or his attorney; and the perſon to whom ſuch transfer ſhall be made, or his attorney, ſhall underwrite his acceptance; and no other method of transferring the annuities ſhall be good in law. *ſ.* 14.

Any perſon poſſeſſed of ſuch new annuities may bequeath the ſame in the ſame manner as any other perſonal eſtate. *ſ.* 15.

No ſtamp duties ſhall be chargeable upon the transfers of the new annuities. *ſ.* 16.

The *South Sea* company may exerciſe all ſuch powers, and enjoy the like immunities, benefits of trade and advantages, as if this act had not been made. *ſ.* 17.

No perſon ſhall be qualified for being governor (his majeſty excepted) unleſs ſuch governor ſhall have in his own name and right 5000*l.* in the trading ſtock, nor ſhall any perſon be qualified for being ſub-governor who ſhall not have 4000*l.* nor ſhall any perſon be qualified to be deputy-governor, unleſs ſuch deputy-governor ſhall have 3000*l.* and no perſon ſhall be qualified for a director who ſhall not have 2000*l.* in the trading ſtock. *ſ.* 19.

In every general court of the company, every member who ſhall have in his own name and right 500*l.* trading ſtock ſhall have one vote, and every member who ſhall have 2000*l.* ſhall have two votes, and every member who ſhall have 3000*l.* ſhall have three votes, and every member who ſhall have 5000*l.* ſhall have four votes. *ſ.* 21.

Where ſuch diviſion ſhall be made of any ſtock which ſhall be veſted in any perſons in truſt, the parcels of the ſaid new *South Sea* annuities, and of the ſaid trading ſtock, ſhall be liable to the ſame truſts. *ſ.* 23.

It ſhall be lawful for ſuch truſtees to ſell ſuch remaining trading ſtock, and within eight days to inveſt the money ariſing therefrom in the purchaſe of new *South Sea* annuities, and receipts ſhall be given by the perſons tranſferring; and in caſe ſuch truſtees, by writing indorſed on ſuch recipts, and ſigned before one of the maſters of chancery, ſhall declare that the monies in the receipts were the produce of the ſaid truſt ſtock, the annuity ſtock mentioned in ſuch receipts ſhall be ſubject to the ſame truſts. *ſ.* 24.

The fund of the trading ſtock ſhall not, without the conſent of the company, be liable to be redeemed by parliament, until the new *South Sea* annuities ſhall have been reduced by redemption by parliament to the ſum of 3,500,000*l.* *ſ.* 25.

The court of directors ſhall cauſe all the bonds owing by the company to be regiſtered: and no new bonds ſhall be iſſued, nor any bonds paid off, except the proprietors ſhall, in a general court, be firſt acquainted with the uſes for which the bonds are intended to be iſſued; and within fourteen days, and twenty-one days, from the time of holding the ſaid general court, one other general court ſhall be aſſembled to take the reſolutions of the proprietors, whether any new bonds ſhall be iſſued or not; provided that it may be lawful for the court of directors to affix the ſeal of the company to new bonds made out in lieu of bonds filled by indorſements, or worn out or loſt; and no calls ſhall be made, except the ſame notice ſhall be given in a general court, and the reſolutions of the proprietors taken in another general court. *ſ.* 26.

South Sea annuities may be bequeathed, as any other perſonal eſtate. *ſ.* 27 & 28.

By 7 *Geo.* 2. *c.* 17. It ſhall be lawful for the *South Sea* company to pay off the company's bonds, as they might have done in caſe the act 6 *Geo.* 2. *cap.* 28. had not been made. *ſ.* 1.

The intent of the ſaid act was, that no new bonds, or bonds bought up with the company's money, ſhould be iſſued, but by the conſent of the general court. *ſ.* 2.

By 9 *Geo.* 2. *c.* 34. Out of the ſinking fund at *Chriſtmas* 1736, there ſhall be iſſued to the *South Sea* company, for redeeming part of the *New South Sea* annuities 1,000,000*l.* *with the uſual proviſions for annihilation, as in* ſtat. 4 Geo. 2. cap. 5. *ſ.* 12.

By 10 *Geo.* 2. *c.* 17. Out of the ſupplies granted by parliament there ſhall be iſſued to the governor and company of merchants of *Great Britain* trading to the *South Seas*, *&c.* at the feaſt of *St Michael* 1737, ſums not exceeeding 1,000,000, for redeeming part of the *Old South Sea* annuities; *with the uſual proviſions as before.* *ſ.* 35.

By 24 *Geo.* 2. *c.* 2. The company ſhall continue a corporation till the annuities purchaſed on this act ſhall be redeemed. *ſ.* 31.

By 24 *Geo* 2. *c.* 11. The *South Sea* company ſhall receive

ceive their preſent annuity of four *per cent.* on their capital ſtock until 25th *Dec.* 1757, and from thence the ſaid annuity ſhall be reduced to three *per cent.* until redemption; in diſcharge of all demands by the company on the king of *Spain*. *ſ.* 1.

The company ſhall continue to receive from the exchequer, out of the funds appropriated for that purpoſe, ſo much as ſhall from time to time be due for the intereſt of, and charges of management upon, ſuch part of the old and new *South Sea* annuities as are not redeemed, and on their capital ſtock, as they now receive. All rights with regard to the redemption of the ſaid capital ſtock are confirmed as they now ſtand. *ſ.* 2.

If any officer or ſervant of the ſaid company intruſted with any note, bill, dividend, warrant, bond, deed, or any ſecurity, money, or other effects of the ſaid company, or having any bill, *&c.* of any other perſon depoſited with the ſaid company, or with him as a ſervant of the ſaid company, ſhall ſecrete, embezzle, or run away with, any ſuch note, *&c.* every officer or ſervant ſo offending, and convicted, ſhall be deemed guilty of felony, and ſhall ſuffer death. *ſ.* 3.

By 26 *Geo.* 2. *c.* 16. The court of directors of the *South Sea* company ſhall conſiſt of one governor, one ſub-governor, one deputy-governor, and twenty-one directors only; and the majority of ſuch court of directors, whereof the governor, ſub-governor, or deputy-governor (except as in the charter of the ſaid company is excepted) to be always one, ſhall be a court of directors. *ſ.* 1.

At the next general election of directors, twenty-one directors who were at the laſt election choſen, may be again choſen; and at every ſubſequent election, no more than fifteen who were at the laſt preceding general election of directors choſen, ſhall be again choſen into the office of director. *ſ.* 2.

The ſalaries of the governors and directors of the ſaid company ſhall continue the ſame as they now are. *ſ.* 3.

Stage Coaches.

By 28 *Geo.* 3. *c.* 57. If the driver of any coach, chaiſe, or other carriage of the like ſort, travelling for hire, ſhall permit more than ſix perſons, at the ſame time, to ride upon the roof, or more than two perſons, beſides the driver, on the box, ſuch driver convicted, either by his own confeſſion, the view of a juſtice, or by the oath of one witneſs, before any juſtice for the county, *&c.* where ſuch offence ſhall be committed, ſhall, for every perſon ſo riding as an outſide paſſenger, over the number beforementioned, forfeit forty ſhillings; and in caſe the driver ſhall alſo be the owner of ſuch coach, then 4*l.*; and in default of payment of the ſaid penalties, the perſon offending ſhall be committed to the common gaol for one month. *ſ.* 1.

If the driver of any coach travelling with a greater number of perſons on the top or box thereof than is allowed by this act, cannot be found or known, or being found or known ſhall not attend in purſuance of any ſummons ſerved upon him, requiring his appearance before a juſtice, upon a complaint laid againſt him of any offence committed againſt this act, then the owner of ſuch coach ſhall be liable to the penalty laid upon ſuch driver. *ſ.* 2.

If any conſtable or peace officer ſhall refuſe or neglect to execute any warrant granted by any juſtice purſuant to this act, ſuch perſon convicted thereof before one juſtice, either by his own confeſſion, or upon the oath of one witneſs, ſhall forfeit 40 *s.*; and in caſe the perſon convicted doth not forthwith pay, or ſecure to be paid, the ſaid penalty, then it ſhall be lawful for ſuch juſtice to commit ſuch perſon to the common gaol, for not exceeding one month. *ſ.* 3.

All penalties ſhall go, one half to the informer, and the other half to the ſurveyor of the highways of the pariſh where ſuch offence ſhall be committed, to be laid out in the amendment of the public roads within ſuch pariſh. *ſ.* 4.

The forms of the proceedings ſet forth in the ſchedule, ſhall be uſed upon all occaſions, with ſuch additions or variations only as be neceſſary to adapt them to the caſe; and no objection ſhall be allowed to be made, on account of want of form only. *ſ.* 5.

The SCHEDULE.

SUMMONS for any Perſon or Perſons to attend a Juſtice.

Middleſex.

To A. B. *of*

WHEREAS complaint and information hath been made upon oath, before me C. D. *one of his majeſty's juſtices of the peace for the ſaid* [*county*, etcetera] *by* E. F. *of* ——— *That*, etcetera [Here ſtate the nature and circumſtances of the caſe, as far as it ſhall be neceſſary to ſhew the offence, and to bring it within the authority of the juſtice; and in doing that, follow the words of the act as near as may] *Theſe are therefore to require you perſonally to appear before me* ——— *at* ——— *in the ſaid* [*county*, etcetera] *on the* ——— *day of* ——— *next, at the hour of* ——— *in the* ——— *noon, to anſwer to the ſaid complaint and information made by the ſaid* E. F. *who is likewiſe directed to be then and there preſent to make good the ſame. Herein fail not.*

Given under my hand and ſeal, this ——— *day of* ——— *one thouſand ſeven hundred* ———

INFORMATION.

Middleſex. *BE it remembered, That on the* ——— *day of* ——— *one thouſand ſeven hundred* ——— A. B. *of* ——— *in the ſaid county, informeth and maketh oath before me* ——— *one of his majeſty's juſtices of the peace for the ſaid county, that* ——— *of* ——— *in the ſaid county* [Here deſcribe the offence particularly, and follow the words of the act as near as may be] *contrary to the ſtatute made in the twenty-eighth year of the reign of king* George *the third, for* [Here inſert the tittle of the act] *which hath impoſed a forfeiture of* ——— *for the ſaid offence.*

Taken and ſworn the ——— *day of* ——— *before me,*

C. D.

FORM of CONVICTION.

Middleſex. *BE it remembered, That, on the* ——— *day of* ——— *in the year of our Lord one thouſand ſeven hundred* ——— *at* ——— *in the county of* ——— *aforeſaid*, A. B. *came before me* C. D. *one of his majeſty's juſtices of the peace for the ſaid county*, etcetera, *and informed me, that* E. F. *of* ——— *on the* ——— *day of* ——— *now laſt paſt, at* ——— *in the ſaid county did* [Here ſet forth the fact in the manner deſcribed by the act] *whereupon the ſaid* E. F. *after being duly ſummoned*

moned to anſwer the ſaid charge, appeared before me ——— *on the* — —— *day of* ——— *at* ——— *in the ſaid county, and having heard the charge contained in the ſaid information, declared that he was not guilty of the ſaid offence; but the ſame being fully proved upon the oath of* G. H. *a credible witneſs, it manifeſtly appears to me the ſaid juſtice, that he the ſaid* E. F. *is guilty of the offence charged upon him in the ſaid information: it is therefore conſidered and adjudged by me the ſaid juſtice, that he the ſaid* E. F. *be convicted, and I do hereby convict him of the offence aforeſaid; and I do hereby declare and adjudge that he the ſaid* E. F. *hath forfeited the ſum of* ——— *of lawful money of* Great Britain, *for the offence aforeſaid, to be diſtributed as the law directs, according to the form of the ſtatute in that caſe made and provided.*

Given under my hand and ſeal, the —— ——— *day of* ——— *one thouſand ſeven hundred* ——

This is to be inſerted where the party refuſes to appear upon the ſummons. After the words, "*being duly ſummoned to anſwer to the ſaid charge,*" inſert *(did not appear before me purſuant to the ſaid ſummons)* or, *(did neglect and refuſe to make any defence againſt the ſaid charge, but the ſame being fully proved,* &c.) as before.

This is to be inſerted when the party accuſed confeſſes the charge. After the words, "*contained in the ſaid information,*" inſert *(acknowledged and voluntarily confeſſed the ſame to be true, and it manifeſtly appears to me the ſaid juſtice,* &c.) as above.

By 30 *Geo.* 3. *c.* 36. If the driver of any coach, chaiſe, or other carriage of the like ſort drawn by three or more horſes, and travelling for hire, ſhall permit more than one perſon on the coach-box beſides himſelf, and four perſons on the roof; and if ſuch coach, *&c.* ſhall be drawn by leſs than three horſes, more than one perſon on the coach box, and three perſons on the roof, (except the driver of ſuch coach, *&c.* drawn by leſs than three horſes which ſhall not travel a greater diſtance than twenty-five miles from the poſt-office in *London*, and who ſhall not carry more than one perſon on the coach-box, and four perſons on the roof at the ſame time) to be conveyed in any ſuch coach, *&c.* ſuch driver ſhall pay to the collector of the tolls, at every turnpike gate through which ſuch carriage ſhall paſs, five ſhillings for each perſon above the number limited, which ſuch collector is authoriſed to demand, and receive; and if ſuch paſſengers, beyond the number limited, ſhall be ſet down, or taken up, whereby the payment of the five ſhillings may be evaded, then the driver being convicted, either by his own confeſſion, the view of a juſtice, or the oath of one witneſs, before any juſtice for the county, *&c.* where ſuch offence ſhall be committed, ſhall, for ſuch offence, be committed to the common gaol, for not exceeding one month, nor leſs than fourteen days, at the diſcretion of the juſtice. *ſ.* 1.

The ſaid five ſhillings for each paſſenger beyond the number allowed, ſhall be recovered in like manner as the turnpike tolls are by the act for repairing ſuch road authoriſed to be collected. *ſ.* 2.

There ſhall be painted on the outſide of each of the doors of every ſuch ſtage coach (the coaches carrying the mail, under the direction of the poſt-maſters general, excepted) in large characters, the chriſtian and ſurname of the proprietor, or of one of the proprietors, of ſuch carriage, and in the caſe of there being more than one proprietor, and one of them ſhall reſide within *London* or *Weſtminſter*, or the bills of mortality, then the name of ſuch laſt mentioned proprietor ſhall be the name to be put upon ſuch carriage. *ſ.* 3.

If the coachman ſhall permit any other perſon to drive the ſame, without the conſent of the paſſengers within ſuch coach, or ſhall quit the box without reaſonable occaſion, or for longer than ſuch occaſion may require, or ſhall, by furiouſly driving, or by any negligence or miſconduct, overturn the carriage, or in any manner endanger the perſons or property of the paſſengers, or the property of the owners of ſuch carriage, ſuch coachman ſhall forfeit not exceeding 5*l.* nor leſs than 40*s.* *ſ.* 4.

If any guard to any ſtage coach ſhall fire off the arms he is entruſted with, either while the coach is going on the road, or going through or ſtanding in any town, otherwiſe than for the defence of ſuch coach ſuch perſon ſhall forfeit 20*s.* *ſ.* 5.

The penalties by the former act inflicted on peace officers refuſing or neglecting to execute warrants granted by juſtices, purſuant to the ſaid act, ſhall extend to all peace officers who ſhall refuſe or neglect to execute any warrants to be granted in purſuance of this act; and the penalties inflicted by this act ſhall be recovered, and applied in the ſame manner, as by the ſaid act is directed reſpecting the recovery of the penalties thereby inflicted; and the forms of proceedings relative to the matters contained in this act, ſhall be the ſame as thoſe contained in the ſchedule to the ſaid act, and ſhall be uſed on all occaſions, with ſuch additions or variations only as may be neceſſary to adapt them to the circumſtances of the caſe; and no objection ſhall be allowed to be made, on account of want of form only in ſuch proceedings. *ſ.* 6.

Stamps.

Acts regulating the management of the Stamp Duties, and enforcing the payment thereof.

By 5 *Will.* 3. *c.* 21. It ſhall be lawful for their majeſties under the great ſeal to appoint commiſſioners or officers; and the commiſſioners ſo appointed ſhall keep their head office within the cities of *London* and *Weſtminſter*, and are empowered to appoint inferior officers for ſtamping of vellum, parchment, and paper, or for collecting the duties; and the commiſſioners ſhall provide ſtamps which ſhall be publiſhed by proclamation under the great ſeal; and the ſaid ſtamps may be altered or renewed as their majeſty's think fit, ſo as public notification thereof be given by proclamation. *ſ.* 7.

The commiſſioners in providing the ſtamps ſhall take care that the impreſſion may be durable, and leaſt liable to be counterfeited. *ſ.* 8.

All vellum, *&c.* hereby intended to be charged with the duties, ſhall, before any of the things before mentioned be written, be brought to the head office, or ſome ſub-commiſſioner or officer, to be ſtamped; and the ſaid commiſſioners and officers are required, upon demand made by any perſon, to ſtamp any quantities of vellum, *&c.* he paying the duties, without any other fee. *ſ.* 9.—9 & 10 *Will.* 3. *c.* 25. *ſ.* 49.—9 *Ann. c.* 23. *ſ.* 25.

If any commiſſioner or officer ſhall fix any ſuch ſtamp to any vellum, *&c.* before the duties be paid or ſecured, he ſhall forfeit 100*l.*, one moiety to their majeſties, and the other moiety to him that ſhall ſue for the ſame in any of their majeſty's courts of record. *ſ.* 10.

If any perſon ſhall write, or cauſe to be written, upon any vellum, &c. any of the things for which the ſaid vellum, &c. is hereby charged to pay any duty, before ſuch time as the ſaid vellum, &c. be ſtamped, or upon which there ſhall not be ſome ſtamp reſembling the ſame, or ſhall write any thing upon vellum, &c. that ſhall be ſtamped, for any lower duty, (ſuch perſon ſhall forfeit 5 *l.* by 6 *Will.* 3. *c.* 12. *ſ.* 7.) one moiety to their majeſties, and the other moiety to them that will ſue for the ſame; and in caſe any perſon who in reſpect of any public office or employment, ſhall be entruſted to write any records, deeds, or writings, by this act charged, ſhall be guilty of any fraud to deceive their majeſties of any duty by this act payable, by writing any ſuch record upon vellum, &c. not ſtamped, or on which there ſhall not be ſome ſtamp reſembling the ſame, or upon vellum, &c. ſtamped with any ſtamp which he ſhall know to be counterfeited, or by writing any ſuch deed, &c. upon vellum, &c ſtamped for a lower duty, every ſuch perſon, being convicted, ſhall, (over and above the penalty aforeſaid) forfeit his office, and be diſabled to hold the ſame for the future. And if any attorney ſhall be guilty of any ſuch fraud, and be convicted thereof, he ſhall be diſabled to practiſe. And if any deed or writing by this act charged, ſhall be written by any perſon (not being a known clerk or officer) upon vellum, &c. not ſtamped, or ſtamped for a lower duty, there ſhall be paid to their majeſties (over and above the duty for every ſuch writing) 5 *l.* and no ſuch record, deed, or writing, ſhall be pleaded or given in evidence in any court, or admitted to be available in law or equity, until as well the duty as the ſaid 5 *l.* ſhall be paid, and a receipt produced for the ſame, and until the vellum, &c. be ſtamped; and their majeſties officers are required, upon payment of the duty and 5 *l.* to give a receipt for the ſame, and to ſtamp the writing. *ſ.* 11.

The commiſſioners may appoint a perſon to attend in any court or office, to take notice of the vellum, &c. upon which any the things aforeſaid ſhall be written, and of all other matters tending to ſecure their majeſties duties ariſing by this act, and the judges and others to whom it may appertain, at the requeſt of the commiſſioners, or any two of them, ſhall make ſuch orders, and do ſuch things for the better ſecuring of the duties as ſhall be reaſonably deſired; and every perſon commiſſionated by their majeſties, and every perſon to be employed for the ſtamping of vellum, &c. before his acting, ſhall take the oath following, *viz.*

I A. B. *do ſwear, that I will faithfully execute the truſt repoſed in me, purſuant to an act of parliament, intitled,* An act for granting to their majeſties ſeveral duties upon vellum, &c. for four years, towards carrying on the war againſt *France, without fraud or concealment; and ſhall from time to time true account make of my doing therein, and deliver the ſame to ſuch perſon or perſons as their majeſties, their heirs, and ſucceſſors, ſhall appoint to receive ſuch account; and ſhall take no fee, reward, or profit, for the execution or performance of the ſaid truſt, or the buſineſs relating thereunto, from any perſons, other than ſuch as ſhall be paid or allowed by their majeſties, their heirs, or ſucceſſors, or by the commiſſioners of their majeſties treaſury, or three of them now being, or by the treaſurer of the exchequer, or three or more of the commiſſioners of the treaſury for the time being.*

Which oath ſhall be adminiſtered to any commiſſioner, by two commiſſioners, and any of the commiſſioners may adminiſter the oath to the ſub commiſſioners, or other perſons employed. *ſ.* 12.

The commiſſioners, and all officers under them, ſhall obſerve ſuch orders as they ſhall receive from the treaſury; and the commiſſioners ſhall take care that the ſeveral parts of this kingdom be furniſhed with vellum, &c. ſtamped. *ſ.* 13.—9 & 10 *Will.* 3. *c.* 25. *ſ.* 62.

None of the rates before expreſſed ſhall be payable by any perſon admitted to ſue or defend *in forma pauperis.* *ſ.* 14.—9 & 10 *Will.* 3. *c.* 25. *ſ.* 62.

All records and other proceedings in courts of law and equity, and all deeds and writings hereby charged, ſhall be engroſſed and written in ſuch manner as they have been uſually or are now written. *ſ.* 15.—9 & 10 *Will.* 3. *c.* 25. *ſ.* 64.

As often as their majeſties ſhall think fit to alter or renew the ſtamps, it ſhall be lawful for all perſons who ſhall have any vellum, &c. marked with the ſtamp which ſhall be altered or renewed, and upon which none of the things hereby charged ſhall be written, at any time within 60 days after ſuch intention ſhall be publiſhed by proclamation, to ſend ſuch vellum, &c. to the head office, or to ſuch officers as ſhall be appointed; and the commiſſioners are required to deliver to the perſons who ſhall bring any vellum, &c. the like quantity, and as good, ſtampt with ſuch new ſtamp, without taking any money, under the penalty of 100 *l.*, to be divided as the other penalties; and in caſe any perſon ſhall neglect to bring ſuch vellum, &c. the ſame is to be of no other uſe than if it had never been ſtamped. *ſ.* 16.—9 & 10 *Will.* 3 *c.* 25. *ſ.* 65.

As often as their majeſties ſhall alter the ſtamps, the proclamation for giving notice ſhall, within 20 days after the date, be ſent to the mayor or other head officer of every city, corporation, borough, and market town, throughout the kingdom, which officers ſhall cauſe the ſame to be publiſhed either on the next market day, or next *Sunday* in the church immediately after divine ſervice upon pain of 200 *l*, to be ſued for in any of the courts at *Weſtminſter*, one moiety to their majeſties; the other moiety to ſuch perſon who ſhall ſue for the ſame. *ſ.* 23.—9 & 10 *Will.* 3. *c.* 25 *ſ.* 67.

The commiſſioners, receivers general, or other perſons employed in collecting the duties, ſhall between the 28th *June* and the 29th *Sept.* yearly, exhibit their accounts to the auditors of the impreſt, or one of them, who ſhall examine upon oath the ſaid accountants, of what money was received, and what part thereof was paid into the receipt of the exchequer, or by virtue of any privy ſeal, or warrant of the treaſury, and to whom, and for what ſervice; and the accounts are to be declared before the lords commiſſioners of the treaſury, and chancellor of the exchequer. *ſ.* 24.

By 6 & 7 *Will.* 3. *c.* 12. The act 5 *Will. & Mar. c.* 21. ſhall not charge any warrant made by, or recognizance taken before any juſtice of peace, or any ſurrender of any copyhold eſtate, or copies of ſuch eſtate, or any certificate of marriage of a widow of any ſeaman, or proceedings of a court martial which relate to trial of any common ſoldier, or any decrees or proceedings before commiſſioners of ſewers, or in the court of ſtannaries. *ſ.* 2.

The officers at ſea ſhall pay the ſame duty that the officers of the army at land pay, and no more. *ſ.* 6.

The commiſſioners of his majeſty's treaſury ſhall once in the year at leaſt ſet the prices of all ſtampt vellum, parchment, and paper; and the commiſſioners ſhall ſtamp the price ſo ſet, upon every piece of vellum, parchment, or paper, by them ſold. *ſ.* 9.—9 & 10 *Will.* 3. *c.* 25. *ſ.* 68.

By 9 & 10 *Will.* 3. *c.* 25. If any perſon ſhall write upon any vellum, &c. any of the things for which the ſaid vellum

vellum, &c. ought to have a double or ſingle ſtamp, before ſuch time as the ſaid vellum, &c. ſhall be ſtamped, or upon parchment, &c. ſtamped for any lower duties, than the duties by this and the former act payable, ſuch perſon ſhall forfeit 10*l.* beſides coſts; one moiety of which 10*l.* ſhall be to the king, and the other moiety to him that will ſue for the ſame in any court of record; and in caſe any clerk or officer, entruſted to write any records, deeds, or writings, charged to pay a duty as aforeſaid, ſhall be guilty of any fraud to deceive his majeſty, of any duty by this or the former act payable by writing any ſuch record &c. upon vellum, &c. not ſtamped, &c. ſuch clerk, &c. being convicted, ſhall (over and above the penalty) forfeit his office, and be diſabled to hold the ſame for the future; and if any attorney belonging to any court ſhall be guilty of any ſuch fraud, and be convicted, he ſhall be diſabled to practiſe as an attorney. And if any deed or writing, by this act intended to be ſtamped, ſhall be written by any perſon (not being a known clerk or officer), upon vellum, &c. not ſtamped, &c. there ſhall be paid to his majeſty (over and above the duty) for every ſuch deed, &c. 10*l* and no ſuch record, deed, &c. ſhall be pleaded or given in evidence in any court, or admitted to be available in law or equity, until as well the ſaid duty as the 10*l.* be firſt paid to his majeſty, and a receipt produced for the ſame; and until the vellum, &c. be ſtamped. *ſ.* 59.

The commiſſioners for the ſaid duties may appoint a perſon to attend any court or office to take notice of the vellum, &c. upon which any the things aforeſaid ſhall be written. And every perſon commiſſionated as aforeſaid, and every perſon employed under them, before his acting, ſhall take the oath following. *ſ.* 60.

I A. B. *do ſwear, that I will faithfully execute the truſt repoſed in me, purſuant to the act of parliament for the further or additional duties upon ſtamped vellum, parchment, and paper, without fraud or concealment, and ſhall from time to time true account make of my doings, and deliver the ſame to ſuch perſon or perſons as his majeſty, his heirs, or ſucceſſors, ſhall appoint to receive ſuch account, and ſhall take no fee, reward, or profit, for the execution or performance of the ſaid truſt, or the buſineſs relating thereunto, from any perſons, other than ſuch as ſhall be paid or allowed by his majeſty, his heirs, or ſucceſſors, or by the commiſſioners of his majeſty's treaſury, or any three or more of them now being, or by the treaſurer of the exchequer, or three or more of the commiſſioners of the treaſury for the time being.*

Which oath may be adminiſtered to any commiſſioner by three of the ſame commiſſioners, and any of the commiſſioners may adminiſter the like oath to ſuch other perſons employed under them. *ſ.* 61.

It ſhall be lawful for his majeſty, or the commiſſioners of the treaſury, or the treaſurer of the exchequer, out of the duties, ariſing from this act, to cauſe to be paid ſalaries and other incident charges. *ſ.* 66.

By 1 *Ann. ſt.* 2. *c.* 22. If any clerk, attorney, or other perſon entruſted to enter or file any action, plaint, bail, appearance, admiſſion, or other thing, in reſpect whereof any duty ſhall be payable, ſhall neglect to enter, file, or record the ſame, within four months after ſuch perſon ſhall have received any money for the entry, &c. of ſuch action, &c. or ſhall have undertaken to enter, &c. the ſame, or ſhall neglect to enter, &c. before any ſuch action, &c. before any further proceeding relating to the ſame be had, or if any clerk, &c. ſhall tranſact, enter, record, or file, any ſuch further proceeding, relating to ſuch plaint, bail, or apppearance, before the ſame ſhall have been duly entered, &c. ſuch clerk, &c. ſhall forfeit 20*l.* with coſts; and no ſuch record or entry ſhall (in any ſuit againſt ſuch clerk, &c. for any offence againſt this act) be of itſelf concluding evidence of the time that the ſame was made or filed; but proof ſhall be admitted of the time that the ſame was actually entered or filed. Provided, that nothing in this act ſhall oblige any clerk, &c. to enter any appearance, where judgment is entered by confeſſion. *ſ.* 1.

If any perſon ſhall write or cauſe to be written part of any writ, mandate, bond, affidavit, or other writing, in reſpect whereof any duty is payable, on any piece of vellum, &c. whereon there ſhall have been before written any other writ, &c. in reſpect whereof any duty is payable, before ſuch vellum &c. ſhall be again ſtamped, or ſhall fraudulently eraſe the name of any perſon, or any ſum, date, or other thing, or cut off any ſtamp from any piece of vellum, &c. with intent to uſe ſuch ſtamp for any other writing, in reſpect whereof any duty ſhall be payable; every perſon ſo offending ſhall forfeit 20*l.* with coſts. *ſ.* 2.

Every perſon who ſhall (in any ſuit brought upon this act) be convicted of any the neglects or offences before mentioned, ſhall likewiſe incur all other forfeitures and diſabilities in the ſaid acts mentioned. *ſ.* 3.

No officer ſhall be ſubject to any penalties, for writing any of the things aforeſaid, in any book or roll without ſtamps, which ſhall have been firſt ſigned by the commiſſioners, or ſome officer by them authoriſed, ſo as the perſon having the cuſtody of ſuch book or roll, do (as often as required), permit the commiſſioners, or any officer by them appointed, to inſpect ſuch book or roll, and do alſo pay unto the receiver general of the duties, all ſums of money which according to the ſaid acts, ought to be paid, in reſpect of all ſuch things as ſhall be written in ſuch book or roll. *ſ.* 4.

All things (in reſpect whereof any of the duties ſhall be payable) ſhall be written in ſuch manner, that ſome part thereof ſhall be either upon, or as near as conveniently may be to the ſtamps, upon pain that the perſon who ſhall write any ſuch thing, contrary to the meaning hereof ſhall forfeit 10*l.* with coſts. *ſ.* 5.

One moiety of all the pecuniary penalties herein before mentioned, ſhall be to her majeſty, and the other moiety, with coſts, to any perſon who ſhall ſue for the ſame in any court of record. *ſ.* 6.

The comptroller and accountant general of the ſaid duties, ſhall annually paſs a general account in the exchequer, of the groſs produce of the duties; in which account there ſhall be charged all the monies due, for all the ſtamps put upon any vellum, &c. diſtinguiſhing thoſe for which ready money is paid at the office, from thoſe which ſhall be delivered over to be diſtributed, and all the monies which ſhall ariſe to her majeſty, for penalties relating to the ſaid duties, and all the monies which ſhall be paid by the regiſters of the univerſities, or by any officers of the law, or others, for entries made in books, and all the monies ariſing for vellum, &c. delivered out by the commiſſioners, and all monies ſecured by bonds for the ſaid duties, and all other things which ought to be charged in a groſs account, and in the diſcharge there ſhall be comprehended all the monies which ſhall have been duly paid by the receiver general; and all ſalaries and incident charges, and the monies which ſhall be paid for vellum, &c. provided by the commiſſioners, and all other things which by the courſe of the exchequer ought to be diſcharged. *ſ.* 8.

All

All the debts and arrears, which at the end of ſuch account ought to be charged, ſhall be duly ſet *inſuper*. *ſ.* 9.

The ſtocks of vellum, *&c.* which at the end of every ſuch account ought to remain in her majeſty's warehouſes, ſhall alſo be ſet down at the foot of ſuch account, and every annual account ſhall terminate on the 1ſt *Aug.* and be delivered to the auditors before the 25th *Dec.* and proſecuted ſo that the ſame may be finiſhed before the 1ſt *May*, under the penalty of forfeiting his office, and 100*l.* one moiety to the queen, and the other to ſuch perſon who will ſue for the ſame. *ſ.* 10.

If any ſuch comptroller, and accountant general, ſhall knowingly return any receiver, diſtributor, or other perſon, *inſuper*, for any monies or ſtamps duly anſwered, whereby he ſhall ſuſtain any damage, ſuch comptroller and accountant general ſhall pay treble damages to the party grieved, to be recovered by action of the caſe, in any her majeſty's courts at *Weſtminſter*, with coſts.

By 5 *Ann. c.* 19. No perſon ſhall incur any penalty, mentioned in 1 *Ann. ſt.* 2. *c.* 22. by reaſon of his tranſacting, entering, or filing, any further proceeding, ſubſequent to any action, plaint, bail, or appearance, which by any other perſon ought to be firſt entered or filed, in any of her majeſty's courts at *Weſtminſter*, before the ſame ſhall be duly entered or filed. *ſ.* 29.

By 8 *Ann. c.* 9. Every commiſſioner and officer for theſe duties, *viz.* on apprentices, *&c.* ſhall, before he ſhall act, take the oath following: *viz.*

I A. B. *do ſwear, that I will faithfully execute the truſt repoſed in me purſuant to the act of parliament, intituled,* An act for laying certain duties upon candles, and certain rates upon monies to be given with clerks and apprentices, towards raiſing her majeſty's ſupply for the year 1710, *without fraud or concealment, and ſhall from time to time true account make of my doings therein, and deliver the ſame to ſuch perſon or perſons as her majeſty, her heirs, and ſucceſſors, ſhall appoint to receive ſuch account; and ſhall take no fee, reward, or profit, for the execution or performance of the ſaid truſt, or the buſineſs relating thereto from any perſon or perſons, other than ſuch as ſhall be paid or allowed by her majeſty, her heirs, and ſucceſſors, or ſome other perſon,* &c. *under her or them to that purpoſe authoriſed.*

which oath may be adminiſtered by two commiſſioners, or a juſtice of peace. *ſ.* 42.

The commiſſioners ſhall obſerve ſuch rules as they ſhall receive from the treaſury; and the officer neglecting his duty ſhall anſwer full damages, and treble coſts.

By 9 *Ann. c.* 23. All vellum, *&c.* upon which any certificate, *&c.* ſhall be written or printed, ſhall before ſuch writing or printing, be brought to the head office, and the commiſſioners ſhall upon demand, ſtamp any quantities of vellum, *&c.* the perſons demanding paying to the receiver general the duties payable by this act, without any other fee, which ſtamp ſhall be a ſufficient diſcharge for the duties. *ſ.* 25.

If any officer of the cuſtoms ſhall ſign any certificate or debenture, not ſtamped, or if any other perſon ſhall write or print, or cauſe to be written, *&c.* any ſuch certificate debenture, or bill of lading, licenſe, or almanack, or ſign ſuch bill of lading, or ſell, or expoſe to ſale, any ſuch almanack, before the vellum, *&c.* ſhall appear to have been ſtamped, every perſon ſo offending ſhall forfeit 10*l.* with coſts; and every ſuch officer of the cuſtoms, being convicted of ſuch offence, ſhall (over and beſides the penalty) forfeit his office, and be incapable to hold the ſame; and if any ſuch certificate, debenture, bill of lading, or licenſe, ſhall be written upon vellum, *&c.* not appearing to have been duly ſtamped, there ſhall be paid to her majeſty (over and above the duties) for every ſuch certificate, *&c.* 5*l.* and no ſuch certificate, *&c.* ſhall be available in law, unleſs as well the ſaid duties as the 5*l.* be firſt paid, and a receipt produced, and until the certificate, *&c.* be ſtamped. *ſ.* 27.

All public officers who ſhall have in their cuſtody any of the ſaid debentures, or any public books, files, records, remembrances, dockets, or proceedings, the ſight whereof may tend to the ſecuring of any her majeſty's ſtamp duties, ſhall permit any officer authoriſed by the commiſſioners to inſpect ſuch books, *&c.* and to take ſuch notes as ſhall be neceſſary, without fee, upon paying of 5*l.* with coſts. *ſ.* 28.

Every commiſſioner and officer who ſhall act in the managing the duties hereby granted, ſhall before he act take the oath following, *viz.*

I A. B. *do ſwear, that I will faithfully execute the truſt repoſed in me, purſuant to the act of parliament, whereby certain duties are charged upon certificates, debentures, bills of lading, almanacks, and certain licences, to be ſtamped, as is therein mentioned, without fraud or concealment; and ſhall from time to time true account make of my doings therein, and deliver the ſame to ſuch perſon or perſons as her majeſty, her heirs, or ſucceſſors, ſhall appoint to receive ſuch account; and ſhall take no fee, reward, or profit, for the execution or performance of the ſaid truſt, or the buſineſs relating thereto, from any perſon or perſons, other than ſuch as ſhall be allowed by her majeſty, her heirs, or ſucceſſors, or ſome other perſon or perſons under her or them to that purpoſe authoriſed.*

Which oath may be adminiſtered by two commiſſioners, or any juſtice of peace. *ſ.* 29.

The commiſſioners and officers ſhall obſerve ſuch orders as they ſhall receive from the treaſury, or the treaſurer of the exchequer; and no fee ſhall be taken by any officers, relating to the ſaid ſtamp duties, from any of her majeſty's ſubjects; and in caſe any officer entruſted, in relation to the ſtamp duties, ſhall neglect to perform any thing by this act required, whereby any of her majeſty's ſubjects may ſuſtain any damage, ſuch officer ſhall be liable by any action founded on this ſtatute, to anſwer to the party grieved all ſuch damages, with treble coſts. *ſ.* 30.

The commiſſioners ſhall take care that the ſeveral parts of the kingdom be ſufficiently furniſhed with vellum, *&c.* ſtamped. *ſ.* 35.

The commiſſioners of the treaſury ſhall once every year ſet the prices of ſtampt vellum, *&c.* and ſhall ſtamp the price upon every piece of parchment or paper by them ſold. *ſ.* 36.

All penalties hereby impoſed, relating to the ſaid duties upon ſtampt vellum, *&c.* ſhall be one moiety to her majeſty, and the other, with coſts, to ſuch perſon as ſhall ſue for the ſame in any of her majeſty's courts at *Weſtminſter*, for offences committed in *England*, and in her majeſty's court of exchequer in *Scotland*, for offences committed in *Scotland*. *ſ.* 37.

By 10. *Ann. c.* 19. If any perſon ſhall write or print, or cauſe to be written or printed, or ſign any of the laſt-mentioned things, viz. *ſurrenders*, *&c.* or ſell or expoſe to ſale any ſuch pamphlet or newſpaper, (the ſaid pamphlets exceeding one ſheet excepted) before the vellum, *&c.* whereupon the ſame ſhall be written or printed, ſhall appear to have been duly ſtamped, ſuch perſon ſhall forfeit 10*l.* with coſts; and every ſteward or other officer offend-

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ing herein, and being convicted, ſhall (over and beſides the penalty), forfeit his office, and be incapable to hold the ſame; and if any of the ſaid things ſhall be written upon vellum, &c. not appearing to have been duly ſtamped, there ſhall be paid to her majeſty (over and above the duties) for every ſuch thing, 5 *l.*; and no ſuch thing ſhall be available in law or equity, unleſs as well the ſaid duties as the 5 *l.* be firſt paid and a receipt produced, and until the vellum, &c. be ſtamped; and the receiver general and his deputy are required, upon payment of the duty, and of the 5 *l.*, to give a receipt for ſuch money; and the proper officers are thereupon to ſtamp ſuch matter. *ſ.* 105.

Every commiſſioner and officer, who ſhall act in the managing the duties laſt mentioned, ſhall before he act take the oath following:

I A. B. *do ſwear, that I will faithfully execute the truſt repoſed in me, purſuant to the act of parliament, where by certain duties are charged upon ſurrenders of, and admittances to, copyhold lands or tenements, and other the matters and things thereby directed to be ſtamped, as is therein mentioned, without fraud or concealment, and ſhall, from time to time, true account make of my doings therein and deliver the ſame to ſuch perſon or perſons, as her majeſty, her heirs, and ſucceſſors, ſhall appoint to receive ſuch account, and ſhall take no fee or reward, or profit, for the execution or performance of the ſaid truſt or the buſineſs relating thereto, from any perſon or perſons, other than ſuch as ſhall be allowed by her majeſty, her heirs, and ſucceſſors, or ſome other perſon,* &c. *by her or them to that purpoſe authorized.*

Which oath may be adminiſtered by any two of the commiſſioners, or any juſtice of peace. *ſ.* 106.

The ſtamps provided in purſuance of any act of parliament ſhall, notwithſtanding the addition of any letters or numerical figures to diſtinguiſh one die from another of the ſame device, be adjudged lawful ſtamps. *ſ.* 179.

All courts and judges ought judicially to take notice of the proclamation iſſued by king *William* and queen *Mary*, and of the ſtamps thereby publiſhed, and which ſhall hereafter be publiſhed by proclamation. *ſ.* 180.

The commiſſioners of the ſtamp duties may keep their head office in any of the inns of court, or of the pariſhes of St. *Andrew*, *Holborn*, St. *Clement Danes*, St. *Paul*, *Covent Garden*, or St. *Giles in the Fields*, though not within *London* or *Weſtminſter*. *ſ.* 181.

By 10 *Ann. c.* 26. Nothing in any act of parliament for granting duties upon ſtampt vellum, &c. ſhall charge any warrants or inſtruments ſigned by the chief juſtices in eyre, or by any warden, lieutenant, or other officer, of her majeſty's foreſts or chaces for any thing relating to their offices. *ſ.* 74.

By 12 *Ann. ſt.* 2. *c.* 9. Where more than one of the things charged ſhall be written upon one piece of vellum, &c. the duties ſhall be charged on every one of ſuch things. *ſ.* 24.

All vellum, &c. ſhall (before any the things, in reſpect whereof any ſtamp duty is payable, hereby and by the former acts, ſhall be thereupon written) be brought to the head office and ſtamped; and if any of the ſaid things ſhall be written on vellum, &c. not appearing to have been ſtamped according to this act, there ſhall be paid to her majeſty, (over and above the duties), 5 *l.*; and no ſuch thing ſhall be available, or given in evidence, unleſs, as well the duty hereby charged as the 5 *l.* be firſt paid to her majeſty, and a receipt produced for the ſame, and until the vellum, &c. be ſtamped. *ſ.* 25.

Every commiſſioner and officer, who ſhall act in the collecting the ſtamp duties laſt mentioned, ſhall, before he act in the ſame, take the oath following. *viz.*

I A. B. *do ſwear, that I will faithfully execute the truſt repoſed in me, purſuant to the act of parliament made in the* 12th *year of the reign of her majeſty queen* Anne, *whereby certain additional duties are charged or made payable in reſpect of the ſeveral matters or things engroſſed or written as therein is mentioned, without fraud or concealment, and ſhall from time true account make of my doings therein, and deliver the ſame to ſuch perſon or perſons as her majeſty, her heirs, and ſucceſſors, ſhall appoint to receive ſuch account, and ſhall take no fee, reward, or profit, for the execution or performance of the ſaid truſt, or the buſineſs relating thereto, from any perſon or perſons, other than ſuch as ſhall be allowed by her majeſty, her heirs, or ſucceſſors, or ſome other perſon or perſons by her or them to that purpoſe authorized.*

Which oath may be adminiſtered by two of the commiſſioners, or any juſtice of peace. *ſ.* 26.

By 12 *Geo.* 1. *c.* 33. It ſhall be lawful for the commiſſioners, out of the duties, to cauſe ſuch ſums to be paid for ſalaries and other incident charges as ſhall be neceſſary. *ſ.* 3.

None of the rates in this act ſhall be paid by any perſon admitted to ſue or defend *in forma pauperis*. *ſ.* 5.

All vellum, &c. charged by this act, ſhall be brought to the head office and ſtamped; and if any of the things ſo to be written ſhall be written upon vellum, &c. not appearing to have been ſtamped according to this act, there ſhall be paid (over and above the duties) 5 *l.* and no ſuch thing ſhall be available, or given in evidence, unleſs as well the duties as the 5 *l.* be firſt paid, and until the vellum, &c. be ſtamped; which 5 *l.* is to be applied to the ſame uſes as the duties hereby granted. *ſ.* 6.

Every commiſſioner and officer, who ſhall act in the managing the ſtamp duties hereby granted, ſhall take the oath following, *viz.*

I A. B. *do ſwear that I will faithfully execute the truſt repoſed in me, purſuant to the act of parliament made in the* 12th *year of the reign of his majeſty king* George, *(intitled,* An act for the relief of the ſuitors of the high court of chancery) *whereby certain additional duties are charged or made payable in reſpect of the ſeveral matters and things engroſſed or written, as therein is mentioned, without fraud or concealment; and ſhall from time to time true account make of my doings therein, and deliver the ſame to ſuch perſon or perſons as by the ſaid act are empowered to receive ſuch account; and ſhall take no fee, reward, or profit, whatſoever, for the execution or performance of the ſaid truſt, or the buſineſs relating thereto, from any perſon or perſons whatſoever, other than ſuch as by the ſaid act is allowed of.*

Which oath may be adminiſtered by two of the commiſſioners, or by one juſtice of peace. *ſ.* 7.

All receivers general, and other officers concerned in the managing or paying the duties ariſing by this act, or in the accounts thereof, ſhall perform their duties, under the like penalties as are preſcribed by 9 *Will.* 3. *c.* 44. which ſee in SALT. *ſ.* 10.

The receiver general, controller, or other perſon employed in receiving or paying the duties hereby granted, ſhall, between the 2d of *Aug.* and the 25th *Dec.* every year, exhibit their accounts thereof to the auditors of the impreſt, who ſhall examine upon oath the accountants; and the auditor ſhall have of every perſon accounting, 20 *s.* for every 1000 *l.* the account ſhall amount unto; which accounts

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ſhall be ſigned by the auditor, and ſhall be a ſufficient diſcharge. *ſ.* 12.

By 29 *Geo.* 2. *c.* 12. Every piece of vellum, parchment, or paper, on which ſhall be written or printed any licenſe for ſelling ale or beer, or other exciſeable liquors by retail, ſhall be brought to the head office; and the ſaid commiſſioners, by their officers, ſhall upon demand ſtamp any quantities of vellum, *&c.* to be uſed for writing or printing ſuch licence, on paying to the receiver general of the ſtamp duties, or his deputy or clerk, the duty for the ſame, without any fee; which ſtamp to be put thereupon in purſuance of this act, ſhall be a diſcharge for the duty hereby payable. *ſ.* 3.

The commiſſioners, and all other officers employed in the collecting or managing the ſaid duty, ſhall in the execution of their offices, obſerve ſuch orders as they receive from the commiſſioners of the treaſury; and no fee ſhall be taken by any ſuch commiſſioners and officers relating to the ſaid duty, for any thing to be done in purſuance of this act; and in caſe any officer intruſted in the execution of this act, neglect to perform any thing by this act required, whereby any of his majeſty's ſubjects ſuſtain any damage, he ſhall be liable to anſwer to the party grieved all ſuch damage, with treble coſts of ſuit. *ſ.* 4.

The commiſſioners ſhall take care that the ſeveral parts of *Great Britain*, be ſufficiently furniſhed with vellum, *&c.* ſtampt as by this act is directed, to the end that the ſubjects of his majeſty may have it in their election to buy the ſame of the perſons employed by the commiſſioners, at the uſual rates above the ſaid duty, or to bring their own vellum, *&c.* to be ſtampt. *ſ.* 6.

The price of ſuch ſtampt vellum, *&c.* ſhall be yearly ſet, and ſuch price ſtampt, and ſuch allowance made upon preſent payment of the duty, for any quantity of the ſaid vellum, *&c.* ſo by the ſaid commiſſioners to be ſold, as by any former law relating to ſtampt vellum, *&c.* is directed. *ſ.* 7.

The commiſſioners and their officers ſhall be ſubject to ſuch penalties for any breach of the truſt hereby in them repoſed, or for miſapplying the money as by any former law relating to ſtampt vellum, *&c.* *ſ.* 9.

If any perſon cauſe to be written or printed any ſuch licence as aforeſaid, before the vellum, parchment, or paper whereupon ſuch licence is written or printed, appear to have been duly ſtamped, every perſon ſo offending ſhall for every ſuch offence forfeit 10*l.* with coſts of ſuit; to be recovered as penalties by any former laws relating to ſtamped vellum, *&c.* And if any ſuch licence be ſo written or printed contrary to this act, there ſhall be paid to his majeſty, over and above the duty hereby payable, 5*l.* to be applied as the ſaid duty: and no ſuch licence ſhall be available in law, or be given in evidence, or admitted in any court, unleſs as well the duty hereby charged, as the ſaid 5*l.* be firſt paid, and a receipt produced for the ſame under the hand of the receiver general of the ſtamp duties, or of his deputy or clerk, and until the vellum, *&c.* on which ſuch licence is written or printed be ſtamped according to this act; and the ſaid receiver general, or his deputy, or clerk, ſhall upon payment or tender of the duty payable by this act, and of the ſaid 5*l.* give a receipt for ſuch money, and thereupon the officers ſhall ſtamp ſuch licence. *ſ.* 20.

Nothing in this act, or in any former law relating to ſtamped vellum, *&c.* ſhall extend to charge with any duty ſuch vellum, *&c.* on which any licence to be granted by the commiſſioners of exciſe of *England* or *Scotland*, or by their officers, to retail diſtilled liquors or ſtrong waters, ſhall be written or printed. *ſ.* 25.

If any action be brought for any thing done by virtue of this act, the defendant may plead the general iſſue: and if the plaintiff diſcontinue ſuch action, *&c.* the defendant ſhall recover treble coſts. *ſ.* 28. — alſo 24 *Geo.* 3. *ſeſſ.* 2. *c.* 30. *ſ.* 9.

[*By* 7 Geo. 3. *c.* 44. *There ſhall be allowed in* Great Britain, *to every perſon who ſhall, at one time, bring to be ſtamped, or buy of the commiſſioners, vellum, parchment, or paper, charged with any duties by* 29 Geo. 2. *c.* 12. *which ſhall, in the whole, amount to* 10*l.* *or upwards, after the rate of four* per cent. per annum *for ſix months upon the preſent payment of the ſaid duties at the head office.* *ſ.* 9. alſo 24 Geo. 3. ſeſſ. 2. *c.* 30. ſ. 3.]

By 32 *Geo.* 2 *c.* 35. If any of the things ſo to be written, be written contrary to the meaning hereof, upon vellum, *&c.* not appearing to have been ſtamped according to this act, there ſhall be paid (over and above the ſtamp duties) for every ſuch thing 5*l.* and no ſuch thing ſhall be available in law or equity, or be given in evidence, or admitted in any court, unleſs as well the duty hereby charged as the ſaid 5*l.* be firſt paid to the receiver general of the ſtamp duties, or his deputy, or clerk; and until the vellum, *&c.* upon which ſuch thing is written be ſtamped according to the meaning hereof: and the ſaid receiver general, and his deputy, or clerk, are required upon tender of the ſaid duties, and of the ſaid 5*l.* and ſuch other ſums as by former acts are payable, to give a receipt for ſuch monies; and the other proper officers are to ſtamp ſuch things with the proper ſtamps, which 5*l.* is to be applied to the ſame uſes as the duties hereby granted. *ſ.* 13.

By 5 *Geo.* 3. *c.* 46. There ſhall be allowed in *Great Britain* to every perſon who ſhall at one time bring to be ſtamped, or buy of the commiſſioners parchment or paper, the duties whereof ſhall amount to 10*l.* or upwards, after the rate of 4*l.* in the 100*l.* *per annum* for ſix months upon the preſent payment of the duties, at the head office. *ſ.* 6.

All public officers in *Great Britain*, who ſhall have in their cuſtody any books, papers, files, records, remembrances, dockets, papers, and proceedings, the ſight or knowledge whereof may tend to the ſecuring any ſtamp duties, or to the proof or diſcovery of any fraud or omiſſion, ſhall permit any officer thereunto authoriſed by the commiſſioners, to inſpect all ſuch books, *&c.* and to take thereout notes or memorandums, without fee; upon pain of 50*l.* *ſ.* 38.

It ſhall be lawful for all perſons who ſhall have in their poſſeſſion any ſtamped vellum, parchment, or paper, written or ingroſſed upon, inadvertently and undeſignedly ſpoiled, obliterated, or by any means rendered unfit for the purpoſe intended, before the ſame is executed, and which ſhall not have been uſed for any other purpoſe, or in any other manner, nor any money, or other conſideration, paid to the attorney, ſolicitor, or other perſon employed to tranſact the buſineſs, or to the writer thereof, for the duty, to bring or ſend ſuch ſtamped paper, vellum, or parchment, unto the head office in *London* or *Weſtminſter*; and upon oath (which the commiſſioners are to adminiſter) that ſuch ſtamped vellum, parchment, or paper, hath not been executed by any party, uſed for any other purpoſe, or in any other manner, and that no money, or other conſideration, hath been paid or given for the duty (except the money firſt for paid ſuch duty) the commiſſioners are to ſtamp the like quantity of vellum, parchment, or paper, with the reſpective duties ſtamped on the vellum, parchment, or paper, ſo written upon, ſpoiled, obliterated, or rendered unfit for uſe, without taking any money, or other conſideration. *ſ.* 39.

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All penalties and forfeitures by this act, not otherwiſe diſpoſed of, ſhall go, the one moiety to his majeſty, and the other to the perſon who ſhall inform and ſue in any court of record, with coſts. *ſ.* 41.

In caſe any officer employed in the execution of the acts, in relation to the duties, ſhall refuſe or neglect to do any matter by the acts required whereby any of his majeſty's ſubjects ſhall ſuſtain any damage whatſoever, ſuch officer ſhall be liable, by any action to be founded on this ſtatute, to anſwer to the party grieved, all damages, with treble coſts. 30 *Geo.* 2. *c.* 19. *ſ.* 24.—32 *Geo.* 2. *c.* 35. *ſ.* 15.—5 *Geo.* 3. *c.* 47. *ſ.* 6.

The commiſſioners ſhall take care that the ſeveral parts of *Great Britain* ſhall be ſufficiently furniſhed with vellum, *&c.* ſtamped, that the ſubjects may have it in their election either to buy the ſame of the officers employed by the commiſſioners, at the uſual rates, or to bring their own vellum, *&c.* to be ſtamped. 30 *Geo.* 2. *c.* 19. *ſ.* 20.—16 *Geo.* 3. *c.* 34. *ſ.* 12.

The price of ſuch ſtamped vellum, *&c.* ſhall be yearly ſet, and ſuch price marked. 30 *Geo.* 2. *c.* 19. *ſ.* 21.—16 *Geo.* 3. *c.* 34. *ſ.* 13.

All vellum, &c. *liable to duties ſhall, before engroſſed, printed, or written upon, be brought to the head office; and the commiſſioners, by themſelves or officers, ſhall forthwith upon demand, ſtamp any quantities of vellum which ſhall be brought to them for that purpoſe; the perſon ſo bringing the ſame paying to the receiver general of the duties, or his deputy or clerk, the duties payable for the ſame.* 16 Geo. 3. c. 34. ſ. 10.—17 Geo. 3. c. 50. ſ. 20.—19 Geo. 3. c. 66. ſ. 5.—23 Geo. 3. c. 58. ſ. 8.

The ſame allowance ſhall be made on preſent payment of the duties as by any former law. 16 *Geo.* 3. *c.* 34. *ſ.* 13.—17 *Geo.* 3. *c.* 50. *ſ.* 21.—19 *Geo.* 3. *c.* 66. *ſ.* 6.—23 *Geo.* 3. *c.* 58. *ſ.* 9.

All ſuch parts of any acts relative to any turnpike, highway, paving, road, bridge, incloſure, navigation, or canal, or any other matter, paſſed before 5th *Dec.* 1782, as exempt any mortgage, aſſignment, transfer, or other ſecurity for borrowing money, or any nomination, contract, bond, warrant, judgment, or other writing whatſoever, liable to ſtamped duties, from being ſtamped, ſhall be repealed. 23 *Geo.* 3. *c.* 58. *ſ.* 13.

The ſaid repeal ſhall not extend to any transfer of any public or government funds; or to any inſtruments whatſoever, concerning the public revenue, or public funds; or to any other writings expreſsly exempted from the ſtamp duties, by any act granting ſuch duties, unleſs where ſuch exemption has been repealed. *ſ.* 14.

Any perſon ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. 30 *Geo.* 2. *c.* 19. *ſ.* 74.—32 *Geo.* 2. *c.* 35. *ſ.* 23.—2 *Geo.* 3. *c.* 36. *ſ.* 10.—5 *Geo.* 3. *c.* 46. *ſ.* 44.—5 *Geo.* 3. *c.* 47. *ſ.* 12.—17 *Geo.* 3. *c.* 50. *ſ.* 28.—23 *Geo.* 3. *c.* 58. *ſ.* 20.

By 26 *Geo.* 3. *c.* 82. Whereſoever any perſon ſhall be convicted before a juſtice for any offence againſt any act now in being, or hereafter to be made, touching the duties on ſtamped vellum, *&c.* by which any pecuniary penalty ſhall be forfeited, the ſaid juſtice ſhall levy the ſaid penalty in ſuch manner as in ſuch act is contained, and apply the ſame to ſuch uſes as are therein directed, in caſe the ſame or any other acts relating thereto ſhall direct the application thereof; and in default of ſuch directions, then to apply the ſame in ſuch manner as is herein-after directed. *ſ.* 1.

One moiety of all penalties (except where a different application ſhall be preſcribed) ſhall be paid to the informer, proſecuting for the ſame within ſix months, and the other moiety (the charges for the recovery being firſt deducted) ſhall be paid to his majeſty, in manner after directed. *ſ.* 2.

Every diſtribution of any penalty directed to be made by this or any other act touching the ſaid duties, upon conviction before a juſtice, ſhall be confined to the proſecuting for the ſame within the time before limited; and in default of ſuch proſecution within the time aforeſaid, no informer ſhall have any part of ſuch penalty, but the whole ſhall belong to his majeſty, and ſhall be recoverable by the ways in ſuch acts directed. *ſ.* 3.

All penalties and ſhares of penalties payable to his majeſty, touching the ſaid duties, ſhall be paid into the hands of the receiver general of the duties on ſtamped vellum, *&c.* (or ſome perſon authoriſed by the commiſſioners) who ſhall keep a diſtinct account thereof, and pay the ſame (the charges of paying and accounting for the ſame being deducted) into the exchequer, on or before *Auguſt* in every year, unleſs the ſame ſhall be a *Sunday* or holiday, and then on the day following; and in the office of the auditor there ſhall be kept books, in which all monies ariſing from the penalties payable to his majeſty, ſhall be entered ſeparate from all other monies payable to his majeſty upon any account whatſoever; and the ſaid monies ſo paid into the exchequer, ſhall be applied to the uſe of his majeſty, in ſuch manner, as before this act. *ſ.* 4.

Where any penalty for any offence committed againſt this, or any act now or hereafter to be made, touching the duties, on ſtamped vellum, *&c.* ſhall be incurred, it ſhall be lawful for the juſtice to cauſe the conviction to be made out in the form following, *mutatis mutandis*, as the caſe ſhall be; and ſuch conviction ſhall be good without ſtating the caſe or the facts of evidence in any more particular manner, *viz.*

BE it remembered, that on the ——— *day of* ——— *in the* ——— A. B. *of* ——— *was duly convicted before me* C. D. *one of his majeſty's juſtices of the peace for the county of* ——— (or *before us* C. D. *and* E. F. *two of his majeſty's juſtices of the peace for the county of* ——— (as the caſe ſhall happen to be) *in purſuance of an act, paſſed in the* ——— *year of the reign of* ——— *for that the ſaid* A. B. *on the* ——— *day of* ——— *now laſt paſt, did* (here ſtate the offence againſt the act, as the caſe ſhall be) *contrary to the form of the ſtatute in that caſe made and provided; and I* (or *we*, as the caſe may be) *do declare and adjudge that he the ſaid* A. B. *hath forfeited for his ſaid offence, the ſum of* ——— *of lawful money of* Great Britain, *which ſum of* ——— *I* (or *we*, as the caſe may be) *do hereby mitigate to the ſum of* ——— (here ſtate the mitigated penalty, if neceſſary) *to be diſtributed as the law directs. This is the firſt, ſecond, or other offence*, (as the caſe ſhall be.)

Given under my hand and ſeal (or *our hands and ſeals*, as the caſe may require) *this* ——— *day of* ———

Which conviction the ſaid juſtice ſhall cauſe to be wrote fairly upon parchment, and returned to the next general quarter ſeſſions, to be filed by the clerk of the peace, among the records of the county; and no ſuch conviction ſhall be removed by *certiorari*, into any court whatſoever, but ſhall be ſubject to appeal before the quarter ſeſſions, in ſuch manner, as in any ſuch acts is directed. *ſ.* 5.

If upon trial of any information, indictment, or proſecution, for any offence committed againſt any act touching

the ſaid duties, whereby any perſon ſhall be deemed guilty of felony, any queſtion ſhall ariſe, whether any perſon be an officer of his majeſty, for any of the duties, or whether any perſon hath been employed by the commiſſioners, to make or provide ſtamps to denote the duties, or to repair, renew, or alter the ſame, in every of the ſaid caſes, proof may be admitted, that ſuch perſon was reputed to be, and had exerciſed ſuch office, and at the time when the matter in controverſy on ſuch trial ſhall happen to have been done, without producing or proving the commiſſion, deputation, or authority, whereby ſuch officer was conſtituted; and in ſuch caſe, ſuch proof ſhall be deemed and taken legal evidence, unleſs by other evidence the contrary ſhall be made appear. *ſ.* 6.

The *ſec.* 26. of 25 *Geo.* 3. *c.* 50. (*ſee* Part I. page 443.) GAME, and alſo ſo much of the 22 *ſec.* in page 442, which relates to the time for which the offender is to be committed, and which authoriſes the juſtice, before whom any offender ſhall be convicted of any offence againſt the act, where ſufficient goods of ſuch offender cannot be found to anſwer the penalty, to commit ſuch offender to the common gaol for ſix months, ſhall be repealed; and it ſhall be lawful for ſuch juſtice to levy any penalties in ſuch manner as is therein directed, all which penalties ſhall be divided according to the directions of this act; and where ſufficient goods of ſuch offender cannot be found to anſwer the penalty, to commit ſuch offender to the common gaol for three months, and no longer. *ſ.* 7.

Every ſtatute now in force touching the ſaid duties, not hereby altered or repealed, ſhall be put in execution. *ſ.* 8.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, ſuch defendant ſhall have treble coſts. *ſ.* 12.

By 27 *Geo.* 3. *c.* 13. To prevent the multiplication of ſtamps, on which ſeveral duties are impoſed, it ſhall be lawful for the commiſſioners, inſtead of diſtinct ſtamps, to cauſe one new ſtamp to be provided, to denote the ſeveral rates, on every inſtrument, matter, or thing, from time to time, as ſhall be thought needful, and to repair, renew, or alter the ſame as there ſhall be occaſion. *ſ.* 41.

Inſtead of the duties impoſed by ſeveral acts being received in diſtinct ſums, according to the proportions by which the ſame are impoſed, it ſhall be lawful for the commiſſioners, and all officers concerned in the management of the ſaid duties, to conſolidate the monies ariſing from the ſaid rates into one ſum, to the amount of all the duties, and to receive the ſame accordingly; and to keep at the head office one diſtinct account of the monies ariſing from the conſolidated duties, and to bring into the ſame account all duties under the management of the commiſſioners, which ſhall be denoted by the ſame ſtamp, without any ſeparation of the ſeveral parts thereof, or diſtinction taken as to the uſes to which the ſame are appropriated, or the act granting or regulating the ſame. *ſ.* 42.

All monies ariſing from the duties on ſtamped vellum, *&c.* ſhall be paid into the hands of the receiver general, who ſhall keep one account only of all the duties, and pay the ſame accordingly, (the charges of raiſing, paying, and accounting, being deducted) into the exchequer, from time to time, weekly; *viz.* on *Wedneſday* in every week if not an holiday, and if an holiday, then on the next day, for the purpoſes hereinafter declared. *ſ.* 43.

The commiſſioners and other officers under them, ſhall obſerve ſuch rules and orders as they ſhall receive from the commiſſioners of the treaſury. *ſ.* 44.

The ſaid commiſſioners and their officers, and all other officers concerned in the management of the duties, ſhall be ſubject to ſuch penalties for breach of truſt or for miſapplying money contrary to this act, as by any former law relating to the duties are inflicted; and all powers, *&c.* by any former act relating to the duties on ſtamped vellum, *&c.* not hereby altered, ſhall be in force, with reſpect to the duties hereby conſolidated, and ſhall be put in execution for raiſing the ſame, as fully as if they had been repeated in this act. *ſ.* 45.

If any perſon ſhall forge, or procure to be forged, any ſeal, ſtamp, or mark, to reſemble any ſeal, *&c.* directed to be allowed or uſed, in purſuance of this or any former act relating to the duties on ſtamped vellum, *&c.* for denoting the duties, or ſhall counterfeit the impreſſion of the ſame, with intent to defraud his majeſty of any of the duties, or ſhall utter or ſell any vellum, *&c.* with ſuch counterfeit ſtamp thereupon, knowing the ſame to be counterfeit, or ſhall fraudulently uſe any ſeal, *&c.* directed or allowed to be uſed, with intent to defraud his majeſty of any of the duties; every perſon ſo offending, ſhall be adjudged a felon, without benefit of clergy. *ſ.* 46.

By 29 *Geo.* 3. *c.* 50. The new duties on newſpapers, cards, and dice, to be under the management of the commiſſioners of ſtamps. *ſ.* 1. who may provide one ſtamp to denote the former and the additional duties. *ſ.* 2. The ſame allowance ſhall be made on preſent payment of the duties on cards and dice, as by any former law is allowed. *ſ.* 5. and ſtamps may be altered and renewed. *ſ.* 6.

By 29 *Geo.* 3. *c.* 51. Duties impoſed by this act on legacies, *&c.* to be under the management of the commiſſioners of ſtamps. *ſ.* 3.—One ſtamp may be provided to denote the former and the preſent duties. *ſ.* 4.—Vellum, *&c.* liable to the duties, to be ſtamped before written on. *ſ.* 5.—The uſual allowance for prompt payment to be made. *ſ.* 6.—Stamps may be altered and renewed. *ſ.* 7.—Perſons counterfeiting ſtamps, *&c.* to ſuffer death. *ſ.* 8.—Powers of former acts not hereby altered, to extend to this act. *ſ.* 9.—Duties to be paid to the receiver general of ſtamp duties, and carried to the conſolidated fund. *ſ.* 10.

Perſons ſued may plead the general iſſue, *&c.* and have treble coſts. *ſ.* 11.

THE INSTRUMENTS AND OTHER MATTERS CHARGED WITH STAMP DUTIES.

There ſhall be paid for every piece of vellum or parchment, or ſheet or piece of paper, upon which ſhall be written;

Action,

Any entry of any action in the mayors and ſheriffs courts of *London*, and in courts of all corporations and other courts, out of which no writs, precepts, or mandates iſſue, holding plea where the debt or damage doth amount to 40*s.*—By 5 *Will.* & *Mar. c.* 21. *ſ.* 3. 6*d.*—By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 32. 6*d.*—By 12 *Geo.* 1. *c.* 33. *ſ.* 3. 6*d.*—IN THE WHOLE, *one ſhilling and ſixpence.*

Adjudication.

Any principal or original ſaiſine taken or following upon any mortgage, wadſet, heretable bond, alienation, or diſpenſation, or upon any charter, precept of *clare conſtat*, retours, appriſings, or adjudications of lands or tenements, holding of any ſubject in *Scotland.*—By 10 *Ann. c.* 19. *ſ.* 100. 2*s* 3*d.*—By 17 *Geo.* 3. *c.* 50. *ſ.* 17. 1*s.* 6*d.*—By 23 *Geo.* 3. *c.* 58. *ſ.* 1. 1*s.*—IN THE WHOLE *four ſhillings and ninepence.*

Admi-

Adminiſtration.

Any probate of a will, or letters of adminiſtration *for any eſtate above the value of* 20*l.* — *By* 5 Will. & Mar. c. 21. ſ. 3. 5*s.*—*By* 9 & 10 Will. 3. *c.* 25. *ſ.* 19. 5*s.* —IN THE WHOLE *ten ſhillings.*

For any eſtate of or above the value of 100*l.* —*By the* 19 Geo. 3. c. 66. ſ. 1. an additional 1*l.*—*By* 23 Geo. 3. c. 58. ſ. 1. 1*l.* more—IN THE WHOLE *two pounds and ten ſhillings.*

Of or above the value of 300*l.*—*By* 19 Geo. 3. c. 66. a further additional 1*l. viz.* 40*s.*—*By* 23 Geo. 3. c. 58. ſ. 1. 40*s.* more.—*By* 29 Geo. 3. c. 51. ſ. 1. 20*s.* more. —IN THE WHOLE *five pounds and ten ſhillings.*

Of or above the value of 600*l.*—*By* 5 Will. 3. 5*s.*—*By* 9 & 10 Will. 3. 5*s.*—*By* 19 Geo. 3. c. 66. 40*s.*—A further additional duty of 30*s. viz.* 3*l. by* 23 Geo. 3. c. 58. ſ. 1.—a further additional duty of 30*s.*, *by* 29 Geo. 3. c. 51. ſ. 1. *viz.* 2*l.* 10*s.*—IN THE WHOLE *eight pounds.*

Of or above the value of 1000*l.*—*By* 5 Will. 3. 5*s.*—*By* 9 & 10 Will. 3. 5*s.*—*By* 19 Geo. 3. 40*s.*—a further additional duty of 20*s. viz.* 4*l.* by 23 Geo. 3. c. 58. ſ. 1.— a further additional duty of 2*l.* 10*s. By* 29 Geo. 3. c. 51. ſ. 1. *viz.* 5*l.*—IN THE WHOLE *eleven pounds ten ſhillings.*

Of or above the value of 2000*l.*—*By* 5 Will. 3. 5*s.*—*By* 9 & 10 Will. 3. 5*s.* — *By* 19 Geo. 3. c. 66. 40*s.* — *By* 23 Geo. 3. c. 58. 4*l.* —and a further additional duty of 3*l.* 10*s. by* 29 Geo. 3. c. 51. ſ. 1. *viz.* 8*l.* 10*s.* — IN THE WHOLE *fifteen pounds.*

Of or above the value of 5000*l.* — *By* 5 Will. 3. 5*s.* — *By* 9 & 10 Will. 3. 5*s.*—*By* 19 Geo. 3. 40*s*—*By* 23 Geo. 3. 4*l.*—and a further additional duty of 5*l.*, *by* 29 Geo. 3. c. 51. ſ. 1. *viz.* 13*l.* 10*s.*—IN THE WHOLE *twenty pounds.*

Nothing in the acts ſhall charge the probate of any will or letters of adminiſtration of any common ſeaman or ſoldier who ſhall die in their majeſty's ſervice a certificate being produced from the captain of the ſhip or captain of the troop or company under whom ſuch ſeaman or ſoldier ſerved, and oath made of the truth thereof before the proper judge or officer, by whom ſuch probate or adminiſtration ought to be granted, and for which no fee ſhall be taken; 5 *Will.* & *Mar. c.* 21. *ſ.* 6.—9 & 10 *Will.* 3. *c.* 25. *ſ.* 44. —19 *Geo.* 3. *c.* 66. *ſ.* 2.—29 *Geo.* 3. *c.* 51. *ſ.* 2.

Admiralty Sentence.

Any ſentence to be given in the court of the lord high admiral, or the cinque ports, exerciſing admiralty juriſdiction, upon any attachment out of any of the ſaid courts of admiralty, or any relaxation of ſuch attachment, by 5 *Will.* & *Mar. c.* 21. *ſ.* 3. 5*s.*—and by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 17. 5*s.*—IN THE WHOLE *ten ſhillings.*

Any warrant, monition, or perſonal decree, in any court of admiralty, or the cinque ports, by 5 *Will.* & *Mar. c.* 21. *ſ.* 3. 2*s.* 6*d.*—By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 24. 2*s.* 6*d.*—IN THE WHOLE *five ſhillings.*

Admiſſions.

In the court book, roll, or record, any entry, minute, or memorandum of any admiſſion into any corporation or company, by 5 *Geo.* 3. *c.* 46. *ſ.* 2. 2*s.*—By 23 *Geo.* 3. *c.* 58. *ſ.* 1. 2*s.*—IN THE WHOLE *four ſhillings.*

By 5 *Geo.* 3. *c.* 46. If any town clerk, or other proper officer, ſhall neglect or refuſe to make ſuch entry, minute, or memorandum of ſuch admiſſion, upon the proper duty, in the court book, or on the roll or record of ſuch corporation or company, within one month after any perſon ſhall be admitted into the ſame, he ſhall for every offence forfeit 10*l. ſ.* 2.

Any admiſſion into the *inns of court* or *inns of chancery*, by 5 *Will.* 3. *c.* 21. *ſ.* 2. 1*s.* — By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 27. 1*s.*—IN THE WHOLE *two ſhillings.*

And into any of *the four inns of court*, an additional 40*s.* by 2 *Geo.* 3. *c.* 36. *ſ.* 1.—4*l.* by 5 *Geo.* 3. *c.* 47. *ſ.* 1. and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 40*s.* — IN THE WHOLE *eight pounds and two ſhillings.*

Any admittance of any fellow of the college of phyſicians, or of any attorney, clerk, advocate, proctor, notary, or other officer, in any court, *(except any annual officer in any corporation or inferior court, whoſe office is under* 10*l.* per ann. 6 & 7 *Will.* 3. *c.* 12. *ſ.* 5.) — By 5 *Will.* & *Mar. c.* 21. *ſ.* 1. 40*s.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 9. 40*s.* — by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 40*s.* — and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 40*s.* — IN THE WHOLE *eight pounds.*

Advertiſement.

For every advertiſement in the *London Gazette*, or any other printed paper, ſuch paper being diſperſed weekly or oftener, by 10 *Ann. c.* 19. *ſ.* 101. 1*s.* — by 30 *Geo.* 2. *c.* 19. *ſ.* 1. 1*s.* — by 20 *Geo.* 3. *c.* 19. *ſ.* 1. 6*d.* — and by 29 *Geo.* 3. *c.* 50. *ſ.* 1. 6*d.*—IN THE WHOLE *three ſhillings.*

In any paper or pamphlet printed in *Great Britain*, to be diſperſed yearly, monthly, or at any other interval exceeding one week, by 30 *Geo.* 2. *c.* 19. *ſ.* 1. 2*s.* — by 20 *Geo.* 3. *c.* 19. *ſ.* 1. 6*d.* — and by 29 *Geo.* 3. *c.* 50. *ſ.* 1. 6*d.*—IN THE WHOLE *three ſhillings.*

Affidavit.

Any affidavit (except affidavits taken purſuant to the act for burying in woollen, and affidavits taken before the officers of the cuſtoms, or juſtices of peace, or before any commiſſioners appointed by act of parliament for levying any aids), *and any copy of ſuch affidavit* that ſhall be filed or read in any court, by 5 *Will.* & *Mar. c.* 21. *ſ.* 2. 6*d.*—by 9 & 10. *Will.* 3. *c.* 25. *ſ.* 28 & 29. 6*d.* — by 32 *Geo.* 2. *c.* 35. *ſ.* 1 & 2. 6*d.* — IN THE WHOLE *one ſhilling and ſixpence.*

Agreements.

Any agreement, whether the ſame ſhall be only evidence of the contract, or obligatory upon the parties from its being a written inſtrument, by 23 *Geo.* 3. *c.* 58. *ſ.* 1. *ſix ſhillings.*

Nothing herein ſhall charge any label, ſlip, or memorandum, containing the heads of inſurances to be made by the corporations of the *Royal Exchange aſſurance*, or *London aſſurance*, or the corporations of the *Royal Exchange aſſurance of houſes and goods from fire*, and *London aſſurance of houſes and goods from fire*, to the payment of the duties on contracts or agreements. *ſ.* 3.

Nothing in this act ſhall extend to charge the duty of 6*s.* on any memorandum or agreement for any leaſe, at rack rent of any meſſuage under the yearly value of 5*l.*; or to charge any memorandum or agreement for the hire of any labourer, artificer, manufacturer, or menial ſervant; or to charge any memorandum, letter, or agreement, made for or relating to the ſale of any goods; or to charge any memorandum or agreement where the matter of agreement ſhall not exceed 20*l.*; or to charge any memorandum or agreement made in *Scotland*, that ſhall be ſtamped with the duty required on deeds in *Scotland. ſ.* 4.

No memorandum or agreement not ſtamped, ſhall be void, in caſe the ſame ſhall be ſtamped at the head office,

or the duty ſhall be paid thereon, and a receipt given thereon for the ſame by the proper officer within 21 days after the ſame ſhall have been entered into. *ſ.* 5.

Almanack.

Every almanack for one year, or for any time leſs, which ſhall be printed on one ſide of one ſheet of paper, by 9 *Ann. c.* 23. *ſ.* 23. 1 *d.*—by 30 *Geo.* 2. *c.* 19. *ſ.* 1. 1 *d.* — and by 21 *Geo.* 3. *c.* 56. *ſ.* 1. 2*d.* — IN THE WHOLE *fourpence.*

Every other printed almanack for one year, by 9 *Ann. c.* 23. *ſ.* 23. 2*d.*—and by 30 *Geo.* 2. *c.* 19. *ſ.* 1. 2 *d.*— IN THE WHOLE *fourpence.*

If any almanack ſhall be made to ſerve for ſeveral years, the rates ſhall be paid for every year, 9 Ann. c. 23. ſ. 23. 30 Geo. 2. c. 19. ſ. 1.—21 Geo. 3. c. 56.

By 9 *Ann. c.* 23. Where any almanack ſhall contain more than one ſheet, it ſhall be ſufficient to ſtamp one of the ſheets. *ſ.* 26.

The commiſſioners may deliver to the perſons by whom almanacks are to be printed, paper ſtampt, for the printing ſuch almanacks, upon their giving ſecurity to pay the amount of the duties within three months after ſuch delivery; and the commiſſioners, upon bringing to them any number of the copies of ſuch almanacks, within the ſaid three months, and requeſt made, ſhall cancel all the ſtamps on ſuch copies, and abate ſo much of the money due upon ſuch ſecurity as ſuch cancelled ſtamps ſhall amount to. *ſ.* 38.

Nothing in this act ſhall prejudice any right the univerſities or company of ſtationers, or any perſons have to printing any almanack ſubject to the duties. *ſ.* 52.

Nothing in this act ſhall charge any calendar in any bible or common-prayer book, or charge any other almanack with more than the duty for three years. *ſ.* 53.

By 30 *Geo.* 2. *c.* 19. Every perſon who ſhall ſell or expoſe to ſale, any almanack liable to any duty, by this or any former act impoſed, not being ſtamped as by this or any former act is directed, ſhall for every ſuch offence be liable to the ſame puniſhment as is inflicted on any hawker of unſtamped newſpapers, by 16 *Geo.* 2. *c.* 26. and every juſtice of peace ſhall have the like power to convict ſuch offender as by the ſaid act is granted, and every perſon who apprehends ſuch offender ſhall be intitled to the like reward as by the ſaid act is granted. *ſ.* 26.

By 21 *Geo.* 3. *c.* 56. Every almanack or calendar ſhall be printed in ſuch manner, that ſome part of ſuch printing ſhall be upon the ſtamp, and if any perſon ſhall print, or cauſe to be printed, any almanack or calendar otherwiſe than as aforeſaid, or ſhall ſell, or expoſe to ſale, any ſuch almanack, before the paper whereupon ſuch almanack ſhall be printed ſhall have been marked, and on which the ſtamp, at the time of ſuch ſale, ſhall be plain and viſible, every perſon ſo offending ſhall forfeit ten pounds, to be levied as by the ſtamp laws. *ſ.* 5.

If any almanack ſhall be ſold, or expoſed to ſale, with the ſtamp affixed thereto in any other manner than as the ſame ſhall have been impreſſed on the paper at the ſtamp office, ſuch almanack ſhall be deemed an unſtamped almanack, and the perſon ſelling, or expoſing the ſame to ſale, ſhall be ſubject to the ſame penalty as if they had ſold, or expoſed to ſale, an unſtamped almanack. *ſ.* 6.

Nothing in this act ſhall charge any calendar or perpetual almanack, or any other calendar or almanack, with more than the duty that would be payable by this act, in caſe ſuch almanack was made for three years only. *ſ.* 7.

If any perſon ſhall forge, or procure to be forged, any ſtamp, or ſhall counterfeit the impreſſion of the ſame, with an intent to defraud, or ſhall utter, or ſell, any paper or almanack, with ſuch counterfeit ſtamp, knowing the ſame to be counterfeit, or ſhall uſe any ſtamp allowed to be uſed by this or any other act relating to the ſtamp duties, with intent to defraud, every perſon ſo offending, ſhall be adjudged a felon without benefit of clergy. *ſ.* 9.

Out of the duties granted by this act, there ſhall be paid 500 *l.* a year to the univerſity of *Oxford*, and 500 *l.* to *Cambridge*; to be paid half-yearly, at *Midſummer* and *Chriſtmas*. *ſ.* 10.

Perſons ſued in execution of this act, may plead the general iſſue and recover treble coſts. *ſ.* 12.

Appeal.

Any appeal from the court of admiralty, arches, or prerogative courts of *Canterbury* or *York*, by 5 *Will.* 3. *c.* 21. 40 *s.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 11. 40 *s.*—and by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 40 *s.* — IN THE WHOLE *ſix pounds.*

From the court of admiralty in *Scotland*, by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. *two pounds.*

Apprentices.

There ſhall be paid by the maſter, 6 *d.* for every 20 *s.* of every ſum of 50 *l.* or under.

And 12 *d.* for every 20 *s.* of every ſum more than 50 *l.* paid or agreed for in putting out any clerk, apprentice, or ſervant, to learn any profeſſion, trade, or employment, by 8 *Ann. c.* 9.—*which act with others regulating the payment of theſe duties,* ſee in PART I. *page* 33.

Attorney.

On every warrant to proſecute or defend, if the debt is above 40 *s.* by 25 *Geo.* 3. *c.* 80. — *two ſhillings and ſixpence.*

Certificates to be taken out by every ſolicitor, attorney, notary, agent, or procurator, in civil or eccleſiaſtical courts within the bills of mortality, or *Edinburgh*, by 25 *Geo.* 3. *c.* 80 —*five pounds.*; elſewhere, *three pounds.*

For this act ſee PART I. *page* 46.

Awards.

Any award by 23 *Geo.* 3. *c.* 58. *ſ.* 1. *five ſhillings.*

Bail.

For every piece, *&c.* upon which any *ſpecial bail* in any court that ſhall be filed ſhall be written, and for every piece, *&c.* upon which ſhall be written any appearance upon ſuch ſpecial bail, by 5 *Will.* & *Mar. c.* 21. *ſ.* 3. 1 *s.* — by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 25. 1 *s.* — IN THE WHOLE *two ſhillings.*

For every piece, *&c.* upon which any *common bail* to be filed in any court, and upon which any appearance upon ſuch bail, ſhall be written (which appearance or common bail the defendant ſhall cauſe to be entered or filed within eight days after the return of the proceſs on which the defendant was arreſted, upon penalty of 5 *l.* to be paid to the plaintiff, for which the court ſhall immediately award judgment), whereupon the plaintiff may take out execution. By 5 *Will. & Mar. c.* 21. *ſ.* 3. 6*d.*—9 *&* 10 *Will.* 3. *c.* 25. *ſ.* 33. 6*d.*—By 32 *Geo.* 2. *c.* 35. *ſ.* 4. 6*d.*—IN THE WHOLE 1 *s.* 6 *d.*

By 4 & 5 Ann. c. 12. *The duties payable by the acts relating to ſtampt vellum,* &c. *for appearances, ſhall extend*

to

to appearances in actions wherein no bail is filed, and not otherwiſe. ſ. 9.

Bills of exchange and promiſſory Notes.

By 23 *Geo.* 3. *c.* 49. *ſ.* 2. There ſhall be paid throughout *Great Britain*, for every piece, *&c.* upon which any foreign or inland bill of exchange, promiſſory note, or other note, draft, or order, ſhall be written *where the ſum* expreſſed therein, *ſhall not amount to fifty pounds* 6d.; and where the ſum ſhall amount to fifty pounds, or upwards, 1 *s.*

Nothing in this act ſhall charge any draft or order for the payment of money on demand, upon any banker or perſon acting as a banker, reſiding or tranſacting the buſineſs of a banker within 10 miles of the abode of the perſon drawing ſuch draft. *ſ.* 4.

Nothing in this act ſhall charge any bill of exchange, promiſſory or other note, draft or order, payable upon demand, iſſued in *Scotland*, where the ſum ſhall not exceed 21 *s.* *ſ.* 5.

Nothing in this act ſhall charge any bill of exchange, promiſſory or other note, draft, or order, payable upon demand, with any higher duty than 3 *d.* where the ſum ſhall not amount to 10 *l.* *ſ.* 6.

No foreign bill of exchange, promiſſory note, or other note, draft, or order, ſhall be charged with any higher duty than 6*d.*; but every duplicate and triplicate of ſuch foreign bill, *&c.* ſhall be chargeable with the like duty of 6*d.* *ſ.* 8.

All promiſſory and other notes and bills iſſued by the bank of *England*, ſhall be exempted from the duties upon notes, upon payment of the annual ſum of 12,000 *l.* into the exchequer, by half yearly payments, on 10th *Oct.* and 5th *April.* *ſ.* 9.

The duty on any bill of exchange, *&c.* ſhall be paid by the perſon giving the ſame. *ſ.* 12.

All vellum, paper, *&c.* to be ſtamped before written, *&c.*: and if ſuch bill of exchange, *&c.* ſhall not be ſtamped, or ſhall be ſtamped for a lower duty than aforeſaid, no ſuch bill of exchange, *&c.* ſhall be pleaded or given in evidence or be available in law or equity. *ſ.* 14.

The ſame allowance ſhall be made on preſent payment of the duties, only in ſuch manner as by any former law relating to ſtamped vellum, *&c.* is allowed. *ſ.* 18.

Stamps may be altered and renewed. *ſ.* 19.

Any perſon counterfeiting the ſtamps, or uttering ſuch counterfeits, ſhall ſuffer death as a felon without benefit of clergy. *ſ.* 20.

Duties granted by this act to be levied as thoſe under former ſtamp acts. *ſ.* 21.

The penalties ſhall go one moiety to his majeſty, and the other moiety with coſts to the perſon who ſhall inform, *&c.* in any court at *Weſtminſter* for offences committed in *England*, *Wales*, or *Berwick*, and in the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, by action of debt, *&c.* *ſ.* 22.

Perſons ſued, *&c.* may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 26.

By 24 *Geo.* 3. *ſeſſ.* 1. *c.* 7. Every perſon who ſhall write or ſign, or cauſe to be written or ſigned any bill of exchange, promiſſory or other note, liable to any ſtamp duty charged by the act of laſt ſeſſion, without being firſt ſtamped, or upon which there ſhall not be ſome ſtamp reſembling the ſame, he ſhall, for every ſuch bill, *&c.* forfeit 5 *l.* to be recovered as in the ſaid act is directed, or as after mentioned. *ſ.* 1.

All drafts or orders, for the payment of money on demand, upon any banker, or perſons acting as bankers, not drawn payable to the bearer, ſhall be liable to the duties, the exemption in the ſaid act notwithſtanding. *ſ.* 3.

No ſtamp duty ſhall be required for any draft, order, or note, wherein the ſum does not amount to forty ſhillings. *ſ.* 4.

No bill of exchange, *&c.* ſhall be ſtamped after the ſame ſhall have been written or ſigned, unleſs upon payment of 10 *l.*; and the officers are, upon payment of the duty, and the 10 *l.* to give a receipt for the ſame, and to ſtamp ſuch bill of exchange, *&c.* receipt or other diſcharge, with the ſtamp required by the before recited act. *ſ.* 8.

It ſhall be lawful for any juſtice near the place where the offence ſhall be committed, to hear and determine any offence againſt this, or the act of laſt ſeſſion, which ſubjects the offender to the penalty of 5 *l.* for writing or ſigning, or cauſing to be written or ſigned, any bill of exchange, *&c.* or any receipt or diſcharge given upon the payment of money, without being firſt duly ſtamped; which juſtice is, upon any information or complaint, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and to examine into the fact; and upon proof thereof, either by the confeſſion of the party, or by the oath of one witneſs, to give judgment for the penalty, and to award his warrant under hand and ſeal, for levying the penalty of 5 *l.* on the goods of the offender; and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus, (if any); and where goods cannot be found ſufficient to anſwer the penalty, to commit ſuch offender to priſon for three months, unleſs ſuch penalty ſhall be ſooner paid: and if any perſon find himſelf aggrieved by the judgment of ſuch juſtice, then he may, upon giving ſecurity to the amount of the penalty, together with ſuch coſts as ſhall be awarded in caſe ſuch judgment ſhall be affirmed, appeal to the juſtices at the next general quarter ſeſſions which ſhall happen after fourteen days next after ſuch conviction ſhall have been made, and of which appeal notice ſhall be given, who are to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame: and in caſe the judgment of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay ſuch coſts occaſioned by ſuch appeal, as to them ſhall ſeem meet. But it ſhall be lawful for the juſtice, where he ſee cauſe, to mitigate ſuch penalties (coſts of the officers and informers, being always allowed, above ſuch mitigation), and ſo as ſuch mitigation do not reduce the penalties to leſs than a moiety above the ſaid coſts. *ſ.* 9.

If any perſon ſhall be ſummoned as a witneſs to give evidence before ſuch juſtice, and ſhall neglect or refuſe to appear (his expences being firſt paid or tendered), without a reaſonable excuſe, to be allowed of by ſuch juſtice, or appearing, ſhall refuſe to be examined on oath, and give evidence before ſuch juſtice, then ſuch perſon ſhall forfeit 40 *s.* to be levied in ſuch manner, as is herein directed as to other penalties, without a reaſonable excuſe for ſuch refuſal to be allowed of by ſuch juſtice. *ſ.* 10.

All forfeitures in this act (the charges for the recovery thereof being firſt deducted) ſhall be divided, one moiety to the receiver general of ſtamp duties, for the uſe of his majeſty, and the other moiety to the perſon who ſhall inform. *ſ.* 11.

No perſon ſhall be liable to be convicted before any juſtice, for any offence committed againſt this or the act of laſt ſeſſion, unleſs complaint be made within one year. *ſ.* 12.

Bills of Lading.

Any note or bill of lading which ſhall be ſigned for any goods exported by 9 *Ann. c.* 23. *ſ.* 23. 4*d.*—By 19 *Geo.* 3. *c.* 66.

c. 66. *ſ.* 1. 4*d.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 4*d.*—IN THE WHOLE, *one ſhilling.*

Births, Marriages, and Burials.

By 23 *Geo.* 3. *c.* 67. There ſhall be paid upon the entry of any burial, marriage, birth, or chriſtening, in the regiſter of any pariſh, precinct, or place in *Great Britain*, a ſtamp duty of 3 *d.* *ſ.* 1

The duty to be under the management of the commiſſioners of ſtamps. *ſ.* 2.

Every parſon, vicar, or curate, or other perſon having authority to make entries of burials, marriages, births, or chriſtenings, who ſhall enter any burial, *&c.* in the regiſter for any pariſh, precinct, or place in *Great Britain*, before the parchment, *&c.* on which the entry of ſuch regiſter ſhall be made, ſhall have been ſtamped, ſuch parſon *&c.* ſhall forfeit 5*l.* *ſ.* 3.

Every parſon or perſon having authority to make the entry, is hereby veſted with power, previous to the making thereof in the regiſter, to demand and receive from the undertaker, or perſon employed in the funeral, or from the parties married, or from the parent of the child, whoſe birth is regiſtered, or other perſon requiring the chriſtening of ſuch child, 3*d.*: and if ſuch undertaker, or perſon employed in ſuch funeral, or if the parties married, or the parent or perſon bringing the child, ſhall neglect or refuſe, on demand, to pay the ſaid duty, he ſhall forfeit 5*l.* *ſ.* 4.

The churchwardens and overſeers of every pariſh, ſhall provide books for the regiſtering of burials, marriages, births, and chriſtenings, with ſtamps for each entry, and ſhall pay for ſuch books and the ſtamps out of the rates under their management, and ſhall receive back the money ſo paid, from the perſon authoriſed by this act to receive the duty on the entry of any burial, *&c.* and in the caſe of extra-parochial places, ſuch books, with ſtamps, ſhall be provided by the perſon whoſe duty it ſhall be to make entries of burials, *&c.* *ſ.* 5.

No parſon, vicar, curate, or other perſon, ſhall be ſubject to the penalties for entering any burial, *&c.* in any pariſh regiſter, without ſtamps, where a licence, under the hands of three commiſſioners, or ſome officer by them empowered, ſhall have been granted, ſignifying their leave that the entry of any burial, *&c.* to be written in ſuch regiſter, may be therein written without ſtamps, ſo as the perſon having the cuſtody of ſuch regiſter, do as often as he ſhall be thereto required, permit the commiſſioners, or any officer by them appointed, to inſpect ſuch regiſter; and do alſo as often as he ſhall be thereto required by the commiſſioners or any other by them authoriſed, pay unto the receiver general of the ſaid duties, or ſuch other officer as the commiſſioners ſhall appoint, all money which, according to this act, ought to be paid in reſpect of ſuch entries as ſhall be written in ſuch regiſter. *ſ.* 6.

Nothing herein ſhall charge the entry in any pariſh regiſter of the burial of any perſon who ſhall be buried from any workhouſe or hoſpital, or at the ſole expence of any charity; nor the entry in any pariſh regiſter of the birth of any child whoſe parents ſhall receive pariſh relief. *ſ.* 7.

The proviſions of this act, with reſpect to the regiſters of births, burials, and marriages, ſhall extend to Quakers; and the regiſters now kept by them, ſhall be ſubject to the ſtamp duties. *ſ.* 8.

The receiver general of the ſtamp duties at the head office, and the head diſtributors, or other perſons appointed by the commiſſioners to receive the duty impoſed, ſhall make an allowance to every perſon receiving the duty, as a recompence for his trouble in accounting for the ſame, after the rate of 2*s.* in the pound, out of the monies accounted for, and paid to ſuch receiver general, *&c.* according to the directions herein before. *ſ.* 9.

All proſecutions for recovery of the duties, as alſo for all forfeitures and offences againſt this act, ſhall be heard and determined by any juſtice near to the place; and if the party find himſelf aggrieved by the judgment of ſuch juſtice, he ſhall appeal to the next quarter ſeſſions, who are to hear and determine the ſame, and their judgment therein ſhall be final: and ſuch juſtice is, upon complaint, to ſummon the party accuſed, and upon his appearance, or refuſal or neglect to appear, to proceed to the examination of the fact; and upon due proof, either by the confeſſion of the party, or by the oath of one witneſs, to give judgment thereupon, and to award warrants under his hand for the levying ſuch forfeiture upon the goods of the offender; and to cauſe ſale to be made of the ſaid goods, if they be not redeemed within fourteen days, rendering to the party the overplus. *ſ.* 10.

It ſhall be lawful for the juſtice to mitigate ſuch forfeiture, coſts to the officers and informers being always allowed over ſuch mitigation, and ſo that ſuch mitigation do not reduce the penalties to leſs than a moiety above coſts. *ſ.* 11.

All forfeitures (charges for the recovery being firſt deducted) ſhall be divided, one moiety to his majeſty, and the other moiety to ſuch perſon who ſhall inform. *ſ.* 12.

No perſon employed by virtue of this act in receiving or accounting for the duties, ſhall be diſqualied from voting at any election of members to ſerve in parliament. *ſ.* 13.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 15.

By 25 *Geo.* 3. *c.* 75. The proviſions of the laſt act ſhall extend to all his majeſty's proteſtant ſubjects diſſenting from the church of *England*; and the regiſters of births, burials, and chriſtenings of ſuch of them as uſe infant baptiſm; and the regiſters of births and burials of ſuch proteſtant diſſenters as do not uſe infant baptiſm, ſhall be ſubject to the ſtamp duties by the ſaid act impoſed upon regiſters.

Bonds.

By 5 Will & Mar. c. 21.—6*d.*—*By* 9 & 10 Will. 3. c. 25. ſ. 37.—6*d.*—*By* 12 Ann. ſtat. 2. c. 9. ſ. 21. *(except bail bonds and aſſignments thereof*)*—6*d.*—*By* 30 Geo. 2. c. 19. ſ. 1.—1*s.*—*By* 16 Geo. 3. c. 34. ſ. 5.—1*s.*—*By* 17 Geo. 3. c. 50. ſ. 16.—1*s.* 6*d.*—And by 23 Geo. 3. c. 58. ſ. 1. *(except bonds given as a ſecurity for money).* IN THE WHOLE, *ſix ſhillings.*

Bonds given as a ſecurity for money are therefore ſubject to—6d.—*By* 5 W. 3.—6*d.*—*By* 9 & 10 W. 3.—6*d.*—*By* 12 Ann.—1*s.*—*By* 30 Geo. 2.—1*s.*—*By* 16 Geo. 3.—*and* 1*s.* 6*d. by* 17 Geo. 3.—IN THE WHOLE, *five ſhillings.*

And where the amount thereof ſhall exceed 100*l.* there ſhall be charged by 23 *Geo.* 3. *c.* 58. *ſ.* 1. an additional 5*s.* IN THE WHOLE, *ten ſhillings.*

And where the amount thereof ſhall be of the value of 500l. *or upwards*, there ſhall be charged by 23 *Geo.* 3. *c.* 58. *ſ.* 1. an additional 10*s.*—IN THE WHOLE, *fifteen ſhillings.*

Cards.

For all playing cards which ſhall be fit for ſale or uſe

* Theſe inſtruments are therefore only ſubject to the duties of—6*d.* by 5 *Will.* 3.—And 6*d.* 9 & 10 *Will.* 3. *viz.*—IN THE WHOLE, *one ſhilling.*

in *Great Britain*, by 9 *Ann. c.* 23. *ſ.* 39. *per pack*—6d.—By 29 *Geo.* 2. *c.* 13. *ſ.* 1. 6*d.*—By 16 *Geo.* 3. *c.* 34. *ſ.* 6.—6*d.*—And by 29 *Geo.* 3. *c.* 50.—6*d.*—IN THE WHOLE, *two ſhillings.*

By 9 *Ann. c.* 23. All makers of playing cards or dice, before they begin to make any cards or dice, ſhall give notice in writing of the uſual place where they make the ſame, to the officers next adjacent; and as often as any perſon ſhall ſet up the employment of making cards or dice, the like notice ſhall be given, upon pain of 50*l.* And every perſon, who ſhall make cards or dice in any place not notified, ſhall forfeit 50*l.* And all ſuch perſons ſhall permit the officers to enter ſuch place for making of cards and dice, and take an account of the cards and dice, under the penalty of 10*l.* for every refuſal. And no maker of cards and dice ſhall ſuffer the ſame to be removed from the place of making, until ſuch mark upon the dice, and ſuch ſeal upon the paper and thread incloſing every pack of cards, ſhall be put thereon, as the commiſſioners ſhall appoint; upon pain of forfeiting all ſuch cards and dice, and treble the value. *ſ.* 41.

The makers of cards and dice ſhall once in every twenty-eight days make entry upon oath, with the commiſſioners or their officer next adjacent, of all the cards and dice made within the time; and ſhall once in ſix weeks clear all the duties; on pain of forfeiting 20*l.* for every default in making entry, and double the duty for non-payment. *ſ.* 42.

Every maker of cards and dice, who ſhall endeavour to defraud her majeſty by any concealment, ſhall forfeit 20*l.* And all penalties impoſed by this act in relation to the ſaid duties ſhall be divided, one moiety to the queen, and the other moiety to ſuch perſon who will ſeize or ſue for the ſame. *ſ.* 43.

By 10 *Ann. c.* 19. No playing cards or dice ſhall be ſold or expoſed to ſale, or uſed in play in any public gaming houſe, unleſs the paper and thread which ſhall have incloſed the ſame ſhall have been ſealed and ſtamped according to 9 *Ann. c.* 23. and unleſs one of the cards of each pack ſo ſold be alſo ſtamped on the ſpotted ſide; upon pain that every perſon who ſhall ſell or expoſe to ſale any ſuch cards or dice, ſhall forfeit for every pack of cards, and every one of ſuch dice, 5*l.* beſide coſts, to be recovered and diſtributed as the penalties relating to the duties impoſed by the ſaid act on cards and dice. *ſ.* 162.

If any perſon ſhall make cards or dice in any place before he ſhall have given notice of his intention to make cards or dice in ſuch place, ſuch perſon ſhall, over and above the penalties, forfeit all the cards and dice, and all materials and utenſils for making cards and dice, which ſhall be found in ſuch place, or ſhall have been made there; and no materials begun to be wrought for making of cards or dice ſhall be removed, until the ſame ſhall have been compleatly made, or the duties be paid or ſecured; upon pain that every perſon who ſhall remove, or permit to be removed, any ſuch materials, ſhall forfeit double the duty with coſts. *ſ.* 166.

For the prohibiting of the importing of cards and dice in ſect. 167. *ſee* IMPORTATION, &c. *articles prohibited to be imported.*

All pieces of ivory, bone or other matter, made or uſed for any play, with any letters, figures, ſpots or other marks thereupon, to denote any chance, ſhall be adjudged to be dice, and charged with the duties on dice; and if there ſhall be more than ſix chances on any one of ſuch pieces, ſuch piece ſhall be charged with the duty of 5*s.* payable for a pair of dice; and if there ſhall be more than the number of chances uſually in a pair of dice, ſuch one piece ſhall be charged with a further duty proportionate to the number of chances exceeding. *ſ.* 168.

It ſhall be lawful for any officer for the ſaid ſtamp duties to enter into any place where cards or dice ſhall be made, or expoſed to ſale, or ſuſpected to be privately made, or into any public gaming place, and there ſearch what quantity of cards or dice ſhall be making, and whether the cards or dice expoſed to ſale, or uſed in play, be duly ſtamped; and if the occupier of any place where cards or dice are made, or expoſed to ſale, or of any ſuch public gaming houſe, ſhall refuſe entrance or liberty of ſearch to ſuch officers, ſuch occupier ſhall forfeit 10*l.* with coſts as aforeſaid. *ſ.* 169.

It ſhall be lawful to remove any cards or dice from the place where the ſame are made, without ſtamping the ſame, or paying the duties, provided that within one month after the ſame ſhall be made, and before the ſame be removed, a bond be entered into to her majeſty, with ſurety, in a penal ſum of double the duties, with condition for the exporting ſuch cards or dice beyond the ſeas within a time to be limited, and that the ſame ſhall not be relanded in *Great Britain*, and that ſuch bond be left in the hands of the commiſſioners, and a certificate given by them, or ſuch officer as ſhall be appointed, that ſuch bond is entered into. *ſ.* 170.

It ſhall be lawful for any two juſtices of peace reſiding near the place where any pecuniary forfeitures not exceeding 20*l.* upon any of the acts touching any duties under the management of the commiſſioners for her majeſty's duties on ſtampt vellum, *&c.* ſhall be incurred, to hear and determine the ſame; which juſtices are required upon any information exhibited within one year after ſeizure made, or ſuch offence committed, to ſummon the party accuſed, and the witneſſes; and if upon appearance or contempt the party ſhall be convicted, to iſſue warrants for levying any pecuniary penalties on the goods of the offender, and to cauſe ſale to be made in caſe they ſhall not be redeemed within ſix days; and any party aggrieved may appeal to the next quarter ſeſſions. *ſ.* 172.

It ſhall be lawful for the juſtices to mitigate any ſuch penalties, ſo as ſuch mitigation do not reduce the penalties to leſs than double the duties over and above the coſts. *ſ.* 173.

No *certiorari* ſhall ſuperſede execution or other proceedings upon any order made by the juſtices in purſuance of this act. *ſ.* 174.

By 5 *Geo.* 1. *c.* 19. Bonds entered into to her majeſty in double the duties on cards and dice, with condition for exporting the ſame, purſuant to 10 *Ann. c.* 19. if no proof of fraud be made within two years after the dates of the bonds, or if judgment be not obtained within one year after the proſecution commenced, ſuch bonds ſhall be void, and ſhall be delivered up by the officers to be cancelled, without fee. *ſ.* 48.—*See* 29 Geo. 2. c. 13. ſ. 7.

By 6 *Geo.* 1. *c.* 21. If any perſon ſhall fraudulently get off any ſtamp, in reſpect whereof duties are payable on playing cards; or ſhall file or new ſpot dice which have been ſold or played with, or ſhall fraudulently incloſe playing cards in any outſide paper ſealed and ſtamped, the ſame having been once made uſe of for that purpoſe; or ſhall ſell or expoſe to ſale, any playing cards not ſtamped on the ſpotted ſide, and incloſed in paper and thread ſealed and ſtamped as by 10 *Ann. c.* 19., every perſon ſo offending ſhall forfeit 10*l.* to be recovered in any court at *Weſtminſter*, one moiety to the king, the other to the informer; and the perſon recovering ſhall be allowed his coſts. *ſ.* 55.

[All mayors, town clerks, and others, who ſhall take recognizances from perſons for whom ale licenſes are intended

tended for ſelling ale and other exciſeable liquors, ſhall be obliged to make out ale licenſes, duly ſtamped, before ſuch recognizances be taken, under the penalty of 10*l.* And all proviſions by this act, and by 1 *Ann. ſt.* 2. *c.* 22. for prevention of ſuch frauds and omiſſions as are herein and therein mentioned, by razures and interlineations of things chargeable with the ſtamp duty, ſhall extend to the frauds relating to any ſtamp duties impoſed ſince the ſaid act. *ſ.* 56.]

Every cardmaker ſhall, at the time of entering every parcel of cards, enter into bond to his majeſty, with ſureties, in treble the duties on ſuch cards, with condition for the true payment of the duties within ſix weeks after the date of ſuch bond. *ſ.* 57.

If any cardmaker, upon entry of any quantity of cards, ſhall pay down all the duty, the commiſſioners ſhall pay ſuch maker the like allowance as for preſent payment of the ſtamp duties. *ſ.* 58.

If the commiſſioners for the ſtamp duties ſhall have cauſe to ſuſpect that perſons make cards or dice in any place without ſending notice, and affidavit be made thereof before any juſtice of peace declaring the ground of ſuſpicion, any officer of the duties on cards and dice may, in the day time, in the preſence of a conſtable or other peace officer, by warrant from ſuch juſtice, break open ſuch place, and ſeize all cards, dice, tools, or materials there found, and detain the ſame as the commiſſioners ſhall direct; and in caſe the ſame ſhall not within five days be claimed and replevied by the owners, they ſhall be forfeited, and may be ſold by direction of the commiſſioners; one moiety of the produce (charges deducted) to be to his majeſty, and the other to the party who ſhall diſcover the ſame. *ſ.* 59.

By 29 *Geo.* 2. *c.* 13. All playing cards made in *Great Britain* for exportation, ſhall before they are packed up for exportation be incloſed in paper and thread, in packs or parcels, in ſuch manner as the commiſſioners for managing the duties on ſtampt vellum, *&c.* direct, to diſtinguiſh them from other cards liable to the duties thereon impoſed; and one card in every pack of playing cards ſo made or intended for exportation, or ſo many cards in every ſuch pack as the commiſſioners direct, ſhall be ſtampt on the ſpotted ſide with ſuch mark as the commiſſioners direct; and if any perſon utter to be uſed within *Great Britain*, or uſe or permit to be uſed in any public gaming-houſe, any playing cards ſo ſtampt and diſtinguiſhed as cards for exportation, every perſon ſo offending, ſhall for every pack of cards ſo uttered or uſed, or permitted to be uſed, forfeit 20*l.* to be recovered and diſtributed as penalties by any former law relating to cards and dice. *ſ.* 6.

No bond entered into purſuant to the 10 *Ann. cap.* 19. for exporting cards and dice, ſhall be vacated or delivered up, until proof be made, that ſuch cards or dice have been entered and ſhipped for exportation as cards and dice, and not as ſtationary wares; and until a certificate of ſuch entry and ſhipping, ſigned by the proper officers of the cuſtoms be produced; which certificate the ſaid officers are to give without fee; notwithſtanding 5 *Geo.* 1. *cap.* 19. *ſ.* 7.

If any perſon ſell or buy any cover or label, before made uſe of for denoting the duty payable on cards, in order to be made uſe of for the incloſing any pack of cards, every perſon ſo offending, ſhall for every ſuch offence forfeit 20*l.* to be recovered in manner aforeſaid, and to be diſtributed, one moiety to the uſe of his majeſty, and the other moiety to any perſon who ſhall inform and ſue for the ſame. *ſ.* 8.

If either the buyer or ſeller of any ſuch cover or label, inform againſt the other party concerned in buying or ſelling ſuch cover or label, the party ſo informing ſhall be admitted to give evidence againſt the party informed againſt, and ſhall be indemnified againſt the penalties ſo incurred. *ſ.* 9.

If any perſon ſell or diſpoſe of any cards, called *waſte cards*, unleſs he before ſuch ſale mark the back or plain ſide of every painted card, in ſuch manner as to render the ſame unfit to be uſed in play; every perſon ſo offending ſhall, for every ſuch offence, forfeit 20*l.* to be recovered and diſtributed in manner aforeſaid. *ſ.* 10.

If any action be brought for any thing done by virtue of this act, the defendant may plead the general iſſue; and if the plaintiff diſcontinue, *&c.* the defendant ſhall recover treble coſts. *ſ.* 11.

By 5 *Geo.* 3. c. 46. Every maker of playing cards in *Great Britain*, ſhall ſend to the commiſſioners, or to their officers, a ſufficient quantity of paper to have as many ſeveral aces of ſpades marked thereon as ſuch maker ſhall deſire; and no pack of playing cards made for play in *Great Britain*, or for exportation, ſhall be uſed in play or exported without one ace of ſpades marked as after mentioned: and the commiſſioners ſhall cauſe a new ſtamp, mark, or plate, to be prepared, with ſuch device as they think proper, to denote the ſaid ace, as well in every pack made for uſe or play in *Great Britain*, as for exportation, ſo as that in ſuch device there ſhall be ſome diſtinguiſhing mark between cards for home, and cards for foreign conſumption; and the commiſſioners ſhall, from time to time, renew, alter, or add to, ſuch device, as they think proper. *ſ.* 9.

Every maker ſhall ſend to the commiſſioners, or their officers, jews or wrappers, made for incloſing cards for uſe or play in *Great Britain*, with his name, and any other particular word or thing printed thereon, as the commiſſioners ſhall direct, in order that the ſame may be ſtamped, and delivered again to ſuch maker; and the commiſſioners ſhall and may denote one of the ſixpenny duties on ſuch jew or wrapper. *ſ.* 10.

Separate accounts ſhall be kept by the proper officer with every card maker of the cards made by him for uſe in *Great Britain*, and of thoſe made for exportation; the charges in which accounts ſhall be made out from the number of aces of ſpades, labels, and jews or wrappers, delivered; and every ſuch card maker ſhall, once in every 28 days, attend at the ſtamp office, or on the diſtributor of ſtamps next to where he ſhall make cards, and adjuſt, ſettle, and ſign the ſame; and in caſe any difference ſhall ariſe in ſettling ſuch accounts, then ſuch card maker ſhall immediately, or within one week after, if he carries on his trade within ten miles of *London*; and, if at a greater diſtance, then within 20 days, apply to the commiſſioners to ſettle the ſame, whoſe determination ſhall be final; and if ſuch card maker ſhall neglect, or refuſe to apply, then ſuch accounts, ſigned or not by him, ſhall be concluſive, and evidence againſt him. *ſ.* 11.

In caſe any pack of playing cards, or part, ſhall be damaged, defaced, or ſpoiled, in making, ſo as to be unfit for play; then, on oath thereof by the maker, (which the commiſſioners are to adminiſter,) ſuch maker ſhall be allowed another ace of ſpades, inſtead of the ace damaged, defaced, or ſpoiled, on producing and delivering ſuch damaged ace. *ſ.* 12.

If any maker ſhall uſe, in the making up any pack of cards, any ace of ſpades, jew, or wrapper, uſed before, he ſhall forfeit 20*l.* *ſ.* 13.

If any perſon ſhall ſell or buy any ſuch ace of ſpades, jew, or

or wrapper, in order to be made uſe of in, about, or for the incloſing, any pack or parcel of cards, he ſhall forfeit 20 *l.* *ſ.* 14.

If either the buyer or ſeller ſhall inform againſt the other, the party informing ſhall be admitted to give evidence, and ſhall be indemnified againſt the penalties incurred. *ſ.* 15.

If any perſon ſhall reland, or cauſe to be relanded, any parcel of cards, after entered and ſhipped for exportation, ſuch perſon ſhall forfeit 50 *l.* *ſ.* 16.

If any perſon concerned in the relanding of ſuch exportation cards, ſhall inform againſt any other party concerned, the perſon informing ſhall be admitted to give evidence, and be indemnified againſt the penalties incurred. *ſ.* 17.

By 16 *Geo.* 3. *c.* 34. *ſ.* 17. If any perſon ſhall ſell any cards (by way of ſecond-hand cards) in packs or parcels, after the wrapper or cover, in which the ſame have been incloſed and tied, ſhall have been broke open, unleſs he ſhall, before ſuch ſale, mark the back or plain ſide of every painted or pictured card, in ſuch manner as to render the ſame unfit to be uſed in play; every perſon ſo offending ſhall, for every pack ſo ſold, forfeit 5 *l.* to be recovered and diſtributed in the manner directed by 29 *Geo.* 2.

Certificate.

Any certificate or debenture, for drawing back any duties in reſpect of the exporting of any goods, to be paid by the perſon at whoſe inſtance ſuch debenture or certificate ſhall be obtained,—By 9 *Ann.* *c.* 23. *ſ.* 23.—8 *d.*—By 19 *Geo.* 3. *c.* 66. *ſ.* 1.—8 *d.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—8 *d.*—IN THE WHOLE, *two ſhillings.*

Citation.

Any citation or monition, made in any eccleſiaſtical court, or any *libel*, or *allegation*, *depoſition*, anſwer, ſentence, or final decree, or any *inventory*, exhibited in any eccleſiaſtical court, the courts of admiralty or cinque ports, or any * copies of them,—By 5 *Will.* and *Mar.* *c.* 21. *ſ.* 3.—6 *d.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 36.—6 *d.*—By 12 *Geo.* 1. *c.* 33. *ſ.* 3.—6 *d.*——And 19 *Geo.* 3. *c.* 66. *ſ.* 1.—6 *d.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—1 *s.*—IN THE WHOLE, *two ſhillings and ſixpence.*

Cognition.

Any principal or original inſtrument of ſurrender or reſignation, ſervice or cognition of heirs, charter or ſaiſine, of any houſes, lands, *&c.* holding burgage in *Scotland.*—By 10 *Ann.* *c.* 19. *ſ.* 100.—2 *s.* 3 *d.*—By 17 *Geo.* 3. *c.* 50. *ſ.* 17.—1 *s.* 6 *d.*—And by 23 *Geo.* 3. *c.* 58.—1 *s.*—IN THE WHOLE, *four ſhillings and ninepence.*

Commiſſion

Out of any eccleſiaſtical court, not particularly charged,—By 5 *Will.* 3. *c.* 21. *ſ.* 3.—2 *s.* 6 *d.*—And by 9 and 10 *Will.* 3. *c.* 25. *ſ.* 23.—2 *s.* 6 *d.*—IN THE WHOLE, *five ſhillings.*

Copies

Of rules or orders, or of any other records or proceedings in the courts at *Weſtminſter*,—By 5 *Will.* 3. *c.* 21. *ſ.* 3.—6 *d.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 35.—6 *d.*—And by 32 *Geo.* 2. *c.* 35. *ſ.* 6.—6 *d.*—IN THE WHOLE, *one ſhilling and ſixpence.*

Of any will, by 5 *Will.* 3. *c.* 21. *ſ.* 3.—1 *d.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 41.—1 *d.*—and by 19 *Geo.* 3. *c.* 66. *ſ.* 1.—1 *d.*—IN THE WHOLE, *three pence.*

* Copies of *citation* or *monition* are not charged by 12 *Geo.* 1.—and therefore appear to be ſubject to a duty of 2*s.* only.

Declaration.

Any declaration, plea, replication, rejoinder, demurrer, or other pleadings, in any court of law, or copy thereof, by 5 *Will.* 3. *c.* 21. *ſ.* 3.—1 *d.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 38, 39.—1 *d.*—And by 32 *Geo.* 2. *c.* 35. *ſ.* 9 and 10.—1 *d.*—IN THE WHOLE, *three pence.*

Decree.

Any decree or diſmiſſion in the court of chancery, exchequer, court of the county palatine or duchy of *Lancaſter*, courts of the counties palatine of *Cheſter*, *Durham*, or other court of equity, by 5 *Will.* 3. *c.* 21. *ſ.* 3.—6 *d.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 13.—6 *d.*—IN THE WHOLE, *one ſhilling.*

Deeds.

Any conveyance, ſurrender of grants or offices, releaſe or other deed, which ſhall be inrolled in any court of record, or by any cuſtos rotulorum or clerk of the peace, by 5 *Will.* 3. *c.* 21. *ſ.* 3. and 9 and 10 *Will.* 3. *c.* 25. *ſ.* 52.—5 *s.*—By 17 *Geo.* 3. *c.* 50. *ſ.* 17.—2 *s.* 6 *d.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—2 *s.* 6 *d.*—IN THE WHOLE, *ten ſhillings.*

Any indenture, leaſe, or deed poll; and any charter party, paſſport, releaſe, contract, or other obligatory inſtrument, or any procuration or letter of attorney, by 5 *Will.* 3. *c.* 21. *ſ.* 3.—6 *d.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 30. and 37. (*except indentures* for binding poor pariſh children apprentices*) 6 *d.*—And by 12 *Ann.* *ſtat.* 2. *c.* 9. *ſ.* 21. all deeds, (*except bail bonds and aſſignments thereof* †, *and indentures for binding poor pariſh or charity children apprentices, and ſuch deeds executed in* Scotland, *as are charged with* 2 *s.* 3 *d.* *by* 10 Ann.) 6 *d.*—*By* 30 Geo. 2. c. 19. ſ. 1.—1 s.—*By* 16 Geo. 3. c. 34. ſ. 5.—1 s.—*By* 17 Geo. 3. c. 50. ſ. 16.—1 s. 6d.—*And by* 23 Geo. 3. c. 58. ſ. 1.—1 s.—IN THE WHOLE, *ſix ſhillings.*

Atteſted copies of deeds in Scotland *by* 26 Geo. 3. c. 48. (*See* PART I. *page* 474.) *one ſhilling.*

" As, by ſeveral laws now in force, all records, writs, " pleadings, or other proceedings, in courts of law and equi- " ty, and all deeds charged with the ſtamp duties, are to be " ingroſſed in ſuch manner as uſually accuſtomed: And as, " till the laſt ſtamp duties were impoſed, it was the general " practice to inſert in one ſkin of parchment twelve chancery " ſheets, containing 90 words in each ſheet, or 15 common " law ſheets, containing 72 words in each ſheet, and the " ſame has been held a fair quantity to be ingroſſed upon " each ſkin, and the uſual charge for drawing and ingroſſing " the ſame might, upon any coſts to be taxed, be fairly al- " lowed: And as ſeveral perſons, in injury to the revenue of " ſtamps, inſert in one ſkin the contents of a greater quan- " tity of ſheets than above ſpecified, and charge their clients " double or treble the ſum, by which means the client, in- " ſtead of judging of ſuch charge by the number of ſkins, is " liable to be impoſed upon, and the revenue materially injur- " ed," it is therefore enacted, That all attornies, ſolicitors, or other perſons, ſhall make their charges, after the uſual rates, upon their client, by the number of ſkins they ſhall ingroſs, and not otherwiſe; and if any attorney, *&c.* ſhall, for the ingroſſing one ſkin of parchment only, charge any client for double or treble ſkins, or for more than one ſkin, making his charge by the ſheet, or in any other manner than by the ſkin, under pretence of having inſerted in ſuch one ſkin a greater number of ſheets than what they are obliged to do, or than what is uſually done, or under any pretence whatſoever, ſuch charge ſhall not be payable by the client; and every attorney, *&c.* ſhall, for ſuch charge ſo made, forfeit

* Theſe indentures therefore pay only 6 *d.* duty.

† Which therefore pay only a duty of 1 *s.*

10 *l.* with treble coſts, to any perſon who ſhall ſue for the ſame, in any court of record, by action of debt, *&c.* 19 *Geo.* 3. *c.* 66. *ſ.* 12.

Nothing in this act ſhall extend to the charge to be made for the ingroſſing any deed, the whole contents of which ſhall not amount to the quantity of ſheets to be contained in two ſkins, reckoning the quantity in each ſkin according to the number of ſheets above ſpecified. *ſ.* 13.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if the plaintiff be non-ſuited, ſuch defendant ſhall have treble coſts. *ſ.* 14.

Degree.

Any regiſter, entry, teſtimonial, or certificate of any degree, taken in the univerſities or inns of court, *(except bachelor of arts,*—6 and 7 Will. 3. c. 12. ſ. 3.)—by 5 *Will.* 3. *c.* 21. *ſ.* 3.—And 9 and 10 *Will.* 3. *c.* 25. *ſ.* 51.—40s.

And of the degree of utter barriſter, taken in any of the four inns of court, by 2 *Geo.* 3. *c.* 36. *ſ.* 1. an additional 40 *s.*—By 5 *Geo.* 3. *c.* 47. *ſ.* 1.—6 *l.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—4 *l.*—IN THE WHOLE, *fourteen pounds.*

Depoſitions,

In the courts in *Scotland*, by 26 *Geo.* 3. *c.* 48. *(ſee* PART I. *page* 474.*) one ſhilling.*

Dice,

Which ſhall be fit for ſale or uſe in *Great Britain*, per pair, by 9 *Ann.* *c.* 23. *ſ.* 39.—5 *s.*—By 29 *Geo.* 2. *c.* 13. *ſ.* 1.—5 *s.*—By 16 *Geo.* 3. *c.* 34. *ſ.* 6.—2 *s.* 6 *d.*—And by 29 *Geo.* 3. *c.* 50. *ſ.* 1.—2 *s.* 6 *d.*—IN THE WHOLE, *fifteen ſhillings. See Cards, ante.*

Diſpenſation.

Any diſpenſation to hold two eccleſiaſtical dignities, benefices, or both a dignity and a benefice, or any other diſpenſation or faculty, from the archbiſhop of *Canterbury*, or the maſter of the faculties, by 5 *Will.* and *Mar.* *c.* 21. *ſ.* 2.—40 *s.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 8.—40 *s.*—By 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21.—40 *s.*—By 19 *Geo.* 3. *c.* 66. *ſ.* 1.—40 *s.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—40 *s.*—IN THE WHOLE, *ten pounds.*

Equity.

Any bill, anſwer, replication, rejoinder, interrogatories, depoſitions, taken by commiſſion, or any other pleadings in the courts of chancery, exchequer, duchy court, county palatine courts, or other courts of equity, by 5 *Will.* 3. *c.* 21. *ſ.* 2.—1 *s.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 26.—1 *s.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—6 *d.*—IN THE WHOLE, *two ſhillings and ſixpence.*

Any depoſitions taken in chancery, or other court of equity, (except the paper draughts of depoſitions, taken by commiſſion before they be ingroſſed) not herein charged, or any copy of any bill, anſwer, plea, demurrer, replication, rejoinder, interrogatories, depoſitions, or other proceedings in any court of equity, by 5 *Will.* 3. *c.* 21. *ſ.* 2.—1 *d.*—By 9 and 10. *Will.* 3. *c.* 25. *ſ.* 40.—1 *d.*—And by 32 *Geo.* 2. *c.* 35. *ſ.* 8.—1 *d.*—IN THE WHOLE, *three pence.*

Exemplification.

Any exemplification that ſhall paſs the ſeal of any court, by 5 *Will.* 3. *c.* 21. *ſ.* 2.—5 *s.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 12.—5 *s.*—By 19 *Geo.* 3. *c.* 66. *ſ.* 1.—5 *s.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—5 *s.*—IN THE WHOLE, *one pound.*

Game.

Certificates for killing game *annually*, 2 . 2 *s.* and certificates to gamekeepers, of the regiſtry of their deputations, *annually* 10 *s.* 6 *d.*—By 25 *Geo.* 3. *c.* 50. *ſ.* 1. *Which act ſee in* PART I. page 441.

Gloves.

By 25 *Geo.* 3. *c.* 55. *All perſons vending* in *Great Britain* any *gloves* or mittens, made of ſilk or leather, or any other materials, *ſhall annually take out a licence. ſ.* 1.

For every licence granted to any perſon ſo vending ſuch gloves, &c. there ſhall be charged a ſtamp-duty of one ſhilling.

For every pair of gloves or mittens, made of ſilk or leather, or any other materials, above the value of 4 d. *and not exceeding* 10 d. *which ſhall be uttered, or ſold by retail in* Great Britain, *there ſhall be charged a ſtamp-duty of* one penny.

Above the value of 10 d. *and not exceeding* 1 s. 4 d.—two pence.

Exceeding the value of 1 s. 4 d.—three pence.

The ſaid duties ſhall be under the management of the commiſſioners for duties on ſtamped vellum, *&c.* who are to employ officers, and allow ſalaries and charges neceſſary, and to provide and uſe ſtamps to denote the duties, and to do all other things for putting this act into execution. *ſ.* 2.

No perſon ſhall, unleſs licenſed as after preſcribed, utter, or ſell, any gloves or mittens, upon pain to forfeit 20 *l.* *ſ.* 3.

Two commiſſioners, or ſome perſon authoriſed by them, ſhall grant licences to perſons to ſell gloves in any place within *Great Britain*, for one year, from the day of the date of ſuch licence; and all perſons who ſhall take out ſuch licence, ſhall take out a freſh licence for another year, ten days at leaſt before the expiration of that for which he ſhall be licenſed, if he ſhall continue to ſell gloves; and ſhall in like manner renew ſuch licence from year to year, paying down the ſums due for the ſtamps on ſuch licence, as long as he ſhall continue to ſell gloves. *ſ.* 4.

Every perſon vending or expoſing to ſale gloves by retail, ſhall cauſe the words, *dealer in gloves*, to be painted or written over the door, or front of the place at which he keeps ſuch gloves for ſale, to denote that ſuch perſon is a dealer in gloves, and licenſed: And if any perſon ſhall ſell any gloves by retail, without fixing ſuch notice, every perſon ſo vending or expoſing to ſale any gloves, ſhall, for every pair of gloves ſold, forfeit 5 *l.* *ſ.* 5.

If any perſon ſhall cauſe the words, *dealer in gloves*, to be affixed, without being licenſed, he ſhall forfeit 40 *l.* *ſ.* 6.

All perſons who ſhall ſell leſs than twelve dozen pair of gloves at one time, to one perſon, ſhall be deemed a retailer of gloves. *ſ.* 7.

Every perſon, uttering or vending by retail, or expoſing to ſale, any gloves, *&c.* liable to the duty, ſhall apply to the commiſſioners, or to the officers, for paper-tickets, ſtamped with the duties, to be paſted or affixed, by the perſon vending, to the inſide of the right hand glove, in ſuch form as the commiſſioners ſhall direct; and every pair of gloves ſold by any retail dealer, ſhall have affixed upon the inſide of the right hand glove of each pair, ſuch ſtamped ticket, in ſuch manner and in ſuch part as the commiſſioners ſhall direct. *ſ.* 8.

If any retail dealer ſhall vend, or expoſe to ſale, or if any perſon ſhall purchaſe, or receive in exchange for any other article, any gloves, *&c.* ſubject to the duties, unleſs the ſtamp ticket ſhall be affixed, and ſtamped as directed, or ſhall have any ticket affixed thereto, ſtamped with a ſtamp of leſs value than by this act is directed to be affixed; ſuch

perſon

perſon ſhall forfeit for every pair ſold, or expoſed to ſale, or bought or received in exchange, 20*l.* And if the party offending ſhall be a retail dealer, licenſed, the commiſſioners may, if they think fit, after conviction, refuſe to grant to ſuch offender any licence in future. *ſ.* 9.

Nothing in this act ſhall extend to any perſon licenſed, who ſhall ſell to any retailer alſo licenſed, any gloves, *&c.* although the ſtamp ticket ſhall not be affixed, and ſtamped as directed. *ſ.* 10.

If any perſon ſhall, with intent to defraud his majeſty of the duties, cut, tear, or take off, any ſtamp, or ſhall, with the like intent, affix in any glove, *&c.* any ticket, the ſame having been once made uſe of, and ſhall knowingly ſell, or expoſe to ſale, any pair of gloves, *&c.* with ſuch ticket, then every perſon ſo offending ſhall forfeit 20*l.* *ſ.* 11.

If any perſon ſhall ſell or buy ſuch ticket, to be again made uſe of, to be ſold with and affixed to any glove, *&c.* liable to the duty, ſuch perſon ſhall forfeit 20*l.* *ſ.* 12.

If either buyer or ſeller of ſuch ticket, or of any pair of gloves, *&c.* not having the proper ticket affixed thereto, ſhall inform againſt the other party concerned, the party offending ſhall be admitted to give evidence againſt the party informed againſt, and ſhall be indemnified from the penalties by him incurred. *ſ.* 13.

Where any retail dealer ſhall deliver in any bill for any gloves, *&c.* ſubject to the duties, ſuch perſon ſhall make a diſtinct charge for the ſtamps affixed to the gloves, *&c.* charged in ſuch bill. *ſ.* 14.

All pecuniary penalties hereby impoſed, ſhall be divided (if ſued for within ſix months from the time of ſuch penalty being incurred) in manner following; one moiety to his majeſty, and the other, with full coſts, to the perſon who ſhall ſue. *ſ.* 17.

All pecuniary penalties, impoſed on any perſon for offences againſt this act, may be recovered in any court at *Weſtminſter*, for offences committed in *England*, *Wales*, or *Berwick*, and in the court of ſeſſions, court of juſticiary, or court of exchequer in *Scotland*, for offences committed in *Scotland*, by action of debt, *&c.* *ſ.* 18.

Such diviſion of the penalties ſhall be reſtricted to the proſecuting within the time before limited; and in default of ſuch proſecution within the time, no informer ſhall have any part of ſuch penalties, but the whole ſhall belong to his majeſty, and ſhall be recoverable in manner aforeſaid. *ſ.* 19.

It ſhall be lawful for any juſtice near where the offence ſhall be committed, to hear and determine any offence againſt this act which ſubjects the offender to any pecuniary penalty; which juſtice is, upon information or complaint, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and ſhall examine into the fact; and upon proof thereof, either by confeſſion of the party, or by the oath of one witneſs, to give judgment for the penalty, and to iſſue his warrant under his hand and ſeal, for levying any penalty ſo adjudged on the goods of the offender; and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus; and where goods cannot be found ſufficient to anſwer the penalty, to commit ſuch offender to priſon for three months, unleſs ſuch penalty ſhall be ſooner paid: And any perſon aggrieved by the judgment of ſuch juſtice, may, upon giving ſecurity to the value of ſuch penalty, together with ſuch coſts as ſhall be awarded, in caſe ſuch judgment ſhall be affirmed, appeal to the juſtices at the next general quarter ſeſſions, who are to ſummon witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgment of the juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay ſuch coſts, occaſioned by ſuch appeal, as to them ſhall ſeem meet. *ſ.* 20.

If any perſon, ſummoned as a witneſs before ſuch juſtice, either on the part of the proſecutor, or of the perſon accuſed, ſhall neglect or refuſe to appear, without a reaſonable excuſe for ſuch neglect or refuſal, to be allowed of by ſuch juſtice, then ſuch perſon ſhall forfeit 40*s.* to be levied in ſuch manner as other penalties. *ſ.* 21.

The juſtice ſhall cauſe the conviction to be made out in the form following, or in any other form to the ſame effect *mutatis mutandis*, viz.

BE it remembered, That on the ——— *day of* ——— *in the year of our Lord* ———, *in the county of* ———, A. B. *of* ———, *was convicted before me* C. D. *one of his majeſty's juſtices of the peace for the ſaid county, reſiding near the place where the offence was committed, for that the ſaid* A. B. *on the* ——— *day of* ———, *now laſt paſt, did* [here ſtate the offence as the caſe may be], *contrary to the ſtatute in that caſe made and provided; and I do declare and adjudge that the ſaid* A. B. *hath forfeited the ſum of* ——— *of lawful money of* Great Britain, *for the offence aforeſaid, to be diſtributed as the law directs.*

Given under my hand and ſeal, the —— *day of* ——

It ſhall be lawful for the ſaid juſtice, where he ſee cauſe, to mitigate ſuch penalties, reaſonable coſts of the officers and informers, as well in making diſcovery as in proſecuting, being always allowed over ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than one moiety above the coſts, and no ſuch conviction ſhall be removed by *certiorari*. *ſ.* 23.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 26.

Grants.

Any grants or letters patent under the great ſeal, or the ſeal of the duchy or county palatine of *Lancaſter*, of any honour, dignity, promotion, franchiſe or privilege, or exemplifications of the ſame, (commiſſions of rebellion in proceſs excepted) by 5 *Will.* 3. *c.* 21. *ſ.* 3.—40*s.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 2.—40*s.*—By 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21.—40*s.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—40*s.*—IN THE WHOLE, *eight pounds.*

By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 69. Nothing in this act ſhall charge any letter patents, for collecting charitable benevolence, called *briefs*, or make it neceſſary that ſuch *briefs* ſhould be doubly ſtamped.—*Alſo*, 12 Ann. ſtat. 2. c. 9. ſ. 22.—*Therefore briefs are ſubject only to* 40*s.* *by* 5 Will. 3. *c.* 21.—*and* 40*s.* *by* 23 Geo. 3. *c.* 58.

Any grant from his majeſty of money exceeding 100*l.* which ſhall paſs the great ſeal, or privy ſeal, not directed to the great ſeal, by 5 *Will.* 3. *c.* 21. *ſ.* 2.—40*s.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 4.—40*s.*—And by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21.—40*s.*—IN THE WHOLE, *ſix pounds.*

Every ſuch grant, under the great ſeal of Scotland, by 12 Ann. ſtat. 2. c. 9. ſ. 21.—40*s.*

Any grant of any office or employment, above the value of 50*l.* *per ann.* by 5 *Will.* 3. *c.* 21.—40*s.*—By 9 and 10 *Will.* 3. *c.* 25. *ſ.* 5.—40*s.*—And by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21.—40*s.*—IN THE WHOLE, *ſix pounds.*

Any grant of lands in fee, leaſe for years, or other grant of profit, not herein particularly charged, that ſhall paſs the great ſeal, the ſeal of the exchequer, the ſeal of the duchy or county palatine of *Lancaſter*, or the privy ſeal not directed to the great ſeal, by 5 *Will.* 3. *c.* 21. *ſ.* 2.—40*s.*—And by 9 and 10 *Will.* 3. *c.* 25. *ſ.* 6.—40*s.*—IN THE WHOLE, *four pounds.*

Hats.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 51. There ſhall be paid throughout *Great Britain* the duties following: *ſ.* 1.

All perſons vending by retail any hats, called *felt* or *wool*, *ſtuff* or *beaver hats*, or any leather or japanned hats, ſhall annually take out a licence.

And where the perſon, vending by retail ſuch hats, ſhall reſide within London *and* Weſtminſter, *or within the bills of mortality, or within the borough of* Southwark *in* Surrey, *there ſhall be charged a ſtamp-duty of* 40 s.

And where the perſon ſhall reſide in any city or market town, other than the cities of London *and* Weſtminſter, *or* Southwark *in* Surrey, *there ſhall be charged a ſtamp-duty of* 5 s.

And where the perſon ſhall reſide in any other part of Great Britain, *not being a city or market town, there ſhall be charged a ſtamp-duty of* 5 s.

For every felt or wool, ſtuff or beaver hat, or any leather or japanned hat, not exceeding the price of 4 s. *uttered, or ſold, by any perſon taking out ſuch licence, there ſhall be charged a ſtamp-duty of* 3 d.

Exceeding the value of 4 s. *and not above the value of* 7 s. —6 d.

Above the value of 7 s. *and not exceeding the value of* 12 s. —1 s.

Exceeding the value of 12 s.—2 s.

The duties ſhall be under the management of the commiſſioners for the duties on ſtamped vellum, *&c.* *ſ.* 2.

No perſon required by this act to be licenſed ſhall, unleſs licenſed as after preſcribed, vend any felt or wool, ſtuff or beaver hats, or any leather or japanned hats, in *Great Britain*, upon pain to forfeit 50 *l.* *ſ.* 3.

Two commiſſioners, or ſome perſon authoriſed by them, ſhall grant licences for one year, to commence from the day of the date of ſuch licence; and all perſons who ſhall take out ſuch licence, ſhall take out a freſh licence for another year, ten days at leaſt before the expiration of that for which he ſhall be licenſed, if he ſhall continue to ſell hats by retail; and ſhall, in like manner, renew ſuch licence from year to year, paying down the ſums due for the ſtamps on ſuch licence, as long as he ſhall continue to ſell hats by retail. *ſ.* 4.

Every perſon vending or expoſing to ſale hats by retail, and who ſhall have taken out a licence, ſhall cauſe the words *dealer in hats by retail*, to be painted or written either over the door, or in the front of the place at which he keeps ſuch hats for ſale, to denote that ſuch perſon is a dealer, and licenſed; and if any perſon licenſed ſhall ſell any hats, without fixing out ſuch notice, every perſon ſo vending or expoſing to ſale any hats ſhall, for every hat ſold, forfeit 40 *s.* *ſ.* 5.

If any perſon ſhall cauſe the words to be affixed without being licenſed, he ſhall forfeit 50 *l.* *ſ.* 6.

All perſons who ſhall ſell any leſs than one dozen of hats at one time to one perſon, ſhall be deemed a retailer, and liable to take out a licence. *ſ.* 7.

Every perſon vending by retail, or expoſing to ſale, any hats liable to the duty, ſhall apply to the commiſſioners, or to the officers appointed by them, for paper tickets, ſtamped with the duties to be affixed, by the perſon vending, to the lining in the inſide of the crown of ſuch hats, in ſuch manner as the commiſſioners ſhall direct; and every hat ſold, by any perſon taking out the licence, ſhall have affixed thereto ſuch ſtamped ticket, and in ſuch manner, and in ſuch part of the inſide, as the commiſſioners ſhall direct. *ſ.* 8.

If any perſon ſhall vend, or expoſe to ſale, or ſhall purchaſe, or receive in exchange for any other article, any hat ſubject to the duties, unleſs the ſtamp ticket ſhall be affixed and ſtamped, or that ſhall have any ticket affixed thereto, ſtamped with a ſtamp of leſs denomination than by this act is directed to be affixed; ſuch perſon ſhall forfeit for every hat ſo ſold, *&c.* 10 *l.* *ſ.* 9.

Nothing in this act ſhall extend, to any perſon licenſed, who ſhall ſell to any other retailer alſo licenſed, any hat, although the ſtamp ticket ſhall not be affixed. *ſ.* 10.

If any perſon ſhall fraudulently cut, tear, or take off, any ſtamp by which any duties are payable for any hat, or ſhall fraudulently affix in any hat, any ticket hereby directed to be ſtamped, the ſame having been once made uſe of, and ſhall hereafter ſell, or expoſe to ſale, any hat with ſuch ticket ſo fraudulently cut, *&c.*; then every perſon ſo offending, ſhall forfeit 20 *l.* *ſ.* 11.

If any perſon ſhall ſell or buy ſuch ticket, in order to be again made uſe of to be affixed to any hat liable to the duty, ſuch perſon ſhall forfeit 20 *l.* *ſ.* 12.

If either buyer or ſeller of ſuch ticket, or of any hat not having the proper ticket affixed thereto, ſhall inform againſt the other party concerned, the party offending ſhall be admitted to give evidence againſt the party informed againſt, and ſhall be indemnified from the penalties by him incurred. *ſ.* 13.

Where any perſon licenſed ſhall deliver in any bill for hats (ſubject to the duties), ſuch perſon ſhall make a diſtinct charge for the ſtamp affixed to the hat charged in ſuch bill. *ſ.* 14.

Counterfeiting ſtamps, felony without clergy. *ſ.* 15.

Proviſions of former acts, *&c.* extended to this. *ſ.* 16.

All pecuniary penalties hereby impoſed, ſhall be divided (if ſued for within ſix months); one moiety to his majeſty, and the other moiety, with full coſts, to the perſon who ſhall inform. *ſ.* 17.

All pecuniary penalties which ſhall exceed 20 *l.* may be recovered in any court at *Weſtminſter*, for offences committed in *England*, *Wales*, or *Berwick*, and in the court of ſeſſions, juſticiary, or exchequer in *Scotland*, for offences committed in *Scotland*, by action of debt, *&c.* *ſ.* 18.

Such diviſion ſhall be reſtricted to the proſecuting for the ſame, within the time before limited, and in default of ſuch proſecution within the time, no informer ſhall have any part of ſuch penalties, but the whole ſhall belong to his majeſty, recoverable as aforeſaid. *ſ.* 19.

Any juſtice near where the offence ſhall be committed, may hear and determine any offence, which ſubjects the offender to any pecuniary penalty not exceeding 20 *l.*; which ſaid juſtice is, upon information, or complaint, to ſummon the party accuſed, and witneſſes on either ſide, and examine into the fact; and upon proof by confeſſion of the party, or oath of one witneſs, to give judgment for the penalty, and to iſſue his warrant under hand and ſeal for levying any penalties ſo adjudged, on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering the overplus; and where goods cannot be found, to commit ſuch offender to priſon, for three months, unleſs ſuch penalty ſhall be ſooner paid: and any perſon aggrieved by the judgment of ſuch juſtice, may, upon giving ſecurity to the value of ſuch penalty, together with ſuch coſts as ſhall be awarded in caſe ſuch judgment ſhall be affirmed, appeal to the juſtices at the next general quarter ſeſſions, who are to ſummon witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgment of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay coſts occaſioned by ſuch appeal. *ſ.* 20.

If perſons ſummoned as witneſſes before ſuch juſtice, ſhall neglect

neglect or refuſe to appear without excuſe, to be allowed of by ſuch juſtice, ſuch perſon ſhall forfeit 40*s.*; to be levied as other penalties: provided it ſhall be lawful for the ſaid juſtice, where he ſee cauſe, to mitigate ſuch penalties, coſts of the officers and informers being always allowed, over ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than one moiety above the coſts. *ſ.* 21.

It ſhall be lawful for perſons licenſed to export any number of hats, not leſs than two dozen in one package, without having the ſtamp ticket affixed thereto, upon giving notice to the diſtributor of ſtamps living neareſt to the place where the perſon exporting ſhall reſide, and obtaining from him a certificate thereof, which he is to give, without fee. *ſ.* 24.

Perſons ſued *&c.* may plead the general iſſue, and have treble coſts. *ſ.* 26.

Horſes.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 31. There ſhall be paid throughout *Great Britain*. *ſ.* 1.

For every horſe, mare, or gelding, entered to ſtart or run for any plate, prize, ſum of money, or other thing whatſoever, two pounds two ſhillings:

Every perſon exerciſing the trade of an horſe dealer, within London *and* Weſtminſter, *the weekly bills of mortality, or within* Southwark *in* Surrey, *and who ſhall take out a licence to exerciſe the ſaid trade of an horſe dealer, ſhall pay annually* ten pounds:

And every perſon exerciſing the ſaid trade without the cities of London *and* Weſtminſter, *the bills of mortality, or* Southwark, *and who ſhall take out a licence to exerciſe the ſaid trade ſhall pay annually*, five pounds.

The duties ſhall be under the management of the commiſſioners for duties on ſtamped vellum, *&c.* who are to employ officers, and to allow ſalaries and charges neceſſary, and to provide ſtamps to denote the duty, and to repair, renew, and alter the ſame, and to do all other things neceſſary for putting this act in execution. *ſ.* 2.

Two commiſſioners, or ſome perſon authoriſed by them, ſhall grant licences to perſons to exerciſe the trade of an horſe dealer within *Great Britain*, for one year, to commence from the day of the date of ſuch licence; and all perſons, who ſhall take out ſuch licence for exerciſing the ſaid trade, ſhall, in order to be exempted from the duty impoſed on any horſe, *&c.* kept and uſed by him, take out a freſh licence for another year, ten days at leaſt before the expiration of that year for which he ſhall have been licenſed, if he continue to uſe the ſaid trade, and ſhall, in like manner, renew ſuch licence from year to year, paying down the ſums due on ſuch licences, as long as he ſhall continue to uſe the ſaid trade. *ſ.* 3.

Every perſon exerciſing the buſineſs of an horſe dealer, and who ſhall have taken out a licence, ſhall cauſe the words *licenſed to deal in horſes*, to be painted or written, either on a ſign hung out, or on ſome viſible place in the front of the places at which he keeps ſuch horſes for ſale, to denote that ſuch perſon is a dealer, and licenſed; and if any perſon licenſed, ſhall ſell any horſe without fixing or hanging out ſuch token, every licenſed horſe dealer ſo offending, ſhall forfeit 5*l.* *ſ.* 4.

The owner of every horſe, *&c.* entered to ſtart or run for any plate, prize, ſum of money, or other thing, ſhall, previous to the entering or ſtarting ſuch horſe, *&c.* pay 2*l.* 2*s.* as the duty for one year; which money ſhall be paid, for the uſe of his majeſty, into the hands of the clerk of the courſe, book-keeper, or perſon authoriſed to make the entry of ſuch horſe, *&c.* being to ſtart or run: and if any owner of ſuch horſe, *&c.* ſhall, previous to the ſtarting, neglect or refuſe to pay the 2*l.* 2*s.* for ſuch entrance, the owner of ſuch horſe, *&c.* ſhall forfeit 20*l.* *ſ.* 5.

Every clerk of the courſe, or peſon receiving the 2*l.* 2*s.* as entrance money, ſhall, within fourteen days after receipt thereof, give an account of all monies received by him for horſes ſo entered to ſtart, to the diſtributor of ſtamps in the county where the race was run, upon demand by ſuch diſtributor, and producing his appointment under the hands and ſeals of three commiſſioners; and in caſe of not accounting for and paying the ſame, he ſhall, for every default in not delivering ſuch accounts, pay 100*l.* and for every default of payment of the monies due, forfeit double the amount of the monies due on the accounts at the time of ſuch default. *ſ.* 6.

The ſaid head diſtributors of ſtamps, to whom ſuch money ſhall be paid, ſhall make an allowance of 1*s.* in the pound to ſuch clerk of the courſe, *&c.* for all monies ſo accounted for and paid by him to ſuch diſtributor. *ſ.* 7.

All penalties ſhall be divided, one moiety to his majeſty, and the other, with coſts, to the perſon who ſhall inform. *ſ.* 18.

It ſhall be lawful for any juſtice reſiding near the place where the offence ſhall be committed, to determine any offence againſt this act; which juſtice is, upon information or complaint, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and ſhall examine into the fact; and upon proof thereof, either by confeſſion of the party, or by the oath of one witneſs, to give judgment for the penalty, and to iſſue warrants, under his hand and ſeal, for levying any penalties ſo adjudged on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus; and where goods cannot be found ſufficient to anſwer the penalty, to commit ſuch offender to priſon for three months, unleſs ſuch penalty be ſooner paid: and perſons aggrieved by the judgment of ſuch juſtice, may, upon giving ſecurity to the amount of the penalty, together with ſuch coſts as ſhall be awarded in caſe judgment ſhall be affirmed, appeal to the juſtices at the next general quarter ſeſſions, who are to ſummon and examine witneſſes upon oath, and finally determine the ſame; and in caſe the judgment be affirmed, ſuch juſtices are to award the perſon to pay ſuch coſts occaſioned by ſuch appeal, as to them ſeem meet. *ſ.* 19.

If any perſon ſummoned as a witneſs before ſuch juſtice, ſhall neglect or refuſe to appear, without a reaſonable excuſe, to be allowed of by ſuch juſtice, ſuch perſon ſhall forfeit 40*s.* to be levied as other penalties. *ſ.* 20.

The ſaid juſtice, where he ſee cauſe, may mitigate ſuch penalties, coſts being always allowed over ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than a moiety above the coſts. *ſ.* 21.

Defendants may plead the general iſſue, and have treble coſts. *ſ.* 23.

By 29 *Geo.* 3. *c.* 49. It ſhall not be lawful for the commiſſioners, or any perſon authoriſed by them, to grant any licence to any perſon to uſe the trade of an horſe dealer, unleſs ſuch perſon ſhall produce to the commiſſioners, or perſon authoriſed, a declaration in writing, ſigned by him, that he doth ſeek his living by buying and ſelling of horſes, and ſhall, in the ſaid declaration, ſet forth the particular place where ſuch trade is to be exerciſed; and every licence granted to any perſon other than to ſuch as ſhall ſeek their living by buying and ſelling horſes, ſhall be void. *ſ.* 8.

Inſtitution.

Any inſtitution or licence that ſhall paſs the ſeal of any ordinary, or any eccleſiaſtical court, by 5 *Will.* 3. *c.* 21. *ſ.* 3. 5*s.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 14. 5*s.*—and by 12 *Ann. ſtat.* 2. *c.* 9. 5*s.*—IN THE WHOLE, *fifteen ſhillings.*

By 28 *Geo.* 3. *c.* 28. Every licence appointing any ſtipendary curate, in which the annual amount of the ſtipend ſhall be inſerted, that ſhall paſs the ſeal of any archbiſhop, biſhop, chancellor, or other ordinary, or any eccleſiaſtical court, ſhall be exempted from any of the before duties, and be available in evidence.

Inſurance.

By 22 *Geo.* 3. *c.* 48. There ſhall be paid, throughout *Great Britain, the yearly ſum of one ſhilling and ſix-pence upon every one hundred pounds*, and ſo in proportion for any greater or leſs ſum, that ſhall be inſured by any perſon by any policy of inſurance for inſuring houſes, furniture, goods, wares, merchandizes, or other property, *from loſs by fire.* ſ. 1.

Nothing herein ſhall charge any public hoſpital to the payment of the duty *ſ.* 2.

No perſon ſhall publicly or privately inſure, or keep any office for inſuring houſes, or property, from fire in *Great Britain*, without firſt taking out a licence from the commiſſioners for the ſtamp duties. *ſ.* 4.

Nothing herein ſhall exclude the *Royal Exchange* and *London Aſſurance* from aſſuring houſes, or other property, from fire, as they now do, without taking out any licence. *ſ.* 5.

The commiſſioners for ſtamp duties are, under their hands and ſeals, to grant a licence for inſuring houſes, *&c.* to all perſons applying for the ſame; which licence ſhall ſet forth the names and other deſcription of the perſons, and alſo the principal place where ſuch buſineſs of inſuring houſes, *&c.* ſhall be principally carried on. *ſ.* 6.

All perſons who ſhall inſure, or keep any office for inſuring houſes, *&c.* from fire, without ſuch licence, or in any place, except the place named in the licence, or ſuch other places as ſhall be ſubordinate to the place named in ſuch licence, and be kept by ſome agents to perſons having ſuch licence, or in any other manner contrary to ſuch licence, or this act, ſhall forfeit, for every day in which ſuch offence ſhall be committed, 50 *l.* and alſo double the amount of the premiums of inſurance which ſuch perſons ſhall receive on ſuch day. *ſ.* 7.

All perſons to whom ſuch licence ſhall be granted, ſhall, at receiving ſuch licence, give ſecurity with ſureties, to be approved of by the commiſſioners of ſtamps, by bond to his majeſty, in ſuch ſum as the commiſſioners think reaſonable, ſo as the ſame do not exceed the probable amount of the duty payable by ſuch perſons for half a year; with condition, that if ſuch perſons make out, ſign, and deliver, an account of all money received for the duty, and make payment of all money payable in purſuance of this act; and alſo obſerve all directions herein, ſuch bond ſhall be void, but otherwiſe to be in force. *ſ.* 8.

Every licence taken out under this act, ſhall have force only for one year; but if a licence be granted to two or more, and any of them die, it ſhall continue until expiration in favour of the ſurvivors. *ſ.* 9.

Where ſuch buſineſs of inſuring is carried on by companies not incorporate, or by a greater number of partners than four, the licence granted by the commiſſioners ſhall be granted to two of ſuch company for the whole; and in ſuch caſe, the licence ſhall continue in force until the end of one year, notwithſtanding the deaths of all the perſons to whom ſuch licence ſhall be granted. *ſ.* 10.

All perſons ſo to be licenſed who ſhall grant any policy for inſuring property from fire, or ſhall continue to inſure, ſhall by themſelves, or perſons employed by them, previouſly to the granting or continuing ſuch policy, receive from the perſon whoſe property ſhall be inſured, 1*s.* 6*d.* for every 100 *l.* and ſhall give a receipt for the duty paid for one year's duty on ſuch policy, from the date thereof; and in default of receiving ſuch year's duty, ſuch perſon ſo granting ſuch policy ſhall be accountable to his majeſty for the ſaid year's duty, as if the ſame had been received. *ſ.* 11.

The perſons intitled to the benefit of ſuch policy, ſhall, at the end of the year, for which ſuch policy ſhall be granted, or within 15 days thereafter, and ſo at the end of every ſubſequent year, pay to the inſurer one year's duty; and ſuch inſurer ſhall, on ſuch payment, give a receipt for the duty to the perſon paying the ſame; and in caſe of default of payment of ſuch duty, the policy ſhall, as to the inſured, be void. *ſ.* 12.

In caſe of inſurance for leſs than a year, the inſured ſhall pay only ſo much of the yearly duty as ſhall bear a proportion to the part of the year for which ſuch policy is given. *ſ.* 14.

In caſe of any policy for one or more years, and part of a year, the inſured ſhall, as to ſuch part of a year, only be liable to ſo much of the duty as ſhall bear a proportion to ſuch part of a year, if the inſured ſhall, on the firſt payment of the duty, pay as well the proportion of the duty for ſuch part of a year, as the whole of the firſt year's duty; except a fraction leſs than a penny, which ſhall not be accounted for. *ſ.* 15.

In caſe of a new policy before the expiration of an old one, for inſuring a greater or different ſum, the ſame proportionable abatement which ſhall accrue on the new policy, ſhall be made, as the inſurer ſhall make in reſpect of the premium. *ſ.* 16.

It ſhall be lawful for all inſurers againſt fire, to take by one payment the duty hereby impoſed for the whole of the term for which the policy ſhall be granted, if the perſon inſured ſhall ſo deſire; and in conſideration of ſuch prompt payment of the duty as by this act would not be payable till a future time, and in ſuch caſe, ſuch inſurer may make the ſame abatement of the duty as the inſurer ſhall make, in conſideration of receiving the premium for the whole term of inſurance by one payment. *ſ.* 18.

Where the property of a perſon inſured for a term ſhall ceaſe before the expiration of the term, the commiſſioners of ſtamps are, upon proof of the truth of the fact, to pay back to the perſon appointed to receive the tax, ſo much of the duty as ſhall appear to have been paid for the unexpired term of the inſurance. *ſ.* 19.

All perſons who ſhall obtain a licence for any office of inſurance, ſhall keep a true account in writing, in which ſhall be inſerted the number of the policy, the name of the perſon inſuring, with his abode, the ſum inſured, and the time for which the ſame is inſured; and alſo the day of the month and year in which ſuch policy ſhall be iſſued; which account ſhall be open for the inſpection of any perſon authoriſed under the hands and ſeals of the commiſſioners for ſtamps. *ſ.* 20.

All perſons who ſhall have any licence for an inſurance office within *London* or *Weſtminſter*, or within five miles of either of them, whether the licence ſhall or ſhall not extend to any office out of the ſaid limits, ſhall, ſome time within two months after the 25th *December*, 25th *March*, 24th *June*, and 29th *Sept.* in every year, or at ſuch other times after the expiration of the two months, as may be appointed by the commiſſioners, giving a previous public notice of 14 days,

days, by advertiſement in the *London Gazette*, deliver to the ſaid commiſſioners, or perſons appointed by them, at the head office, true copies of the accounts before directed to be kept by ſuch inſurance office, for the quarter completed before ſuch day of delivery, or notice; and at the ſame time ſhall pay ſuch ſums which ſhall appear due on ſuch accounts, to the receiver general for the duties at the head office, upon pain of forfeiting, for every default in not delivering true copies of ſuch account, 500*l.* and for every default in payment of the monies due, double the amount of the money payable. *ſ.* 21.

All inſurance offices which ſhall, under this act, obtain any licence for an office not within *London* or *Weſtminſter*, or within five miles of either of them, without having any office within the limits, ſhall, ſome time within two months after 25th *Dec.* 25th *March*, 24th *June*, and 29th of *Sept.* in every year, or at ſuch other times after the expiration of the ſaid two months as may be appointed by the head diſtributor, or perſon authoriſed to receive the duties, giving a previous notice of fourteen days, by advertiſement in the *London Gazette*, or in the newſpaper publiſhed in the county where ſuch diſtributor reſides, deliver to ſuch head diſtributor, or perſon, true copies of the accounts before directed to be kept for the quarter completed before ſuch day of delivery, or notice; and at the ſame time ſhall pay to ſuch head diſtributor, or perſon, all money due upon ſuch accounts, under the penalty of forfeiting, for not delivering ſuch accounts, 200*l.* and for default in payment of the monies due on ſuch accounts, double the amount of the monies due. *ſ.* 22.

The receiver general of the ſtamp duties at the head office, and the head diſtributors, or perſons appointed by the commiſſioners to receive the duties, ſhall make an allowance to all perſons licenſed, for their trouble in receiving the duties and making out ſuch account, after the rate of one ſhilling in the pound, out of the monies by them accounted for and paid, according to the directions herein. *ſ.* 23.

Perſons employed in receiving and accounting for the duties, ſhall not be thereby diſqualified from voting at any election of members to ſerve in parliament. *ſ.* 24.

All penalties ſhall be divided, one moiety to his majeſty, and the other, with coſts, to the perſon who ſhall inform, in any court at *Weſtminſter*, for offences in *England*, *Wales*, or *Berwick*, or in the court of ſeſſions, or exchequer, in *Scotland*, for offences in *Scotland*, by action of debt, *&c.* *ſ.* 25.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 27.

By 26 *Geo.* 3. *c.* 82. The ſaid duty on money inſured by any perſons in any policy of inſurance made in *Great Britain*, for inſuring of any houſes, furniture, goods, wares, merchandizes, or other property, within any foreign kingdom or ſtate in amity with his majeſty, ſhall ceaſe.

Inventory.

Any inventory or catalogue of any furniture, goods, or effects, made with reference to any agreement, or for the ſecurity of any perſon (except inventories produceable in the eccleſiaſtical courts *(for which ſee Citation, ante)* and alſo except goods diſtrained for rent in arrear, by 23 *Geo.* 3. *c.* 58. *ſ.* 1.—*two ſhillings and ſixpence.*

Judgment.

Any judgment ſigned by any officer of the courts at *Weſtminſter*, by 5 *Will.* 3. *c.* 21. *ſ.* 3. 2*s.* 6*d.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 22. 2*s.* 6*d.*—IN THE WHOLE, *five ſhillings.*

Letters of Mart.

Any letters of mart, by 5 *Will.* 3. *c.* 21. *ſ.* 3. 5*s.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 18. 5*s.*—and by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 5*s.*—IN THE WHOLE, *fifteen ſhillings.*

Licenſe.

Any inſtitution or licenſe that ſhall be paſſed or made by any preſbytery or other ſpiritual power in *Scotland*, (licenſes to ſchoolmaſters and tutors excepted) by 12 *Ann. ſtat.* 9. *c.* 9 *ſ.* 21.—*five ſhillings.*

Any licenſe *for ſelling ale* or other exciſeable liquors by retail, by 9 *Ann. c.* 23. *ſ.* 23. 1*s.*—by 29 *Geo.* 2. *c.* 12. *ſ.* 1. 1*l.*—and by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 30. 10*s.* 6*d.*—IN THE WHOLE, *one pound eleven ſhillings and ſixpence.* See 29 *Geo.* 2. *c.* 12. *in* PART I. *page* 15. and 6 *Geo.* 1. *c.* 21. *ſ.* 56. *in page* 608, *ante.*

Licenſes to keep *mad houſes* are ſubject by 14 *Geo.* 3. *c.* 49. *ſ.* 8. (*See* LUNATICS, *page* 149.) to a ſtamp duty of *five ſhillings.*

To keep *lying-in hoſpitals*, by 13 *Geo.* 3. *c.* 82. *ſ.* 2. (*See* HOSPITALS *in* PART I. *page* 505) *five ſhillings.*

To keep *lottery offices* by 22 *Geo.* 3. *c.* 47. *ſ.* 3.—*See* LOTTERIES, *in page* 146.—*fifty pounds.*

Licenſe to exerciſe the trade of a *pawnbroker* within the bills of mortality, 10*l.*—in other places, 5*l.* by 25 *Geo.* 3. *c.* 48.—*See page* 290. *ante.*

Licenſe to perſons *to let horſes to hire* for travelling poſt, *five ſhillings*; and *to keep carriages*, for conveying paſſengers for hire, *five ſhillings*, by 25 *Geo.* 3. *c.* 51. *ſ.* 4.—*See page* 341, *ante.*

Marriage.

Any licenſe for or certificate of marriage, by 5 *Will.* 3. *c.* 21. *ſ.* 3. and 9 & 10 *Will.* 3. *c.* 25. *ſ.* 53.—*five ſhillings.*

Matriculation

In either of the univerſities, by 5 *Will.* 3. *c.* 21. *ſ.* 3. 1*s.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 27. 1*s.*—by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 2*s.*——IN THE WHOLE, *four ſhillings.*

Medicines.

By 25 *Geo.* 3. *c.* 79. There ſhall be paid throughout *Great Britain* the duties following:

For every packet, box, bottle, phial, or other incloſure, containing any drugs, oils, waters, eſſences, tinctures powders, or other preparation whatſoever, to be uſed externally or internally, as medicines or medicaments, for the prevention, cure, or relief of any diſorder incident to the human body, which ſhall be uttered or vended in Great Britain, *there ſhall be charged a ſtamp duty according to the rates following,* viz. *where the contents of ſuch packet,* &c. *ſhall not exceed the value of* 1*s.* *there ſhall be charged a ſtamp duty of* one penny halfpenny.

Where the contents ſhall exceed 1*s.* *and not* 2*s.* 6*d.* three pence.

Where the contents ſhall be above 2*s.* 6*d.* *and under* 5*s.* ſix pence.

And where the contents ſhall be of the value of 5*s.* *or upwards*, one ſhilling.

Nothing

Nothing herein ſhall charge with the duties any drugs named in the book of rates; *ſee the tables in* IMPORTATION, *&c.*; nor any drugs vended entire, without any mixture with any other drug whatſoever, by any ſurgeon, apothecary, chemiſt, or druggiſt, who hath ſerved a regular apprenticeſhip, or by any perſon who hath ſerved as a ſurgeon in the navy or army, or by any other perſon licenſed in purſuance of this act; but all ſuch drugs may be vended by ſuch ſurgeons, *&c.* or perſons diſcharged from the duties. *ſ.* 3.

Nothing herein ſhall charge with the duties any mixture, compoſition, or preparation whatſoever, compounded with drugs, medicated or chemical preparations, or other ingredients bearing different denominations, which ſhall be vended by ſuch ſurgeon, apothecary, chymiſt, or druggiſt, or by ſuch perſon who hath ſerved as a ſurgeon in the navy or army, the different denominations of which mixtures are known in the prevention, cure, or relief of any diſorder, incident to the human body; and wherein the perſon vending the ſame, hath not, nor claims to have, any ſecret art for the mixing the ſame, nor hath, nor claims to have, any excluſive right to the mixing or vending the ſame, and which compoſitions have not been nor ſhall be expoſed to ſale, under any letters patent, nor have been, nor ſhall be, by any public notice, advertiſement, or by written or printed hand bills, recommended to the public by the makers or venders thereof, as noſtrums, medicines, ſpecifics, or otherwiſe, for the cure or relief of any ſuch diſtemper. *ſ.* 4.

Every perſon in *Great Britain*, uttering or vending any drugs, oils, waters, eſſences, tinctures, powders, or other preparations, to be uſed externally or internally, as medicines, or medicaments, ſubject to the duties, ſhall, annually, take out a licenſe; and on every licenſe ſo taken out by ſuch perſon, who ſhall reſide within *London*, *Weſtminſter*, *Southwark*, or within the limits of the penny-poſt, or within *Edinburgh*, there ſhall be charged a ſtamp duty of *twenty ſhillings*; and on every licenſe taken out by any other perſon there ſhall be charged a ſtamp duty of *five ſhillings*. *ſ.* 5.

Duties to be under the management of the commiſſioners for ſtamps. *ſ.* 6.

Commiſſioners, or ſome perſon authoriſed by them, ſhall grant licenſes to perſons to vend any drugs, *&c.* ſubject to the duties; and the ſaid licenſes ſhall continue one year, commencing from the day of the date of ſuch licenſe; and all perſons who ſhall take out ſuch licenſe, ſhall take out a freſh licenſe for another year, ten days before the expiration of that year for which he ſhall be licenſed, if he continue to utter ſuch drugs; and ſhall renew ſuch licenſe from year to year, paying down the ſums due for the ſtamps, as long as he ſhall continue to vend ſuch drugs. *ſ.* 7.

No perſon ſhall vend any drugs, *&c.* ſubject to the duty unleſs he ſhall have firſt obtained a licenſe, as before directed, upon pain to forfeit 5 *l.* *ſ.* 8.

Every perſon making or vending ſuch drugs, *&c.* ſhall ſend to the commiſſioners of ſtamps, or their officers, paper covers, wrappers, or labels, made for incloſing ſuch packets, *&c.* intended to contain ſuch drugs, *&c.* with their names, and any other particular word printed thereon, to denote the value at which the ſame are intended to be ſold, in ſuch manner as the commiſſioners ſhall direct, that the ſame may be ſtamped with the duties, and marked with ſuch other mark as the commiſſioners ſhall direct, and delivered again to ſuch maker or vender; and all packets, *&c.* containing any drugs, *&c.* vended, or expoſed to ſale, by any perſon whatſoever, ſhall have affixed thereto, ſuch covers, *&c.* ſtamped as aforeſaid. *ſ.* 9.

No perſon ſhall vend any packet, *&c.* containing any drug, *&c.* ſubject to the duties, unleſs the cover, *&c.* be affixed thereto, and ſtamped as by this act is directed; or that ſhall have any cover, *&c.* affixed thereto, or ſtamped with a ſtamp of leſs value than directed, under pain that ſuch perſon ſhall forfeit for every packet, *&c.* containing ſuch drug, *&c.* 5 *l.* *ſ.* 10.

If any perſon ſhall cut, tear, or take off any ſtamp, on any packet, *&c.* containing any drug, *&c.* after the ſame ſhall have been ſold, or ſhall fraudulently affix to ſuch packet, *&c.* any cover ſo ſtamped, the ſame having been made uſe of, or ſhall vend, any packet, *&c.* containing any drug, *&c.* with ſuch cover, *&c.* ſo fraudulently cut, torn, or taken off, and affixed thereto, all perſons ſo offending ſhall forfeit 10 *l.* *ſ.* 11.

If any perſon ſhall ſell, or buy, any ſuch cover, *&c.* which hath before been made uſe of for incloſing any packet, *&c.* in order to be again made uſe of for the like purpoſe, or ſhall ſell or buy any packet, *&c.* with ſuch cover, *&c.* which hath before been made uſe of, affixed thereto, ſhall forfeit 10 *l.* *ſ.* 12.

If either the buyer or ſeller of ſuch cover, *&c.* ſhall inform againſt the other party concerned in buying or ſelling, the party informing ſhall be admitted to give evidence againſt the party informed againſt, and ſhall be indemnified from the penalties by him incurred, and receive the ſame benefit as any other informer. *ſ.* 13.

The commiſſioners ſhall allow to every perſon that ſhall be ſupplied with or bring paper to the head office to be ſtamped, the duty whereof ſhall amount to 10 *l.* or upwards, after the rate of two pounds *per cent. per ann.* and if ſuch duty ſhall amount to 50 *l.* or upwards, after the rate of 5 *l. per cent. per ann.* on payment of the duty. *ſ.* 14.

Every perſon who ſhall make or expoſe to ſale, ſuch medicines, liable to the duties, before they make or expoſe to ſale ſuch medicines, ſhall give notice in writing of the uſual place where they ſhall make or expoſe to ſale the ſame; and alſo of all drugs, *&c.* ſubject to the duties that ſhall be made, or expoſed to ſale by them, or intended ſo to be; which notice ſhall be given to the commiſſioners, or to their officers next adjacent to where ſuch medicines ſhall be made or ſold; and the like notice ſhall be given by ſuch perſons as often as they change their places, or ſhall change or vary the articles in which they deal; and which notice ſhall contain the names of ſuch drugs, *&c.* which the ſame have been or ſhall be called, and the qualities thereof, and the price at which the ſame ſhall be intended to be vended, on pain that every perſon making default in giving ſuch notice ſhall forfeit 10 *l.* *ſ.* 15.

The duties and all proviſions in this act ſhall extend to charge with the duties all articles mentioned in the ſchedule, by the names therein mentioned, and alſo all pills, powders, lozenges, tinctures, potions, cordials, electuaries, plaſters, unguents, ſalves, ointments, drops, lotions, oils, ſpirits, medicated herbs, and waters, chemical and officinal preparations whatſoever, of the ſame or the like properties, with thoſe articles ſpecified therein, made, vended, or expoſed to ſale by any perſon whatſoever, wherein the perſon making, vending, or expoſing to ſale the ſame, hath or claims to have, any unknown art for making the ſame, or hath or claims any excluſive right to the making the ſame, or which at any time heretofore have been or hereafter ſhall be prepared, vended or expoſed to ſale, under letters patent, or which at any time heretofore have been or hereafter ſhall be,

be, by any public notice or advertiſement, or by written or printed papers or hand bills, held out to the public by the makers or proprietors thereof, as noſtrums or proprietary medicines, or as ſpecifics, or otherwiſe, and ſhall alſo extend to charge with the duties impoſed on licenſes, all perſons who ſhall vend or expoſe to ſale any ſuch preparations. *ſ.* 16.

All powers, *&c.* preſcribed by any former act, relating to the ſtamp duties ſhall be of effect with relation to the duties hereby impoſed. *ſ.* 18.

All pecuniary penalties ſhall be divided, if ſued for within ſix months, one moiety to his majeſty, and the other moiety with full coſts of ſuit to the perſon who ſhall inform. *ſ.* 19.

Penalties may be recovered in any court at *Weſtminſter*, for offences committed in *England*, *Wales*, or *Berwick*, and in court of ſeſſion, juſticiary, or exchequer, in *Scotland*, for offences committed in *Scotland*, by action of debt, *&c.* *ſ.* 20.

Such diviſion ſhall be reſtricted to the proſecuting for the ſame within the time, before limited; and in default of ſuch proſecution within the time, no informer ſhall have any part of ſuch penalties, but the whole ſhall belong to his majeſty. *ſ.* 21.

It ſhall be lawful for any juſtice near where the offence ſhall be committed, to determine any offence which ſubjects the offender to any penalty, within ſix months, which juſtice is, on information or complaint, to ſummon the party accuſed, and alſo witneſſes on either ſide, and ſhall examine into the fact, and on proof either by confeſſion of the party, or oath of one witneſs, to give judgment for the penalty, and to iſſue his warrant under hand and ſeal, for levying any penalties adjudged on the goods of the offender, and to cauſe ſale to be made thereof, if not redeemed within ſix days, rendering to the party the overplus; and where goods cannot be found to anſwer the penalty to commit ſuch offender to priſon for three months; and any perſon aggrieved by the judgment of ſuch juſtice, may, on giving ſecurity to the amount of the penalty, together with ſuch coſts as ſhall be awarded in caſe ſuch judgment ſhall be affirmed, appeal to the juſtices at the next general quarter ſeſſions, who are to ſummon and examine witneſſes upon oath, and finally determine the ſame; and in caſe judgment ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay ſuch coſts as to them ſhall ſeem meet. *ſ.* 22.

If any perſon ſummoned as a witneſs, before ſuch juſtice, ſhall neglect or refuſe to appear, without excuſe to be allowed of by ſuch juſtice, ſuch perſon ſhall forfeit 40*s.*, to be levied as other penalties. *ſ.* 23.

The juſtice ſhall cauſe the conviction to be made out in the form following. *ſ.* 24.

BE it remembered, that on the ——— *day of* ——— *in the year of our Lord* ——— *in the county of* ——— A. B. *of* ——— *was convicted before me,* C. D. *one of his majeſty's juſtices of the peace for the ſaid county, reſiding near the place where the offence was committed, for that the ſaid* A. B. *on the* ——— *day of* ——— *now laſt paſt, did, contrary to the form of the ſtatute in that caſe made and provided,* [here ſtate the offence againſt the act] *and I do declare and adjudge that he the ſaid* A. B. *hath forfeited the ſum of* ——— *of lawful money of* Great Britain, *for the offence aforeſaid, to be diſtributed as the law directs.*

Given under my hand and ſeal, the ——— *day of* ———

The juſtice where he ſee cauſe, may mitigate ſuch penalties, coſts being always allowed over ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than one moiety over coſts, and no ſuch conviction ſhall be removed by *certiorari*. *ſ.* 25.

Perſons ſued for any thing done under this act may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 27.

A ſchedule is annexed to the act enumerating all the known quack medicines.

Notarial Act.

Any proteſt or any other notarial act, by 5 *Will.* & *Mar. c.* 21. *ſ.* 3. 6*d.*—By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 37. 6*d.*—And by 23 *Geo. c.* 58. *ſ.* 1. 1*s.*—IN THE WHOLE, *two ſhillings.*

Novodamus.

For every piece, *&c.* upon which ſhall be written any charter or reſignation, confirmation, *novodamus*, or charter upon appriſing, or adjudication, made or granted by ſuperior or others in *Scotland*, by 10 *Ann. c.* 19. *ſ.* 100. 2*s.* 3*d.*—By 17 *Geo.* 3. *c.* 50. *ſ.* 17. 1*s.* 6*d.*—And by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 1*s.*—IN THE WHOLE, *four ſhillings and nine pence.*

Pamphlets and *Newſpapers.*

There ſhall be paid upon all *pamphlets* and *newſpapers* containing public occurrences, which ſhall be printed in *Great Britain*, to be diſperſed, *viz.*

For every ſuch pamphlet contained in half a ſheet or leſs ſo printed, by 10 *Ann. c.* 19. *ſ.* 101. and 11 *Geo.* 1. *c.* 8. *ſ.* 14. ½*d.* — By 30 *Geo.* 2. *c.* 19. *ſ.* 1. ½*d.* — By 16 *Geo.* 3. *c.* 34. *ſ.* 7. ½*d.* — And by 29 *Geo.* 3. *c.* 50. *ſ.* 1. ½*d.*—IN THE WHOLE, *two pence.*

For every ſuch paper (being larger than half a ſheet, not exceeding one whole ſheet) for every copy by 10 *Ann. c.* 19 *ſ.* 101. and 11 *Geo.* 1. *c.* 8. *ſ.* 44. 1*d.* — By 30 *Geo.* 2. *c.* 19. *ſ.* 1. ½*d.*—By 16 *Geo.* 3. *c.* 34. *ſ.* 7. ½*d.* and by 29 *Geo.* 3. *c.* 50. *ſ.* 1. ½*d.*—IN THE WHOLE, *two pence halfpenny.*

And for every ſuch pamphlet being larger than one whole ſheet, and not exceeding ſix ſheets in octavo or a leſſer page, or not exceeding 12 ſheets in quarto, or 20 in folio, for every ſheet contained in one printed copy, by 10 *Ann. c.* 19. *ſ.* 101. *two ſhillings.*

By 10 *Ann. c.* 19. This act ſhall not charge any acts of parliament, proclamation, order of council, forms of prayer and thankſgiving, or any acts of ſtate, which ſhall be ordered by her majeſty to be printed, or the printed votes or other matters ordered to be printed by either houſe of parliament, or any books commonly uſed in ſchools, or books containing only matters of devotion, or any ſingle advertiſement printed by itſelf, or the daily accounts or bills of goods imported and exported, or the weekly bills of mortality, ſo as ſuch accounts or bills contain no other matters than what have been uſually compriſed therein. *ſ.* 102.

All vellum, *&c.* upon which any of the laſt-mentioned things ſhall be written or printed, (the paper to be uſed in printing pamphlets exceeding one ſheet excepted) ſhall before ſuch writing or printing, be brought to the head office, and the commiſſioners ſhall, upon demand, ſtamp any quantities of vellum, *&c.* paying the duties,

without fee or delay; which ſtamp ſhall be a ſufficient diſcharge for the duties. *ſ.* 104.

For the penalty by this act on ſelling any paper, &c. *unſtamped, which is* 10*l.* ſee ſec. 105. in page 598, ante.

One printed copy of every ſuch pamphlet, printed or publiſhed within *London* or *Weſtminſter*, or the weekly bills of mortality, ſhall, within ſix days after the printing, be brought to the head office for ſtamping of vellum, *&c.* and the title thereof, with the number of ſheets, and the duty hereby charged, ſhall be entered, which duty ſhall be paid to the receiver general of the ſtamp duties, who ſhall give a receipt for the ſame, on ſuch printed copy, or the ſame ſhall be ſtamped to denote the payment of the duty; and one printed copy of every ſuch pamphlet, printed or publiſhed in any part of *Great Britain*, not within the limits laſt mentioned, ſhall, within 14 days after the printing, be brought to ſome head collector of the ſtamp duties, who is required to enter the title thereof, with the number of ſheets, and the duty hereby charged, which duty ſhall be thereupon paid to ſuch collector, who ſhall give a receipt for the ſame on ſuch copy. *ſ.* 111.

If any ſuch pamphlet, containing more than one ſheet, ſhall be printed or publiſhed, and the duty not paid, and the title regiſtered, and one copy ſtamped where required, within the times before limited, the author, printer, and publiſher, ſhall loſe all property therein, and every perſon concerned in the printing or publiſhing thereof ſhall forfeit 20*l.* with coſts. *ſ.* 112.

No perſon ſhall ſell, or expoſe to ſale, any ſuch pamphlet without the name and place of abode of ſome known perſon, by or for whom the ſame was really printed or publiſhed, printed thereupon, on pain that every perſon offending herein ſhall forfeit 20*l.* with coſts. *ſ.* 113.

Every perſon who ſhall print or publiſh any advertiſement, ſhall, within 30 days after the publication, pay the duty to the perſons hereby appointed, *viz.* to the receiver general, or his deputy or clerk, for all advertiſements printed or publiſhed within the limits of the weekly bills, and to the next adjacent head officer of the ſtamp duties, for all advertiſements printed or publiſhed in any place out of thoſe limits; and the commiſſioners and officers are required, upon payment of the duties, without fee, to ſtamp one copy of ſuch advertiſements, or to give a receipt for the duty; and in default of ſuch payment, the printer or publiſher ſhall be liable to pay treble the duties with coſts. *ſ.* 118.

All pecuniary penalties hereby impoſed relating to the duties on ſtamped vellum, *&c.* or upon cards, *&c.* (except ſuch touching which other directions are given) ſhall be divided, one moiety to her majeſty, and the other, with coſts, to ſuch as ſhall ſue for the ſame in any of her majeſty's courts at *Weſtminſter*, for offences committed in *England*, and in her majeſty's court of ſeſſion, juſticiary, or exchequer, in *Scotland*. *ſ.* 119.

Provided that it ſhall be lawful for two juſtices of peace to hear and determine any offence againſt this act, in printing, ſelling, or expoſing to ſale, any pamphlets or newſpapers not ſtamped, which juſtices are required, on information exhibited, or complaint made within three months after any ſuch offence, to ſummon the party accuſed, and alſo the witneſſes, and upon the appearance or contempt of the party (upon proof of notice) to proceed to the examination, and give judgment; and where the party ſhall be convicted, either by view of the juſtices, or either of them, or upon ſuch information, to iſſue warrants for levying any pecuniary penalty on the goods of the offender, and to cauſe ſale to be made in caſe they ſhall not be redeemed within ſix days; and where goods cannot be found, to commit ſuch offender to priſon until ſuch penalty be paid; and any party aggrieved may appeal to the next quarter ſeſſions. And it ſhall be lawful for the juſtices to mitigate any ſuch penalty, the reaſonable coſts of the informers being allowed, and ſo as ſuch mitigation do not reduce the penalty to leſs than one-fourth part over and above the coſts. *ſ.* 120.

All books and pamphlets ſerving chiefly to the purpoſe of an almanack, ſhall be charged with the duties on almanacks, but not with the duties on pamphlets or other printed papers. *ſ.* 175.

By 11 *Geo.* 1. *c.* 8. Journals, mercuries, and newſpapers, printed on one ſheet and half, ſhall not be deemed pamphlets, to be entered and to pay only for each impreſſion. *ſ.* 13.

By 16 *Geo.* 2. *c.* 26. In caſe any perſon ſell, hawk, or expoſe to ſale, any newſpaper, book, pamphlet, or paper, deemed a newſpaper, within the meaning of any act relating to the ſtamp duties, not being ſtamped as in the ſaid acts is directed, it ſhall be lawful for any juſtice of peace to commit ſuch offender, being convicted before him by confeſſion, or by the oath of one witneſs, to the houſe of correction for any time not exceeding three months; and it ſhall be lawful for any perſon to apprehend and carry before a juſtice of the county or place where ſuch offence is committed, any perſon ſo offending; and every perſon ſo apprehending ſuch offender, and carrying him before ſuch juſtice, ſhall, upon conviction of ſuch offender, and producing a certificate of ſuch conviction, under the hand of ſuch juſtice (which certificate ſuch juſtice is to give without fee) be entitled to the reward of 20*s.* to be paid by the receiver general of the ſtamp duties. *ſ.* 5.

By 5 *Geo.* 3. *c.* 46. Neither the commiſſioners nor any officer appointed by them, ſhall ſell or deliver any ſtamped paper for printing any pamphlet, or any public news, intelligence, or occurrences, to be contained in one ſheet, or any leſſer piece of paper, unleſs the perſon applying for the ſame ſhall firſt give ſecurity for payment of the duties for advertiſements therein. *ſ.* 8.

By 13 *Geo.* 3. *c.* 65. It is declared that the duties granted on journals, mercuries, and other newſpapers, do extend to charge with the ſaid duties every ſheet, and every half-ſheet of paper on which any journal, mercury, chronicle, or other newſpaper, ſhall be printed, whether ſuch journals, *&c.* ſhall be contained in a greater or leſs number of ſheets, or half-ſheets.

By 29 *Geo.* 3. *c.* 50. All paper liable to the duties on newſpapers, ſhall, before printed, be brought to the head office, and the commiſſioners, by themſelves or officers, ſhall ſtamp any quantities brought to them, the perſons bringing the ſame paying to the receiver general or his deputy or clerk, the duties. *ſ.* 4.

It ſhall not be lawful for the commiſſioners, or their officers, to cancel any ſtamps of newſpapers, under pretence of their remaining unfold, in the hands of the printers, *&c.* nor to make any allowance on account of the ſame, or of the payment of any of the ſaid duties, other than ſuch as is after mentioned. *ſ.* 7.

The commiſſioners ſhall allow to every perſon who ſhall bring at one time to the head office, to be ſtamped, or buy of the commiſſioners or their agents, at the head office, paper ſtamped with the duties on newſpapers, the duties whereof ſhall amount to 10*l.* or upwards, after the rate of 4*l.* in the 100*l.* on preſent payment of the ſaid duties, ſo by them

them brought or bought, which allowance ſhall be in lieu of all former allowances, by any former act. *ſ.* 8.

If any hawker of any newſpaper, or other perſon, ſhall let out any newſpaper for hire to any perſon, or to different perſons, or from houſe to houſe, he ſhall forfeit 5 *l.* to be recovered and applied as any other penalty may by any law relating to the duties on ſtamped vellum, *&c.* *ſ.* 9.

No printer or publiſher of any newſpaper, in which any advertiſements liable to the duties ſhall be inſerted, ſhall receive from the commiſſioners, or perſons employed by them, any ſtamped paper for printing any intelligence, or occurrences thereon, until the proprietors, or ſo many of them as are in the judgment of the commiſſioners, or three of them, of ſufficient ability, to anſwer the duties on advertiſements, ſhall join in the ſecurity directed to be given by 5 *Geo.* 3. for the payment of the duties on advertiſements; and in caſe any printer ſhall print, or cauſe to be printed or publiſhed, any advertiſement in ſuch newſpaper, before he ſhall have delivered in the names of ſuch proprietors, and ſuch proprietors, or ſo many of them as the commiſſioners ſhall deem neceſſary, ſhall have given ſecurity to his majeſty, for the payment of the duties on advertiſements which ſhall be printed therein, he ſhall forfeit 500 *l.* *ſ.* 10.

The commiſſioners, as often as the duties for advertiſements ſhall be in arrear for 30 days after the printing or publication thereof, ſhall cauſe to be delivered to the printer or publiſher of ſuch newſpaper, or left at the moſt uſual place for printing ſuch newſpaper, a true account in writing of all the money which ſhall become payable, and be claimed by the commiſſioners to be due in reſpect of ſuch advertiſements, diſtinguiſhing therein the times of the publication thereof; and the ſaid proprietors, *&c.* are, on the delivery of ſuch account, forthwith to pay to the commiſſioners, or to ſuch perſons as ſhall be employed by them, the amount of the duties contained in ſuch account: But if it ſhall appear on the ſettlements of the ſaid accounts before the commiſſioners, that any matter contained in ſuch newſpaper has been charged with ſuch duty, which ſhall not be chargeable therewith, the commiſſioners are to allow the ſame to the proprietors, *&c.* and to ſtrike ſuch ſurcharge out of the accounts. *ſ.* 11.

All arrears of the ſaid duties remaining unſettled for ten days after ſuch account ſhall be delivered, may be ſued for in the exchequer, at *Weſtminſter*, by action of debt or information, in the name of the attorney or ſolicitor general, and on ſuch action or information, a *capias* may iſſue, ſpecifying the amount of the duties ſued for; and the proprietors, *&c.* againſt whom ſuch action or information ſhall be brought, ſhall be obliged to give bail to the amount of the duties, (an affidavit thereof being firſt made and filed in the ſaid court). *ſ.* 12.

Perſons counterfeiting ſtamps, *&c.* to ſuffer death. *ſ.* 13.

Powers of former acts not hereby altered, to extend to this act. *ſ.* 14.

Duties by this act to be paid to the receiver general of ſtamps, and carried to the conſolidated fund. *ſ.* 15.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 16.

Pardon.

Any pardon of any crime, ſum of money, or forfeiture, or on which any warrant of reprieve or relaxation from any fines, puniſhments or other forfeitures, ſhall be written, *&c.* by 5 *Will.* 3. *c.* 21. 40*s.* — by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 3. (except general circuits, and *Newgate* pardons,) 40*s.* — and by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 40*s.* — IN THE WHOLE, *ſix pounds.*

N. B. *If the relaxation from any fine or forfeiture does not exceed* 100 *l. ſuch relaxation is not ſubject to the duty of* 12 Ann.

By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 50. Any *general circuit* or *Newgate pardon* ſhall be liable only to the ſingle duty of 40*s.* impoſed by 5 *Will.* 3. c. 21.

Perfumery.

By 26 *Geo.* 3. *c.* 49. There ſhall be paid throughout *Great Britain*,

Upon every packet, box, bottle, phial, or other incloſure, containing any powders, paſtes, balls, balſams, ointments, oils, waters, waſhes, tinctures, eſſences, liquors, or other preparation, diſtinguiſhed by the name of ſweet ſcents, odours, *or* perfumes; *or by the name of* coſmetics, *uſed or to be uſed by any perſon as ſweet ſcents, odours, perfumes, or coſmetics, which ſhall be uttered, vended, or expoſed to ſale, in* Great Britain, *mixed or unmixed with other materials, there ſhall be charged a ſtamp-duty according to the rates herein after expreſſed; and alſo upon every packet, box, bottle, phial, or other incloſure, containing any dentifrice, powders, tinctures, or other preparation whatſoever for the teeth or gums, which ſhall be vended, or expoſed to ſale in* Great Britain, *there ſhall be charged a ſtamp-duty, according to the like rates herein after expreſſed; and upon every roll, cake, or piece, packet, box, pot, or other incloſure of any pomatum, ointment, or other preparation for the hair, which ſhall be vended, or expoſed to ſale, in* Great Britain, *there ſhall be charged a ſtamp-duty, according to the like rates; and alſo upon every packet, or other incloſure, containing any hair powder, which ſhall be vended, or expoſed to ſale, in* Great Britain, *the price whereof ſhall exceed* 2 *s. for the pound weight, there ſhall be charged a ſtamp-duty, according to the like rates herein after expreſſed;* (that is to ſay), *ſ.* 1.

Where ſuch articles ſhall not exceed the value of 8 *d. there ſhall be charged a ſtamp-duty of* one penny:

Where ſuch articles exceed 8 *d. and not* 1 *s.*—one penny halfpenny:

Where ſuch articles exceed 1 *s. and not* 2 *s.* 6 *d.* three pence:

Where ſuch articles ſhall exceed 2 *s.* 6 *d. and ſhall be under* 5 *s.* ſix pence:

And where ſuch articles ſhall be of the value of 5 *s. or upwards*, one ſhilling:

The ſaid duties to be paid upon each packet, box, bottle, phial, or incloſure, and upon each roll, cake, ball, or piece of ſuch articles, which ſhall be vended, or expoſed to ſale, according to the values above rated.

And alſo upon every incloſure containing any hair powder, the price whereof ſhall not exceed 2 *s. for the pound weight, there ſhall be charged for each pound, or any leſs quantity than a pound, a ſtamp-duty of* one penny.

Nothing herein ſhall extend to any drugs, *&c.* charged with duties, by 25 *Geo.* 3. *c.* 79.—*See page* 615. *ſ.* 2.

Nothing in this act ſhall charge with the above duties any common ſoap imported into or made in *Great Britain*, and charged with duty of exciſe, which ſhall be vended wholly unmixed with any ſuch ſweet ſcents, odours, or perfumes, as aforeſaid. *ſ.* 3.

Every perſon in *Great Britain* vending ſuch wares, ſubject to the duties before impoſed, ſhall annually take out a licence; and upon every licence ſo taken out there ſhall be charged a ſtamp-duty of 1 *s.* *ſ.* 4.

The duties ſhall be under the management of the commiſſioners on ſtamped vellum, *&c.* *ſ.* 5.

Two commiſſioners, or ſome perſon authoriſed by them, ſhall grant licences to perſons to vend ſuch wares, to continue in force for one year, commencing from the date of ſuch licence; and all perſons who ſhall take out ſuch licence, ſhall take out a freſh licence for another year, ten days before the expiration of that for which he ſhall have been licenſed, if he continue to vend ſuch wares, paying down the ſums due for the ſtamps on ſuch licences ſo long as he ſhall continue to vend ſuch wares. *ſ.* 6.

No perſon ſhall vend, or expoſe to ſale, any ſuch wares, unleſs he ſhall have firſt obtained a licence, and then in force as before directed, upon pain to forfeit 5 *l.* *ſ.* 7.

Perſons vending ſuch wares, and licenſed, ſhall, within 20 days after ſuch licence ſhall have been granted, cauſe the words *licenſed to deal in perfumery*, to be painted or written in the front of the places at which he ſhall vend ſuch wares; and if any perſon licenſed ſhall, after the expiration of 20 days after ſuch licence ſhall have been granted, preſume to vend, or expoſe to ſale, any ſuch wares, without fixing or hanging out ſuch notice, ſuch perſon ſhall forfeit 5 *l.* *ſ.* 8.

If any perſon ſhall fix or hang out ſuch notice, or continue the ſame ſo fixed, without having a licence then in force, ſuch perſon ſhall forfeit 20 *l.* *ſ.* 9.

Perſons making, vending, or expoſing to ſale, ſuch wares, ſhall apply to the commiſſioners of ſtamps, or officers, for paper covers, wrappers, or labels, to be affixed to incloſures containing ſuch wares, or to be affixed to rolls, cakes, balls, or pieces of ſuch wares, as ſhall be vended, without any incloſure; upon which paper covers, the commiſſioners are to print ſome mark, or words, to denote the duties, and the rate: And the commiſſioners are alſo required to deliver to ſuch licenſed venders, ſufficient covers for the purpoſe aforeſaid, on payment of the ſums due for the ſtamps; and all incloſures, containing ſuch wares, and all rolls, cakes, balls, and pieces of ſuch other wares, vended, or expoſed to ſale, ſhall have ſufficiently paſted, ſtuck, faſtened, or affixed thereto, ſuch covers, ſtamped as aforeſaid, in ſuch manner as the commiſſioners ſhall direct: And the ſaid commiſſioners ſhall direct the manner in which ſuch covers ſhall be paſted to the wares, or to the papers, thread, or thing incloſing the ſame; and to make ſuch rules as they think fit to prevent the covers from being made uſe of again, after ſold; which rules ſhall be delivered to all venders at the time of taking out the firſt licence; and ſo with every future licence, if any variation ſhall have been made in ſuch rules. *ſ.* 10.

No perſon ſhall vend, or expoſe to ſale, or offer or keep ready for ſale, in any place, of which notice ſhall have been ſent as after directed, any wares, ſubject to the duties, or receive any thing whatſoever by way of barter, or in exchange for any wares ſubject to the duties, unleſs the cover ſhall, previous to ſuch ſale, or expoſing or offering for ſale, be well affixed thereto, as the commiſſioners ſhall direct, and ſtamped as by this act directed, or that ſhall have any cover affixed thereto, ſtamped with a ſtamp of leſs denomination than directed, under pain that ſuch perſon ſhall forfeit 5 *l.* *ſ.* 11.

It ſhall be lawful for any maker of hair powder, having made entry at any office of exciſe, to vend to any perſon dealing in hair powder, and licenſed by this act, and for ſuch licenſed perſon to buy for ſale any hair powder, the price whereof ſhall not exceed 2 *s.* *per* pound, and packed in any packages, each whereof ſhall contain 224 pounds of ſuch hair powder, without affixing to the ſame any label, ſtamped according to this act. *ſ.* 12.

Such makers of hair powder, who ſhall vend the ſame without ſtamps, under this act, ſhall keep books, wherein they ſhall enter in writing an exact account of all ſuch powder ſold without ſtamps, and the name of the perſons to whom, and the time when; which books any officer appointed by the ſaid commiſſioners, or three of them, may in the day view, and take any copy of the ſame, without hindrance, under the pain that every perſon offending in any of the particulars, ſhall forfeit 20 *l.* *ſ.* 13.

If any perſon ſhall fraudulently cut, tear, or take off, from any wares, any label, with any ſtamp, after ſold, or ſhall fraudulently affix to ſuch wares any ſuch label ſo fraudulently cut, *&c.* or ſhall vend, or expoſe to ſale, any ſuch wares, with ſuch label fraudulently cut, *&c.* the perſon ſo offending ſhall forfeit 10 *l.* *ſ.* 14.

If any perſon ſhall ſell or buy, or give or receive any other thing whatſoever by way of exchange for any ſuch label, ſtamped (which hath been before made uſe of in the ſale of ſuch wares) in order to be again made uſe of for the like purpoſe; or ſhall ſell or buy, or give or receive any thing in exchange for ſuch wares, or any incloſure with ſuch label, which hath been before made uſe of, or affixed thereto; ſuch perſon ſhall forfeit 10 *l.* *ſ.* 15.

The commiſſioners ſhall allow to every perſon who ſhall be ſupplied with labels, after the rate of 5 *l.* in the hundred pounds, upon preſent payment of the duties upon the ſaid covers ſo to them ſupplied. *ſ.* 16.

Perſons who ſhall vend, or expoſe to ſale, any ſuch wares, liable to the duties, before they obtain a licence to vend the ſame, ſhall give notice in writing of the uſual places where they ſhall vend the ſame, or intend ſo to do; which notice ſhall be given to the commiſſioners, or to their officers next adjacent to the place where ſuch wares are vended; and the like notice ſhall be given by ſuch perſons as often as they change the places where ſuch goods are ſold; which notice ſhall contain the particular place and room wherein the ſame are vended, upon pain that every perſon making default in giving notice, ſhall forfeit 5 *l.*; and all ſuch wares ſubject to the duties, which ſhall be kept ready for ſale, or offered to ſale, in any place, whereof notice ſhall have been given, (except *almond paſte*, *almond powder*, *bears greaſe*, *cold cream*, *Italian ſquare hard ſoap*, *Naples ſoft ſoap*, *perfumed and coloured hair powders above* 2 s. per *pound*, *rouge in pots*, *and waſh-balls of all ſorts* which are allowed to be kept for and expoſed to ſale in ſuch place, in bulk or otherwiſe, without any ſtamped label affixed thereto, until the time of actual ſale) ſhall be deemed to require a label ſtamped, to be previouſly affixed thereon, in manner directed by the commiſſioners; and it ſhall be lawful for any officer, authoriſed by the commiſſioners, to enter in the day-time into any ſuch place or room whereof ſuch notice ſhall have been given, and there to ſearch whether the wares ſo kept ready for ſale in ſuch place have a label affixed thereto, or to the incloſures containing the ſame, according to this act; and if ſuch wares (except as herein excepted) ſhall be expoſed to ſale, or kept ready for ſale, in ſuch place, without any label, or with a label of leſs denomination than directed, or with a label affixed thereto unduly, and contrary to the directions of the commiſſioners, it ſhall be lawful for ſuch officer to affix to the ſaid wares, or to the incloſures thereof, a label ſtamped as aforeſaid (to be ſupplied by the ſaid officer) and if the owner or vender thereof, or perſon having the care thereof, ſhall not upon demand pay to the ſaid officer all money

money due and payable in reſpect of the ſtamps upon the ſaid labels, ſo ſupplied, ſuch perſon ſhall forfeit 5*l.* above the duties. *ſ.* 17.

If any perſon ſhall obſtruct any of the ſaid officers, ſuch perſon ſhall forfeit 20*l.* *ſ.* 18.

In caſe any labels ſhall be damaged or ſpoiled in affixing the ſame upon ſuch wares, ſo as to be unfit for uſe, it ſhall be lawful for any perſon licenſed to bring ſuch labels, ſo ſtamped, together with the wares to which the ſame ſhall have been affixed, to the commiſſioners, or head officer appointed by them, and on oath (or affirmation) made by ſuch perſon, to the ſatisfaction of the commiſſioners or head officer (who are to adminiſter ſuch oath, and to examine into all circumſtances relating to the damaging the ſame) that ſuch labels have not been uſed for any other purpoſe, or in any other manner; and that none of them have been fraudulently rebought or returned after ſold; and that no money or conſideration hath been paid for the ſame, except the money firſt paid for ſuch labels; then the ſaid commiſſioners are, after deſtroying ſuch defaced labels, to deliver to ſuch licenſed perſon other labels of the ſame denomination, inſtead of the labels damaged, without taking any money. *ſ.* 19.

If any perſon ſo licenſed ſhall vend or expoſe to ſale any wares in any other place, than ſuch as are deſcribed in ſuch notice ſent to the commiſſioners, ſuch perſon ſhall forfeit 5*l.* *ſ.* 20.

Nothing in this act ſhall extend to the ſale of any wares by any licenſed perſon to any perſon in *Great Britain* for exportation, where ſuch wares ſo ſold ſhall be exported to foreign parts; and in ſuch caſe the perſon ſelling the ſame for exportation do, within three days after ſale, give notice in writing at the head office, or at the office of the diſtributor of ſtamps next adjacent to the place where he ſhall reſide, of all ſuch wares which ſhall be ſo ſold for exportation; which notice ſhall contain the quantities and denominations of ſuch wares, and the names of the perſon to whom the ſame are ſold, and the port from which the ſame is to be exported; and all ſuch notices ſhall be filed by the officers to whom the ſame are ſent, and a certificate thereof, containing the like quantities and denominations of the wares, and alſo the names and places expreſſed in ſuch notices ſhall, if required, be made out under the hands of the commiſſioners, or their officers, and delivered *gratis* to the perſon by whom ſuch notices were given; and in all proſecutions of offenders for ſelling or buying ſuch wares contrary to this act, ſuch certificate ſhall be evidence of notice, and of the quantities and denominations of the wares expreſſed therein. *ſ.* 21.

If any perſon licenſed, ſhall be convicted or proſecuted to final judgment, the licenſe ſhall thenceforth be void, and ſo upon each ſucceſſive conviction, every new licence ſhall be void; and it ſhall not be lawful for the commiſſioners, *&c.* after ſuch conviction, to grant any new licence to any perſon ſo convicted, unleſs ſuch perſon ſhall, when ſuch new licence is granted, give ſecurity by bond to his majeſty, with one or more ſureties, to be approved of by the commiſſioners, or officers appointed, in the following ſums, and on the following condition, *viz.* if ſuch perſon ſhall have been convicted for a firſt offence, then ſuch bond ſhall be 100*l.*; and if ſuch perſon ſhall have been convicted for a ſecond or ſubſequent offence, then ſuch bond ſhall be in double the ſum in the laſt preceding bond, entered into by ſuch perſon; and the condition of ſuch bonds ſhall be, that if ſuch perſon ſhall thenceforth obſerve this act, ſo far as he ſhall be concerned therein, then ſuch bonds ſhall be void, otherwiſe to be in full force; and the commiſſioners, or three of them, and any officer by them appointed, are to take the ſaid bond; and in caſe the perſon entering into ſuch bond, ſhall, during the continuance of ſuch licenſe, or any future licenſe, have acted contrary to this act, and to the condition, then the commiſſioners ſhall cauſe ſuch bond to be proſecuted, and which proſecution ſhall be carried on againſt the principal obligor, his or their ſureties, or his executors or adminiſtrators, as the commiſſioners think proper. *ſ.* 22.

Duties to extend to all articles included in the ſchedule annexed *which enumerates all articles of perfumery.* *ſ.* 23.

All powers preſcribed by former acts relating to the ſtamp duties ſhall be of force with relation to the duties hereby impoſed. *ſ.* 25.

All penalties ſhall be divided (if ſued for within ſix months), one moiety to his majeſty, and the other moiety to the perſon who ſhall inform. *ſ.* 26.

All penalties may be recovered with coſts in any court at *Weſtminſter*, for offences commmitted in *England*, *Wales*, or *Berwick*, and in ſeſſions, juſticiary, or exchequer, in *Scotland*, for offences committed in *Scotland*, by action of debt, *&c.* *ſ.* 27.

Such diviſion ſhall be reſtricted to the proſecuting for the ſame within the time before limited; and in default of ſuch proſecution, no informer ſhall have any part of ſuch penalties, but the whole ſhall belong to his majeſty. *ſ.* 28.

It ſhall be lawful for any juſtice near to determine any offence againſt this act, which juſtice is, on information or complaint, within ſix months, to ſummon the party accuſed, and on proof thereof, either by the voluntary oath of the party, or by the oath of one witneſs, to give judgment for the penalty; all which penalties ſo adjudged, ſhall be divided, one moiety to the informer, and the other moiety (the charges for recovery thereof being firſt deducted) to his majeſty, and to iſſue his warrant, under his hand and ſeal, for levying ſuch penalties on the goods of the offender, and to cauſe ſale to be made thereof, if not redeemed within three days, rendering to the party the overplus, if any; and where goods cannot be found to anſwer the penalty, to commit ſuch offender to priſon for three months; and any perſon aggrieved by the judgment of ſuch juſtice, may, upon giving ſecurity to the amount of the penalty, together with coſts to be awarded, in caſe ſuch judgment ſhall be affirmed, appeal to the juſtices at the next general quarter ſeſſions, who are to ſummon and examine witneſſes upon oath, and finally to determine the ſame; and in caſe the judgment ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay coſts, occaſioned by ſuch appeal. *ſ.* 29.

If any perſon, ſummoned as a witneſs before ſuch juſtice, ſhall neglect or refuſe to appear, without excuſe allowed of by ſuch juſtice, ſuch perſon ſhall forfeit 40*s.* to be levied as other penalties. *ſ.* 30.

The juſtices ſhall cauſe the conviction to be made out in the manner following: *ſ.* 31.

BE it remembered, That on the ——— *day of* ——— *in the year of our Lord* ——— *in the county of* ———, A. B. *of* ———, *was convicted before me* C. D. *one of his majeſty's juſtices of the peace for the ſaid county, reſiding near to the place where the offence was committed, for that the ſaid* A. B. *on the* ——— *day of* ——— *now laſt paſt did* [Here ſtate the offence againſt the act], *contrary to the form of the ſtatute in that caſe made and provided: And I do declare and adjudge, That he, the ſaid* A. B. *hath forfeited the ſum of* ———, *of lawful money of* Great Britain,

tain, *for the offence aforeſaid*; *which ſum of* ——— *I do hereby mitigate to the ſum of* ——— [here ſtate the mitigated penalty if neceſſary], *to be diſtributed as the law directs.*

Given under my hand and ſeal, the ——— *day of* ———

It ſhall be lawful for the ſaid juſtice, where he ſee cauſe, to mitigate ſuch penalties, coſts being always allowed, over ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than one moiety above coſts; and no conviction ſhall be removed by *certiorari*. *ſ.* 32.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and have treble coſts. *ſ.* 35.

Plate.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 53. There ſhall be paid, throughout *Great Britain*, for all *gold and ſilver plate*, which ſhall be made or wrought within the ſame kingdom, the duties following. *ſ.* 1.

Upon all gold plate made or wrought, and which ſhall or ought to be touched, aſſayed, and marked in Great Britain, *over and above all other duties already impoſed thereupon, a duty after the rate of* eight ſhillings for every ounce troy; *and proportionably for any greater or leſs quantity.*

And upon all ſilver plate, a duty after the rate of ſix pence for every ounce troy:

To be paid by the makers or workers thereof. *ſ.* 1.

The duties on plate made in *Great Britain*, to be under the management of the commiſſioners of ſtamps, *&c.* *ſ.* 2.

Every working goldſmith and ſilverſmith, or other manufacturer of gold or ſilver, who ſhall work or make, or cauſe to be wrought, any gold or ſilver veſſel, plate or manufacture of gold or ſilver, required to be aſſayed, and marked, by the company of goldſmiths in *London*, *Edinburgh*, or by the *Birmingham* or *Sheffield* companies, or by the wardens and aſſayers at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, and *Newcaſtle upon Tyne*, ſhall ſend, with every parcel of ſuch gold or ſilver, to the aſſay-office of the ſaid companies, cities, and places, a note, containing the day of the month and year, the chriſtian and ſurname of the maker, and place of his abode, and alſo all the ſpecies in ſuch parcel of plate, and the number of each, with the total weight of ſuch parcel, and alſo the money payable for the duty upon the total weight of ſuch parcel; and alſo ſhall ſend, and pay, with every ſuch parcel, to the officer belonging to ſuch aſſay-office who ſhall receive ſuch gold or ſilver ſo ſent, the duty by this act directed to be paid upon ſuch parcel ſo required to be aſſayed. *ſ.* 4.

The wardens, or their deputy aſſay-maſter, weigher, or other perſon appointed by the ſaid companies or aſſay-officers, ſhall mark with the following new mark, that is to ſay, with the mark of the king's head, beſides the other marks, all ſuch pieces of gold or ſilver plate ſo ſent to be aſſayed; and ſhall, previous to the aſſaying ſuch plate, receive, for the uſe of his majeſty, from the perſon whoſe property is required to be aſſayed, eight ſhillings for every ounce of gold plate; and ſixpence for every ounce of ſilver plate, brought to the ſaid aſſay-offices to be aſſayed, and ſhall give a receipt for the duty paid to the perſon bringing ſuch plate; and in default of receiving ſuch duty, ſuch companies or aſſay-offices ſo aſſaying ſuch plate, ſhall be accountable to his majeſty, for the duty, as if the ſame had been received. *ſ.* 5.

The aſſay-maſter, weigher, or officer of the aſſay-offices, who ſhall receive the ſaid duties, with the notes, ſhall daily, as ſoon as he ſhall have entered the ſame in the book of the companies, deliver the ſaid notes, and pay the duties by him received, to the clerk or accountant of the ſaid companies, who ſhall file the ſame notes, and enter the ſame, and keep account in writing, in books to be kept for that purpoſe, of the duties received by him under this act; which account ſhall be open for the inſpection of any perſon authoriſed under the hands and ſeals of the commiſſioners of ſtamp-duties, to inſpect the ſame. *ſ.* 6.

The perſon appointed by the companies to receive the duties, ſhall, where ſuch plate is ſent to be aſſayed in the rough ſtate as heretofore has been uſual, make a deduction of one-ſixth from the weight, and an allowance of one-ſixth part of the duty, to the perſon bringing the ſame; and ſhall, at the bottom of the note, expreſs the deduction from the weight, and allowance of the duty: Provided nothing herein ſhall extend to any allowance being made on any quantity of ſilver plate, leſs in weight than one ounce troy, nor to any fractional part of an ounce. 25 *Geo.* 3. *c.* 64. *ſ.* 1.

No perſon whatſoever, making or ſelling, trading or dealing in, gold or ſilver wares, ſhall ſell, exchange, or expoſe to ſale, in *Great Britain*, any gold or ſilver veſſel, plate, or manufacture of gold or ſilver, made after 1 *Dec.* 1784, or export the ſame out of *Great Britain*, until ſuch time as ſuch manufacture of gold, and of ſilver (of the ſtandard directed by law), ſhall be marked with the new mark before directed, *viz.* the king's head, beſides all other marks already directed by law to be marked thereon, upon pain that ſuch perſon ſo offending, ſhall forfeit 50*l.*; and for default of not paying down the penalty upon conviction, ſhall be committed by the court, in which judgment ſhall be given, to the houſe of correction for not exceeding one year, nor leſs than ſix months, or until payment be made of the forfeiture; and alſo upon pain that ſuch manufacture of gold and ſilver, ſold, exchanged, or expoſed to ſale, without having the mark thereon as directed, ſhall be forfeited, one moiety to the king, and the other to ſuch perſon who ſhall ſue. 24 *Geo.* 3. *ſeſſ.* 2. *c.* 53. *ſ.* 8.

Nothing in this act ſhall extend to any jewellers works, *viz.* any gold or ſilver wherein any jewels or other ſtones ſhall be ſet (other than mourning rings), nor to any jointed night ear-rings of gold, or gold ſprings of lockets, nor to compel any of the wares of gold or ſilver to be ſtamped with the ſtamp directed by this act, which are excepted in 12 *Geo.* 2. *c.* 26.—*See general title* GOLD AND SILVER in Part I. *ſ.* 9.

When any parcel of gold or ſilver ſhall in any of the aſſay-offices be found to be of a coarſer allay than the ſtandard, and ſhall be cut, broken, and defaced, then (and where no intended fraud ſhall appear), the duty paid upon ſuch parcel upon the delivery thereof to be aſſayed, ſhall be returned to the worker by the companies who ſhall deface ſuch manufacture; and the ſaid companies ſhall make an entry in the books before directed to be kept of the ſpecies and weight of each parcel cut, and the names of the perſons to whom ſuch plate did belong, and the amount of the duty returned. *ſ.* 10.

The clerk or accountant of the company of goldſmiths in *London* ſhall, within two months after 25 *March*, 24 *June*, 29 *Sept.*, and 25 *December*, in every year, or at ſuch other times, after the expiration of the two months, as may be appointed by the commiſſioners of ſtamp-duties, giving a previous public notice of fourteen days, or more, by advertiſement in the *London Gazette*, deliver, to the commiſſioners, or perſon appointed by them at the head office, true copies

copies of the accounts before directed to be kept by ſuch clerks or accountants, for the quarter completed before ſuch day of delivery, or notice; and, at the ſame time, ſhall pay ſuch ſums which ſhall appear to be due on ſuch accounts to the receiver-general of the duties on ſtamped vellum, or officer appointed to receive the duties for the uſe of his majeſty, at the head office; upon pain of forfeiting, for every default in not delivering true copies of ſuch accounts, 500 *l.*; and for every default in payment of the monies due on ſuch accounts, double the amount of the money due. *ſ.* 13.

The wardens, or their deputies, or the clerk or accountant, or perſon appointed to receive the duty, by the goldſmiths company at *Edinburgh*, or by the companies of *Birmingham* and *Sheffield*, or the aſſay-offices at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, *Newcaſtle upon Tyne*, or other cities where any aſſay-office ſhall or may be eſtabliſhed, ſhall, within two months after 25 *March*, 24 *June*, 29 *Sept.* and 25 *Dec.* in every year, or at ſuch other times after the expiration of the two months as may be appointed by the head diſtributor, or perſon ſo to be authoriſed to receive the duties, giving a previous notice of 14 days, or more, by advertiſement in the *London Gazette*, or in the newſpaper, publiſhed in the county where ſuch head diſtributor reſides, deliver to ſuch head diſtributor, or perſon aforeſaid, true copies of the accounts directed to be kept by ſuch companies, for the quarter completed before ſuch day of delivery; and, at the ſame time, ſhall pay to ſuch head diſtributor, or perſon authoriſed, all money due upon ſuch accounts; under the penalty of forfeiting, for every default in not delivering ſuch accounts, 50 *l.*; and for every default in payment of the monies due on ſuch accounts, double the amount of the monies due on the ſaid account. *ſ.* 14.

The receiver-general of the ſtamp-duties, at the head office, and the head diſtributor of ſtamped vellum, or perſon appointed by the commiſſioners to receive the duties, ſhall make an allowance to all clerks, accountants, or perſons appointed by ſuch companies, for their trouble in originally receiving the ſaid duties, and making out ſuch account, at the rate of 6 *d.* in the pound out of the monies by them accounted for and paid. *ſ.* 15.

If any perſon ſhall caſt, counterfeit, or cauſe to be caſt, or counterfeited, the ſtamp uſed, or directed to be uſed in purſuance of this act, for ſtamping of gold or ſilver plate; or ſhall caſt, or counterfeit, or cauſe to be caſt, or counterfeited, any ſtamp, in imitation of any ſtamp, or made with any ſtamp uſed; or ſhall ſtamp, or cauſe to be ſtamped, any wrought plate of gold or ſilver, or any wares of braſs or other baſe metal ſilvered or gilt over and reſembling plate of gold or ſilver, with any ſtamp which ſhall be forged, in imitation of any ſtamp uſed by the ſaid companies or aſſayers, or by any maker or worker of gold or ſilver plate; or ſhall tranſpoſe, or cauſe to be tranſpoſed from one piece of wrought plate to another, or to any veſſel of ſuch baſe metal as aforeſaid, any ſtamp made with any ſtamp uſed as aforeſaid by the aſſayers, *&c.* or by any maker of gold or ſilver plate, or ſhall ſell, exchange, or expoſe to ſale, or export out of this kingdom, any wrought plate, or any veſſel of ſuch baſe metal, with ſuch forged ſtamp, or any ſtamp which ſhall be tranſpoſed from any other piece of plate, knowing ſuch ſtamp to be counterfeited, or tranſpoſed; or ſhall wilfully have any ſtamp counterfeited, in imitation of any ſtamp uſed as aforeſaid; ſuch perſon ſhall be guilty of felony, without benefit of clergy. *ſ.* 16.

Penalties ſhall be divided, one moiety to his majeſty, and the other moiety, with coſts, to the perſon who ſhall inform, in any court at *Weſtminſter*, for offences in *England*, *Wales*, or *Berwick*, or in the exchequer in *Scotland*, for offences committed in *Scotland*, by action of debt, *&c.* *ſ.* 17.

Perſons ſued, may plead the general iſſue, and if a verdict paſs for the defendant, ſuch defendant ſhall have treble coſts. *ſ.* 19.

By 25 *Geo.* 3. *c.* 64. In caſe any perſon ſhall, during the continuance of the duties impoſed upon wrought plate, exported by way of merchandize, for foreign parts, *export* any plate of gold or ſilver, wrought in this kingdom, which is charged with the duties of 8 *s. per* ounce, and 6 *d. per* ounce, and the ſame ſhall appear to have been made or marked after 1 *Dec.* 1784, and the duties paid, and ſhall give ſecurity, before ſhipping thereof for exportation, that the quantities of ſuch plate, intended to be exported, ſhall not be relanded in *Great Britain*; and ſhall make proof, upon oath, that the ſame were actually made or marked after the ſaid time, which ſecurity ſhall be taken in the king's name, and the oath adminiſtered by the cuſtomer or collector of the port of exportation, without fee; then, without any notarial act as in the former act mentioned, the ſaid cuſtomer or collector ſhall give to the exporter thereof a debenture, expreſſing the kinds and quantities of ſuch plate ſo exported, or ſhipped to be exported; and the exportation or ſhipping thereof being certified by the ſearcher upon the debenture, the collector or receiver of the duty upon plate, at the aſſay offices where aſſayed, ſhall, upon the debenture, ſo certified, being produced to him, forthwith pay a drawback, after the rate of 8 *s. per* ounce troy, of gold; and 6 *d.* for every ounce troy, of ſilver, out of the duties then in the hands of the ſaid receiver, without fee; and if the ſaid collector ſhall not have money in his hands to pay ſuch debenture, then the receiver general of the ſtamp-duties is to pay the ſaid debenture, out of the duties ariſing by this act. *ſ.* 3.

The exporters of gold and ſilver watches ſhall mark or engrave in the inſide of every caſe or box of each watch, incloſing the works thereof, the ſame numbers and figures which ſhall be marked on the works of the watch incloſed in ſuch caſe. *ſ.* 4.

All ſecurities and bonds, required to be taken as aforeſaid, ſhall continue in force, until ſuch exporter of wrought plate, ſhall produce and deliver to ſuch cuſtomer or collector the bill of lading thereof, and which ſhall have at the foot the receipt of the maſter of the veſſel on board of which the ſaid plate were ſhipped, and alſo a receipt or certificate, on the back of ſuch bill of lading, under the hand of the perſon to whom ſuch wrought plate were conſigned, certifying that the ſame have been received, and mentioning in ſuch receipt or certificate the true kinds of plate conſigned and received, and the name of the perſon conſigning the ſame, and alſo, if ſuch plate ſhall conſiſt of watches, the numbers or figures marked in the inſide of the caſe of each watch, then ſuch ſecurities ſhall be delivered up and cancelled. *ſ.* 5.

Where the veſſel, on board of which ſuch plate, *&c.* were ſhipped, ſhall be loſt, or ſhall not, within three years, return to any port in *Great Britain*; upon proof thereof to the cuſtomer or collector at the port at which the drawback was received, and the bonds given, the ſaid cuſtomer or collector ſhall deliver up to ſuch exporters their ſecurities, that the ſame may be cancelled, if no fraud in the mean time appeared, or no proſecution thereon ſhall have been commenced. *ſ.* 6.

By 30 *Geo.* 3. *c.* 31. the *ſec.* 6. of 12 *Geo.* 2. *c.* 26. *ſee* PART I. *p.* 451. ſo far as the ſame relates to the not obliging

obliging the wares of ſilver therein ſpecifically mentioned, and ſuch other wares of ſilver therein generally named, to be ſtamped; and alſo the *ſec.* 9. 24 *Geo.* 3. *c.* 53. ſo far as the ſame relates to the not compelling any of the wares of ſilver to be ſtamped with the ſtamp directed by the laſt-mentioned act, which are excepted in the ſaid act, 12 *Geo.* 2. ſhall ceaſe. *ſ.* 1.

All penalties incurred by any perſon making, or dealing in ſilver wares, for having, on or before 28 *May* 1790, ſold, exchanged, or expoſed to ſale, any of the articles following, made of ſilver, being of the ſtandard directed by law, and not weighing 10 penny-weights of ſilver each, or weighing 10 penny-weights of ſilver or more each, *viz.* rings, collets for rings or other jewels, chains, necklace beads, lockets, hollow or raiſed buttons, ſleeve buttons, thimbles, coral ſockets and bells, ferrils, pipe lighters, cranes for bottles, book claſps of any ſize, any ſtock or garter claſps jointed, nutmeg graters of any ſize, rims of ſnuff boxes whereof tops or bottoms are made of ſhell or ſtone, ſliding pencils, toothpick caſes, tweezer caſes, pencil caſes, needle caſes, any philligree work, any ſorts of tippings or ſwages on ſtone or ivory caſes, any mounts, ſcrews, or ſtoppers to ſtone or glaſs bottles or phials, any ornaments put to amber or other eggs or urns, any wrought ſeals, or ſeals with cornelian or other ſtones ſet therein; or any ſilver veſſel, plate, or manufacture of ſilver, ſo richly engraved, carved or chaſed, or ſet with jewels or other ſtones, as not to admit of an aſſay to be taken of, or mark ſtruck thereon, without damaging the ſame, not weighing 10 penny-weights of ſilver each, or weighing 10 penny-weights of ſilver or more each, or any other ſilver veſſel, plate, or manufacture of ſilver whatſoever, being of the ſtandard directed by law, not weighing 10 penny-weights of ſilver each, and not being ſtamped with the ſtamps mentioned in 12 *Geo.* 2. or 24 *Geo.* 3. ſhall be diſcharged; and all perſons, againſt whom any action of debt, *&c.* hath been or ſhall be brought, to recover ſuch penalties, ſhall be diſcharged therefrom, and againſt all ſuch penalties; and all perſons, againſt whom ſuch action ſhall be brought, may plead the general iſſue. *ſ.* 2.

Nothing in the ſaid acts, or either of them, ſhall oblige any of the following wares of ſilver to be ſtamped with the marks mentioned in the 12 *Geo.* 2. or to be marked with the new mark of the *king's head*, mentioned in 24 *Geo.* 3. *viz.* chains, necklace beads, lockets, any philligree work, ſhirt buckles or broaches, ſtamped medals, or ſpouts to china, ſtone, or earthenware teapots, or any of them, of any weight whatſoever. *ſ.* 3.

Nothing in the ſaid acts ſhall oblige any of the following wares of ſilver to be ſtamped with the marks mentioned in 12 *Geo.* 2. with the new mark of the *king's head*, mentioned in 24 *Geo.* 3. viz. tippings, ſwages, or mounts, or any of them, not weighing ten penny-weights of ſilver each, ſave and except only necks and collars for caſtors, cruets, or glaſſes, appertaining to any ſort of ſtands or frames. *ſ.* 4.

Nothing in the ſaid acts ſhall oblige any wares of ſilver whatſoever, not weighing five penny-weights of ſilver each, to be marked with the marks of 12 *Geo.* 2. or 24 *Geo.* 3. except only the following ſilver wares, *viz.* necks, collars, and tops for caſtors, cruets, or glaſſes appertaining to any ſort of ſtands or frames, buttons to be affixed to or ſet on any wearing apparel, ſolid ſleeve buttons, and ſolid ſtuds, not having a biſſilled edge ſoldered on, wrought ſeals, blank ſeals, bottle tickets, ſhoe claſps, patch boxes, ſalt ſpoons, ſalt ſhovels, ſalt ladles, tea ſpoons, tea ſtrainers, caddy ladles, buckles (ſhirt buckles or broaches, before mentioned, excepted), and pieces to garniſh cabinets, or knife caſes, or tea cheſts, or bridles, or ſtands, or frames. *ſ.* 5.

Policies.

Any policy of aſſurance within the weekly bills of mortality, by 5 *Will.* & *Mar.* *c.* 21. *ſ.* 3. 6*d.*—By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 37. 6*d.*—By 10 *Ann.* *c.* 26. 2*s.* 4*d.*—By 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 6*d.*—By 30 *Geo.* 2. *c.* 19. *ſ.* 1. 1*s.*—By 5 *Geo.* 3. *c.* 35. *ſ.* 4. 2*d.*—And by 16 *Geo.* 3. *c.* 34. *ſ.* 5. 1*s.*—IN THE WHOLE, *ſix ſhillings.*

In other parts of *Great Britain*,—By 5 *Will.* & *Mar.* *c.* 21. 6*d.*—By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 37. 6*d.*—By 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 6*d.*—By 30 *Geo.* 2. *c.* 19. *ſ.* 1. 1*s.*—By 5 *Geo.* 3. *c.* 35. *ſ.* 4. 2*s.* 6*d.*—And by 16 *Geo.* 3. *c.* 34. *ſ.* 5. 1*s*—IN THE WHOLE, *ſix ſhillings.*

And any policy whereby the property of one or more perſons in houſes and goods, or both, ſhall be inſured to a greater amount in the whole than 1000*l.* an additional 5*s.* by 17 *Geo.* 3. *c.* 50.—IN THE WHOLE, *eleven ſhillings.*

By 10 *Ann.* *c.* 26. All inſtruments and writings for the payment of any money upon the loſs of any ſhip or goods, or upon any loſs by fire, or for any other purpoſe for which any policy of aſſurance hath been uſually made, ſhall be deemed policies of aſſurance, and charged with the duty. *ſ.* 68.

The ſame duty upon ſuch policies ſhall be under the government of the commiſſioners appointed to manage the duties on ſtamped vellum, *&c.* who are required to employ the neceſſary officers, and to cauſe new ſtamps to be provided. *ſ.* 69.

All vellum, parchment and paper, upon which any ſuch policy ſhall be written or printed, ſhall, before any name of any perſon, or any particular day or ſum of money, ſhall be written or printed therein, be brought to the head office; and the commiſſioners ſhall upon demand ſtamp any quantities of ſuch vellum, *&c.* without fee; which ſtamp to be put thereupon ſhall be a diſcharge for the duty. *ſ.* 70.

If any perſon ſhall write any name of any perſon, or any day or ſum of money, in ſuch policy of aſſurance, or execute the ſame before the ſame ſhall appear to have been ſtamped, ſuch perſon ſhall forfeit 5*l.* one moiety to her majeſty, and the other moiety, with coſts, to ſuch perſon as ſhall ſue for the ſame in any of her majeſty's courts of record; and if any ſuch policy ſhall be ſubſcribed upon vellum, *&c.* not appearing to have been ſtamped, there ſhall be paid to her majeſty (over and above the duties) 5*l.* and no ſuch policy ſhall be available, or be given in evidence, unleſs as well the duty as the 5*l.* be firſt paid, and a receipt produced, and the policy ſtamped. *ſ.* 71.

By 5 *Geo.* 3. *c.* 35. The ſtamp duty ſhall charge every ſkin, *&c.* upon which ſhall be ingroſſed, *&c.* any policy of aſſurance, or any charter party. *ſ.* 10.

Every deed, inſtrument, note, memorandum, letter, or other minument or writing, between the captain or maſter, or owner of any veſſel, and any merchant, trader, or other perſon, in reſpect to the freight or conveyance of any effects, laden or to be laden on board of any veſſel, ſhall be deemed a charter party. *ſ.* 11.

By 5 *Geo.* 3. *c.* 46. If the properties of more than one perſon in any ſhip or cargo, or both, or of more than a particular number of perſons in general partnerſhip, or of more than one corporation, to a greater amount than 100*l.* be aſſured on the ſame policy, ſuch policy ſhall be void, and the premium paid thereon ſhall remain the property of the aſſurer, and if any riſque diſtinct from the riſque mentioned in the original policy, and upon which any further premium

premium ſhall be given, ſhall be by any writing or declaration not duly ſtamped, added to the original policy, ſuch additional aſſurance ſhall be void, and the premium paid remain the property of the aſſurer. *ſ.* 3.

It ſhall be lawful to aſſure the properties of any number of perſons, in any ſhip, cargo, or both, by one policy ſtamped with *five ſtamps*, of 5 *s.* each. *ſ.* 4.—*But ſee* 7 Geo. 3. *c.* 44. & 8 Geo. 3. *c.* 25. *poſtea.*

By 7 *Geo.* 3. *c.* 44. It ſhall be lawful to aſſure, or cauſe to be aſſured, the properties of any number of perſons whatſoever, in any ſhip, cargo, or both, not exceeding in the whole 1000 *l.* by a policy ſtamped with 5 *s.* and it ſhall be lawful to aſſure the properties of any number of perſons whatſoever, in any ſhip, cargo, or both, to the amount of any ſum whatſoever, by one policy ſtamped with two ſtamps of 5 *s.* each; and every policy ſo ſtamped, ſhall be valid. *ſ.* 1.

If any riſque, diſtinct from the riſque mentioned in the original policy, and upon which any further premium ſhall be given, ſhall be, by any writing or declaration not ſtamped, added to ſuch original policy, ſuch additional aſſurance ſhall be void, and the premium paid thereon ſhall remain the property of the aſſurer. *ſ.* 2.

If any perſon ſhall be proſecuted for aſſuring properties in any ſhip, cargo, or both, to a greater amount than 1000 *l.* with a ſtamp of 5 *s.* only; the proof, as to the amount of value aſſured, ſhall lie on the perſon proſecuted, and not on the perſon who ſhall ſue. *ſ.* 7.

By 8 *Geo.* 3. *c.* 25. All policies of aſſurance by which the property of one perſon, or one general partnerſhip, or one body politic or corporate, in any ſhip, or cargo, or both, ſhall be aſſured to the amount of more than 1000 *l.* ſhall be ſtamped with two 5 *s.* ſtamps; and ſuch policy, not ſo ſtamped, ſhall be void, and the premium paid thereon ſhall remain the property of the aſſurer. *ſ.* 4.

If any perſon ſhall be ſued, for aſſuring the property of one perſon, or one general partnerſhip, or one body politic or corporate, in any ſhip, or cargo, or both, to a greater amount than 1000 *l.* by a policy ſtamped with 5 *s.* only; then, the proof as to the amount aſſured ſhall lie on the perſon ſued, and not on the perſon who ſhall ſue. *ſ.* 5.

If any riſque diſtinct from the riſque mentioned in the original policy, and upon which any further premium ſhall be given, ſhall be, by any writing or declaration not duly ſtamped, added to ſuch original policy, ſuch additional aſſurance ſhall be void, and the premium paid thereon ſhall remain the property of the aſſurer. *ſ.* 6.

By 17 *Geo.* 3. *c.* 50. If any perſon ſhall ſign, ſeal, execute, or ſubſcribe, any policy of inſurance, or other deed, whereby houſes and goods ſhall be anyways inſured from loſs by fire, before the vellum, *&c.* ſhall appear to have been ſtamped, ſuch perſon ſhall, for ſuch offence, forfeit 10 *l.*; one moiety to his majeſty, and the other, with coſts, to ſuch perſon as ſhall ſue in any court of record: And if ſuch policy ſhall be ſo ſigned, *&c.* upon vellum, *&c.* not appearing to have been duly ſtamped, then there ſhall be paid to his majeſty (above the duties hereby payable) for every ſuch policy 5 *l.*; and no ſuch policy ſhall be available, unleſs as well the duty hereby charged, as the 5 *l.* ſhall be firſt paid to the uſe of his majeſty, and a receipt produced for the ſame, under the hand of the receiver-general of the ſtamp-duties, or his deputy, and until the vellum, *&c.* on which ſuch policy is ſo ſigned, *&c.* ſhall be ſtamped according to the true meaning thereof; and the ſaid receiver-general and his deputy are, upon payment or tender of the duty, payable by virtue hereof, and of the 5 *l.* to give a receipt for ſuch money; and the other officers are thereupon to ſtamp ſuch policy with the proper ſtamp. *ſ.* 24.

Poſtea.

Any record of *niſius prius* or *poſtea*, By 5 *Will.* 3. *c.* 21. *ſ.* 3. 2 *s.* 6 *d.*—By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 21. 2 *s.* 6 *d.*—IN THE WHOLE, *five ſhillings.*

Poſt horſes.

Horſes let to hire, each horſe 1 *d.* ½ *per* mile; and carriages for conveying paſſengers for hire, pay 1 *d. per* mile, by 25 *Geo.* 3. *c.* 51. *ſ.* 4. *See page* 341, *ante.*

Preſentation.

Any preſentation or donation which ſhall paſs the great ſeal, or any collation, preſentation or donation, of or to any benefice, dignity or ſpiritual promotion, provided ſuch benefice, *&c.* be of the yearly value of 10 *l.* in the king's books.—By 5 *Will.* 3. *c.* 21. *ſ.* 3. 40 *s.*—By 9 & 10 *Will.* 3. *c.* 25. *ſ.* 7. 40 *s.*—And by 19 *Geo.* 3. *c.* 66. *ſ.* 1. 40 *s.*—IN THE WHOLE, *ſix pounds.*

Probate.

See Adminiſtration.

RECEIPTS *for Payment of Money.*

By 23 *Geo.* 3. *c.* 49. There ſhall be paid throughout *Great Britain*, for every piece, *&c.* on which any receipt or other diſcharge given on the payment of money, amounting to 2 *l.* and not 20 *l.* ſhall be written, *two pence*; amounting to 20 *l.* and upwards, *four pence. ſ.* 3.

Nothing in this act ſhall charge any receipt for any money paid into the bank of *England*, or the houſe of any banker, or any receipt, or other diſcharge given for any money received on any dividend, payable from the public or government funds eſtabliſhed by parliament, or any receipt given on the back of any bill of exchange, promiſſory or other note, or on any bank note or bank poſt bill; or to any letter acknowledging the ſafe arrival of any bills, notes, or remittances; or any receipt indorſed on, or contained in the body of any deed, bond, mortgage, or other obligatory inſtrument, already directed to be ſtamped, or to any releaſe or acquittance by deed, or to any receipt given by the treaſurer of the navy for any money impreſted to, or received by him for the ſervice of the navy; or to the receipt of any agent for money, on account of the pay of the army or ordnance; or to any receipt given by any officer, ſeaman, or ſoldier, or their repreſentative, for wages, *&c.* due to them from the navy, army, or ordnance. *ſ.* 4.

Nothing in this act ſhall extend to any receipt given on the back of any foreign bill of exchange. *ſ.* 7.

The whole ſum for which any receipt ſhall be be given, ſhall be really inſerted in ſuch receipt; and all perſons who ſhall give or accept any receipt in which a leſs ſum ſhall be expreſſed than the ſum actually received, with an intent to evade the duties, or ſhall divide the ſum actually paid in divers receipts, to evade the duties, or ſhall be guilty of, or concerned in any fraudulent contrivance whatſoever, to defraud his majeſty of any of the duties on receipts, ſuch perſon ſhall forfeit 20 *l.* to be recovered as hereafter directed. *ſ.* 10.

All receipts expreſſed to be in full, or as a ſatisfaction of all demands, and all general acknowledgments of debts or demands being diſcharged, ſhall be deemed receipts for above 20 *l.* and be liable to the duty of four pence. *ſ.* 11.

The duty on any receipt ſhall be paid by the perſon by whom the ſame ſhall be required, except ſuch receipts as ſhall be for money paid to perſons in reſpect of any ſalary, penſion, debt, or other ſum payable from his majeſty to ſuch perſons, in which caſe the duty ſhall be paid by the perſon giving the ſame. *ſ.* 12.

All unſtamped receipts, not amounting to 2 *l.* and which ſhall (by the inſertion of the words *In full of all demands*, or otherwiſe), be given as a general acknowledgment of all debts being diſcharged may be given in evidence, and may be available in law for ſuch ſum ſo expreſſed, but not as a general acknowledgment of all debts being diſcharged. *ſ.* 15.

All receipts impreſſed with a ſtamp of 2 *d.* in which any money, amounting to 2 *l.* and not amounting to 20 *l.* ſhall be expreſſed, and which ſhall, (by the inſertion of the words *In full of all demands*, or otherwiſe) be given as a general acknowledgment of all debts being diſcharged, may be given in evidence, and may be available for ſuch ſum ſo expreſſed, but not as a general acknowledgment of all debts being diſcharged. *ſ.* 16.

By 24 *Geo.* 3. *ſeſſ.* 1. *c.* 7. Every perſon who ſhall write or ſign, or cauſe to be written or ſigned any receipt or other diſcharge, given for the payment of money liable to any ſtamp duty charged by the act of the laſt ſeſſion without being firſt ſtamped, or on which there ſhall not be ſome ſtamp reſembling the ſame, he ſhall, for every ſuch receipt, forfeit 5 *l.* to be recovered as in the ſaid act is directed or as after mentioned. *ſ.* 1.

It ſhall be lawful for any perſon required to give any receipt, to provide the paper ſtamped, and ſuch perſon may add the value of the ſtamp to the account of the perſon requiring the ſame, or to the demand for the diſcharge of which the receipt was required; which charge ſo made ſhall be good in any court. *ſ.* 5.

Nothing in this or the recited act ſhall charge any duty on any receipt given for the purchaſe of any ſtock or fund, or in the ſtocks of the corporations of the bank of *England*, *Eaſt India*, or *South-Sea* companies, or for the dividends payable on ſuch ſtocks. *ſ.* 6.

Nothing in this or the act of laſt ſeſſion, ſhall charge any receipt given for drawbacks or bounties on the exportation of any goods from this kingdom, nor to any certificates of over-entry of any duties of cuſtoms, nor to any portage bills allowed to maſters of veſſels, for making a true report of their cargo at the cuſtom houſe. *ſ.* 7.

No receipt or other diſcharge given for the payment of money ſhall be ſtamped after the ſame ſhall have been written or ſigned, unleſs on payment of 10 *l.*; and the officers are, on payment of the duty and the 10 *l.*, to give a receipt for the ſame, and to ſtamp ſuch receipt, or other diſcharge, with the ſtamp required by the before-recited act. *ſ.* 8.

For the mode of recovering the penalties, ſee *the firſt part of ſec.* 9. *in page* 605, ante.

And perſons aggrieved by the judgement of the juſtice may, upon giving ſecurity to the amount of the penalty, with coſts, appeal to the juſtices at the next general quarter ſeſſions, which ſhall happen after fourteen days next after ſuch conviction ſhall have been made, and of which appeal notice ſhall be given who are to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgment of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon to pay ſuch coſts occaſioned by ſuch appeal, as to them ſhall ſeem meet: but it ſhall be lawful for the juſtice, where he ſee cauſe, to mitigate ſuch penalties, (coſts of the officers and informers being always allowed above ſuch mitigation) and ſo as ſuch mitigation do not reduce the penalties to leſs than a moiety above the ſaid coſts. *ſ.* 9.

If any perſon ſhall be ſummoned as a witneſs, to give evidence before ſuch juſtice, and ſhall neglect or refuſe to appear (his expences being firſt paid or tendered), without a reaſonable excuſe, to be allowed of by ſuch juſtice, or appearing ſhall refuſe to be examined on oath and give evidence before ſuch juſtice, then ſuch perſon ſhall forfeit 40*s.* to be levied in ſuch manner as is herein directed as to other penalties, without a reaſonable excuſe for ſuch refuſal, to be allowed of by ſuch juſtice. *ſ.* 10.

All forfeitures in this act (the charges for the recovery thereof being firſt deducted) ſhall be divided, one moiety to the receiver general of ſtamp duties, for the uſe of his majeſty, and the other moiety to the perſon who ſhall inform. *ſ.* 11.

No perſon ſhall be liable to be convicted before any juſtice for any offence committed againſt this, or the act of laſt ſeſſion, unleſs complaint be made within one year. *ſ.* 12.

Receipts *for Payment of Legacies.*

Any receipt or other diſcharge for any legacy left by any will or other teſtamentary inſtrument, or for any ſhare of a perſonal eſtate divided by force of the ſtatute of diſtributions, or the cuſtom of any place, the amount whereof ſhall not exceed 20 *l.* by 20 *Geo.* 3. *c.* 28. *ſ.* 1. 2*s.* 6*d.*—by 23 *Geo.* 3. *c.* 58. *ſ* 1. 2*s.* 6*d.*—In the whole, *five ſhillings.*

Where the amount thereof ſhall be of the value of 20 *l.* and not amounting to 100 *l.* by 20 *Geo.* 3. *c.* 28. *ſ.* 1. 5*s.*—by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 5*s.*—In the whole, *ten ſhillings.*

Where the amount thereof ſhall be of the value of 100 *l.* and upwards, by 20 *Geo.* 3. *c.* 28. *ſ.* 1. 20*s.*—by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 20*s.*—In the whole, *two pounds.*

A like additional duty *viz.* 20*s.* upon every further ſum of 100 *l.* by 23 *Geo.* 3. *c.* 58. *ſ.* 1.

Where the amount thereof ſhall be 400 *l.* an additional 20*s.*—by 29 *Geo.* 3. *c.* 51. *ſ.* 1.—In the whole, *ſix pounds.*

And upon every further ſum of 100 *l.* a like additional duty of 20*s.*, by 29 *Geo.* 3. *c.* 51. *ſ.* 1.—*which with the* 20s. *of* 23 Geo. 3. *makes an additional* 2 l. for every further 100 *l.*

Nothing in the acts 23 *Geo.* 3. *c.* 58., and 29 *Geo.* 3. *c.* 51. ſhall extend to charge with additional duties any legacy left by any will or other teſtamentary inſtrument or any ſhare of a perſonal eſtate to be divided by force of the ſtatute of diſtributions, or the cuſtom of any place, which ſhall be left to the wife children, or grandchildren, of the perſon making ſuch will, or ſhall be divided amongſt them by force of the ſtatute of diſtributions, or the cuſtom of any place. 23 *Geo.* 3. *c.* 58. *ſ.* 2.—29 *Geo.* 3. *c.* 31. *ſ.* 2. *ſo that ſuch receipts are only ſubject to the duties impoſed by* 20 Geo. 3.

Retour of Services.

Any principal or original retour of any ſervice of heirs, or any precept of *clare conſtat*, of lands holding of any ſubject in *Scotland*, by 10 *Ann. c.* 19. *ſ.* 100. 2*s.* 3*d.*—

by 17 *Geo.* 3. *c.* 50. *ſ.* 17. 1*s.* 6*d.*—and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 1*s.*—IN THE WHOLE, *four ſhillings and ninepence.*

Rules.

Any rule or order in any of the courts at *Weſtminſter*, or copies thereof, by 5 *Will.* 3. *c.* 21. *ſ.* 3. 6*d.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 34. 6*d.*—by 32 *Geo.* 2. *c.* 35. *ſ.* 56. 6*d.*—IN THE WHOLE, *one ſhilling and ſixpence.*

Significavit.

Any ſignificavit, *pro corporis deliberatione*, by 5 *Will.* 3. *c.* 21. *ſ.* 3. 5*s.*—by 9 and 10 *Will.* 3. *c.* 25. *ſ.* 16. 5*s.*—IN THE WHOLE, *ten ſhillings.*

Sign-manual.

Any beneficial warrant, or order under the ſign manual, (except warrants or orders for the ſervice of the navy, army, and ordnance), by 5 *Will.* & *Mar.* *c.* 21. *ſ.* 3. 2*s.* 6*d.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 24. 2*s.* 6*d.*—by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 2*s.* 6*d.*—and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 5*s.*—IN THE WHOLE, *twelve ſhillings and ſixpence.*

Statutes.

Any recognizance, ſtatute ſtaple, or ſtatute merchant, written, and entered of record, by 5 *Will.* 3. *c.* 21. *ſ.* 3. 5*s.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 20. 5*s.*—IN THE WHOLE, *ten ſhillings.*

Surrender.

Any principal or original inſtrument of ſurrender or reſignation of lands and other heretable rights, to be made to any ſubjects who ſhall be ſuperiors thereof, or to any city, *&c.* or others who have power to receive ſuch ſurrenders or reſignations, in *Scotland*, by 10 *Ann.* *c.* 19. *ſ.* 100. 2*s.* 3*d.*—by 17 *Geo.* 3. *c.* 50. *ſ.* 17. 1*s.* 6*d.* and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 1*s.*—IN THE WHOLE, *four ſhillings and ninepence.*

Any ſurrender of or admittance to any copyhold in *England*, or any grant or leaſe by copy of court roll, or any other copy of the court roll of any honour or manor in *England*, (except the ſurrender to the uſe of a will, and the court roll wherein the proceedings are entered) by 10 *Ann.* *c.* 19. *ſ.* 100. 2*s.* 3*d.*—by 17 *Geo.* 3. *c.* 50. *ſ.* 17. 2*s.* 3*d.*—and by 23. *Geo* 3. *c.* 58. *ſ.* 1. (except ſuch copyhold lands, *&c.* as ſhall not exceed the clear yearly value of 20*l.*) 2*s.* 6*d.*—IN THE WHOLE, *ſeven ſhillings.*

Any copy of any ſurrender of and admittance to any cuſtom right, or tenant right eſtate, not being copyhold, which ſhall paſs by ſurrender and admittance, or by admittance only, and which ſhall not paſs by deed within *England*, *Wales*, and *Berwick*, by 17 *Geo.* 3. *c.* 50. *ſ.* 17. 4*s.* 6*d.*—and by 21 *Geo.* 3. *c.* 58. *ſ.* 1. (*except ſuch eſtates as ſhall not exceed the clear yearly value of* 20*l.*) 2*s.* 6*d.*—IN THE WHOLE, *ſeven ſhillings.*

Transfer of Stock.

Any transfer of ſtock in any company, by 5 *Will.* & *Mar.* *c.* 21. 6*d.*—by 9 & 10 *Will.* 3. *c.* 25. 6*d*—by 10 *Ann.* *c.* 19. *ſ.* 100. 2*s.* 3*d.*—by 12 *Ann. ſtat.* 2. *c.* 9. *ſ.* 21. 4*s.* 6*d.*—and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. (*except transfers of bank ſtock, and ſtock of the South Sea Company*) by 26 *Geo.* 3. *c.* 82. *ſ.* 11. 2*s.* 3*d.*—IN THE WHOLE, *ten ſhillings.*

Writs.

Habeas Corpus, by 5 *Will.* 3. *c.* 21. *ſ.* 3. and by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 56. *five ſhillings.*

Any writ of error, *certiorari*, or appeal, (except to the delegates) by 5 *Will.* 3. *c.* 21. *ſ.* 3. 5*s.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 15. 5*s.*—IN THE WHOLE, *ten ſhillings.*

Any *writ of covenant*, for levying of fines, by 5 *Will.* 3. *c.* 21. *ſ.* 3. and 9 & 10 *Will.* 3. *c.* 25. *ſ.* 54. 5*s.*—by 19 *Geo.* 3. *c.* 66. *ſ.* 1. 5*s.*—and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 5*s.*—IN THE WHOLE, *fifteen ſhillings.*

Any *writ of entry*, for ſuffering a common recovery, by 5 *Will.* 3. *c.* 21. *ſ.* 3. and 9 & 10 *Will.* 3. *c.* 25. *ſ.* 55. 5*s.*—by 19 *Geo.* 3. *c.* 66. *ſ.* 1. 5*s.*—and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 5*s.*—IN THE WHOLE, *fifteen ſhillings.*

Any original writ (except ſuch original on which a *capias* iſſues) ſubpœna, bill of *Middleſex*, *latitat*, *capias*, *quo minus*, *dedimus poteſtatem*, to take anſwers, examine witneſſes, or appoint guardians; and any other writ, proceſs, or mandate, that ſhall iſſue out of the courts at *Weſtminſter*, courts of the great ſeſſions in *Wales*, courts in counties palatine, or any other court holding plea where the debt or damage doth amount to 40*s.* by 5 *Will.* 3. *c.* 21. *ſ.* 3. 6*d.*—by 9 & 10 *Will.* 3. *c.* 25. *ſ.* 31. 6*d.*—by 12 *Geo.* 1. *c.* 33. *ſ.* 1. 6*d.*—by 32 *Geo.* 2. *c.* 35. *ſ.* 7. 6*d.*—and by 23 *Geo.* 3. *c.* 58. *ſ.* 1. 6*d.*—IN THE WHOLE, *two ſhillings and ſixpence.*

By 5 *Will.* 3. *c.* 21. Every officer or clerk belonging to the court of king's bench, common pleas, and exchequer, who ſhall ſign any writ or proceſs before judgment to arreſt any perſon, ſhall ſet down upon ſuch writ, *&c.* the day and year of his ſigning the ſame, which ſhall be entered upon the remembrance, or in the book where the abſtract of ſuch writ, *&c.* ſhall be entered, upon pain to forfeit 10*l.* to be recovered by any perſon who ſhall ſue for the ſame in any of their majeſties courts. *ſ.* 4.

Stannaries.

By 16 *Car.* 1. *c.* 15. Whereas king *Edward* 1. did grant divers franchiſes to the tinners of the ſtannaries in the county of *Devon*; and in the parliament 50 *Edw.* 3. certain articles of the charter were explained, viz. *Where the king granted that all the tinners aforeſaid working in thoſe ſtannaries that are the king's demeſne, while they work in the ſame, ſhould be free of all pleas touching the king's courts, ſo as they ſhould not anſwer before any juſtices or officers of the king, of any plea ariſing within the ſaid ſtannaries, unleſs before the warden of the ſaid ſtannaries (except pleas of land, life and member), nor ſhould depart from their work by ſummons of any of the king's officers; and that they ſhould be quit of all tallage, aids, and other cuſtoms, in towns, ports, fairs, and markets, within the county aforeſaid, for their own goods:* whereupon a declaration was made, that the words, *working in thoſe ſtannaries*, and *while they work in the ſame*, ſhould be underſtood only of workmen working in thoſe ſtannaries without fraud, and not of others; and a farther declaration was made, that the juriſdiction ſhould extend only in places where the workmen work: and the like charter was made to the tinners of *Cornwall*. *ſ.* 1, 2, & 3.

The ſaid declaration ſhall be obſerved, without this, that the words of the charters *in locis ubi operantur* be expounded, of the vill, tithing, and hamlet, where ſome tin-work in work is ſituate, and not elſewhere, and no longer than the ſame ſhall be in working. And if any perſon ſued in the ſaid ſtannaries, ſhall tender his oath in court, that he is

not, nor at the time of the ſuit commenced was, a tinner, ſuch defendant ſhall be diſcharged, unleſs the plaintiff make oath that the plaintiff is a true and working tinner, without fraud or deceit, and that the cauſe of his ſuit aroſe within the ſtannaries, or concerneth tin or tin-works. And if any perſon being not *re vera* a working and labouring tinner, ſet on work within one half year next before, ſhall ſue in any the ſaid courts, or before the warden, vice-warden or ſteward, of the ſtannaries, any perſon not a tinner, the defendant ſhall have his action at common law againſt ſuch perſon, wherein he ſhall recover 10*l.* and his damages and coſts; provided ſuch action be brought within two years after the ſuit brought in the ſtannary courts. *ſ.* 4.

In all caſes where the plaintiffs or defendants are to have coſts by the laws of this realm, the plaintiffs and defendants ſhall have like coſts in the ſtannary courts. *ſ.* 5.

It ſhall be lawful for the ſaid tinners, to ſue any foreigners at the common law. *ſ.* 6.

No perſon ſhall be charged as ſurety by return of any bailiff of the ſtannaries, unleſs the perſon returned ſurety, ſhall in the preſence of two witneſſes ſign a note, that ſuch perſon is become ſurety, which note ſhall mention the names of the plaintiffs and defendants, and the ſum in demand, and the nature of the action, and ſhall be ſigned by the witneſſes, and returned and filed in the court; and no bailiff of the ſtannaries ſhall be admitted as a witneſs to ſuch note. *ſ.* 8.

No defendant ſhall be condemned for not appearing upon the bailiffs returning him arreſted, unleſs a note under the hand of the party arreſted, and ſubſcribed by two ſuch witneſſes, be returned into court, at or before the day of appearance; and the bailiff ſhall take but 4*d.* for ſuch note; and none ſhall be bailed upon arreſt there, till he give ſuch note. *ſ.* 10.

In caſe any the ſaid bailiffs ſhall return a reſcous againſt any perſon, he ſhall be admitted to traverſe the return; which if it be found with him, he ſhall be no further troubled. *ſ.* 11.

By 27 *Geo.* 2. *c.* 6. All the proviſions and regulations in the 20 *Geo.* 2. *c.* 19. (*ſee* title Labourers), relating to ſervants in huſbandry, handycrafts-men, miners, colliers, keel-men, pit-men, glaſs-men, porters, and other labourers, ſhall extend to the tinners and miners employed in the ſtannaries in the counties of *Devon* and *Cornwall* reſpectively. *ſ.* 2.

Nothing in this act ſhall reſtrain any perſon from applying to the ſtannary courts, or to the warden, vice-warden, or ſtewards of the ſtannaries, in relation to any of the matters before-mentioned. *ſ.* 3.

Stores.

By 9 and 10 *Will.* 3. *c.* 41. It ſhall not be lawful for any perſon, other than perſons authoriſed by contracting with his majeſty's principal officers or commiſſioners of the navy, ordnance or victualling office, for his majeſty's uſe, to make any ſtores of war or naval ſtores, with the marks uſed upon his majeſty's ſtores, *viz.* cordage of three inches and upwards wrought with a white thread laid the contrary way, or ſmaller cordage from three inches downwards with a twine in lieu of a white thread laid the contrary way, or any canvas with a blue ſtreak in the middle, or any other ſtores with the broad arrow; upon pain that every ſuch perſon ſhall forfeit ſuch goods, and 200*l.* with coſts, one moiety to his majeſty, and the other moiety to the informer, to be recovered in any of his majeſty's courts at *Weſtminſter*. *ſ.* 1.

Such perſon in whoſe cuſtody ſuch ſtores marked as aforeſaid ſhall be found, and perſons who ſhall conceal ſuch ſtores, being indicted and convicted of ſuch concealment, or of the having ſuch goods in keeping, ſhall forfeit ſuch goods and 200*l.* with coſts, one moiety to his majeſty, and the other to the informer, and ſhall alſo ſuffer impriſonment until payment of the forfeiture; unleſs ſuch perſon ſhall, upon his trial, produce a certificate of three principal officers or commiſſioners of the navy, ordnance or victuallers, expreſſing the numbers, quantities or weights, of ſuch goods, and the reaſon of ſuch goods coming to his hands. *ſ.* 2.

The principal officers or commiſſioners of the navy, ordnance or victualling office, may ſell any ſtores ſo marked, as they might before this act; and ſuch as ſhall buy ſuch ſtores may keep the ſame, producing certificates of three of the ſaid officers or commiſſioners, that they bought ſuch goods from them, or from ſuch as did buy the ſaid ſtores; in which certificates the quantities ſhall be expreſſed, and the time when and where bought. *ſ.* 4.

Any perſon ſued for diſcovering or ſeizing any ſuch ſtores, may plead the general iſſue; and in caſe the defendants make proof that ſuch ſtores were marked as aforeſaid, and the plaintiffs or proſecutors ſhall not make proof that they were ſo employed, or had ſuch certificate as aforeſaid, and that they did ſhew the ſame to ſuch defendants before the ſuit commenced, ſuch defendant ſhall be acquitted, unleſs ſuch defendants upon ſight of ſuch certificate did not deliver back unto ſuch plaintiffs or proſecutors all ſuch ſtores in as good plight as they were at the time of ſuch certificate ſhewn; and in caſe ſuch defendants ſhall be acquitted, *&c.* they ſhall recover treble coſts. *ſ.* 5.

Nothing in this act ſhall hinder any of the principal officers and commiſſioners of the navy, or any chief commander of any of his majeſty's ſhips at ſea, to lend ſtores to any merchant ſhip in diſtreſs or otherwiſe, as might be done before this act, in caſe ſuch goods be reſtored with all poſſible conveniency; provided ſuch perſons ſo borrowing ſtores have ſuch certificate, which the ſaid principal officers and commiſſioners, or commander in chief, are required to give. *ſ.* 8.

By 1 *Geo.* 1. *c.* 25. made perpetual by 9 *Geo.* 1. *c.* 8. The treaſurer, comptroller, ſurveyor, clerk of the acts, and commiſſioners of the navy, or one of them, ſhall by warrant empower any perſon to ſearch for embezzled ſtores, *&c.* as juſtices of peace may do in caſes of felony, and puniſh the offenders by fine and impriſonment, the fine not exceeding 20*s.* and the impriſonment not exceeding one week, in the next gaol, or in the hands of the meſſenger attending them, ſuch goods not exceeding the value of 20*s.* and if the offence require a ſeverer puniſhment, they may commit ſuch offender to the next gaol, *&c.* till he enter into recognizance, with ſureties, to appear and anſwer the ſame in the exchequer, or other court where his majeſty ſhall queſtion him, within one year following, on proceſs duly ſerved. *ſ.* 3.

The ſaid treaſurer, *&c.* where the value of goods embezzled from his majeſty's yards, *&c.* ſhall be under the value of 20*s.* ſhall have power, on the oath of one witneſs, or confeſſion of the offender, to convict the party, and to impoſe ſuch fine as aforeſaid, not exceeding double the value of the goods; which fine ſhall be levied by diſtreſs and ſale of goods by warrant of ſuch officer; and for want of ſuch diſtreſs, the party ſhall be committed to the next gaol for any time not exceeding three months. *ſ.* 4.

The ſaid treaſurer, *&c.* on oath of one witneſs, that his majeſty's ſtores, *&c.* are conveyed into any ſhip being at anchor, and not ready to ſail that tide, within any of the roads, harbours, *&c.* in his majeſty's dominions, may authorize any perſons by their warrant (in which the quantity

and quality of ſuch goods ſhall be ſpecified) in the day-time to go on board ſuch ſhip, &c. and in caſe of reſiſtance to break open the hatches, &c. and ſearch for ſuch goods, &c. and ſeize the ſame for his majeſty's uſe, unleſs the ſaid officers and commiſſioners ſhall find, upon hearing the matter, that they were unduly ſeized, and thereupon reſtore them to the party. *ſ.* 5.

Every perſon who ſhall counterfeit the hand of the ſaid treaſurer, &c. or of the vouching officers of his majeſty's navy, &c. to any bill, ticket or other papers, by virtue whereof his majeſty's naval treaſure may be diſpoſed of, or ſhall knowingly produce any ſuch counterfeit ticket, &c. may be committed to priſon by any of the ſaid officers or commiſſioners, till he find ſurety to appear at the next aſſizes or quarter ſeſſions. *ſ.* 6.

It ſhall be lawful for the lord high admiral, &c. or for the treaſurer, &c. of the navy, to adminiſter oaths in caſes relating to the receiving, iſſuing and accounting for, any of his majeſty's treaſure, victuals, ſtores or proviſions of his navy, or for the preſervation of due order therein, or in any other matter relating to the navy. *ſ.* 9.

Nothing herein ſhall repeal any clauſes, &c. in 22 *Car.* 2. *c.* 5. which ſee in PART I. page 376. *ſ.* 11.

For other proviſions in this act relating to theſe and other offences, ſee Title Seamen.

By 9 *Geo.* 1. *c.* 8. If any perſon ſhall be convicted of having in his cuſtody any timber, thick ſtuff or plank, marked with the broad arrow, or of concealing any timber, &c. ſo marked, he ſhall ſuffer and forfeit as for concealing any other ſtores contrary to 9 and 10 *Will.* 3. *c.* 41. *ſ.* 3.

Any juſtice, before whom any offender ſhall be convicted of the crimes before mentioned, may mitigate the penalty, and commit the offender to gaol till payment of the forfeiture, or may puniſh ſuch offender corporally, by cauſing him to be whipped, or committed to ſome public workhouſe, to be kept to hard labour for three months, or a leſs time. *ſ.* 4.

Where any diſpute ſhall ariſe between the perſons on whoſe informations any perſon offending in the premiſſes ſhall be proſecuted, the juſtice before whom the offender ſhall be convicted ſhall determine the ſame. *ſ.* 5.

By 17 *Geo.* 2. *c.* 40. It ſhall be lawful for any judge, juſtice or juſtices at the aſſizes, or juſtices of peace at the general quarter-ſeſſions, to try, and determine, by indictment or otherwiſe, the offences mentioned in the 9 & 10 *Will.* 3. *c.* 41. and the 9 *Geo.* 1. *c.* 8. and the ſaid judge, juſtice or juſtices of aſſize, or juſtices of peace, before whom ſuch offender is indicted, or tried and convicted of the offences in the ſaid acts mentioned, may impoſe any fine, not exceeding 200 *l.* on ſuch offender, one moiety to be paid to his majeſty, and the other moiety to the informer; and may mitigate the penalty, and commit the offender until payment; or in lieu thereof puniſh ſuch offender corporally, by cauſing him to be publicly whipped, and committed to ſome houſe of correction, or workhouſe, to be kept to hard labour for three months, or leſs time. *ſ.* 11.

Suit of Court.

Stat. Marleber. 52 *Hen.* 3. *c.* 9. None that is infeoffed by deed ſhall be diſtrained to do ſuit to the court of his lord, without he be ſpecially bound thereto by his deed, theſe only except whoſe anceſtors have uſed to do ſuch ſuit before the firſt voyage of king *Hen.* 3. into *Britain*; likewiſe none that is infeoffed without deed from the time of the conqueſt, or any other ancient feoffment, ſhall be diſtrained to do ſuch ſuits, unleſs his anceſtors uſed to do it before the ſaid voyage; and they that are infeoffed by deed to do a certain ſervice, as for ſervice of ſo many ſhillings by year, to be acquitted of all ſervice, ſhall not be bound to ſuch ſuits contrary to the form of their feoffment. And if any inheritance whereof but one ſuit is due deſcend unto many heirs, whoſo hath the eldeſt part ſhall do ſuit for himſelf and his fellows, and the other coheirs ſhall be contributaries; and if many feoffees be ſeiſed of an inheritance, whereof but one ſuit is due, the lord ſhall have but that one ſuit; and if thoſe feoffees have no warrant or meſne which ought to acquit them, then all the feoffees, according to their portion, ſhall be contributaries for doing the ſuit. And if the lords diſtrain the tenants for ſuch ſuits contrary to this act, at the complaint of the tenants the lords ſhall be attached to appear in the king's court at a ſhort day to make anſwer thereto, and ſhall have but one eſſoin therein, if they be within the realm; and the diſtreſſes ſhall be delivered to the plaintiff until the plea be determined: and if the lords which took diſtreſſes come not at the day, the ſheriffs ſhall be commanded to cauſe them to come at another day; at which day if they come not, he ſhall be commanded to diſtrain them by all their goods, ſo that the ſheriff ſhall anſwer to the king of the iſſues of the inheritance, and that he have their bodies before the juſtices at a certain day; ſo if they come not at that day, the plaintiff ſhall go without day, and his diſtreſſes ſhall remain delivered until the lords have recovered the ſuit by award of the king's court; and in the mean time ſuch diſtreſſes ſhall ceaſe, ſaving to the lords their right to recover thoſe ſuits when they will ſue: and when the lords of the courts come in to anſwer the plaintiffs of ſuch treſpaſſes, and be convicted thereupon, then by award of the king's court the plaintiffs ſhall recover damages. *ſ.* 1.

If the tenants withdraw ſuch ſuits as they were wont to do, then by like ſpeedineſs of juſtice the lords of the courts ſhall obtain juſtice to recover their ſuits with their damages; and this muſt be underſtood of withdrawing from themſelves, and not of withdrawing from their anceſtors. Nevertheleſs the lords of courts ſhall not recover ſeiſin of ſuch ſuits againſt their tenants by default, as they were wont to do. And touching ſuits withdrawn before the time aforementioned, let the common law run. *ſ.* 2.

Suits.

Stat. Glouc. 6 *Edw.* 1. *c.* 8. Sheriffs ſhall plead pleas of treſpaſs in their counties as they have been accuſtomed; and none ſhall have writs of treſpaſs before juſtices, unleſs he ſwear by his faith that the goods were worth 40 *s.* at leaſt; and if he complain of beating, he ſhall ſwear by his faith that his plaint is true: touching wounds and maims a man ſhall have his writ as before. And defendants in ſuch pleas may make their attornies where appeal lieth not, ſo that if they be attainted, being abſent, the ſheriff ſhall be commanded to take them. And if the plaintiffs in ſuch treſpaſſes cauſe themſelves firſt to be eſſoined after the appearance, day ſhall be given them unto the coming of the juſtices in eyre, and the defendants in the mean time ſhall be in peace. If the defendant eſſoin himſelf in the king's ſervice, and do not bring his warrant in at the day given, he ſhall recompence the plaintiff's damages for the day 20 *s.* or more, after the diſcretion of the juſtices, and nevertheleſs ſhall be grievouſly amerced.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 6. No writ, that toucheth the common law, ſhall go forth under the little ſeal.

By

By 8 *Eliz. c.* 2. If any perſon ſhall procure any other to be attached or arreſted to anſwer to any action in the *Marſhalſey*, or in any court within *London*, or in any city, borough, town corporate or other place, where any liberty is uſed to hold plea in actions perſonal, and do not in all courts, having their continuance *de die in diem* within three days after the defendant ſhall be bailed, or appear by force of any arreſt or attachment (and in all other courts at the next court to be holden after ſuch arreſts or attachments and appearance) unleſs a further day be given by the court, exhibit his declaration; or if after his declaration he do not proſecute his ſuit with effect, or ſhall ſuffer the ſame to be diſcontinued, or be nonſuited, or apparently for vexation delay the ſame, the judges of ſuch court ſhall by their diſcretion from time to time, as they ſhall perceive any ſuch default or delay, award to ſuch perſon ſo moleſted, his coſts by occaſion of ſuch attachment, arreſt and ſuit. *ſ.* 3.

If any perſon ſhall maliciouſly, or for vexation, procure any other to be arreſted or attached to anſwer in any the courts aforeſaid, at the ſuit of any perſon where there is no ſuch perſon known, or without the conſent of ſuch perſon at whoſe ſuit ſuch arreſt or attachment ſhall be had, every perſon that ſhall ſo procure any arreſt, *&c.* and ſhall be accuſed by indictment, preſentment, or by the teſtimony of two witneſſes, or other due proof, ſhall ſuffer impriſonment ſix months, and before he be delivered ſhall pay unto the party arreſted or attached treble coſts, and ſhall alſo forfeit unto ſuch perſon in whoſe name he ſhall procure ſuch arreſt, *&c.* if there be ſuch perſon known, 10 *l.* *ſ.* 4.

Every perſon to whom any coſts, damages or ſums of money by this act ſhall be awarded, may have his remedy by action of debt, bill, or plaint in any court of record, againſt ſuch perſons, their heirs, executors or adminiſtrators, as ought to pay the ſame. *ſ.* 5. *See part of this act in* Arreſts.

By 43 *Eliz. c.* 6. Continued indefinitely by 3 *Car.* 1. *c.* 4. and 16 *Car.* 1. *c.* 4. If any ſheriff, or other perſon, having authority to break writs, make any warrant for the ſummons of any perſon, as upon any writ or ſuit, or for the arreſt or attaching of any perſon by his body or goods, to appear in any her majeſty's courts at *Weſtminſter*, or elſewhere, not having before that the original writ or proceſs warranting the ſame, upon complaint thereof to the juſtices of aſſize of the county, or to the judges of the court out of which the proceſs iſſued, not only the party that made ſuch warrant, but the procurers thereof, ſhall be ſent for by attachments, or otherwiſe, as the judges ſhall think good, and be examined upon their oaths. And if the offence be confeſſed or proved by witneſſes, the judges ſhall commit the offenders to the gaol of the county, or court where the ſame ſhall be examined, until they have ſatisfied the party grieved, not only the ſum of 10 *l.* but alſo all ſuch coſts and damages, as the judges ſhall ſet down that the party hath ſuſtained thereby; and 20 *l.* a-piece for their offence to her majeſty. *ſ.* 1. *See* Sheriffs.

If upon any action perſonal in any her majeſty's courts at *Weſtminſter*, (not being for title or intereſt of lands, nor concerning the freehold or inheritance of lands, nor for any battery) it ſhall appear to the judges, and be ſo ſignified by the juſtices before whom the ſame ſhall be tried, that the debt or damages ſhall not amount to 40 *s.* the judges ſhall not award for coſts to the plaintiff, any more than the ſum of the debt or damages ſo recovered, but leſs at their diſcretions. *ſ.* 2.

By 17 *Car.* 2. *c.* 8. *ſ.* 1. Made perpetual by 1 *Jac.* 2. *c.* 17. In all actions perſonal, real or mixt, the death of either party between the verdict and the judgment, ſhall not be alledged for error; ſo as ſuch judgment be entered within two terms after ſuch verdict.

Where any judgment after a verdict ſhall be had by any executor or adminiſtrator, an adminiſtrator *de bonis non* may ſue a *ſcire facias*, and take execution upon ſuch judgment. *ſ.* 2.

By 22 and 23 *Car.* 2. *c.* 9. For making effectual 43 *Eliz. c.* 6. for avoiding trifling ſuits in the courts at *Weſtminſter*, be it enacted, that in all actions of treſpaſs, aſſault and battery, and other perſonal actions, wherein the judge at the trial ſhall not find and certify under his hand upon the record, that an aſſault and battery was proved, or that the freehold or title of the land mentioned in the declaration was chiefly in queſtion, the plaintiff, in caſe the jury ſhall find the damages to be under 40 *s.* ſhall not recover more coſts than damages; and if any more coſts ſhall be awarded, the judgment ſhall be void, and the defendant may have his action againſt the plaintiff for ſuch vexatious ſuit in any of the courts at *Weſtminſter*. *ſ.* 136.

By 8 and 9 *Will.* 3. *c.* 11. Where ſeveral perſons ſhall be made defendants to any action of treſpaſs, aſſault, falſe impriſonment or *ejectione firmae*, and any of them ſhall be acquitted by verdict, every perſon ſo acquitted ſhall have his coſts, as if a verdict had been given againſt the plaintiff, unleſs the judge before whom ſuch cauſe ſhall be tried, ſhall immediately after the trial, in open court, certify upon the record under his hand, that there was a reaſonable cauſe for making ſuch perſon a defendant. *ſ.* 1.

If any perſon ſhall proſecute in any court of record, any action, wherein upon demurrer judgment ſhall be given againſt ſuch plaintiff or demandant, or if after judgment for the defendant, the plaintiff or demandant ſhall ſue a writ of error, and the judgment ſhall be affirmed, or the writ of error diſcontinued, or the plaintiff nonſuit therein, the defendant or tenant ſhall have judgment to recover his coſts, and have execution for the ſame by *capias ad ſatisfaciendum*, *fieri facias*, or *elegit*. *ſ.* 2.

In all actions of waſte, and actions of debt upon the ſtatute for not ſetting forth tythes, wherein the ſingle value or damage found by the jury ſhall not exceed 20 nobles, and in all writs of *ſcire facias*, and prohibitions, the plaintiff obtaining judgment or execution after plea pleaded or demurrer joined, ſhall likewiſe recover his coſts; and if the plaintiff ſhall become nonſuit, or ſuffer a diſcontinuance, or a verdict ſhall paſs againſt him, the defendant ſhall recover his coſts. *ſ.* 3.

In all actions of treſpaſs in any his majeſty's courts, wherein at the trial of the cauſe it ſhall appear, and be certified by the judge upon the back of the record, that the treſpaſs was wilful and malicious, the plaintiff ſhall recover full coſts. *ſ.* 4.

Nothing herein ſhall alter the laws in being as to executors or adminiſtrators, where they are not at preſent liable to coſts. *ſ.* 5.

In all actions in any court of record, if any plaintiff happen to die after an interlocutory judgment, and before final judgment, the action ſhall not abate, if ſuch action might be originally maintained by the executors or adminiſtrators of ſuch plaintiff; and if the defendant die after interlocutory judgment, and before final judgment, the action ſhall not abate, if ſuch action might be originally proſecuted againſt the executors or adminiſtrators of ſuch defendant; and the plaintiff, or his executors or adminiſtrators, ſhall have a *ſcire facias* againſt the defendant, his executors or adminiſtrators, to ſhew cauſe why damages in ſuch action ſhould not be aſſeſſed and recovered; and if ſuch defendant, *&c.* ſhall appear at the return of ſuch writ, and not alledge

matter

matter ſufficient to arreſt the final judgment, or (being returned warned, or upon two writs of *ſcire facias* it be returned that the defendant, &c. had nothing, &c.) ſhall make default, a writ of inquiry ſhall be awarded, which being executed and returned, judgment final ſhall be given. *ſ.* 6.

If there be two or more plaintiffs or defendants, and one of them die, if the cauſe of ſuch action ſhall ſurvive, the action ſhall not abate; but ſuch death being ſuggeſted upon the record, the action ſhall proceed at the ſuit of the ſurviving plaintiffs againſt the ſurviving defendants. *ſ.* 7.

In all actions in any of his majeſty's courts of record, upon any bond, or on any penal ſum, for non-performance of covenants, the plaintiff may aſſign as many breaches as he ſhall think fit, and the jury upon trial of ſuch action ſhall aſſeſs, not only ſuch damages and coſts as have been uſually done, but alſo damages for ſuch of the ſaid breaches as the plaintiff ſhall prove; and like judgment ſhall be entered on ſuch verdict as hath been uſually done in ſuch actions; and if judgment ſhall be given for the plaintiff on a demurrer, or by confeſſion, or *nihil dicit*, the plaintiff upon the roll may ſuggeſt as many breaches as he ſhall think fit, upon which ſhall iſſue a writ to the ſheriff, to ſummon a jury to appear before the juſtices of aſſize or *niſi prius*, to enquire of the truth of thoſe breaches, and to aſſeſs the damages; in which writ it ſhall be commanded to the juſtices that they make return thereof: and in caſe the defendant, after ſuch judgment entred, and before any execution executed, ſhall pay into court to the uſe of the plaintiff ſuch damages, together with the coſts, a ſtay of execution on the judgment ſhall be entred; or if by reaſon of any execution executed, the plaintiff, or his executors, &c. ſhall be ſatisfied all ſuch damages together with their coſts, and all reaſonable expences for executing the execution, the body, lands, or goods of the defendant ſhall be diſcharged from the execution, which ſhall likewiſe be entred upon record; but in each caſe ſuch judgment ſhall remain, as a ſecurity to anſwer to the plaintiff, his executors, or adminiſtrators, ſuch damages as may be ſuſtained for further breach of any covenant in the ſame indenture, &c. contained, upon which the plaintiff may have a *ſcire facias* upon the judgment againſt the defendant, or againſt his heir, terre-tenants, executors, or adminiſtrators, ſuggeſting other breaches, and to ſummon them to ſhew cauſe why execution ſhall not be had, upon which there ſhall be the like proeeeding as was in the action of debt; and upon ſatisfaction, as aforeſaid, of ſuch future damages, coſts, and charges, all further proceedings on the judgment are again to be ſtayed, and ſo *toties quoties*. *ſ.* 8.

See AMENDMENTS, ARRESTS, DAMAGES, PROCESS.

Surety of the peace.

By 21 *Jac.* 1. *c.* 8. Proceſs of the peace or good behaviour to be granted out of the chancery or king's bench, ſhall be void, unleſs ſuch proceſs be granted upon motion made in open court, and upon declaration in writing, upon their corporal oaths, by the parties which ſhall deſire ſuch proceſs, of the cauſes for which ſuch proceſs ſhall be granted, and unleſs ſuch motion and declaration be mentioned to be made upon the back of the writ; the ſaid writings there to be entred and remain of record; and if it ſhall afterwards appear to the court, that the cauſes expreſſed in ſuch writings be untrue, the judges ſhall award coſts and damages unto the parties grieved, and the parties ſo offending may be committed until they pay the ſaid coſts and damages. *ſ.* 2.

All writs of *ſuperſedeas* to be granted by either of the courts aforeſaid, ſhall be void, unleſs ſuch proceſs be granted upon motion, and upon ſuch ſureties as ſhall appear upon oath, to be aſſeſſed at 5*l.* lands, or 10*l.* in goods, in the ſubſidy-book, which oaths, and the names of ſuch ſureties, with the places of their abode, and where they ſtand aſſeſſed, ſhall be entered of record; and unleſs it ſhall alſo appear to the judges, that the proceſs of the peace or good behaviour, is proſecuted by ſome party grieved. *ſ.* 3.

The judges of the courts aforeſaid, upon proof of any miſdemeanors committed in the obtaining of writs of *ſuperſedeas*, or procuring ſurety, may likewiſe puniſh the falſe and inſufficient ſureties, and the procurers thereof, ſo as ſuch puniſhment extend not to life or member. *ſ.* 4. *See* CERTIORARI.

Swearing and curſing.

By 19 *Geo.* 2. *c.* 21. If any perſon profanely curſe or ſwear, and be convicted on the oath of one witneſs before any juſtice of peace, or before the mayor, juſtice, bailiff or other chief magiſtrate, of any city or town corporate, or by confeſſion, he ſhall forfeit as is herein after mentioned; *viz.*

Every day labourer, common ſoldier, common ſailor and common ſeaman, 1 *s.*

Every other perſon under the degree of a gentleman, 2 *s.*

And every perſon of or above the degree of a gentleman, 5 *s.*

And in caſe any ſuch perſon after conviction offend a ſecond time, he ſhall forfeit double; and for every other offence after a ſecond conviction, treble the ſum firſt forfeited. *ſ.* 1.

In caſe any perſon profanely ſwear or curſe, in the hearing of any juſtice of peace, or of any mayor, &c. every ſuch juſtice, mayor, &c. ſhall convict every ſuch offender in the manner herein after ſet forth, without any other proof. *ſ.* 2.

In caſe any perſon profanely ſwear or curſe, in the hearing of any conſtable, petty conſtable, tythingman or other peace officer, every ſuch peace officer ſhall, in caſe ſuch perſon be unknown, ſeize and detain him, and carry him before the next juſtice, or mayor, &c. of the place wherein ſuch offence was committed; and the ſaid juſtice, mayor, &c. ſhall, on the oath of ſuch peace officer, convict the offender in manner after directed; and in caſe ſuch perſon be known to ſuch peace officer, he ſhall make information before ſome juſtice, mayor or chief magiſtrate, in order that the offender may be convicted and puniſhed. *ſ.* 3.

Every ſuch juſtice of peace, mayor or other chief magiſtrate, ſhall, upon information given upon oath of any ſuch peace officer, or of any other perſon, cauſe the offender to appear before him; and upon ſuch information being proved, convict ſuch offender in ſuch manner as by this act is preſcribed: and in caſe ſuch offender pay not immediately the ſum forfeited, or give ſecurity to the ſatisfaction of ſuch juſtice or magiſtrate, it ſhall be lawful for ſuch juſtice, &c. to commit the offender to the houſe of correction for the county, &c. where ſuch offence is committed, to be kept to hard labour for ten days. *ſ.* 4.

In caſe any common ſoldier in his majeſty's ſervice, or any common ſailor or ſeaman be convicted of profane curſing

ing or ſwearing, and pay not immediately the penalty, or give ſecurity for the ſame, and the coſt of the information ſummons and conviction, inſtead of being committed to the houſe of correction, he ſhall be publicly ſet in the ſtocks for one hour, for every ſingle offence; and for any number of offences, whereof he is convicted at the ſame time, two hours. *ſ.* 5.

If any juſtice of peace, mayor, or other chief magiſtrate of any town corporate, wilfully omit the performance of his duty in the execution of this act, he ſhall forfeit 5*l.* one moiety to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh wherein he reſides; to be recovered in any court of record at *Weſtminſter*; wherein no eſſoin, *&c.* ſhall be allowed. *ſ.* 6.

If any conſtable, petty conſtable, tythingman, or other peace officer, wilfully omit the performance of his duty in the execution of this act, and be convicted by the oath of one witneſs, before any juſtice of peace, or before the mayor or other chief magiſtrate of any town corporate, he ſhall forfeit 40 *s.* to be levied by diſtreſs and ſale of goods, by a warrant of ſuch juſtice or chief magiſtrate; and to be diſpoſed of, one moiety to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh where ſuch offence is committed; and in caſe ſuch offender have not ſufficient goods whereon to levy the penalty, it ſhall be lawful for ſuch juſtice, *&c.* to commit ſuch offender to the houſe of correction for the county or place, to be kept to hard labour for one month. *ſ.* 7.

Juſtices, mayors, or other chief magiſtrates before whom any perſon is convicted of profane ſwearing or curſing, ſhall cauſe the conviction to be drawn up in the form following.

Middleſex } *BE it remembered, that on the* ——— *day of*
to wit. } ——— *in the* ——— *year of his Majeſty's reign*, A. B. *was convicted before me one of his Majeſty's juſtices of the peace for the county*, riding, diviſion, or liberty *aforeſaid*; or before me mayor, juſtice, bailiff, or other chief magiſtrate of the city or town of ——— within the county of ———, (as the caſe ſhall be) *of ſwearing one or more profane oath or oaths, or of curſing one or more profane curſe or curſes*, as the caſe ſhall be.

Given under my hand and ſeal, the day and year aforeſaid.

Which form and conviction ſhall not be removed by *certiorari* into the king's bench, but ſhall be final; and the ſaid juſtice, mayor, or other chief magiſtrate, before whom ſuch conviction is made, ſhall cauſe the ſame to be wrote upon parchment, and returned to the next general or quarter ſeſſions of the peace for the county wherein ſuch conviction was made, to be filed by the clerk of the peace, and be kept amongſt the records of the ſaid county. *ſ.* 8.

All juſtices of peace, and every mayor or other chief magiſtrate of any town corporate, ſhall put this act in execution within their ſeveral juriſdictions, although ſuch juſtice or magiſtrate be rated, and pay to the relief of the poor of any pariſh or place where any offence is committed. *ſ.* 9.

All penalties inflicted by this act, for profane curſing and ſwearing, ſhall be diſpoſed of for the benefit of the poor of the pariſh wherein ſuch offence was committed; and all charges of information and conviction ſhall be paid by the party offending, if able, over and above the penalties, which charges ſhall be aſcertained by the juſtice of peace, mayor, or other magiſtrate, before whom ſuch conviction is made: and in caſe ſuch party be not able, or ſhall not immediately paythe ſaid charges, or give ſecurity for the ſame, it ſhall be lawful for the juſtice, *&c.* to commit ſuch offender to the houſe of correction, to be kept to hard labour for ſix days, over and above ſuch time for which ſuch offender may be committed in default of payment of the penalties; and in ſuch caſe no charges of information and conviction ſhall be paid by any perſon. *ſ.* 10.

If any action be commenced againſt any juſtice, conſtable, or other perſon, for doing any thing in purſuance of this act, concerning the ſaid offences, the defendant may plead the general iſſue; and if a verdict be given for the defendant, *&c.* the defendant ſhall have treble coſts. *ſ.* 11.

No perſon ſhall be proſecuted or troubled for any offence againſt this ſtatute, unleſs the ſame be proved or proſecuted within eight days after the offence committed. *ſ.* 12.

This act ſhall be publicly read four times in the year, in all pariſh churches and public chapels, by the parſon, vicar, or curate, immediately after morning or evening prayer, on four *Sunday*, *viz.* the *Sunday* next after the 25th of *March*, 24th of *June*, 29th of *Sept.* and 25th of *Dec.*; or in caſe divine ſervice be not performed in any ſuch church or chapel on any of the Sundays before mentioned, then upon the firſt Sunday after any of the ſaid quarterly days on which divine ſervice is performed, under pain of forfeiting 5*l.* for every neglect; to be levied by diſtreſs and ſale of the offender's goods, by warrant of any juſtice or other chief magiſtrate. *ſ.* 13.

The clerk of the juſtice, mayor, bailiff, or other chief officer, before whom proceedings upon this act ſhall be had, may take for the information, ſummons, and conviction of every offender 1 *s.* and no more. *ſ.* 14.

The 21 *Jac.* 1. *c.* 20. and the 6 & 7 *Will.* 3. *c.* 11. ſhall be repealed. *ſ.* 15.

See 3 Jac. 1. c. 21. *under general Title* THEATRES, *&c.*

Tail.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 1.

CONCERNING lands given upon condition, *viz.* where any giveth his land to a man and his wife, and to the heirs begotten of the bodies of the man and his wife, with condition expreſſed, that if the man and his wife die without heirs of their bodies between them begotten, the land ſhall revert to the giver or his heir; alſo where one giveth lands in free marriage, which gift hath a condition annexed, though not expreſſed in the deed, that if the huſband and wife

wife die without heir of their bodies begotten, the land ſhall revert to the giver or his heir; alſo where one giveth land to another, and to the heirs of his body iſſuing; the will of the giver, according to the form in the deed of gift, ſhall be obſerved; ſo that they to whom the land was given under ſuch condition, ſhall have no power to alien the land, but it ſhall remain to their iſſue after their death, or ſhall revert unto the giver or his heirs, if iſſue fail: neither ſhall the ſecond huſband of any ſuch woman have any thing in the land ſo given, after the death of his wife by the law of *England*; nor ſhall the iſſue of the ſecond huſband ſucceed in the inheritance; but immediately after the death of the huſband and wife, to whom the land was given, it ſhall return to their iſſue, or to the giver, or to his heir. *ſ.* 1 & 2.

This manner of writ ſhall be granted to the party that will purchaſe it. *Praecipe* A. *quod juſte, &c. red.* B. *manerium de* F. *cum ſuis pertinentiis, quod* C. *dedit tali viro et tali mulieri, et heredibus de ipſis viro et muliere exeuntibus*; or thus, *quod* C. *dedit tali viro in liberum maritagium cum tali muliere, &c. et quod poſt mortem praedictorum viri et mulieris praedicto* B. *filio eorundem viri et mulieris deſcendere debeat per formam donationis praedictae, ut dicit, &c.* or *quod* C. *dedit tali et heredibus de corpore ſuo exeuntibus, et quod poſt mortem illius talis praedicto* B. *filio praedicti talis deſcendere debeat per formam, &c.* ſ. 3.

If a fine be levied of ſuch lands it ſhall be void; neither ſhall their heirs, or ſuch as the reverſion belongeth unto, though they be of full age, within *England*, and out of priſon, need to make their claim. *ſ.* 4.

By 34 & 35 *Hen.* 8. *c.* 20. No fained recovery by aſſent of parties againſt any tenant in tail of any lands given by the crown, whereof the reverſion or remainder at the time of ſuch recovery had ſhall be in the king, ſhall bind the heirs in tail, whether any voucher be had in ſuch recovery or not, but that after the death of ſuch tenant in tail the heirs in tail may enter and enjoy the lands, according to the form of the gift; the recovery or any other thing done or ſuffered by or againſt ſuch tenant in tail notwithſtanding. *ſ.* 2.

The heirs of ſuch tenant in tail ſhall take no advantage for any recompenſe in value againſt the voucher. *ſ.* 3.

This act ſhall not be prejudicial to the leſſees of any ſuch tenant in tail made by writing indented for term of 21 years, three lives, or under, whereupon the accuſtomable rent is reſerved, *&c. ſ.* 4. *See* FINES.

Taxes.

By 1 *Edw.* 3. *ſt.* 2. *c.* 6. The commons ſhall be taxed after the old manner, and not otherwiſe.—*See* LIBERTIES.

By 45 *Edw.* 3. *c.* 4. No impoſition ſhall be put upon wools, woolfells and leather, other than the cuſtom and ſubſidy granted to the king, without aſſent of parliament.

By 9 *Hen.* 4. *c.* 7. Foreigners having lands or goods within any towns at the day of the grant of any tenth or fifteenth, or any other tax, although they lead away their beaſts, or carry their goods out of the town, they ſhall be contributary with the inhabitants to ſuch tax, and the collectors ſhall have power to diſtrain in every place within the county, as well before the king be anſwered of the whole ſums that attain to the ſaid towns as after; provided that no man be two times charged for any ſuch beaſts or goods.

By 18 *Hen.* 6. *c.* 5. No man dwelling within any city or borough, of which it hath been uſed, the names of certain men, by the perſons for the ſaid city or borough coming to the parliament, to be delivered in the chancery, to be collectors of the diſmes, and whereupon the king hath ſent letters patent to the ſame perſons to be collectors of the diſme within the ſaid city or borough, ſhall be aſſigned collectors of any quinzime within any county, except that he may expend in the county out of the ſaid city or borough in lands to the value of 100 *s.* by the year.

By 1 *Ric.* 3. *c.* 2. The commonalty ſhall not be charged by any benevolence, nor by ſuch like charge, but ſuch benevolences ſhall be annulled for ever.

Hawkers and Pedlars.

By 9 *Will.* 3. *c.* 27. *ſ.* 1. and 29 *Geo.* 3. *c.* 26. *ſ.* 3. There ſhall be paid to his majeſty by every hawker, pedlar, petty chapman or other trading perſon, going from town to town, or to other men's houſes, and travelling either on foot, or with horſes or otherwiſe, in *England*, *Wales*, or *Berwick*, carrying to ſell any goods, a duty of 4 *l.* for each year; and every perſon ſo travelling with a horſe or other beaſt bearing or drawing burden ſhall pay yearly 4 *l.* for each beaſt above the firſt-mentioned duty of 4 *l.*

The commiſſioners, or two of them, are required upon the terms aforeſaid to grant a licence to every hawker, *&c.* for which licence there ſhall be taken only 1 *s.* unleſs ſuch hawker, *&c.* ſhall travel with horſe or other beaſt, and in that caſe there ſhall be paid 2 *s.* above the duties; and the commiſſioners ſhall keep a diſtinct account of the duties, and pay the money into his majeſty's exchequer upon *Wedneſday* in every week (unleſs a holiday) and then on the day after, and upon neglect of the ſame ſhall incur the penalties as other the officers of the exchequer. 9 & 10 *Will.* 3. *c.* 27. *ſ.* 4.

Any perſon ſued for putting in execution this act, may plead the general iſſue not guilty; and if the plaintiff be nonſuit, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 6.

This act ſhall not prohibit any perſon from ſelling acts of parliament, forms of prayer, proclamations, gazettes, licenſed almanacks, or other printed papers licenſed, or any fiſh, fruits or victuals, nor hinder any makers of goods within the kingdom, or their children, apprentices, agents or ſervants, from carrying or ſelling the goods of their own making; nor any tinkers, coopers, glaziers, plumbers, harneſs-menders, or other perſons uſually trading in mending kettles, tubs, houſehold goods or harneſs, from going about and carrying materials for mending the ſame. *ſ.* 9.

There ſhall be kept in his majeſty's exchequer in the office of the auditor of receipts one book, in which all monies paid by virtue of this act ſhall be entred. *ſ.* 10.

If any officer in the exchequer ſhall miſapply any of the monies, ſuch officer ſhall forfeit his office, and be incapable of any place of truſt, and ſhall pay the treble value of any ſums ſo miſapplied to the perſons grieved, their executors, adminiſtrators or aſſigns, who will ſue for the ſame in any of his majeſty's courts at *Weſtminſter*, wherein no eſſoign, *&c.* privilege of parliament, or other privilege, ſhall be allowed. *ſ.* 11.

It ſhall be lawful for the commiſſioners of his majeſty's treaſury, out of the monies raiſed by this act, to pay to the commiſſioners, their clerks, or other perſons, ſuch ſums of money as they may deſerve for their ſervice. *ſ.* 14.

This act ſhall not extend to give power for the licenſing of any hawker, *&c.* to ſell any wares in any city, borough, town corporate, or market-town, otherwiſe than might have been done before. *ſ.* 15.

By 3 *Ann. c.* 4. Perſons trading in the woollen or linen manufactures of this kingdom, and ſelling the ſame by wholeſale, ſhall not be deemed hawkers, pedlars, or petty chapman, within any act, but ſuch perſons, and thoſe immediately employed under them, may carry abroad and ſell the ſaid manufactures. *ſ.* 14.

By 4 *Geo.* 1. *c.* 6. No maker or wholeſale trader in *Engliſh* bone-lace, and ſelling the ſame by wholeſale, ſhall be deemed a hawker, pedlar, or petty chapman, within 8 & 9 *Will.* 3. *c.* 25. and 9 & 10 *Will.* 3. *c.* 27. And ſuch perſons may go from houſe to houſe to their cuſtomers, who ſell again, without being liable to the penalties in the ſaid acts.

By 29 *Geo.* 3. *c.* 26. It ſhall not be lawful for any hawker, either by opening a room or ſhop, and expoſing to ſale any goods, by retail, in any town, pariſh, or place (not being a houſeholder there, or the ſame not being an uſual place of his abode, or of his carrying on buſineſs), or by any other means, to ſell, either by himſelf, or any auctioneer (whether licenſed or not), broker, appraiſer, agent, ſervant, or other perſon, on his behalf, any goods, by outcry, knocking down of hammer, candle, lot, parcel, or other mode of ſale at auction, or whereby the beſt bidder is to be the purchaſer; and every perſon ſo vending, contrary to ſuch prohibition, ſhall forfeit 50 *l.* *ſ.* 4.

Every hawker, *&c.* ſhall, at the time of receiving his licence, and without any diſcount, pay all duties impoſed upon him, to the commiſſioners for licenſing hawkers, *&c.* or ſome perſon deputed by them, in writing under their hands and ſeals; and upon payment thereof, a licence ſhall be granted to them, ſubſcribed by the commiſſioners, or two of them, for him to travel and trade, according to 9 *Will.* 3. *ſ.* 5. and according to the duties which ſhall then be paid upon ſuch licence. *ſ.* 5.

Before any perſon ſhall receive any licence, ſuch perſon ſhall produce to the commiſſioners, or their deputy, a certificate, ſigned by one clergyman officiating within the pariſh wherein ſuch perſon has his reſidence, and alſo two inhabitants of the ſaid pariſh, atteſting that the perſon applying is of good character, and fit to be licenſed to exerciſe the trade of a hawker. *ſ.* 6.

The certificate ſhall be in the form following. *ſ.* 7.

WE A. B. *the miniſter, and* C. D. *and* E. F. *being two houſeholders reſiding at in the pariſh* (*chapelry*, or otherwiſe, as the caſe may be) *of in the county of do hereby certify that* G. H. *hath been known to us for the ſpace of years laſt paſt, and during all that time hath uſually reſided in the ſaid pariſh* (*chapelry*, or otherwiſe, as the caſe may be) *of and is a perſon of good character and reputation, and is a fit perſon to be licenſed to exerciſe the trade of a hawker, pedlar, and petty chapman. Dated the day of*

A. B. *Miniſter.*
C. D. } *Houſeholders.*
E. F. }

Every perſon to whom ſuch licence ſhall be granted, under this act, and who ſhall trade with, or under ſuch licence, ſhall cauſe to be written, painted, or printed, in large legible *Roman* capitals, upon the moſt conſpicuous part of every pack, box, bag, trunk, caſe, cart, or waggon, or other vehicle or conveyance, in which he ſhall carry his goods, and of every room and ſhop in which he or ſhe ſhall trade, and likewiſe upon every hand bill, or advertiſement, which he ſhall give out, the words *Licenſed Hawker*, together with the number, name, or other mark upon his licence; and ſuch perſon, in any reſpect making default herein, ſhall forfeit 10 *l.* *ſ.* 8.

If any perſon other than to whom ſuch licence ſhall have been granted, ſhall write, *&c.* or keep written, *&c.* upon any pack, *&c.* or in any room, *&c.* the words *Licenſed Hawker*, or *Licenſed Pedlar*, or any other word to that effect; every perſon offending herein ſhall forfeit, 10 *l.* *ſ.* 9.

If any hawker ſhall be convicted of dealing in, or ſelling any kind of ſmuggled, contraband, or prohibited, goods, or dealing in or ſelling any goods, fraudulently or diſhoneſtly procured, either by themſelves, or through others with their privity, ſuch hawker, *&c.* ſhall forfeit his licence, and for ever be incapable of obtaining or holding any new licence, or dealing, under the ſame, above all forfeitures, to which he ſhall be by law ſubject for ſuch illicit dealing. *ſ.* 10.

If ſuch hawker, *&c.* ſhall trade as aforeſaid without, or contrary to, or otherwiſe than as allowed by ſuch licence, ſuch perſon ſhall forfeit 10 *l.*; and if any perſon trading under any licence, upon demand made by any perſon appointed to demand ſuch licence, by the commiſſioners for licenſing hawkers, or two of them, under their hands and ſeals, and upon producing ſuch authority to ſuch perſon ſo trading, or upon demand made by any juſtice, mayor, conſtable, or other officer of the peace, where he ſhall ſo trade, or by any officer of cuſtoms or exciſe, ſhall refuſe to produce his licence, or ſhall not have his licence ready to produce, then the perſon ſo refuſing, or not having his licence to produce, ſhall forfeit 10 *l.* and for nonpayment thereof, ſhall ſuffer as a common vagrant, and be committed to the houſe of correction. *ſ.* 11.

If any perſon ſhall forge any licence, or ſhew any forged licence, for any of the purpoſes aforeſaid, ſuch perſon ſhall forfeit 100 *l.* *ſ.* 12.

In caſe any perſon ſhall let out to hire or lend any licence to him granted, or ſhall trade with any licence granted unto any other perſon, or in which his own real name ſhall not be inſerted as the name of the perſon to whom the ſame is granted, the perſon letting out to hire ſuch licence, and the perſon trading with any licence granted to any other perſon, or any licence in which his own real name ſhall not be inſerted as the name of the perſon to whom the ſame is granted, ſhall each forfeit 40 *l.*; and in caſe any perſon ſhall be convicted for lending his licence to any other perſon, contrary to this act, ſuch licence ſhall be void, and he ſhall be incapable of having any licence again granted to him. *ſ.* 13.

It ſhall be lawful for any perſon to ſeize any hawker, *&c.* who ſhall be found trading without a licence, or who, being found trading, ſhall refuſe or neglect to produce to ſuch perſon a licence, after being required ſo to do, for a reaſonable time in order to give notice to a conſtable, or peace officer, who are to carry ſuch perſons ſeized, unleſs they, in the mean time, produce their licences, before one juſtice, which juſtice is to examine into the fact charged, and upon proof, either by confeſſion of the party, or oath of one witneſs, that the perſon brought before him had ſo traded, and no licence being produced by ſuch offender before the juſtice, to convict the offender of trading without a licence; and thereupon it ſhall be lawful for ſuch juſtice, by warrant, to cauſe the 40 *l.* to be forthwith levied by diſtreſs and ſale of the goods of ſuch offender, or of the goods with which ſuch offender ſhall be found trading, rendering the overplus, if any, to the owner, after deduction

of the charges for taking the diſtreſs, and out of the ſaid ſale to pay the penalties; and in the mean time to commit ſuch offender to the common gaol where the ſaid offence ſhall be committed, until the penalties and charges of diſtreſs ſhall be levied by ſuch diſtreſs and ſale, or until the ſame ſhall be otherwiſe paid by ſuch offender. *ſ.* 14.

If any conſtable, or officer of the peace, ſhall refuſe or neglect, upon notice, or on his own view, to be aiding in the execution of this or the ſaid act, being thereunto required, ſuch officer convicted, upon his confeſſion, or by the oath of one witneſs, before any juſtice, ſhall forfeit 10 *l.* *ſ.* 15.

No hawker ſhall vend, or expoſe to ſale, any goods whatſoever, in any city or market town in *England*, *Wales*, or *Berwick*, or within the diſtance of two miles from the middle of the moſt central market-place of ſuch city or town, by the moſt uſual roads; and in caſe ſuch perſon ſhall vend, or expoſe to ſale, any goods whatſoever, in any city or market town, or within the diſtance of two miles from the middle of the moſt central market-place of ſuch city or town, ſuch perſon ſhall forfeit 10 *l.* *ſ.* 16.

Nothing herein ſhall hinder any perſon from ſelling, or expoſing to ſale, any ſort of goods in any public mart, market, or fair, but ſuch perſon may do therein as they lawfully might have done before this act. *ſ.* 17.

If any hawker ſhall vend any goods, in ſuch city, town, or place, contrary to any of the proviſions in this act contained, ſuch hawker ſhall be ſubject to the like penalties as are inflicted on hawkers travelling without licence. *ſ.* 18.

Perſons who, on 1ſt *May*, were licenſed to trade as hawkers may ſet up or exerciſe any craft, myſtery, or occupation, uſed within this realm, in any place where they ſhall be reſident inhabitants, although not brought up in ſuch craft, and alſo ſet any perſon on work in ſuch craft, although ſuch perſon ſhall not have been apprentice therein, 5 *Eliz. c.* 5. (*ſee* LABOURERS,) to the contrary notwithſtanding; and if ſuch perſon, or their wives or children, ſhall be proſecuted for uſing ſuch craft, and ſhall make it appear that they had ſuch licence, they ſhall, upon the general iſſue, be found not guilty, in any action againſt him; and in all caſes where coſts are allowed, ſuch perſon ſo acquitted, ſhall receive double coſts; and no ſuch perſons, their wives or children, during the time they uſe ſuch craft, in any pariſh, ſhall be removeable therefrom to his laſt ſettlement, until ſuch perſon ſhall become actually chargeable to ſuch pariſh. *ſ.* 19.

No wholeſale trader in *Engliſh* bone-lace, in woollen, linen, ſilk, cotton, or mixed goods, or any of the goods or manufactures of *Great Britain*, and ſelling the ſame by wholeſale, ſhall be deemed a hawker, *&c.* within this or any other act relative to hawkers; and all ſuch perſons, their children, apprentices, ſervants, or agents, ſelling by wholeſale only, ſhall go from houſe to houſe, and from ſhop to ſhop, to any of their cuſtomers, who ſell again by wholeſale or retail, without being ſubject to any penalties, in this or any of the ſaid acts, touching hawkers. *ſ.* 20.

Nothing in this act ſhall prohibit any perſon from ſelling any printed papers, licenſed by authority, or any fiſh, fruit, or victuals; nor hinder the real worker of any goods or manufactures of *Great Britain*, or his children, apprentices, agents, or ſervants, uſually reſiding with ſuch real workers only, from carrying abroad or expoſing to ſale, and ſelling by retail, or otherwiſe any of the ſaid goods, of his own making, in any market, or fair, and in every city, and market town; nor any tinkers, coopers, glaziers, plumbers, harneſs-menders, or other perſons uſually trading in mending kettles, tubs, houſehold goods, or harneſs, from going about and carrying with them proper materials for mending the ſame. *ſ.* 21.

All pecuniary penalties, of a greater ſum than 20 *l.* ſhall be recovered, with coſts, in any court of record at *Weſtminſter*, by action of debt, *&c.*; and one moiety ſhall belong to his majeſty, and the other moiety to the perſon who ſhall inform. *ſ.* 22.

Where the pecuniary penalty doth not exceed 20 *l.* it ſhall be recoverable before one juſtice, on proof of the offence either by voluntary confeſſion of the party accuſed, or by the oath of one witneſs; and one moiety ſhall belong to his majeſty, and the other to the informer; and in caſe of nonpayment, the juſtice, by warrant under hand and ſeal, ſhall cauſe the ſame to be levied by diſtreſs and ſale of the offender's goods, and the overplus, after deducting the penalty and expence of diſtreſs and ſale, ſhall be rendered to the owner; and ſhall alſo commit the offender to the priſon of the county, *&c.* there to remain until the penalties, and charges of taking diſtreſs, ſhall be levied by diſtreſs and ſale, or until the ſame ſhall be paid by ſuch offender; and it ſhall be lawful for ſuch juſtice by warrant to cauſe ſuch offender to be apprehended and brought before him to anſwer to any charge for ſuch penalty, and to commit ſuch offender to priſon until the hearing of ſuch complaint, unleſs he enter into a recognizance before ſuch juſtice, with two ſureties, in a ſufficient ſum to be ordered by ſuch juſtice, to appear at the hearing. *ſ.* 23.

No perſon committed to gaol, for any offence againſt this act, ſhall be detained in ſuch gaol longer than three months. *ſ.* 24.

Perſons aggrieved by the judgment of ſuch juſtice, may, upon entering into a recognizance with two ſureties, to be approved by ſuch juſtice, to the amount of the penalty and forfeiture, together with a ſum in the judgment of ſuch juſtice adequate to the coſts which may be awarded, conditioned to pay ſuch penalties and coſts as ſhall be adjudged, in caſe ſuch judgment ſhall be affirmed, appeal to the next general quarter ſeſſions, who are to ſummon and examine witneſſes upon oath, and finally to determine the ſame, or, at their diſcretion, to ſtate the facts ſpecially for the determination of the court of king's bench thereon; and in caſe the judgment of ſuch juſtices ſhall be affirmed, it ſhall be lawful for ſuch juſtices, or the court of king's bench, to award the perſon to pay ſuch coſts occaſioned by ſuch appeal as to them ſhall ſeem meet. *ſ.* 25.

A conviction in the form following, ſhall be good, without alledging more than the ſubſtance of the offence. *ſ.* 26.

BE it remembered, That on the ——— *day of* ——— *in the year of our Lord* ———, *at* ———, *in the county of* ———, A. B. *came before me* C. D. *eſquire, one of his majeſty's juſtices of the peace for the ſaid county, reſiding near the place where the offence herein-after mentioned was committed, and informed me that* E. F. *of* ———, *in the ſaid county of* ——— [here ſet forth the fact for which the information is laid]; *whereupon the ſaid* E. F. *being duly ſummoned to anſwer the ſaid charge, appeared before me* [*and having heard the charge contained in the ſaid information, acknowledged and voluntarily confeſſed the facts therein ſtated to be true, but in his* (or *her*) *defence alledged* (here ſetting forth the ſubſtance of the defence); *or voluntarily confeſſed the ſaid charge to be true, or did not make any defence againſt the ſaid charge, whereupon the ſame was fully proved on the oath of* G. H. *a credible witneſs; or ſaid that he* (or *ſhe*) *was not guilty of the ſaid offence, whereupon the ſame was fully proved on the oath of* G. H. *a cre-*

dible witneſs, [or as the caſe may be] *or did not appear before me purſuant to the ſaid ſummons, but the ſaid charge was fully proved on the oath of* G. H. *a credible witneſs*, (or as the caſe ſhall be); *and therefore it manifeſtly appearing to me that the ſaid* E. F. *is guilty of the offence charged in the ſaid information, I do hereby convict him* (or *her*) *of the ſaid offence, and do adjudge that he* (or *ſhe*) *hath forfeited the ſum of* ——— *(or his* (or *her*) *licence, and the ſum of* ——— *). of lawful money of* Great Britain, *to be diſtributed as the law directs, according to the form of the ſtatute in ſuch caſe made and provided. Given under my hand and ſeal the* —— *day of* ——

No conviction ſhall be removed by *certiorari*, or otherwiſe, into the king's bench, or any other court, ſave upon an appeal, as by this act directed. *ſ.* 27.

The act 9 & 10 *Will.* 3. *c.* 27. or any other law now in force relating to the duties (other than ſo far as the ſame are inconſiſtent with, or contradictory to any thing in this act, and other than in ſuch caſes for which different proviſions are preſcribed by this act), ſhall be put in execution in managing the duties hereby granted. *ſ.* 29.

If any perſon ſummoned as a witneſs before any juſtice, touching this act, or 9 & 10 *Will.* 3. ſhall neglect or refuſe to appear, without excuſe, to be allowed of by ſuch juſtice; or, appearing, ſhall refuſe to be examined upon oath, and give evidence before ſuch juſtice, ſuch perſon ſhall forfeit 10 *l.* to be recovered as the other penalties. *ſ.* 30.

The duties before granted ſhall be paid to the caſhier of the duties on hawkers, who ſhall keep a ſeparate account of the duties, and pay the ſame (the charges of raiſing, paying, and accounting, being deducted) into the exchequer, in ſuch manner as the duties now charged on hawkers are directed to be paid; and in the office of the auditor ſhall be kept books, in which all monies ariſing from the ſaid duties, and paid into the receipt, ſhall be entered ſeparate from all other monies payable to his majeſty, upon any account whatſoever; and the ſaid money, ſo paid into the exchequer, ſhall be a fund for the payment of the annuities, and other charges as are directed to be paid, under 25 *Geo.* 3. *c.* 32. *See* ANNUITIES, *public*, *in* PART I. *page* 25. *ſ.* 31. *

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 32.

Horſes, Coaches, Carts, and other Carriages.

By 23 *Geo.* 3. *c.* 66. There ſhall be paid throughout *Great Britain* the duties following.

Every perſon who ſhall keep any waggon, wain, cart, or other ſuch carriage, with three or four wheels (except ſuch carriages as are now charged with duty of exciſe), ſhall pay annually 4 *s. for every ſuch carriage.*

And every perſon who ſhall keep any cart or other carriage, with two wheels, (except ſuch as are now charged with duty of exciſe), ſhall pay annually 2 *s. for every ſuch carriage.*

No perſon ſhall be obliged to pay the yearly ſum of 4 *s.* for more than one ſuch carriage employed in agriculture only, nor for more than three ſuch carriages employed for any other purpoſe, on which the ſaid duty of 4 *s.* is charged, where ſuch carriages are kept for his own uſe only, and ſhall not be uſed for the carriage of any goods for hire, or let out for hire. *ſ.* 2.

Nothing in this act ſhall charge with the duty any cart with two wheels, employed in agriculture only, and not employed in parks or pleaſure grounds, or uſed for the carriage of goods for hire, or let out for hire. *ſ.* 3.

Nothing herein ſhall extend to carts with two wheels drawn by one horſe only, and employed only for the carriage of peats or turf for fuel, and not let out for hire. *ſ.* 4.

In caſe any waggon, or other carriage, ſhall be preſſed for the purpoſe of conveying any arms, ammunition, or other baggage, under any law for preventing mutiny, or for the regulation of the marine forces while on ſhore, and the owner ſhall be paid for ſuch carriage, the ſame ſhall not be deemed to be a working for hire within this act. *ſ.* 5.

By 24 Geo. 3. ſeſſ. 2. c. 31. *Every perſon who ſhall keep any horſe, mare, or gelding, for riding or drawing any coach, berlin, landau, chariot, calaſh, chaiſe, or other carriage, whereof any duty is payable, ſhall pay annually for every horſe,* &c. ten ſhillings; *and by* 29 Geo. 3. c. 49. *an additional annual duty of* five ſhillings *for one of ſuch horſes.* IN THE WHOLE, fifteen ſhillings.

Every perſon who ſhall keep three, four, or five horſes, and no more, ſhall be charged with an additional annual duty of ſeven ſhillings *and* ſixpence *for each horſe exceeding one.* IN THE WHOLE, ſeventeen ſhillings *and* ſixpence *for each above the firſt.* 29 Geo. 3. c. 49.

Every perſon who ſhall keep ſix or more horſes ſhall be charged with an additional annual duty of ten ſhillings *for each horſe exceeding the number of one.* IN THE WHOLE, one pound *for each above the firſt*, 29 Geo. 3. c. 49.

Nothing in this act ſhall charge with the duties any horſe belonging to any non-commiſſioned officer or private ſoldier of any of the regiments of cavalry in his majeſty's ſervice, nor any horſe belonging to and kept for ſale, and not for hire, in the ſtables of any dealer in horſes, licenſed purſuant to this act. (*See* STAMPS *in page* 613, *ante*) nor any horſe let to hire for travelling poſt, *&c.* by any poſtmaſter licenſed according to 25 *Geo.* 3. (*ſee page* 341, *ante.*) 24 *Geo.* 3. *ſeſſ.* 2. *c.* 31. *ſ.* 2.—29 *Geo.* 3. *c.* 49. *ſ.* 2.

" By 25 *Geo.* 3. *c.* 47. There ſhall be paid for every " coach, berlin, landau, chariot, calaſh with four wheels, " chaiſe marine, chaiſe with four wheels, and caravan, " that ſhall be kept by any perſon for his own uſe, or to " be let out to hire (except carriages licenſed by the " commiſſioners for the duties on hackney coaches) the " yearly ſum of 7 *l.*

" By 29 *Geo.* 3. *c.* 49. Every perſon who ſhall keep " one coach, *&c.* with four wheels, or caravan, for his own " uſe, or to be let out to hire, except hackney coaches " and carriages* let out to travel poſt, by any perſon " licenſed to let poſt horſes, (*ſee* 4th *ſec. of this act, poſt*) " ſhall be charged with an additional yearly ſum of 20 *s.* " in reſpect of ſuch one carriage. IN THE WHOLE, *eight* " *pounds for the firſt carriage with four wheels.*

" Every perſon who ſhall keep two of any ſuch carriages, " ſhall pay an additional annual duty of 20 *s.* for one of ſuch

" carriages,

* The appropriation of theſe duties appears to be repugnant to 27 *Geo.* 3. *c.* 13 (*See* FUNDS, page 426.) whereby the then exiſting duties on hawkers. &c. were carried to, and made part of, the conſolidated fund; and all the public annuities were, by the ſame act, charged upon that fund.

* Such carriages therefore are only ſubject to the duty of 7 *l.* impoſed by 25 *Geo.* 3.

" carriages, and an additional yearly ſum of 2*l.* for every " other of ſuch carriages, *viz.* 8*l.* for the firſt, and 9*l.* " for the ſecond carriage with four wheels. 29 *Geo.* 3. " *c.* 49.

" Every perſon who ſhall keep three or more of any ſuch " carriages, ſhall pay an additional yearly ſum of 20*s.* for " one of ſuch carriages, and an additional yearly ſum of " 3*l.* for every other of ſuch carriages: 29 *Geo.* 3. *c.* 49. " *viz.* 8l. *for the firſt, and* 10l. *for each carriage above* " *the firſt where three or more are kept.*

" For every calaſh, chaiſe, or chair, with two or three " wheels, drawn by one or more horſes, that ſhall be " kept by any perſon for his own uſe, or to be let " out to hire, the yearly ſum of 3*l.* 10*s.* 25 *Geo.* 3. " *c.* 47."

The duties hereby impoſed on carriages, and alſo the duties on waggons, and on horſes, ſhall be aſſeſſed and received by ſuch perſons, in ſuch manner, and with ſuch allowances, and under ſuch penalties, as are preſcribed for aſſeſſing the duties on houſes and windows, by 20 *Geo.* 2. *c.* 3; 20 *Geo.* 2. *c.* 42.; 21 *Geo.* 2. *c.* 10.; 26 *Geo.* 2. *c.* 17.; 31 *Geo.* 2. *c.* 22.; 21 *Geo.* 3. *c.* 8.; 6 *Geo.* 3. *c.* 38.; 19 *Geo.* 3. *c.* 59.; and 24 *Geo.* 3. *c.* 38.; and all the powers in the ſaid act, relative to the duties on houſes, *&c.* ſhall be in force, and put in execution throughout *Great Britain*, for aſſeſſing and paying the duties hereby placed under the management of the ſaid commiſſioners for taxes. 25 *Geo.* 3. *c.* 47. *ſ.* 7.

The commiſſioners for putting in execution the acts relative to the duties on houſes and windows, ſhall be commiſſioners for executing this act, in all counties, *&c.* within *Great Britain*; and ſuch commiſſioners ſhall, in the counties, *&c.* for which they are commiſſioners, meet for the firſt time on 5th *July*, 1785, for the purpoſe of raiſing the duty on coaches, *&c.* and on 10th *Oct.* 1785, for raiſing the duties on waggons, *&c.* and on horſes; and afterwards ſhall, in like manner, meet every year, at ſuch time as the commiſſioners ſhall appoint before the 30th *April*, and ſhall then divide themſelves to act in ſeparate diſtricts, and proceed in the execution of this act, for aſſeſſing the duties in ſuch manner as is preſcribed by the acts relative to the duties on houſes and windows. *ſ.* 11.

If there ſhall not have been a meeting of the commiſſioners within the times, or according to the manner hereby preſcribed, the commiſſioners, or two in the counties wherein ſuch default ſhall have happened, may meet at any other time as ſoon as may be after the time preſcribed to execute this act. *ſ.* 12.

No perſon ſhall act as a commiſſioner (except in adminiſtering the oath herein after expreſſed) until he ſhall have taken the oaths for acting as a commiſſioner of the duties on houſes, *&c.* and alſo the following oath, *viz.*

I A. B. *do ſwear, That I will truly and faithfully execute the office of a commiſſioner, according to an act made in the* 25th *year of the reign of king* GEORGE *the third, for transferring the receipt and management of certain duties therein mentioned from the commiſſioners of exciſe, and the commiſſioners of ſtamps reſpectively, to the commiſſioners for the affairs of taxes; and alſo for making further proviſions in reſpect to the ſaid duties ſo transferred; and will determine, without favour or affection, upon all appeals which ſhall be brought before me, under the ſaid act, according to the beſt of my ſkill and knowledge.*

So help me GOD.

Which oath two commiſſioners are to adminiſter, and if any perſon ſhall act before he have taken ſuch oaths, he ſhall forfeit 100*l.* *ſ.* 13.

The aſſeſſment of the ſaid duties on carriages and horſes ſhall be made for one year, from the 5th *April* in every year. *ſ.* 14.

The duties ſhall be paid quarterly, on 5th *Jan.* the 5th *April*, the 5th *July*, and 10th *Oct.* in every year. *ſ.* 15. alſo 25 *Geo.* 3. *c.* 49. *ſ.* 7.

If there ſhall be a neglect of appointment of aſſeſſors for the duties on houſes, or if the aſſeſſors appointed ſhall neglect what is required of them by this act, then the ſurveyor or inſpector appointed under the acts relative to the duties on houſes, are to do ſuch ſervices as by the ſaid acts are required from ſuch aſſeſſors. 25 *Geo.* 3. *c.* 47. *ſ.* 17.

Every aſſeſſor, or ſurveyor, or inſpector, ſhall, before he preſumes to act in the employment, take (beſides the oaths or affirmations required to be taken by aſſeſſors by the acts relative to the duties on houſes) an oath, or make and ſubſcribe a ſolemn affirmation, in the following form:

I A. B. *do ſwear* [or *affirm*, as the caſe may require], *that in making the aſſeſſment, which by the authority of an act made in the* 25th *year of the reign of king* GEORGE *the third, for transferring the receipt and management of certain duties, therein mentioned, from the commiſſioners of exciſe, and the commiſſioners of ſtamps reſpectively, to the commiſſioners for the affairs of taxes, I will charge all perſons according to the beſt of my ſkill and knowledge.*

So help me GOD.

Which oath two commiſſioners are to adminiſter; and if any perſon preſume to act before he ſhall have taken the oath or affirmation, he ſhall forfeit 20*l.* *ſ.* 18.

The commiſſioners ſhall, in the precepts to be from time to time directed by them to the inhabitants of the pariſhes within their diſtricts, naming whom they ſhall think fit to be aſſeſſors under the acts relative to the duties on houſes, cauſe notice to be inſerted, that ſuch perſons are alſo appointed aſſeſſors of the duties upon carriages and horſes. *ſ.* 19.—and by 29 *Geo.* 3. *c.* 49. *ſ.* 13. of being appointed aſſeſſors of the additional duties on horſes and carriages.

Aſſeſſors ſhall, within 14 days after their appointment yearly, give notice in writing for every perſon keeping any carriage or horſe liable to the duties, at his dwelling houſe, to produce, within 14 days next enſuing the day of giving ſuch notice, one liſt in writing, of carriages liable to the duties kept by ſuch perſon; the ſaid liſt to deſcribe the greateſt number kept at one time in the courſe of the year, ending 5th *April* preceding ſuch notice, and to expreſs the denomination of each carriage, and its number of wheels, diſtinguiſhing which are kept for private uſe, and which for hire, and which are uſed as public ſtage coaches; and another liſt in writing of the number of horſes liable to the duties kept by him, ſuch liſt to contain the greateſt number kept in the courſe of the year ending on ſuch preceding 5th *April*; and ſuch perſon ſhall, after ſuch notice given, make out the liſts, and ſign the ſame with his own hand, and deliver the ſame to ſuch aſſeſſor after the expiration of 14 days from the notice being given, when he ſhall call for the ſame: and if ſuch perſon ſhall neglect or refuſe to make out, ſign, and deliver ſuch liſts, then ſuch aſſeſſor ſhall, from information, make an aſſeſſment upon ſuch perſon for the carriages and horſes, liable to the duties, kept by him; and ſuch aſſeſſment ſo made, ſhall be concluſive upon the perſon charged, who ſhall not appeal therefrom, unleſs ſuch perſon ſhall prove that he was not at his dwelling houſe at the time of the delivery of ſuch notice, nor between that day and the time limited for

for delivering ſuch liſts to the aſſeſſor, or unleſs ſuch perſon ſhall prove ſuch other excuſe for not having delivered his liſts as the commiſſioners ſhall think reaſonable. 25 *Geo.* 3. *c.* 47. *ſ.* 20.

If any perſon aſſeſſed in one pariſh for carriages or horſes, (or ſervants, by 25 *Geo.* 3. *c.* 43. *ſ.* 27.) ſhall be again aſſeſſed in another pariſh, the commiſſioners within ſuch latter pariſh, on application, may alter any aſſeſſment of ſuch perſon aſſeſſed twice, on proof that ſuch perſon hath paid the duties for the ſame carriages, *&c.* in another place, or hath been aſſeſſed for the ſame, which proof ſhall be made as to the payment, by producing a receipt, ſigned by the collector, or other reaſonable evidence, to the ſatiſfaction of the commiſſioners; and as to the party having been aſſeſſed elſewhere, ſhall be made in like manner, either by producing a copy of the aſſeſſment, ſigned by two commiſſioners, which the clerk then attending the commiſſioners ſhall deliver *gratis* to the party requiring the ſame, or, in default of ſuch copy, by other evidence, to the ſatisfaction of the commiſſioners. *ſ.* 22.

Every perſon called upon by this act to give liſts ſhall, when he give in ſuch liſts at the ſame time return a liſt or declaration ſigned by him, of the number of ſuch carriages and horſes (and ſervants, by 25 *Geo.* 3. *c.* 43. *ſ.* 28.) he ſhall mean to pay for at every other place, ſpecifying the particular pariſh wherein he means to pay for ſuch other carriages; and the aſſeſſors ſhall enter the liſt laſt mentioned at the end of their aſſeſſments, and deliver them to the ſurveyor for each pariſh, in order that he may tranſmit the particulars to the commiſſioners. *ſ.* 23.

Aſſeſſors ſhall not be bound by ſuch liſts delivered to them, but may, if they find, upon examination, that any carriages or horſes (or ſervants, by 25 *Geo.* 3. *c.* 43. *ſ.* 29.) are omitted, ſurcharge the ſame, and make a true aſſeſſment upon every perſon keeping ſuch carriages or horſes. *ſ.* 24.

Aſſeſſors ſhall make and deliver in writing their aſſeſſments of the duties on coaches, carriages, and horſes (and ſervants*, by 25 *Geo.* 3. *c.* 43. *ſ.* 30.) unto the commiſſioners, or two of them, within three months after their being appointed aſſeſſors; and the commiſſioners, or two of them, ſhall, within one month, or as ſoon as convenient, ſet their hands to the aſſeſſments, and to ſuch ſurcharge, made in the mean time, either by the aſſeſſors, ſurveyors, or inſpectors, as after mentioned, and ſhall likewiſe nominate two perſons named in ſuch aſſeſſments to be collectors, or two ſuch perſons as the commiſſioners ſhall think reſponſible, and ſhall deliver ſuch aſſeſſments ſo allowed of, unto the perſons nominated collectors, who are to collect and pay the duties and to give acquittances for the ſame; for whoſe paying unto the receiver general, appointed by his majeſty, or the treaſury, in manner hereby directed, ſuch money as the collectors ſhall be charged with under this act, the pariſh for which they are employed ſhall be anſwerable. *ſ.* 25.

Every ſurveyor or inſpector of houſes and windows, ſhall examine any liſt made out and ſigned by any perſon, or any aſſeſſment, before the commiſſioners ſhall have ſigned the ſame, and amend ſuch liſts and aſſeſſments if he ſee cauſe; and every perſon in whoſe cuſtody ſuch liſts or aſſeſſments ſhall be, ſhall, upon the requeſt of ſuch ſurveyor, produce the ſame: and if ſuch ſurveyor ſhall diſcover, that any perſon who ought to be charged with the duties ſhall have been omitted or under-rated, ſuch ſurveyor ſhall certify the ſame in writing under his hand, by way of ſurcharge, to two commiſſioners, in order to have ſuch omiſſion or under-rate rectified in the aſſeſſment; and ſuch commiſſioners are to cauſe the ſame to be rectified, and the duties levied accordingly. *ſ.* 26. *The ſame power, by* 25 Geo. 3. c. 43. ſ. 31. *as to the duties on ſervants.*

Where any perſon liable to deliver liſts to the aſſeſſor, ſhall refuſe or neglect, within the time to deliver ſuch liſt, he ſhall forfeit 10*l.* *ſ.* 27. *The ſame as to liſts of ſervants, by* 25 Geo. 3. c. 43. ſ. 32.

Where any aſſeſſor, ſurveyor, or inſpector, ſhall make a ſurcharge upon any perſon for any carriage, or horſe, (or ſervant, by 25 *Geo.* 3. *c.* 43. *ſ.* 32.) omitted in ſuch liſt, ſuch ſurcharge ſhall be made after the rate of double the duty for every carriage, *&c.* omitted; and the aſſeſſor ſhall receive, for his own uſe, one moiety of the ſum charged by every ſurcharge juſtly made. *ſ.* 28.

The inhabitant houſeholder of any houſe, in which there ſhall be any lodger keeping any carriage, or horſe, ſhall, within a week after requiſition, by notice in writing left at ſuch houſe, by any aſſeſſor, ſurveyor, or inſpector, deliver to ſuch aſſeſſor, a liſt in writing of every lodger who ſhall keep any carriage or horſe, or ſhall have kept ſuch carriage, or horſe, (or ſervants, by 25 *Geo.* 3. *c.* 43. *ſ.* 34.) from 5th *April* in each preceding year; which liſt ſhall expreſs the chriſtian and ſurname of ſuch lodger, and ſhall contain an account of every carriage, *&c.* liable to the duty; and if any inhabitant houſeholder ſhall refuſe to deliver ſuch liſt, or omit, or miſrepreſent, any deſcription which ought to be therein, he ſhall forfeit 10*l.* *ſ.* 29.

Perſons over-rated by any aſſeſſment, or ſurcharge, may appeal to the commiſſioners; and two of them are to determine ſuch appeals, except where it appear to the commiſſioners that the perſon appealing, ſhall have omitted to deliver in his liſts, and ſhall not aſſign cauſe for ſuch omiſſion; in which caſe the commiſſioners may diſmiſs the appeal: provided that at hearing the appeal, a liſt ſhall be produced by the appellant upon oath, of the greateſt number of carriages and horſes kept by him.; and ſuch appeals ſhall be determined on the days appointed by the acts with reſpect to the duties on houſes. *ſ.* 30. *The ſame proviſo as to the duties on ſervants,* by 25 Geo. 3. c. 43. ſ. 35.

The commiſſioners ſhall not, upon the appeal, make any abatement in the charge or ſurcharge but the ſame ſhall ſtand good, unleſs it appear to the commiſſioners by oath, that ſuch perſon is over-rated, and every perſon intending to appeal, ſhall give ten days notice to the ſurveyor or one of the aſſeſſors, and ſuch ſurveyor and aſſeſſors may then and there attend to juſtify the aſſeſſment; and ſuch ſurveyor and aſſeſſors, and appellant, ſhall have power to be preſent during the hearing and determining the ſame: and the commiſſioners are, upon ſuch appeal, although they confirm the ſurcharge, upon application of ſuch appellant to remit the penalty, if they ſhall be of opinion that there was any doubt whether the carriage or horſe ſurcharged was rateable within this act, and was not omitted by ſuch appellant with any intention to defraud the revenue. *ſ.* 31. *The ſame as to the duty on ſervants,* by 25 Geo. 3. *c.* 43. *ſ.* 36.

If on ſuch hearing it appear to the commiſſioners, that ſuch ſurcharge was falſely and vexatiouſly made, then ſuch ſurveyor, *&c.* ſurcharging, ſhall forfeit ſuch penalties as in the acts relative to the duties on houſes, are inflicted on ſurveyors, *&c.* for neglect of duty. *ſ.* 32. *The ſame as to the duty on ſervants,* by 25 Geo. 3. c. 43. ſ. 37.

All appeals once determined by the commiſſioners ſhall be final, except as after excepted. *ſ.* 33. *The ſame as to the duty on ſervants,* by 25 Geo. 3. c. 43. *ſ.* 38.

If

* For the duties on ſervants, ſee diviſion SERVANTS, poſt.

If the ſurveyor or inſpector, or perſon appealing, in *England*, *Wales*, and *Berwick*, ſhall apprehend the determination made by the commiſſioners to be contrary to this act, and ſhall then declare himſelf diſſatisfied, it ſhall be lawful for ſuch perſon to require the commiſſioners to ſtate ſpecially, and ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; and the commiſſioners are to ſtate and ſign ſuch caſe, and cauſe the ſame to be delivered to the party, to be by him tranſmitted to one of the juſtices of the king's bench or common pleas, or to one of the barons of the exchequer; and ſuch juſtice and baron is to return an anſwer to ſuch caſe, with his opinion thereupon ſubſcribed thereto, according to which the aſſeſſment ſhall be altered or confirmed; and if either the ſurveyor, or perſon appealing, in *Scotland*, ſhall apprehend the determination to be contrary to this act, and ſhall declare himſelf diſſatisfied with ſuch determination, ſuch perſon diſſatisfied may require the commiſſioners to ſtate and ſign the caſe, *&c.* and to cauſe the ſame to be delivered to the party, to be by him tranſmitted to one of the judges of the court of ſeſſion, or of the barons of the exchequer in *Scotland*; and ſuch judge is to return an anſwer, *&c.* according to which the aſſeſſment ſhall be altered or confirmed. *ſ.* 34. *The ſame as to the duty on ſervants*, 25 Geo. 3. c. 43. ſ. 39.

Notwithſtanding ſuch caſe tranſmitted to the judges, the determination of the commiſſioners ſhall ſtand with reſpect to the payments precedent to the opinion certified by ſuch juſtice. *ſ.* 35.

Every penalty of a greater ſum than 20 *l.* ſhall be recovered in any court of record at *Weſtminſter*, within *England*, *&c.* or in the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, by action of debt, *&c.* and one moiety ſhall belong to his majeſty, and the other moiety to the perſon who ſhall inform. *ſ.* 36.

The aſſeſſments ſhall be made for all horſes whatſoever belonging to any perſon within *Great Britain*, which ſhall, on any occaſion, be uſed for riding, or in drawing any carriage, now or hereafter ſubject to exciſe duty. *ſ.* 37.

Where the penalty doth not exceed 20 *l.* it ſhall be recoverable before two juſtices, on proof of the offence, either by the confeſſion of the party, or the oath of one witneſs; and one moiety ſhall belong to his majeſty, and the other moiety to the informer; and in caſe of nonpayment, ſhall be levied by diſtreſs and ſale of the offender's goods, by warrant under the hands and ſeals of ſuch juſtices; and the overplus, after deducting the penalty, and expences of diſtreſs and ſale, ſhall be rendered to the owner; and for want of ſufficient diſtreſs, the offender ſhall be ſent by ſuch juſtices to the priſon of ſuch county, for not exceeding ſix months, nor leſs than one. *ſ.* 39.

All conſtables, and other his majeſty's officers, ſhall be aiding in the execution of this act, and obey ſuch precepts as ſhall be to them directed by the commiſſioners. *ſ.* 40. alſo 29 *Geo.* 3. *c.* 49. *ſ.* 20.

All actions for any offence againſt this act, ſhall be brought within one year; and perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 41.

By 26 *Geo.* 3. *c.* 79. No perſon who ſhall keep any horſe, mare, or gelding, uſed truly for the purpoſe of huſbandry, or of drawing any carriage (except ſuch as was heretofore liable to exciſe) or carrying burdens in the courſe of the trade of the perſon to whom ſuch horſe ſhall belong, ſhall in reſpect thereof be chargeable with the duty, or be conſtrued to be within the meaning of 24 *Geo.* 3. in caſe ſuch horſe, *&c.* ſhall not be uſed for any other purpoſe of riding, ſave as after, *viz.* When returning from any place to which any load ſhall have been drawn or carried, or in going to any place from whence any load ſhall be to be brought back by ſuch horſe, or on account of ſuch horſe, *&c.* having been uſed for the purpoſe of riding to procure medical aſſiſtance, or to or from market, or to or from any place of public worſhip, or to or from any election of members to ſerve in parliament, or to or from any court of juſtice, or to or from any meeting of the commiſſioners of taxes. *ſ.* 1.

No duty ſhall be levied for any horſe, whereof the owner, by reaſon of his poverty, is exempted from the aſſeſſments towards the church and poor. *ſ.* 2.

No perſon occupying a farm, the rent or value of which ſhall be leſs than 70 *l.* a year, and making a livelihood ſolely thereby, ſhall be chargeable with the duty on account of any horſe being occaſionally uſed in riding; provide ſuch horſe be *bona fide* kept and uſually employed for the purpoſes of huſbandry. *ſ.* 4.

All the oaths, required by the acts relative to the duties on houſes and windows, *&c.* may be adminiſtered by two commiſſioners. *ſ.* 6.

Commiſſioners may adminiſter to any other commiſſioner the oaths required to be taken by ſuch commiſſioners, although the commiſſioners adminiſtering the ſame have not themſelves previouſly taken the oaths. *ſ.* 7.

By 29 *Geo.* 3. *c.* 49. The duties in reſpect of horſes let out for the purpoſe of drawing any coach, or other carriage, (*ſee the coaches enumerated by* 25 Geo. 3. *in page* 636, *ante*) ſhall be chargeable on, and paid by the perſon by whom ſuch horſes ſhall be hired. *ſ.* 3.

Nothing in this act ſhall charge with the additional duties on carriages by this act impoſed, any coach, *&c.* with four wheels, or caravan, let to hire for travelling poſt for a day, or leſs period of time, or by the mile, or from ſtage to ſtage, by any perſon licenſed to let poſt horſes by the commiſſioners for duties on ſtamped vellum, *&c.* and whereon the name and abode of the perſon licenſed ſhall be painted, according to the act. *ſ.* 4.

If the aſſeſſors under the acts ſhall, upon examination, find that any perſon to whom a licence to exerciſe the trade of an horſe-dealer hath been granted, doth keep any horſe for riding, or for the purpoſe of drawing ſuch carriage as aforeſaid, and not for ſale; and ſuch perſon licenſed ſhall, upon notice given, neglect or refuſe to make out, ſign, and deliver a liſt in writing of the number of ſuch horſes ſo uſed, or ſhall omit any horſe in ſuch liſt, then ſuch aſſeſſor ſhall, from information, make a true aſſeſſment upon ſuch perſon licenſed, and charge him for the real number of horſes kept by him for riding, or drawing ſuch carriage, notwithſtanding ſuch licence. *ſ.* 6.

The duties (charges of raiſing excepted) ſhall be paid into the exchequer at *Weſtminſter*, and carried to *The Conſolidated Fund*. *ſ.* 8.

Duties to be raiſed, *&c.* according to the directions of 25 *Geo.* 3. *c.* 47. *&c.* *ſ.* 9.

The commiſſioners for putting in execution act 25 *Geo.* 3. to put this in execution, and to hold their firſt meeting on *July* 10, 1789. *ſ.* 10.

And in default of their then meeting, any two may meet at any other time. *ſ.* 11.

No perſon ſhall act as a commiſſioner in this act (except in adminiſtering the oath of qualification) until he ſhall have firſt taken, beſides the oaths required to be taken by any other act, an oath in the following manner, *viz.*

I A. B. *do ſwear, That I will truly and faithfully execute the*

the office of a commiſſioner, and will determine all appeals which ſhall be brought before me, to the beſt of my ſkill and judgment, purſuant to the act of parliament in that behalf.

So help me GOD.

Which oath any two commiſſioners may adminiſter; and if any perſon ſhall act before he ſhall have taken ſuch oath, he ſhall forfeit 100*l.* *ſ.* 12.

If no aſſeſſors are appointed, or they neglect their duty, the ſurveyors or inſpectors under 25 *Geo.* 3. to act as aſſeſſors. *ſ.* 14.

Every ſurveyor or inſpector ſhall take and ſubſcribe, beſides the oaths or affirmations to be taken by any other act, an oath or affirmation in the following form, *viz.*

I A. B. *do ſwear,* (or *affirm,* as the caſe may require) *That in the aſſeſſment which I am required to make in purſuance of the act of parliament, in that caſe made and provided, I will act without favour or affection, and according to the beſt of my ſkill and knowledge.*

So help me GOD.

Which two commiſſioners are to adminiſter; and if any aſſeſſor, ſurveyor, or inſpector, ſhall act before he ſhall have taken ſuch oath, he ſhall forfeit 20*l.* *ſ.* 15.

Duties to be levied according to liſts made out purſuant to 25 *Geo.* 3. unleſs omiſſions are diſcovered, and then aſſeſſors are to make a ſurcharge. *ſ.* 16.

All carriages with two or three wheels, to be drawn by one or more horſes, which ſhall be uſed for the carriage of perſons, and not generally uſed in the affairs of huſbandry, or for the carriage of goods, from place to place in the way of trade, ſhall be deemed a carriage within 25 *Geo.* 3. and ſhall be entered and paid for accordingly. *ſ.* 18.

If any perſon to whom ſuch carriage with two or three wheels ſhall belong, ſhall not have entered the ſame according to 25 *Geo.* 3. ſuch perſon ſhall forfeit 7*l.* for every carriage ſo uſed, above all expences in proſecuting for the ſame, upon proof of the offence before one juſtice, either by confeſſion of the party, or upon the oath of one witneſs; and, in caſe of nonpayment, the ſaid juſtice is to levy the ſaid penalties by diſtreſs and ſale of the offender's goods, by warrant; and the overplus, after deducting the penalty and coſts, and expences of diſtreſs and ſale, ſhall be rendered to the owner, and the ſaid juſtice ſhall pay one moiety of the penalty to the informer, and the other moiety to the collectors appointed by the commiſſioners, for the pariſh or place wherein the perſon, to whom ſuch carriage ſhall belong, ſhall reſide; and the ſaid juſtice ſhall render an account thereof in writing, ſtating the name and abode of ſuch perſons from whom the money has been received, that the commiſſioners may ſee the ſame added to the aſſeſſment of the pariſh. *ſ.* 19.

Perſons ſued may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 21.

For the duties on Hackney Coaches, *ſee* LONDON, *diviſion* Coaches *and* Chairs, *in page* 38, *ante.*

Houſes and Windows.

HOUSES.

By 6 *Geo.* 3. *c.* 38. *ſ.* 2. There ſhall be paid for every dwelling-houſe inhabited within *England* the yearly ſum of 3*s.* — and by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. *ſ* 10. an additional 3*s.*—IN THE WHOLE, *ſix ſhillings.*—And within *Scotland,* 1*s.* by 6 *Geo.* 3. *c.* 38. *ſ.* 2.

And by 19 Geo. 3. c. 59. ſ. 2. *There ſhall be paid the duties upon all inhabited houſes herein-after mentioned by the occupiers thereof,* viz. *for every dwelling-houſe inhabited, together with the offices, courts, yards, and gardens, as after expreſſed, therewith occupied, within* Great Britain, *and which ſhall be worth the yearly rent of* 5 l. *and upwards, and under* 20 l. *the yearly ſum of* 6 d. *in the pound; worth the yearly rent of* 20 l. *and upwards, and under* 40 l. *the yearly ſum of* 9 d. *in the pound; and worth the yearly rent of* 40 l. *and upwards, the yearly ſum of* 1 s. *in the pound.*

WINDOWS.

Old. By 6 *Geo.* 3. *c.* 38. *ſ.* 2. for every window or light in every dwelling-houſe inhabited within *Great Britain,* which ſhall contain	*s.*	*d.*
7 windows and no more	0	2 each
8 —	0	6 each
9 —	0	8 each
10 —	0	10 each
11 —	1	0 each
12 —	1	2 each
13 —	1	4 each
14 —	1	6 each
15 —		
16 —		
17 —		
18 —		
19 —		
20 —	1	7 each
21 —	1	8 each
22 —	1	9 each
23 —	1	10 each
24 —	1	11 each
25 and upwards	2	each

New. And by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. *ſ.* 10. for every houſe inhabited, which is rated for 7 windows, there ſhall be paid the additional ſum of	*l.*	*s.*	*d.*
8 windows	0	6	0
9 —	0	8	0
10 —	0	10	6
11 —	0	13	0
12 —	0	15	6
13 —	0	18	0
14 —	1	1	0
15 —	1	5	0
16 —	1	10	0
17 —	1	15	0
18 —	2	0	0
19 —	2	5	0
20 —	2	10	6
21 —	2	15	0
22 —	3	0	0
23 —	3	5	0
24 —	3	10	0
And every houſe rated at 25, and not more than 29 windows	3	15	0
30 to 34 ditto	4	0	0
35 to 39 ditto	4	10	0
40 to 44 ditto	5	0	0
45 to 49 ditto	5	10	0
50 to 54 ditto	6	0	0
55 to 59 ditto	6	10	0
60 to 64 ditto	7	0	0
65 to 69 ditto	7	10	0
70 to 74 ditto	8	0	0
75 to 79 ditto	8	10	0
80 to 84 ditto	9	0	0
85 to 89 ditto	9	10	0
90 to 94 ditto	10	0	0
95 to 99 ditto	10	10	0
100 to 109	11	0	0
110 to 119	12	0	0
120 to 129	13	0	0
130 to 139	14	0	0
140 to 149	15	0	0
150 to 159	16	0	0
160 to 169	17	0	0
170 to 179	18	0	0
And for 180 windows, and above —	19	0	0
	20	0	0

By 20 *Geo.* 2. *c.* 3. The duties ſhall be charged only upon the occupiers, and not on the landlord, except as after. *ſ.* 5.

The commiſſioners of the land tax ſhall be commiſſioners for the duties on houſes and windows, which ſaid commiſſioners ſhall meet yearly at the moſt uſual place of meeting, at ſuch time as ſhall be appointed for the firſt general meeting of the commiſſioners of the land tax, or on ſuch other day as they ſhall think proper before *April* 30, yearly; and at ſuch firſt meeting they may agree to ſubdivide themſelves and the other commiſſioners not then preſent, in ſuch manner as to them ſhall ſeem meet; alſo at ſuch firſt meeting they, or the major part of them then preſent, ſhall direct their ſeveral or joint precepts to ſuch inhabitants, and ſuch number of them as they think convenient to be preſenters and aſſeſſors, requiring them to appear before the ſaid commiſſioners at ſuch time and place as they ſhall appoint, not exceeding ten days; and at their appearance the commiſſioners ſhall openly read, or cauſe to be read, to the aſſeſſors, the ſeveral duties, and openly declare the effect of their charge unto them, and how they ought to make their aſſeſſments; and ſhall then prefix another day for the ſaid perſons to appear before the commiſſioners, and bring in their certificates in writing under their hands, to be verified upon their oath, of every dwelling-houſe inhabited, and of the number of windows in each houſe, together with the names of the occupiers, and the money they ought to pay, without concealment or favour, upon pain of forfeiture, of not exceeding 5 *l.* nor leſs than 40 *s.* and ſhall then alſo return the names of two or more ſufficient perſons to be collectors of the duties, for whom the pariſh or place ſhall be anſwerable; and every aſſeſſor, before he acts, ſhall take the oaths of allegiance and ſupremacy. *ſ.* 6.

The duties ſhall be aſcertained, and the certificates thereof returned to the commiſſioners, on or before the 4th *June* yearly; and on return of the aſſeſſments, three or more commiſſioners ſhall, at leaſt ten days before the rates ſhall become due, iſſue their warrants or eſtreats under their hands and ſeals to the collectors, for the ſpeedy collecting and levying the ſame, as they ſhall become due; of all which the collectors ſhall make demand of the parties chargeable, or at their laſt abode, within ten days after the duties ſhall become due, and on payment thereof to give acquittances under their hands gratis, and ſuch acquittances ſhall be a diſcharge to every perſon; and the collectors ſhall pay all ſums they receive within 20 days after receipt thereof, at ſuch place as the commiſſioners appoint, unto the receiver-general, or his deputy; who in default ſhall levy by warrant of three commiſſioners upon the collector, by diſtreſs and ſale of goods, ſuch money as he hath received and not paid. *ſ.* 7.

The collectors ſhall cauſe a copy of the aſſeſſments, and collection made by them, to be ſigned by them, with ſuch alterations as be neceſſary by reaſon of new houſes or otherwiſe, to be delivered unto three commiſſioners within ten days after the firſt meeting of the commiſſioners yearly. *ſ.* 8.

The commiſſioners, *or three*, ſhall peruſe the aſſeſſments, and examine the aſſeſſors; and if within ten days after delivery they ſuſpect any houſe or perſons to be omitted, or the full number of windows not ſet down, or that any dwelling-houſe is not duly charged, they may ſummon the perſon inhabiting ſuch houſe to be examined; and if any perſon ſummoned neglect to appear, not having a reaſonable excuſe, he ſhall pay double the ſum he ought to have been ſet at; and the commiſſioners, or three, ſhall enquire into the number of windows in any houſe charged or omitted, and enlarge or diminiſh the aſſeſſments, ſo that ſuch rates may be ſet upon every houſe according to this act; and the commiſſioners, or three, ſhall after examination thereof ſet their hands to the aſſeſſments, and appoint two of the perſons named in the aſſeſſment, collectors for the places for which they were preſented; and ſhall deliver ſuch aſſeſſment unto the collectors for the year enſuing, who are to collect and pay the duties, and give acquittances. *ſ.* 9.

See 21 Geo. 2. c. 10. ſ. 4. *infra.*

The commiſſioners ſhall cauſe duplicates of the aſſeſſments within three months at fartheſt after 25 *March* yearly (the appeals being firſt determined) to be delivered unto the receivers-general, and tranſmitted into the offices of the king's remembrancer in the exchequer in *England* and *Scotland* reſpectively; for which duplicates the officers ſhall give acquittances *gratis*, ſo as every of them may be charged to anſwer their collections; and the ſaid duplicates ſhall be made for the ſame hundreds for which diſtinct duplicates are uſually made out for the land-tax; and in every duplicate ſhall be inſerted the names of the aſſeſſors and collectors. And the receivers-general ſhall pay the money received into the exchequer, by quarterly payments upon the days before appointed, or within 40 days after; and in caſe any receiver-general or deputy pay any part of the monies to any perſon other than into the exchequer, and within the times limited (except the charges of receiving, levying and accounting), ſuch receiver-general ſhall, for each offence of himſelf or deputy, forfeit 500 *l.* to him that ſhall ſue in any court of record; and if any ſurveyor of the duties wilfully under-rate or over-rate, or omit to charge any perſon liable, or be guilty of any corrupt practices in the execution of his office, he ſhall forfeit 100 *l.* and be diſmiſſed. *ſ.* 10. Alſo 18 *Geo.* 3. *c.* 26. *ſ.* 21.

Every receiver-general ſhall have two-pence in the pound for all monies paid into the exchequer, and every collector ſhall have three pence in the pound for what money he pays to the receiver-general or deputies; and for writing the aſſeſſments, warrants, eſtreats and duplicates, the clerks of the commiſſioners ſhall by warrant under three commiſſioners hands receive from the receivers-general or deputies three-halfpence in the pound of all monies received by ſuch warrants, provided the warrants be made out, and the duplicates delivered to the receiver-general, and into the offices of the king's remembrancer, within the times limited by this act, and not otherwiſe. And if any perſon refuſe to pay the ſums appointed by this act upon demand by the officer or collector, it ſhall be lawful for ſuch collector to diſtrain the perſon ſo refuſing by his goods, and the diſtreſs to keep for four days at the charge of the owners; and if the owners do not pay the money due within the ſaid four days, then the ſaid diſtreſs to be appraiſed by two inhabitants where taken, and to be ſold for payment of the money, and the overplus over the charges to be reſtored to the owner; and it ſhall be lawful to break open in the day-time, any houſe upon warrant of three commiſſioners, calling to their aſſiſtance the conſtable, *&c.* where any neglect or reſiſtance is made; and if any perſon appointed to pay the duties charged neglect to pay the ſame for twenty days after demand, where no diſtreſs can be found, three commiſſioners may by warrant commit ſuch perſon to the common gaol until payment. *ſ.* 11.

The commiſſioners ſhall give the collectors notice at what time and place the appeals may be heard; and every collector ſhall within ten days after, cauſe public notice to be given in every pariſh church or chapel, after divine ſervice

on the Lord's day, of the time and place appointed, and ſhall cauſe the like notices to be fixed in writing upon the door of each church or chapel on the ſame day; and the commiſſioners, or three, ſhall examine the parties complaining, upon oath, concerning the number of windows in the houſe for which he is charged, and ſhall abate or enlarge the aſſeſſment; and the ſame ſo enlarged, on non-payment ſhall be eſtreated into the exchequer. And every perſon intending to appeal ſhall give notice in writing to one of the aſſeſſors. *ſ.* 12.

No letters patent of any liberties or exemptions ſhall exempt any perſon, city, or town, or the inhabitants, from the charge; and all *non-obſtantes* in ſuch letters patent in bar of any acts for the ſupply of his majeſty are declared void. *ſ.* 14.

The parents, guardians, and tutors of infants upon default of payment, ſhall be liable, and if they neglect to pay, it ſhall be lawful to proceed againſt them as againſt other perſons making default; and all parents, *&c.* making payment, ſhall be allowed the ſums paid for ſuch infants. *ſ.* 15—18 *Geo.* 3. *c.* 26. *ſ.* 28.

If any collector neglect to pay any money by him received, the commiſſioners, or three, in their diviſions, ſhall impriſon the perſon and ſeize the eſtate as well freehold as copyhold, and all other eſtate real and perſonal of ſuch collector, or which ſhall come into the hands of his heirs, executors, or adminiſtrators; and ſhall appoint a general meeting of the commiſſioners for ſuch county, *&c.* and cauſe public notice to be given of the place where ſuch meeting is appointed, ten days before; and the commiſſioners preſent at ſuch meeting, in caſe the monies detained by ſuch collector be not paid, ſhall ſell ſuch eſtates to ſatisfy the receiver-general the ſum detained by ſuch collector. *ſ.* 16.

In all privileged and other places extraparochial, and not within the precincts of the aſſeſſors, the commiſſioners, or three, ſhall appoint two perſons living in or near to be aſſeſſors, and ſhall appoint collectors. *ſ.* 17.

No perſon inhabiting in any city, ſhall be compelled to be an aſſeſſor or collector in any place out of the limits of the ſaid city, *&c.* *ſ.* 18.

No ſtay of proſecution, upon any command, warrant, motion, or order by *non vult ulterius proſequi*, ſhall be allowed by any court, in any ſuit for the penalties by this act inflicted, in order to the conviction or diſability of any perſon. *ſ.* 20. Alſo 18 *Geo.* 3. *c.* 26. *ſ.* 43.

If any aſſeſſor, collector, or perſon appointed by the commiſſioners, wilfully neglect his duty in the execution of this act, the commiſſioners, or three, ſhall impoſe on ſuch perſon any fine not exceeding 20 *l.* nor leſs than 5 *l* for one offence; to be levied and certified as aforeſaid, and given in charge to the receivers general amongſt the rates; and the commiſſioners ſhall from time to time call for an account from the receivers general of all monies received of the collectors, and of the payment thereof into the exchequer; and in caſe of a failure in the premiſſes, ſhall cauſe the ſame to be levied and paid. And in caſe of any controverſy between the commiſſioners concerning the rates, the commiſſioners concerned ſhall have no voice, but withdraw during the debate. And the receiver-general or deputies ſhall give acquittances *gratis* to the collectors for monies received, which ſhall be a diſcharge to the collectors. And the collectors ſhall deliver to the receivers-general or their deputies, a ſchedule in parchment under their hands and ſeals, ſigned by three commiſſioners, containing the names and abode of every perſon with their collections, that make default of payment; and the ſums charged on ſuch perſon ſhall be returned into the exchequer in *England* and *Scotland*, whereupon every perſon making default may be charged by proceſs: and all officers herein concerned, ſhall take care that ſuch proceſs be iſſued and made effectual. *ſ.* 21.

All conſtables and officers ſhall be aſſiſting in the execution of this act, and obey all precepts or warrants to them directed by the commiſſioners. *ſ.* 22. —Alſo 18 *Geo.* 3. *c.* 26. *ſ.* 44. — and 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. *ſ.* 49.

All monies payable by this act ſhall be paid by the collectors of the reſpective counties and places unto ſuch receiver-general, appointed as aforeſaid, or his deputies appointed under his hand and ſeal, whereof notice ſhall be given by the receiver-general unto the commiſſioners within their diviſions, within twenty days after their firſt general meeting, and within twenty days after every death or removal of any deputy; and the receipt of ſuch receiver-general or his deputy ſhall be a diſcharge unto every collector. *ſ.* 23.

The collectors ſhall not be obliged to travel above ten miles from the place of their habitations to make their payments. *ſ.* 24.

If any receiver-general return unto the exchequer in *England* or *Scotland*, any money to be in arrear after received by ſuch receiver-general or deputy, or cauſe any perſon to be ſet *inſuper* in the ſaid courts for money ſo received, he ſhall forfeit to ſuch perſon double the damages thereby occaſioned; to be recovered by action of debt, and ſhall alſo forfeit to his majeſty double the ſum unjuſtly returned or ſet *inſuper*. *ſ.* 25.

No receiver, his heirs, *&c.* ſhall in any accounts of the monies wherewith he is chargeable (unleſs paſſed in the exchequer within two years after the end of the year for which ſuch rates are payable) be allowed to ſet *inſuper* any place, for any arrears, but the ſame ſhall remain a debt upon ſuch receiver and his ſecurities. *ſ.* 26.

No commiſſioner ſhall be liable for the execution of this act to any of the penalties mentioned in 25 *Car.* 2. *c.* 2. *ſ.* 27. *See* RECUSANTS.

All penalties for which there is no particular way of levying herein preſcribed, ſhall be levied by warrant under the hands and ſeals of three commiſſioners, by diſtreſs and ſale of the goods of the offender. *ſ.* 28.

Such dwelling-houſes only where the occupier is exempted from the taxes towards church and poor, ſhall be diſcharged of the duties, and that only in ſuch caſes where the dwelling-houſes ſo occupied are cottages not containing above nine windows. *ſ.* 29.

His majeſty or the treaſury, may appoint officers for the ſurvey and inſpection of the duties in *Great Britain*, and for viewing and numbering the windows in each houſe, and for examining the aſſeſſments: any of which officers ſhall have power to examine the aſſeſſments of the houſes or windows rated in every pariſh, and at ſeaſonable times, with a conſtable, to examine whether there be any more windows than rated, and ſhall have liberty to paſs through any houſe into any court or backſide thereunto belonging, and externally to view the windows in ſuch houſe that cannot be otherwiſe ſeen or numbered; and to make like view twice in the year; and if ſuch officer find that any perſon or premiſſes are under-rated or not rated, he ſhall certify the ſame to the commiſſioners; who ſhall cauſe ſuch rate to be ſet according to this act. *ſ.* 30.

Where any houſe is inhabited by two families, ſuch houſe ſhall pay the rates as if inhabited by one only. *ſ.* 31.

Each diſtinct chamber in any college or hall in the univerſities

verſities of *Great Britain*, ſhall be ſubject to the ſame rates as if it were an entire houſe. *ſ.* 32.

Every houſe left to the care of any ſervant, who doth not pay to the church and poor, ſhall be ſubject to the like rates as if it were inhabited by the occupier, to be paid by the occupiers. *ſ.* 33.

In caſe there be any arrear of the rates by reaſon of the failure of any collector for which any pariſh ſhall be anſwerable, it ſhall be lawful for three commiſſioners to cauſe ſuch arrear to be re-aſſeſſed within the pariſh on all houſes liable to the rates, and to cauſe the ſame to be levied as the rates, and to cauſe the money ſo raiſed to be paid to the receiver-general, or into the exchequer. *ſ.* 34.

Where any dwelling-houſe is let in different apartments to ſeveral perſons, and the landlord pays other taxes, ſuch landlord ſhall be deemed the occupier and be charged with the rates. *ſ.* 35.

No collector ſhall collect by any rate or book other than ſuch as ſhall be ſigned by the commiſſioners; and in caſe any collector collect the ſame by any other rate, or receive ſuch rates from any perſon not charged, or collect from any perſon more than is charged, and not pay the whole money by him collected, or fraudulently alter ſuch rate, he ſhall forfeit 20*l.* *ſ.* 36.

The ſurveyors ſhall examine the rates for any pariſh or place before the commiſſioners have ſigned the ſame, and amend ſuch rates if they ſee cauſe; and if ſuch ſurveyor after the rates are ſigned, find that any dwelling-houſes or windows have been omitted or under-rated, he ſhall certify the ſame under his hand, by ſurcharge, to three commiſſioners, in order to have ſuch omiſſion or under-rate certified in the aſſeſſment; and ſuch commiſſioners are to cauſe the ſame to be rectified. *ſ.* 37.

When two or more windows are fixed in one frame, if the partition between ſuch windows is of the breadth of 12 inches, the window on each ſide ſhall be deemed a diſtinct window; and all windows in frames extended ſo far as to give light into more rooms than one, ſhall be reckoned ſo many ſeparate windows as there are rooms enlightened thereby. *ſ.* 38.

If any occupier of any dwelling-houſe open any windows which have been ſtopped up, after the aſſeſſments are ſettled and the warrants for collecting the rates ſigned by the commiſſioners, without firſt giving notice in writing to the ſurveyor, he ſhall forfeit 20*s.* for each window opened as aforeſaid. *ſ.* 39.

In pariſhes or places where there is not a ſufficient number of acting commiſſioners, it ſhall be lawful for the commiſſioners in any neighbouring pariſh within the ſame county to make out and ſign ſuch aſſeſſments or duplicates which are wanting. *ſ.* 40.

Where perſons quit their dwelling-houſes without firſt paying the rates charged upon them, the commiſſioners within the pariſh where the rates are unpaid, ſhall ſign and cauſe to be tranſmitted a certificate thereof to the commiſſioners within the pariſh where the perſon making ſuch default reſides; which commiſſioners ſhall raiſe the ſaid rates, and cauſe the monies ſo raiſed to be paid to the collectors of the pariſh from whence the ſaid perſon removed. *ſ.* 41.

All perſons employed in the execution of this act, ſhall obſerve ſuch orders as they receive from the treaſury. *ſ.* 42.

Out of the monies to ariſe of the ſaid rates, it ſhall be lawful for the treaſury to appoint ſalaries for the ſurveyors and other officers, and to diſcharge all incident expences. *ſ.* 43.

If any perſon be proſecuted for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant ſhall recover treble coſts. *ſ.* 66. Alſo 18 *Geo.* 3. *c.* 21. *ſ.* 45.

By 20 *Geo.* 2. *c.* 42. *ſ.* 1. Where the commiſſioners mentioned in the 20 *Geo.* 2. *c.* 3. have omitted or ſhall omit to meet at the times directed by the ſaid act, it ſhall be lawful for them, or two of them, to meet and execute the powers thereby given, at any other times as there ſhall be occaſion. *ſ.* 1. Alſo 18 *Geo.* 3. *c.* 26. *ſ.* 11.

The ſaid commiſſioners, or two, ſhall appoint ſuch aſſeſſors, and for ſuch diſtricts within their limits, as they judge proper, out of the perſons by their precepts ordered to appear before them; and if any of the perſons on whom ſuch precepts be ſerved, neglect to appear, or they or any of the collectors or officers appointed under the ſaid act, wilfully neglect or refuſe to take the oaths appointed by the ſaid act, or to take upon them their offices, the ſaid commiſſioners, or two, are to impoſe on every perſon ſo neglecting any fine not exceeding 5*l.* for one offence, to be levied as other fines by the ſaid act are directed. *ſ.* 2. *See ſ.* 3. in WALES.

Quakers, being appointed aſſeſſors for the ſaid duties upon houſes and windows, inſtead of the oaths appointed by the ſaid act may make and ſubſcribe the declaration of fidelity preſcribed by 1 *Will.* & *Mar. ſtat.* 1. *c.* 18. *See* NONCONFORMISTS. And all certificates returned to the commiſſioners verified by any ſuch perſons upon their affirmation, ſhall be as valid as if verified upon their oath. *ſ.* 4.

By 21 *Geo.* 2. *c.* 10. Every kitchen, ſcullery, buttery, pantry, larder, waſh-houſe, laundry, bakehouſe, brewhouſe, and lodging-room belonging to, or occupied with any dwelling-houſe, whether the ſame ſhall or ſhall not be within, or contiguous to, or disjoined from the body of ſuch dwelling-houſe, ſhall be deemed part of ſuch dwelling-houſe; and all windows or lights therein ſhall be charged with the duties granted by 20 *Geo.* 2. *c.* 3. *ſ.* 1.

Sky-lights, and windows or lights in ſtair-caſes, garrets, cellars, paſſages, and in all other parts of dwelling-houſes, to what uſe ſoever applied, ſhall be chargeable with the ſaid duties. *ſ.* 2.

No commiſſioner of the land tax ſhall act as a commiſſioner for putting in execution the ſaid act, unleſs he be duly qualified; on pain of forfeiting for every ſuch acting 20*l.* to be levied as other penalties by this act. *ſ.* 3.

That part of the ſaid act, (*ſ.* 9.) whereby the commiſſioners have power to enlarge or diminiſh the aſſeſſments delivered to them, before they ſet their hands to ſuch aſſeſſments, ſhall be repealed. *ſ.* 4.

No aſſeſſment delivered to the commiſſioners, ſhall be altered before the time appointed for hearing appeals, and then only upon hearing the appeal upon a general appeal-day. *ſ.* 5.

The ſurveyors of the duties ſhall twice in every year, *viz.* on or before the 10th of *Auguſt* and the 10th of *Jan.* yearly, certify under their hands, by way of ſurcharge, to three commiſſioners, what dwelling-houſes or windows have been omitted in the aſſeſſment for the current year; and thereupon, and upon oath that notice was left at the dwelling-houſes of the occupiers, that the ſurveyors intended to charge them for ſuch number of windows, the commiſſioners ſhall cauſe ſuch aſſeſſments to be rectified and delivered to the collectors, and the duties to be levied accordingly. *ſ.* 6.

All appeals made to the commiſſioners, between the 25th

of *March* and the 20th of *Auguſt* yearly, ſhall be heard and determined by the commiſſioners upon days by them appointed between the 20th of *Auguſt* and the 15th of *Sept.* following; and all appeals made between the 29th of *Sept.* and the 20th of *Jan.* following yearly, ſhall be heard upon days appointed between the 20th of *Jan.* and the 10th of *Feb.* following yearly. *ſ.* 7.

The commiſſioners ſhall not upon hearing any appeal, make any abatement in the charge or ſurcharge, unleſs it appear by examination upon oath, that ſuch perſon is overrated by the ſaid aſſeſſment or ſurcharge; and every perſon intending to appeal ſhall give at leaſt ten days notice in writing to the ſurveyor, or to one or more of the aſſeſſors of the pariſh wherein he is rated, and ſuch ſurveyor and aſſeſſors may attend to juſtify the aſſeſſment and ſurcharge; and ſuch ſurveyor and aſſeſſors, and appellant, unleſs they miſbehave, ſhall have liberty to be preſent during the hearing ſuch appeal. *ſ.* 8.—Alſo 18 *Geo.* 3. *c.* 26. *ſ.* 40. *as to the new duty on houſes*, and by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. *ſ.* 45. *as to the new duty on windows.*

All appeals once determined by the commiſſioners, ſhall be final, except as is after directed. *ſ.* 9.—Alſo 18 *Geo.* 3. *c.* 26. *ſ.* 41. as to houſes, and by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. *ſ.* 46. as to windows.

If the ſurveyor, or perſon appealing in *England*, *Wales* or *Berwick*, then declare himſelf diſſatisfied with ſuch determination, it ſhall be lawful for ſuch ſurveyor or perſon to require the commiſſioners to ſtate ſpecially and ſign the caſe upon which the queſtion aroſe, together with their determination, which ſhall be delivered to the party making ſuch requeſt, to be by him tranſmitted to one of the juſtices of the king's bench or common pleas, or one of the barons of the coif of the exchequer; and every ſuch juſtice and baron is to return an anſwer to ſuch caſe, with his opinion thereupon ſubſcribed; according to which the aſſeſſment ſhall be altered or confirmed: and if the ſurveyor or perſon appealing in *Scotland* then declare himſelf diſſatisfied with ſuch determination, it ſhall be lawful for ſuch ſurveyor or perſon diſſatisfied, to require the commiſſioners to ſtate ſpecially and ſign the caſe upon which the queſtion aroſe, together with their determination, which ſhall be delivered to the party making ſuch requeſt, to be by him tranſmitted to one of the judges of the court of ſeſſion, or of the barons of the exchequer in *Scotland*; and every ſuch judge and baron is to return an anſwer to ſuch caſe, with his opinion thereupon ſubſcribed; according to which the aſſeſſment ſhall be altered or confirmed. But the determination of the commiſſioners ſhall ſtand with reſpect to the payments become due precedent to the opinion certified by ſuch judge. *ſ.* 10.—Alſo 18 *Geo.* 3. *c.* 26. *ſ.* 42. *as to the new duty on houſes*, and by 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. *ſ.* 47. as to windows.

No window or light ſhall be deemed to be ſtopped up, unleſs it be ſtopped up with ſtone, or brick, or plaiſter upon lath, or upon any other material commonly uſed to plaiſter upon, or with the ſame kind of materials whereof the outſide of ſuch dwelling-houſe doth chiefly conſiſt. *ſ.* 11.

The payment of the duties ſhall not entitle the perſon paying to a legal ſettlement in the pariſh. *ſ.* 13.

If any perſon wilfully obſtruct or moleſt any aſſeſſor or ſurveyor in his office, ſuch perſon ſhall forfeit 5 *l.* to be levied as the duties. *ſ.* 14.

All fines levied by warrant of the commiſſioners (except one moiety of fines impoſed for opening any window after ſtopped up, without giving notice, which ſhall be paid to the informer) ſhall be paid to the collector; and ſhall be added to the aſſeſſments of the duties delivered to the collectors, and to the duplicates, and be given in charge to the receivers-general, and be paid to them amongſt the ſaid duties, and be paid into the exchequer. *ſ.* 15.

The commiſſioners and aſſeſſors ſhall be aſſeſſed for ſuch duties, by the aſſeſſors appointed for the place wherein ſuch commiſſioners and aſſeſſors reſide, in the ſame manner as other perſons. *ſ.* 16.

Where there ſhall be arrears of the duties unpaid, it ſhall be lawful for the commiſſioners to cauſe the monies in arrear to be levied by the collectors, in the ſame manner and under the like penalties as the duties; and the monies received ſhall be paid to the receivers-general to be paid into the exchequer. *ſ.* 17.

Every occupier of any chamber in the inns of court or chancery, ſhall pay for every window in his chamber 1 *s.* *ſ.* 18.

If any action be brought for any thing done in execution of the ſaid act or of this act in *England*, *Wales*, or *Berwick*, the defendant may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover treble coſts. *ſ.* 20.

The ſurveyor appointed ſhall have power twice in the year to enter into, and paſs through any houſe within any city or royal burgh in *Scotland*, and view the ſame internally as well as externally, and to view any other houſe in *Scotland* externally, in like manner as ſurveyors are impowered to view houſes by 20 *Geo.* 2. *c.* 3. *ſ.* 30. *ſ.* 21.

The ſaid duties with reſpect to windows in *Scotland*, liable for the ſame, ſhall be paid by the inhabitants or occupiers of the dwelling-houſes, their heirs or executors half yearly, *viz.* at the 29th of *Sept.* and 25th of *March*, by equal portions. *ſ.* 22.

For the execution of the ſaid act in *Scotland*, the commiſſioners of the land-tax being duly qualified, ſhall be commiſſioners for putting in execution this act within the reſpective ſhires, ſtewartries, cities, or boroughs in *Scotland* for which they are commiſſioners of the land-tax, and ſhall adminiſter an oath to ſuch as be appointed aſſeſſors for the faithful adminiſtration of their office. *ſ.* 23.

Every perſon occupying any dwelling-houſe in any edifice or land in *Scotland*, having more than nine windows, whether ſuch dwelling-houſe be in a ſeparate building and under a ſeparate roof, or be part of any edifice, land or building, and under the ſame roof with other dwelling-houſes, and which dwelling-houſe any perſons ſhall have been in poſſeſſion of after the term of *Whitſunday* or *Martinmas* preceding any of the half-yearly days appointed for the payment of the ſaid duties, ſhall be deemed the occupier and tenant of ſuch houſe. *ſ.* 26.

In caſe the commiſſioners appointed for putting the ſaid act in execution in *Scotland*, ſhall not iſſue their precepts for chuſing aſſeſſors, or if the aſſeſſors ſhall not bring in their certificates, it ſhall be lawful for the ſurveyors to make a certificate under their hands, of every dwelling-houſe within the pariſhes in which they act, and of the number of windows in each houſe, with the names of the occupiers and of the ſums they ought to pay, and to return ſuch certificates to the ſurveyors general at *Edinburgh*, who are to deliver the ſame to the barons of the exchequer in *Scotland*; and the ſaid barons or any two of them are to appoint collectors, and the barons of the exchequer in *Scotland* ſhall have the ſame powers as are given to the commiſſioners by the ſaid former act or this act. *ſ.* 2. Qu. *If in force ſince* 26 Geo. 2. c. 17. *See* SCOTLAND, *Houſes.*

All penalties in *Scotland* (other than thoſe incurred by any collector) ſhall be payable to the collector of the place

place where the ſame are incurred; and (where no other way is herein preſcribed) ſhall be levied by warrant under the hands of three or more commiſſioners of ſupply for ſuch ſhire, ſtewartry, city, or borough, by poinding and diſtraining, and ſale of the offender's goods, rendering the overplus to the owner after deduction of reaſonable charges; and the collector of every ſhire, &c. ſhall keep an account of all fines, forfeitures and ſums levied in force of this act, ſeparate from his account of the ſingle duties contained in the aſſeſſment delivered to him by the commiſſioners; and ſhall lay ſuch account before the commiſſioners half-yearly, at the time of their ſtated half-yearly meetings; and the commiſſioners ſhall have power to deduct and allow to ſuch collector ſuch part of the ſums charged in his ſaid ſeparate account, as to them ſeems meet, for defraying the expence of levying the ſame, or other incidental expences not hereby provided for; and the ſaid commiſſioners ſhall cauſe to be tranſmitted certificates of the balance remaining due on every ſuch account, to the offices of the King's remembrancer in the exchequer in *Scotland*, and of the receiver-general of the duties aforeſaid at *Edinburgh*, that ſuch balance may be made a charge upon ſuch collector, and paid over to the ſaid receiver-general, and by him into the exchequer at *Weſtminſter*. *ſ.* 28.

By 6 *Geo.* 3. *c.* 38. The yearly ſums charged upon every window, ſhall be paid over and above the duties upon houſes. *ſ.* 3.

No houſe or cottage in *Scotland* that has not more than five windows, ſhall pay the duty of 1 *s.* on each houſe. *ſ.* 4.

The duties ſhall be paid quarterly, on 5 *Jan.* 5 *April*, 5 *July*, and 10 *Oct.* *ſ.* 5.

The ſaid rates ſhall be raiſed, levied, collected, and paid, into the exchequer, as preſcribed or appointed by 20 *Geo.* 2. *c.* 3. 31 *Geo.* 2. *c.* 22. 2 *Geo.* 3. *c.* 8. 20 *Geo.* 2. *c.* 42. and 21 *Geo.* 2. *c.* 10. And all the powers, &c. contained in the ſaid acts, for the raiſing the rates thereby granted, ſhall be in force, for raiſing the rates by this act granted. *ſ.* 7.

The duties ſhall be aſſeſſed annually for one year, to commence from the 5th of *April* in each year. *ſ.* 9.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and have treble coſts.

By 18 *Geo.* 3. *c.* 26. The commiſſioners ſhall cauſe notice to be inſerted in the precepts directed by them to the inhabitants of the pariſhes within their diſtricts, whom they ſhall think fit to be aſſeſſors under the before acts, that ſuch perſons are alſo appointed aſſeſſors of the duties upon houſes. *ſ.* 12.

In caſe the commiſſioners of ſupply in *Scotland* neglect to appoint aſſeſſors, or in caſe the aſſeſſors appointed neglect to perform what is required of them, then the ſurveyor appointed under the authority of any of the before acts, ſhall do the like ſervices as are required from the aſſeſſors. *ſ.* 13.

Every aſſeſſor ſhall, before he act, take (beſides the oaths required to be taken by aſſeſſors, by the aforeſaid acts) an oath, or make and ſubſcribe the ſolemn affirmation following:

I A. B. *do ſwear*, (or *affirm*, as the caſe may require) *that, in the aſſeſſment which I ſhall make of the houſes and houſehold offices within the diſtrict or pariſh for which I am appointed an aſſeſſor, I will rate each at the true annual value, according to the beſt of my judgment and ſkill, and that I will truly and faithfully execute the truſts repoſed in me, by virtue of an act of the eighteenth year of his preſent majeſty, for impoſing a new duty on all houſes of* 5 *l. a year, and upwards.*

So help me GOD.

Which oath two commiſſioners are to adminiſter. *ſ.* 15.

If any aſſeſſor act before he ſhall have taken the oath, &c. he ſhall forfeit 20 *l.*; to be recovered in any court of record, by action of debt, &c. and the forfeitures (charges for recovery being firſt deducted) ſhall be diſtributed, one moiety to his majeſty, and the other moiety to him who ſhall inform. *ſ.* 16.

Aſſeſſors ſhall, before 24th *June* in all future years, aſcertain the full rent which every houſe is really worth to be let, and ſhall make an aſſeſſment in writing, according to ſuch eſtimate, upon the occupiers; and ſhall, by writing under their hands, certify the number of houſes and other premiſes, together with each of ſuch houſes occupied, together with the rents eſtimated for the ſame, and the names of the occupiers, and the money charged on them for the ſame; and likewiſe ſhall, on or before 24th *June* in every year deliver the aſſeſſments, made by them, unto the commiſſioners. *ſ.* 17.

The commiſſioners, or two of them, ſhall, within one month after receipt of the ſame, ſet their hands to the aſſeſſments and ſurcharges made in the mean time, either by the aſſeſſors or ſurveyors, teſtifying their allowance of the ſame; and ſhall likewiſe nominate two of the perſons named in each aſſeſſment to be collectors for the diviſions for which they ſhall be preſented, and ſhall deliver ſuch aſſeſſments unto the collectors who are to collect and pay the duties, and to give acquittances for the ſame; for whoſe paying unto the receiver general, ſuch money as they ſhall be charged withal, the pariſh for which they are employed ſhall be anſwerable. *ſ.* 18.

In all privileged and other places, being extra-parochial, and not within the conſtablewicks or precincts of the aſſeſſors, the commiſſioners, or three, ſhall nominate two perſons in or near the ſaid places to be aſſeſſors, and alſo two collectors. *ſ.* 19.

The commiſſioners ſhall, yearly, cauſe two duplicates of ſuch aſſeſſments to be made out and tranſmitted in the ſame manner, and at like times, as is directed by the aforeſaid acts, with reſpect to the duplicates of the aſſeſſments therein mentioned. *ſ.* 21.

Surveyors under the ſaid acts, are empowered to inſpect and ſuperviſe the aſſeſſments for any pariſh before the commiſſioners ſhall have ſigned the ſame, and to alter ſuch aſſeſſment if they ſee cauſe; and every perſon in whoſe cuſtody ſuch aſſeſſment ſhall be, is, upon requeſt of any ſurveyors, to produce the ſame; and if any ſurveyors ſhall, after any aſſeſſment ſhall be made out and allowed as aforeſaid, find upon his ſurvey, that any houſes ſhall have been omitted to be charged, or ſhall have been under-rated, ſuch ſurveyor ſhall certify the ſame in writing, under his hand, by way of ſurcharge, to any two commiſſioners, at the ſame times they make their ſurcharges for the duties on houſes and windows, in order to have ſuch omiſſion or under-rate rectified in the aſſeſſment; and the commiſſioners are to cauſe the ſame to be rectified. *ſ.* 23.

If any ſurveyor ſhall omit to make a ſurcharge for the firſt half year, he may make a ſurcharge for the whole year. *ſ.* 24.

Where any houſe ſhall be divided into different ſtories, tenements, lands, or landings, and ſhall be inhabited by

two or more families, the ſame ſhall pay the duties as if ſuch houſe was inhabited by one family only. *ſ.* 25.

Each apartment, in any college or hall in any of the univerſities of *Great Britain*, ſhall be ſubject to the duties as if the ſame were an entire houſe. *ſ.* 26.

Every chamber in any of the inns of court or chancery, ſhall be ſubject to the duties as if the ſame were an entire houſe. *ſ.* 27.

Parents, guardians, and tutors of infants, upon default of payment by ſuch infants, ſhall be liable to payments, and if they neglect or refuſe to pay, it ſhall be lawful to proceed againſt them in like manner as againſt any other perſon making default; and all parents, *&c.* making payment, ſhall be allowed all ſums paid in their accounts. *ſ.* 28.

This act ſhall not charge any houſe, or premiſes in the poſſeſſion of his majeſty, or any of the royal family, or charge any ambaſſador or foreign miniſter reſiding in *Great Britain* with payment of the duties. *ſ.* 29.

The commiſſioners or two of them, and the ſurveyors and aſſeſſors or any perſon authoriſed by them, may inſpect and take copies of any book, kept by any pariſh officer concerning the rates payable to the poor, or any other public taxes in *Great Britain*; and if any perſon in whoſe cuſtody the ſaid books ſhall be, ſhall refuſe or neglect to permit the inſpection or copies to be made, or to attend the commiſſioners with their books, when required, then every perſon who ſhall ſo refuſe, ſhall forfeit 40*s.* *ſ.* 30.

No dwelling houſe ſhall be eſtimated at any leſs value yearly than that at which the ſame ſtands rated to the public rates, where charged by a pound rate, and according to the full annual value thereof; and when ſuch premiſes are charged by a pound rate, according to any proportionate part of the real annual value thereof, the ſame ſhall not be eſtimated at leſs than the full annual value upon which ſuch proportions have been computed. *ſ.* 31.

No farm houſe ſhall be rated as aforeſaid. *ſ.* 32.

And it is declared, that all houſes, *bona fide* uſed for the purpoſes of huſbandry only, ſhall be deemed to be farm houſes. *ſ.* 33.

No ſuch farm houſe, which ſhall be occupied by the owner thereof, ſhall be intitled to ſuch exemption, which ſhall be valued under this act at more than 10*l. per annum*, diſtinct from the land therewith occupied. *ſ.* 34.

Nothing herein ſhall charge any hoſpital, or houſe provided for the reception of poor perſons, to the payment of the duty. *ſ.* 35.

No occupier of any houſe in any pariſh, ſhall be charged to the poor's rate or highway duty for any duties impoſed payable by this act, but ſuch owners ſhall continue to be rated to the poor's rate and highway duty in ſuch manner as they were rated to the ſaid rates at the time of paſſing this act. *ſ.* 36.

The payment of the rates ſhall not intitle the perſon paying to a legal ſettlement in ſuch pariſh. *ſ.* 37.

No houſes ſhall be deemed to be inhabited houſes except the ſame ſhall be inhabited by the owner, or by a tenant. *ſ.* 38.

Perſons overcharged or over-rated, may appeal to the commiſſioners, and the commiſſioners ſhall determine ſuch appeals; and ſuch appeals ſhall be determined on the days appointed, and in manner directed, in the acts before mentioned. *ſ.* 39.—Alſo 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. *ſ.* 44. *as to the new duty on windows.*

By 19 *Geo.* 3. *c.* 59. The duties on houſes ſhall be aſſeſſed annually for one year, to commence from 5th *April* in each year, and the aſſeſſments ſhall be made out and certified, and the ſurcharges certified, and the appeals heard at the ſame times as the aſſeſſments, ſurcharges, and appeals, are made, certified, and heard, on the duties on houſes and windows. *ſ.* 4.

Every coach houſe, ſtable, brew houſe, waſh houſe, laundry, wood houſe, bake houſe, dairy, and other offices, and all yards, courts, and curtilages, and gardens, not exceeding one acre, belonging to and occupied with any dwelling houſe, chargeable to the duties, ſhall be valued together with ſuch houſe, and be charged with the duties. *ſ.* 5.

In caſe the commiſſioners for putting in execution this act, ſhall neglect to appoint aſſeſſors, or the aſſeſſors appointed ſhall neglect to perform what is required of them, by the act of laſt ſeſſion and this act, then it ſhall be lawful for the ſurveyor appointed to do ſuch ſervices as are required from ſuch aſſeſſors. *ſ.* 6.

No aſſeſſments delivered to the commiſſioners ſhall be altered or diminiſhed before the time for hearing appeals, and then only upon the commiſſioners hearing the matter of the appeal particularly relating thereto, or concerning the ſame, upon a general appeal day. *ſ.* 8.

All ſhops and warehouſes attached to the dwelling houſe, or having any communication therewith (except warehouſes and buildings upon or near wharfs, occupied by wharfingers, and who have dwelling houſes upon the wharfs, and who are to be rated in reſpect of the ſaid houſes only), ſhall be charged with the duties, together with the houſe. *ſ.* 9.

No warehouſe, being a diſtinct building, and not part of the dwelling-houſe or ſhop, but employed ſolely for lodging goods, wares, and merchandize, or for carrying on ſome manufacture, (although the ſame may adjoin to, or have an internal communication with the dwelling-houſe), ſhall be charged with the duties. *ſ.* 10.

All houſes within *Great Britain*, of the annual value of 5*l.* and upwards, inhabited by any perſon whatſoever, ſhall be ſubject to the duty, except ſuch as are expreſsly excepted by the laſt act; provided no houſe ſhall be conſidered as an inhabited houſe, in which a ſervant or other perſon only reſides to take care of the ſame. *ſ.* 11.

Where any houſe ſhall be divided into different ſtories or tenements, let in different apartments to ſeveral perſons, the landlord or owner ſhall be deemed to be the occupier, and ſhall be charged with the duties. *ſ.* 12.

Every hall and office whatſoever, that are charged with any other taxes ſhall be ſubject to the duties, and ſhall be charged as inhabited houſes, and the perſons to whom the ſame belong, ſhall be charged as the occupiers thereof. *ſ.* 13.

No perſon ſhall act as a commiſſioner until he hath firſt taken (beſides the oaths required to be taken by any other act) an oath, or made and ſubſcribed his ſolemn affirmation. *ſ.* 14. *viz.*

I A. B. *do ſwear*, (or *affirm*, as the caſe may require) *that I will truly and faithfully execute the office of a commiſſioner, and will determine upon all appeals which ſhall be brought before me according to the beſt of my ſkill and judgment, purſuant to the acts of parliament in that behalf.*

So help me GOD.

No perſon ſhall be capable of acting as a commiſſioner within *London* and the liberty of *Saint Martin le Grand*, nor within *Weſtminſter*, unleſs ſuch perſon be poſſeſſed of lands or perſonal eſtate, to the value of 2000*l.* at leaſt after payment of all his debts, which qualification they ſhall

ſwear

ſwear to previous to their acting, or make and ſubſcribe his ſolemn affirmation in the following form:

I A. B. *do ſwear* (or *affirm*, as the caſe may require) *that I truly and* bona fide *have ſuch an eſtate, conſiſting of* (ſpecifying the ſame) *of the clear yearly value of* 2000 l. *over and above what will ſatisfy and diſcharge all my debts.*
So help me GOD.

And if any perſon ſhall preſume to act before he ſhall have taken ſuch oaths or affirmations, he ſhall forfeit 200 *l.*; one moiety to his majeſty, the other to any perſon who will inform. *ſ.* 15.

Penalties ſhall be recovered in any court of record at *Weſtminſter*, with coſts, by action of debt, *&c.* *ſ.* 20.

Perſons ſued may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 21.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 38. No one perſon ſhall be ſubjected to the payment of any of the duties by this act impoſed for more than two houſes which he ſhall occupy at the ſame time: provided he pay the ſaid duties for two ſuch houſes as ſhall contain the greateſt number of windows of any two houſes in his occupation. *ſ.* 11.

Such perſon intending to be relieved from the payment of more than two, ſhall, when called upon by the collectors for the payment of the duties, deliver to them in ſuch pariſh wherein any houſe in his occupation, other than the two containing the greateſt number of windows, is ſituated, a declaration in writing of the two houſes in his occupation for which he is to pay; on receiving which, ſuch collectors ſhall diſcharge from their book the rates made for ſuch houſe exempted; which notice the collectors are to deliver to the ſurveyor, for enabling them to make a deduction from the charge againſt ſuch collectors. *ſ.* 12.

If any perſon ſhall omit or neglect to pay for ſuch two houſes, according to the notice they give the collectors, they ſhall forfeit 50 *l.* *ſ.* 13.

The rates impoſed by this act to be paid in addition to thoſe charged by act 6 *Geo.* 3. *c.* 38. and 19 *Geo.* 3. *c.* 59. *ſ.* 14.

The duties ſhall in *England* be paid quarterly, on 5 *Jan.* 5 *April*, 5 *July*, and 10 *Oct.* by equal portions; and in *Scotland*, on or before 25 *March* yearly, for the half year betwixt *Martinmas-day* and *Whitſunday*, and 29 *Sept.* yearly, for the half year betwixt *Whitſunday* and *Martinmas*. *ſ.* 16.

The duties ſhall be charged only upon the inhabitants of the houſes, and not on the landlord, (except as after mentioned) any agreement entered into previous to this act, relative to the payment of any duties on ſuch houſes, or ſuch inhabitants, to the contrary notwithſtanding. *ſ.* 17.

No duty ſhall be levied for any houſe, whereof the occupier is exempt from the uſual taxes towards church and poor. *ſ.* 18.

The duties to be aſſeſſed and collected in the ſame manner, and under the ſame penalties, *&c.* as thoſe granted by the following acts: 20 *Geo.* 2. *c.* 3. 20 *Geo.* 2. *c.* 42. 21 *Geo.* 2. *c.* 10. 26 *Geo.* 2. c. 17. 31 *Geo.* 2. *c.* 22. 2 *Geo.* 3. *c.* 8. 18 *Geo.* 3. *c.* 26. and 19 *Geo.* 3. *c.* 59. *ſ.* 19.

The monies that ſhall ariſe by the additional duties on inhabited houſes, granted by this act, (which duties ſhall be paid by the perſons who ſhall be appointed to receive the ſame, into the hands of the receiver general of the cuſtoms) be paid by him into the receipt of the exchequer, upon the ſeveral diſtinct heads of ſubſidy, or cuſtoms; and in caſe the amount of the duties impoſed on tea, together with the monies hereby directed to be paid to the ſaid receiver general, ſhall in any one quarter exceed 87,136 *l.* 16 *s.* 8 $\frac{1}{4}$ *d.* being the one-fourth part of 348,547 *l.* 6 *s.* 9 *d.* the average produce of the duties on teas for five years, the ſaid receiver general ſhall pay over ſuch ſurplus into the hands of the receiver general of exciſe, which ſhall be by him diſtributed to the heads of exciſe to which the duties of exciſe on teas repealed by this act were applicable; and ſhall be by him paid into the exchequer, at the rate of 138,979 *l.* 5 *s.* 10 $\frac{1}{2}$ *d.* *per* quarter, being the one-fourth part of 555,917 *l.* 3 *s.* 6 *d.* the average of the exciſe duties on tea for five years; and ſuch money, ſo paid into the exchequer, by the receiver general of the cuſtoms, and receiver general of the exciſe, ſhall be applied to the ſame uſes as former duties on teas. *ſ.* 20.

The receipt of the receiver general of the cuſtoms ſhall be a diſcharge to the perſons who ſhall be appointed to receive the additional duties on inhabited houſes; and alſo the receipt of the receiver general of the exciſe ſhall be a ſufficient diſcharge to the receiver general of the cuſtoms for ſuch monies as he ſhall pay in purſuance of this act; and the receipts ſhall be allowed by the auditor in paſſing their accounts. *ſ.* 21.

If in any one quarter there ſhould be a ſurplus of monies ariſing by this act, the ſame ſhall be applied towards making good the ſums charged on the next quarter. *ſ.* 22.

Separate aſſeſſments ſhall be made out for raiſing the duties hereby impoſed, which ſhall be brought in by the aſſeſſors, in writing under their hands, and be verified upon their oaths, and not otherwiſe, as required by 20 *Geo.* 2. upon pain of forfeiture, of not exceeding 20, nor leſs than 5 *l.* and the commiſſioners ſhall cauſe true duplicates of the aſſeſſments to be made out, and tranſmitted as directed by the former acts relating to the duties upon houſes, and windows. *ſ.* 23.

The commiſſioners for putting in execution the before mentioned acts, ſhall be commiſſioners for putting in execution this act, and ſhall meet yearly as the commiſſioners think proper before 30 *April* yearly; and ſhall then divide themſelves to act in ſeparate diſtricts, and proceed in the execution of this act, in ſuch manner as preſcribed by the before mentioned acts, except in caſes in which alteration is made by this. *ſ.* 24.

In caſe the commiſſioners ſhould not meet at the time preſcribed, they, or two, may meet and execute this act at any other time. *ſ.* 25.

The commiſſioners ſhall cauſe notice to be inſerted in the precepts directed to aſſeſſors under the before mentioned acts, that ſuch perſons are alſo appointed aſſeſſors of the duties on houſes and windows, granted by this act. *ſ.* 26.

In caſe no aſſeſſors ſhall be appointed, ſurveyors may do their duty. *ſ.* 27.

Surveyors ſhall, twice in every year, on or before 10 *January*, and 10 *Auguſt*, yearly, certify in writing, under their hands, by way of ſurcharge, to three commiſſioners, what houſes have been omitted to be charged, or been under-charged, for the then year; and upon oath being firſt made that notice was left in writing at the dwelling-houſes of the occupiers charged, that the ſurveyors intended to charge them in ſuch manner, and according to ſuch number of windows, as they ſhall be charged for by ſuch certificate, the commiſſioners, or three, ſhall cauſe ſuch aſſeſſment to be rectified according to ſuch certificate, and delivered to the collectors. *ſ.* 28.

If any ſurveyor ſhall omit to make a ſurcharge for the firſt half year, he may make a ſurcharge for the whole year. *ſ.* 29.

Where

Where houſes are let in different tenements, the landlord ſhall be deemed the occupier. *ſ.* 30.

All dwelling rooms in every hall and office, belonging to any perſon, or body politic or corporate, charged with other taxes, ſhall be ſubject to the duties granted by this act, and ſhall be charged as inhabited houſes; and the perſon to whom the ſame ſhall belong, ſhall be charged as the occupier thereof; and each chamber in any college or hall in the univerſities of *Great Britain*, ſhall be ſubject to the duties, as if the ſame was an entire houſe. *ſ.* 31.

Every chamber in any of the inns of court or chancery, ſhall be ſubject to the duties as an entire houſe. *ſ.* 32.

This act ſhall not extend to any houſe in the poſſeſſion of his majeſty, or any of the royal family, nor charge any ambaſſador or foreign miniſter, reſiding in *Great Britain*, with the duties. *ſ.* 33.

The regulations provided by 18 and 19 *Geo.* 3. for exempting all warehouſes and buildings requiſite for carrying on manufactures, trades, occupations, and callings, from the duties on inhabited houſes, impoſed by thoſe acts, ſhall exempt all ſuch warehouſes and buildings from the duties impoſed by this act. *ſ.* 34.

Nothing herein ſhall charge any hoſpital, charity ſchool, or houſe provided for the reception and relief of poor perſons, to the payment of the duty, except ſuch apartments therein as are occupied by the officers or ſervants thereof, which ſhall be ſubject to the duty (according to the number of windows in each) as other inhabited houſes. *ſ.* 35.

Parents and guardians liable to pay for infants, *&c.* *ſ.* 36.

The payment of any of the rates ſhall not entitle the perſon to a ſettlement in ſuch pariſh. *ſ.* 37.

No houſe ſhall, within this act, be deemed an inhabited houſe, except the ſame ſhall be inhabited by the owner, or his ſervant, or by a tenant or tenants renting the ſame. *ſ.* 38.

No perſon ſhall be capable in *England*, *Wales*, or *Berwick upon Tweed*, of acting as a commiſſioner, (unleſs in adminiſtering oaths) until he ſhall have taken the oaths appointed by 1 *Geo.* 1. *c.* 13. (*ſee* OATHS), which, and any others preſcribed to be taken by this act, two commiſſioners may adminiſter. *ſ.* 39.

If any commiſſioner ſhall preſume to act, before he ſhall have taken the oaths, he ſhall forfeit to his majeſty 200 *l.* *ſ.* 40.

Commiſſioners in *Scotland* to take the oaths of allegiance and abjuration, *&c.* on penalty of 20 *l.* *ſ.* 41.

Every aſſeſſor ſhall, before he preſumes to act, take the following oath:

I A. B. *do ſwear*, [or *affirm*, as the caſe may require] *that, in the aſſeſſment which I ſhall make of the houſes and houſehold offices within the diſtrict or pariſh for which I am appointed an aſſeſſor, I will rate each according to the whole number of windows therein, to the beſt of my knowledge and judgment; and that I will truly and faithfully execute the truſts repoſed in me by virtue of an act of the 24th year of his preſent majeſty*, for repealing the ſeveral duties on tea, and for granting to his majeſty other duties in lieu thereof; and alſo ſeveral duties on inhabited houſes; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of exciſe thereon.

Which two commiſſioners are to adminiſter. *ſ.* 42.

All penalties, for which there is no way of levying appointed, ſhall be recovered in any court of record at *Weſtminſter*, with coſts. *ſ.* 48.

Land.

By 30 *Geo.* 3. *c.* 2. The ſum of 2,037,627 *l.* 9 *s.* 0 *d.*$\frac{1}{4}$. ſhall be raiſed within *Great Britain* as in the act. *ſ.* 1.

The ſum of 1,989,673 *l.* 7 *s.* 10$\frac{1}{4}$ *d.* part of the ſaid ſum, ſhall be raiſed within one year from 25 *March* 1790, and ſhall be taxed in the ſeveral counties, cities, borough, towns, and places of *England*, *Wales*, and *Berwick*, according to the proportions mentioned in the act. *ſ.* 2.

Towards raiſing the ſeveral ſums hereby charged on the reſpective counties, *&c.* in *England*, *&c.* all perſons, bodies politic and fraternities, having any eſtate in ready money, or in debts owing to them within *Great Britain*, or without, or having any eſtate in goods, or perſonal eſtate (except ſuch ſums as they owe, and debts deſperate, and except the ſtock upon lands, and houſhold ſtuff, and except debts owing from his majeſty) ſhall pay unto his majeſty 4 *s.* in the pound, according to the yearly value for one year, *viz.* for every 100 *l.* and for every 100 *l.* worth 20 *s.* and all perſons and commiſſioners having any public office of profit in *England*, *&c.* their clerks, agents, and other inferior miniſters (military officers in muſter by the muſter-maſter general or in pay in his majeſty's army or navy in reſpect of ſuch offices excepted) ſhall, towards raiſing the ſaid ſums, pay unto his majeſty 4 *s.* for every 20 *s.* which they receive in one year, by virtue of any ſalaries, profits, or advantages to them accruing by reaſon of their offices; and all perſons having an annuity or yearly payment either out of the receipt of his majeſty's exchequer in *England*, or out of any branch of his majeſty's revenue in *England*, *&c.* or ſecured to be paid by any perſon in *England*, *&c.* (not iſſuing out of lands, and not being by act of parliament exempted from taxes) ſhall pay unto his majeſty 4 *s.* for every 20 *s.* by the year, for every ſuch annuity, for one whole year. *ſ.* 3.

All manors, meſſuages, lands, and tenements, and all quarries, mines of coal, tin, *&c.* and other mines, iron works, ſalt works, allum mines and works, all parks, chaces, warrens, woods, underwoods, coppices, and all fiſhings, tythes, tolls, annuities, and other yearly profits, and all hereditaments, within the ſeveral counties, *&c.* as well within antient demeſne and other liberties as without, within *England*, *&c.* and all perſons, bodies politic and brotherhoods corporate or not corporate, having any ſuch manors, *&c.* ſhall be charged with as much equality as poſſible by a pound rate towards the ſaid ſums, ſo that the full ſums hereby appointed ſhall be levied and paid into the receipt of exchequer, by four quarterly payments; the firſt payment to be on or before the 24th of *June* 1790. *ſ.* 4.

Where any manors, *&c.* are ſubject to annual payments, it ſhall be lawful for the owners of ſuch manors, *&c.* to deduct out of ſuch annual payment ſo much of the pound rate aſſeſſed upon the ſaid manors, *&c.* as a like rate for every ſuch annual payment ſhall by proportion amount unto, ſo as ſuch annual payment amount unto 20 *s.* *per* ann. or more; and all perſons intitled to ſuch annual payments, are to allow ſuch deductions upon receipt of the reſidue of ſuch annual payments, without fee. *ſ.* 5.

The perſons appointed *commiſſioners of the land-tax* for 1786 and 1787, being ſtill living, and duly qualifying themſelves, ſhall be commiſſioners for putting this act in execution, within the ſame counties, *&c.* reſpectively. *ſ.* 6.

The commiſſioners ſhall meet at the uſual places within each of the counties, *&c.* on or before the 30th of *April* 1790, and afterwards as often as neceſſary; and they ſhall aſcertain the proportions to be charged upon every hundred or other diviſion towards making up the ſum charged upon the

the county, &c. by charging in proportion to the ſum aſſeſſed on the ſame diviſions by act of parliament, 4 *Will.* and *Mary*, *c.* 1. and ſhall, if they ſee cauſe, ſubdivide themſelves and the commiſſioners not then preſent, ſo as three or more be appointed for the ſervice of each hundred or diviſion; nevertheleſs not to reſtrain the commiſſioners from acting in any other part of the county, &c. *ſ.* 7.

The commiſſioners at ſuch general meeting ſhall alſo ſet down what commiſſioners ſhall act in each diviſion, and ſhall deliver copies of ſuch writings to the receiver-general appointed by his majeſty. And the commiſſioners within the ſeveral diviſions, or two of them, are to cauſe the proportions charged on the reſpective diviſions to be equally aſſeſſed within every pariſh and place therein; and to direct their precept to ſuch inhabitants, high-conſtables, petty-conſtables, bailiffs, and other officers, as they think convenient, to be aſſeſſors, requiring them to appear before the commiſſioners, at ſuch place and time, not exceeding eight days after the date of ſuch precept, as they ſhall appoint; and at their appearances the commiſſioners ſhall read to them the ſeveral charges in this act, and declare the effect of their charge. And if any ſuch conſtable or other inhabitants abſent themſelves, without lawful excuſe, to be made out by the oath of two witneſſes (which oaths the commiſſioners are to adminiſter) or if any officer or perſon appearing refuſe to ſerve, ſuch perſon ſhall forfeit to his majeſty ſuch ſum as the commiſſioners think fit, not exceeding 5 *l.* nor leſs than 40 *s.* And after ſuch charge given, the commiſſioners ſhall take care that warrants be directed to two at leaſt of the moſt ſufficient inhabitants of each pariſh, &c. requiring them to be aſſeſſors of the rates; and ſhall alſo therein appoint a day and place for the aſſeſſors to appear, and bring in their aſſeſſments: which aſſeſſors are to aſſeſs the ſum given them in charge upon all monies, debts, perſonal eſtates, offices, &c. and by an equal pound rate upon all manors, lands, &c. within the places for which they be aſſeſſors; and ſhall bring a certificate of the aſſeſſment, and ſhall return two or more ſufficient perſons to be collectors, for whoſe paying in to the receiver-general, or his deputy, ſuch monies as they be chargeable withal, the pariſh, &c. wherein they are ſo employed ſhall be anſwerable; and if any aſſeſſor neglect to ſerve, not having lawful excuſe, to be witneſſed by two witneſſes, or not perform his duty, ſuch aſſeſſor ſhall forfeit to his majeſty ſuch ſum as the commiſſioners think fit, not exceeding 40 *l.* to be levied by diſtreſs and ſale of goods, and to be charged upon the receivers-general. And the aſſeſſors are to deliver one copy of their aſſeſſments ſubſcribed by them unto the commiſſioners, within the time prefixed: and the commiſſioners, or three of them, are to ſign and ſeal two duplicates of the aſſeſſments; and one of them to deliver to two reſponſible perſons to be collectors, which the commiſſioners are to nominate, with warrant to the collectors to collect the ſame, ſo as the ſeveral ſums may be paid to the receiver-general at the times hereby limited. And the commiſſioners are at the ſame time to give the collectors notice at what time and place the appeals of any perſons who think themſelves over-rated, may be heard; which days of appeal ſhall be at leaſt 30 days from the time of delivering the duplicates to the collectors: and every collector is required, within ten days after the receipt of ſuch duplicates, to cauſe notice to be given in every church or chapel within his diſtrict, immediately after divine ſervice on the Lord's-day (if divine ſervice be performed therein within that time) of the time and place appointed for hearing appeals; and ſhall cauſe the like notices to be fixed upon the door of each church or chapel on the ſame day: and the collectors are required, upon the application of any perſons who think themſelves over-rated, to permit ſuch perſons, their ſtewards, or other repreſentatives, to inſpect the duplicates of ſuch aſſeſſments upon the diviſion at all reaſonable times of the day, without fee; and every perſon ſo intending to appeal to the commiſſioners ſhall give notice in writing to one or more of the aſſeſſors; and all appeals once heard and determined by the commiſſioners, or three of them, or the major part preſent, on the days appointed ſhall be final. And the commiſſioners are to deliver a ſchedule in parchment, under their hands and ſeals, containing the whole ſum aſſeſſed upon each pariſh, &c. and the chriſtian and ſirnames of the aſſeſſors and collectors, unto the receiver general of each county, &c. or his deputy, and ſhall tranſmit a like ſchedule into the king's remembrancer's office of the exchequer; and this the commiſſioners ſhall cauſe to be done upon or before the 8th of *Aug.* 1790, or within 20 days after (all appeals being firſt determined) for which duplicates the remembrancer, or his deputy, ſhall give a receipt *gratis*, under the penalty of 10 *l.* to be recovered to the king's uſe, as other penalties by this act. *ſ.* 8.

The collectors ſhall levy the rates ſo aſſeſſed; which collectors are to demand the ſums of the parties themſelves if they can be found, or elſe at the place of their laſt abode, or upon the premiſſes charged; and the collectors ſhall levy the monies, and pay unto the receivers-general, or their deputies, all the rates by them collected at ſuch times or places as the commiſſioners, or two of them, appoint. *ſ.* 9.

The money received by the collectors ſhall be paid to the receiver-general, or his deputy, appointed under his hand and ſeal, (whereof notice under the hand and ſeal of the reſpective receivers-general ſhall be given to the commiſſioners, or two of them, within ten days after the next general meeting, and ſo from time to time within ten days after every death or removal of any deputy) and the receipt of ſuch receiver-general, or his deputy (which receipt ſhall be given *gratis*) ſhall be a diſcharge to every collector, and for the payment the collectors ſhall not be obliged to travel above ten miles from their habitations. *ſ.* 10.

If any receiver-general die, or be removed, or if any receiver-general for the laſt aid be not appointed for the preſent, notice thereof ſhall be given by the commiſſioners for the affairs of taxes, to two or more commiſſioners acting for each diviſion in ſuch county, &c. before the time appointed by this act for the firſt quarterly payment, and ſo from time to time upon the death or removal of any ſuch receiver-general. *ſ.* 11.

The ſum of 497,418 *l.* 6 *s.* 11 $\frac{9}{16}$ *d.* for the firſt quarterly payment, ſhall be paid unto the receivers-general on or before the 24th of *June* 1790; and the like ſum for the ſecond quarterly payment on or before the 29th of *September* 1790; and the third quarterly payment on or before the 25th of *December* 1790; and the laſt quarterly payment on or before the 25th of *March* 1791. *ſ.* 12.

Every receiver-general, within one month after he has received the full ſum charged on any diviſion for ſuch payment, ſhall give to ſuch commiſſioners as act in ſuch diviſion, a receipt under his hand and ſeal, which ſhall be a diſcharge to each diviſion for ſuch payment; which receivers-general are required, within 20 days after the receipt of any money, to tranſmit the money into the receipt of the exchequer; and the treaſury are to allow to the receiver-general of each county, &c. a ſalary not exceeding 2 *d.* in the pound upon the clearing of his accounts. *ſ.* 13.

The collectors ſhall upon collection of the whole ſum,

and payment thereof have 3 *d.* in the pound out of the laſt payment of their quarterly payments; and the receiver-general, upon the receipt of the whole aſſeſſments of the county, *&c.* (in caſe he has received the ſeveral duplicates of each pariſh, and duplicates be returned to the office of the remembrancer of the exchequer) ſhall allow, according to warrant given by the commiſſioners, or two of them, three halfpence in the pound, for the commiſſioners clerks, for writing the aſſeſſments, duplicates, and copies, and all warrants, orders, and inſtructions. *ſ.* 14.

All duplicates of the aſſeſſments, made and delivered, by the aſſeſſors to the commiſſioners, or to their clerks, and in the cuſtody of ſuch commiſſioners or clerks, and all minute books, and other public books and papers relating to the land tax, in the cuſtody of ſuch clerks, removed from ſuch office, or in the cuſtody of the executors, adminiſtrators, or repreſentatives of any perſon who died during his holding ſuch office, or after his removal from the ſame, or in the cuſtody of his agent or attorney, or of any other perſons whomſoever, ſhall be deemed the property of the commiſſioners, as records of the ſaid commiſſioners for their uſe; and ſhall be placed, and remain in the cuſtody of them the commiſſioners, or their clerks for the time being, or of ſuch other perſons as the commiſſioners, or three, ſhall appoint. *ſ.* 15.

All perſons aforeſaid, having in their cuſtody ſuch books or papers, ſhall, within one month after notice in writing, ſigned by three commiſſioners, or a true copy thereof, given to, or left at the abode of, ſuch perſons, deliver up all ſuch books and papers unto ſuch perſon as the commiſſioners, by ſuch notice, ſhall order; whoſe receipt for the ſame ſhall be a diſcharge: And if any ſuch perſons ſhall neglect to deliver the ſame within the time limited by ſuch notice and demand made, he ſhall forfeit 50 *l.*; one moiety to be paid to the receiver-general of the land tax of the county, and by him applied in aid of the land tax of ſuch county, and accounted for accordingly; and the other moiety to the perſon who ſhall ſue; and ſhall be recovered, with coſts, by action of debt, *&c.* in any court of record at *Weſtminſter*. *ſ.* 16.

If any perſon neglect to pay any ſum whereat he is aſſeſſed, upon demand by the collectors, it ſhall be lawful for the collectors to levy the ſum by diſtreſs and ſale of goods, or to diſtrain upon the tenements charged, and the diſtreſs to keep four days, at the coſts of the owners; and if the owners do not pay the money within the four days, the diſtreſs to be appraiſed by two inhabitants or other ſufficient perſons, and ſold by the collectors; and it ſhall be lawful to break open in the day-time any houſe, and, upon warrant under the hands and ſeals of two commiſſioners, any cheſt where goods are, calling to their aſſiſtance the conſtables, *&c.* and if any difference happen upon taking ſuch diſtreſs, the ſame ſhall be determined by the commiſſioners, or two of them; and if any perſon aſſeſſed neglect to pay for ten days after demand, or convey his goods whereby the money cannot be levied, any two commiſſioners are authoriſed, by warrant to commit ſuch perſon (except a peer or peereſs) to the common gaol until payment of the money and charges. And the tenants of all tenements rated are to pay ſuch money rated upon ſuch tenements, and deduct out of the rent ſo much as in reſpect of the ſaid rents of ſuch tenements the landlord ought to pay; and the landlords mediate and immediate, are to allow ſuch deductions. *ſ.* 17.

Every tenant paying the ſaid aſſeſſments ſhall be acquitted of ſo much as if the ſame had been paid unto ſuch perſon to whom his rent is due. And if any difference ariſe between landlord and tenant, or any other, concerning the rates, the commiſſioners, or two of them, ſhall have power to ſettle the ſame. And in caſe the proportions ſet by this, or any former act upon the reſpective counties, *&c.* be not fully paid, or if any of the aſſeſſments be rated upon any perſon not of ability to pay, or upon any empty houſe or land, or the aſſeſſment happens not to be paid to the receiver-general, the commiſſioners, aſſeſſors, and collectors, are required to reaſſeſs ſuch money upon the diviſions wherein ſuch deficiency happens or pariſhes therein, as to the commiſſioners ſeems agreeable to juſtice. *ſ.* 18.

If any aſſeſſor, collector, or other perſon, wilfully neglect to perform his duty in the execution of this act, or be guilty of any fraud or abuſe, the commiſſioners, or three of them, have power to impoſe fines, ſo as the ſame exceed not 40 *l.* which fines ſhall not be diſcharged but by conſent of the majority of the commiſſioners who impoſed the ſame; but ſhall be levied by warrant of the commiſſioners, or two of them, by diſtreſs and ſale of goods; and in default of goods the offender (not being a peer or peereſs) to be committed by warrant to priſon till payment: and all fines impoſed by virtue of this act, ſhall be paid to the receivers-general, and by them into the receipt of the exchequer; and ſhall be inſerted in the duplicates tranſmitted to the king's remembrancer. *ſ.* 19.

If any collector neglect to pay any money received, the commiſſioners, or two of them, are authoriſed to impriſon the perſon, and ſeize the eſtate as well freehold as copyhold both real and perſonal of ſuch collector; and the commiſſioners who ſo ſeize the eſtate ſhall appoint a time for a general meeting of the commiſſioners and cauſe public notice to be given of the place ſix days before; and the commiſſioners at ſuch general meeting, in caſe the monies be not paid, ſhall ſell ſuch eſtates to ſatisfy, into the hands of the receiver-general, the ſum detained. *ſ.* 20.

Collectors ſhall, if required, give ſecurity to three commiſſioners, equal to the amount of the whole rate in each diſtrict, for their duly paying to the receiver-general ſuch monies aſſeſſed as ſhall come to their hands; which ſecurity the commiſſioners, or three, are to take; and on failure of the collectors giving ſuch ſecurity, if required, the commiſſioners ſhall appoint other two perſons, who can give ſuch ſecurity, reſiding within the pariſhes where they ſhall be chargeable, to be collectors. Provided if no perſons can be found who are willing or able to give ſuch ſecurity, then the perſons who were firſt named by the commiſſioners, ſhall be collectors. *ſ.* 21.

At the expiration of the times preſcribed for payment of the quarterly aſſeſſments, the commiſſioners, or two of them, within their diviſion ſhall call before them the collectors, and aſſure themſelves of the whole payment of the ſums charged upon the diviſion; and in caſe of any failure the commiſſioners, or two of them, are to cauſe the ſame to be levied. *ſ.* 22.

In caſe any controverſy ariſe concerning the aſſeſſments which concerns any of the commiſſioners, the commiſſioners ſo concerned in their own right or as agent ſhall have no voice, but ſhall withdraw at the time of the debate; and in default thereof the commiſſioners preſent are to impoſe fines upon ſuch commiſſioner refuſing to withdraw not exceeding 20 *l.* and all queſtions touching any of the ſaid rates in *England*, *&c.* ſhall be finally determined by the commiſſioners, without further ſuit in the king's bench or any other court. *ſ.* 23.

No privileged place or perſon ſhall be exempted from the ſaid taxes; and all fee-farm and other rents and ſums

of

of money iſſuing out of lands, ſhall be liable to be taxed; and the tenants are to pay. *ſ.* 24.

Nothing in this act ſhall charge any college or hall in the univerſities of *Oxford* or *Cambridge*, or of the colleges of *Windſor*, *Eaton*, *Winton*, or *Weſtminſter*, or the corporation of the governors of the charity for the relief of the poor widows and children of clergymen, or the college of *Bromley*, or any hoſpital in reſpect of the ſites of the ſaid colleges, *&c.* or any maſter, fellow, ſcholar, or exhibitioner of any ſuch college or hall, or any reader, officer, or maſter of the univerſities, or any maſters or uſhers of ſchool for any ſtipend, rents, profits, or exhibitions ariſing in reſpect of the ſaid employments; or charge any houſes or lands, which on or before the 25th of *March* 1693, did belong to the ſites of any college or hall, or to *Chriſt's Hoſpital*, *St. Bartholomew*, *Bridewell*, *St. Thomas*, and *Bethlehem Hoſpitals*, in *London* and *Southwark*; or to the corporation of the governors of the charity for the relief of the poor widows and children of clergymen, or the college of *Bromley*; or ſhall charge any hoſpitals or alms houſes in *England*, *&c.* in reſpect only of any rents or revenues, which on or before the ſaid 25th of *March* 1693, were payable to the ſaid hoſpitals or alms houſes to be diſburſed for the immediate uſe of the poor only. *ſ.* 25.

No tenants that hold any lands or houſes by leaſe from the ſaid corporation, hoſpitals, or alms houſes, ſhall claim any exemption by this act; but the houſes and lands which they ſo hold ſhall be rated for ſo much as they are yearly worth over and above the rents reſerved. *ſ.* 26.

Nothing in this act ſhall diſcharge any tenant of houſes or lands belonging to the ſaid colleges, *&c.* who by their leaſes are obliged to pay all taxes and impoſitions. *ſ.* 27.

Any queſtion how far any lands belonging to any hoſpital not exempted by name out of this act, ought to be charged by the land tax, ſhall be determined by the commiſſioners or three of them upon appeal. *ſ.* 28.

Such lands belonging to any hoſpital or alms-houſe, or ſettled to any charitable uſe, as were aſſeſſed in the fourth year of king *Will.* & queen *Mar.*, ſhall be charged towards this aid; and no other lands then belonging to any hoſpital or alms-houſe, or ſettled to any charitable or pious uſes. *ſ.* 29.

All auditors, receivers, and their deputies, who audit or receive any fee-farm rents, or other chief rents, due to his majeſty, or to any perſon claiming under the crown, ſhall allow 4 *s.* for every pound of the ſaid rents, and a proportional rate for any greater ſum than 10 *s.* to the party paying the ſame, without fee, upon the penalty of 20 *l.* to the party grieved, to be recovered by action of debt or upon the caſe with coſts. And if any ſuch auditor ſet *inſuper* any perſon for any money which by this act ought to be allowed or delay to allow the ſame in the proper accounts, ſuch auditor or perſon acting for ſuch auditor, ſhall forfeit 100 *l.* to the party grieved, and ſhall be incapable to enjoy any place of truſt under his majeſty. *ſ.* 30.

The fee-farm rents, for which a deduction is to be made by this act, are ſuch fee-farm rents only, as are anſwerable to his majeſty, or have been purchaſed from the crown by virtue of two acts of parliament 22 *Car.* 2. *c.* 6. & 22 & 23 *Car.* 2. *c.* 24. provided ſuch deduction do not exceed the ſum aſſeſſed by this act upon the whole eſtates out of which ſuch purchaſed fee-farm rents iſſue. *ſ.* 31.

The officers in the receipt of exchequer and other public offices, upon requeſt by the aſſeſſors, ſhall deliver *gratis* liſts of all penſions or annual payments, *&c.* to any commiſſioner or officer for the execution of this act. And where any penſions or other allowances are payable at the receipt of exchequer, or by the cofferer of his majeſty's houſehold, or out of any other public office, or by any of his majeſty's receivers, the tax charged for ſuch annuities ſhall (in caſe of nonpayment) be ſtopt out of the ſame; and the proper officers ſhall keep accounts of all monies ſtopt, and (upon requeſt) give copies of ſuch accounts to the collectors for the places where the monies are aſſeſſed. *ſ.* 32.

Where any perſon inhabiting within *London* or any other city or town corporate hath his dwelling-houſe in one of the pariſhes therein, and hath any goods in any other pariſhes within the ſame, ſuch perſon ſhall be taxed for ſuch goods in the pariſh where he dwelleth. *ſ.* 33.

No clauſe in this act ſhall extend to the leſſening the full ſum appointed to be levied. *ſ.* 34.

Nothing in this act ſhall alter any agreements touching the payment of taxes. *ſ.* 35.

All places ſhall be aſſeſſed in ſuch county or allotment as the ſame have been uſually aſſeſſed in. *ſ.* 36.

The hundred of *Weſt Barnfield* formerly taxed in the lathe of *Alesford* in *Kent* may (if the commiſſioners think fit) be aſſeſſed in the lath of *Skray*, as likewiſe may the tithing of *Northmore* in the county of *Oxford* be aſſeſſed in the hundred of *Bampton*, and the tithings of *Charlbury*, *Fallar*, and *Finſtock*, in the hundred of *Chadlington* in the ſaid county; as alſo the town of *Leeds* in the county of *York*, in the hundred of *Skyrack*; and the pariſh of *Ombersley*, in the county of *Worceſter*, in the lower diviſion of *Oſwaldſlow* hundred; and the pariſh of *Aldemaſton*, in the eaſtern diviſion of *Oſwaldſlow* hundred; and the pariſh of *Yardley* in *Bromſgrove* diviſion of *Halfſhire* hundred in the ſaid county; and the foreſt of *Chute* ſhall be aſſeſſed where the ſame was aſſeſſed to the firſt aid of 4 *s.* in the pound, granted to king *William* and queen *Mary*; and the pariſh of *Upton upon Severn*, in the county of *Worceſter*, formerly taxed in the lower diviſion of *Oſwaldſlow* hundred may be aſſeſſed in the lower diviſion of *Perſhore* hundred in the ſaid county; and the profits of the navigation of the rivers *Calder* and *Ayre*, in the weſt riding of the county of *York*, ſhall be aſſeſſed one moiety at *Wakefield*, and the other moiety at *Leeds*. *ſ.* 37.

And whereas the palace of *Somerſet Houſe* has been uſually aſſeſſed within the liberty of the duchy of *Lancaſter*, in the *Strand*, but the inhabitants have evaded payment of the rates, it is enacted that the inhabitants of apartments within the ſaid palace ſhall be liable to the aſſeſſments. *ſ.* 38.

If any ſuit be commenced againſt any perſons for what they do in purſuance of this act, ſuch perſons may plead the general iſſue, not guilty; and if the plaintiff become nonſuit the defendant ſhall recover treble coſts. *ſ.* 39.

In caſe any lands or houſes be unoccupied, and no diſtreſs can be found by reaſon whereof the pariſh is forced to make good the tax; it ſhall be lawful for the collectors, conſtables, or tythingmen, of the pariſh, to enter and diſtrain upon the lands and houſes, when there ſhall be any diſtreſſes found; and the diſtreſs (if not redeemed within four days) to ſell; and the ſaid collector, *&c.* is to diſtribute the money raiſed to the parties who contribute to the tax. *ſ.* 40.

Where any wood lands are aſſeſſed, and no diſtreſs can be had, it ſhall be lawful for any collector, conſtable, headborough, or tythingman, by warrant of two commiſſioners at ſeaſonable times to cut and ſell ſo much of the wood (timber trees excepted) as ſhall pay the aſſeſſment, and the charge incident thereunto; and it ſhall be lawful for the perſons to whom ſuch wood is ſold, to fell

and carry away the ſame, rendering the overplus (if any) to the owner. *ſ.* 41.

Where any tax is charged on any tithes, tolls, profits of markets, fairs, or fiſheries, or other annual profits not diſtrainable, in caſe the ſame be not paid within ſix days after ſuch aſſeſſment charged or demanded, it ſhall be lawful for the collector or other officer appointed by warrant of two commiſſioners to ſeize and ſell ſo much of the ſaid tithes, *&c.* as is ſufficient for the levying the tax. *ſ.* 42.

If any ſuch receiver-general return into the exchequer any ſums to be in arrear after the ſame have been received, or cauſe any perſons or places to be ſet *inſuper*, for any ſums received, ſuch receiver-general ſhall pay to every perſon damaged treble the damage, to be recovered by action of debt, *&c.* and ſhall alſo forfeit to his majeſty double the ſum ſo unjuſtly returned. *ſ.* 43.

The commiſſioners ſhall tax every aſſeſſor. *ſ.* 44.

No perſon inhabiting in any city, *&c.* ſhall be compelled to be an aſſeſſor or collector out of the ſaid city, borough, or town corporate. *ſ.* 45.

Every aſſeſſment in reſpect of any tenement which an ambaſſador or public miniſter of any foreign ſtate occupies, ſhall be paid by the landlord. *ſ.* 46.

In all privileged and other places, being extraparochial, or not within the precincts of the aſſeſſors, and in all pariſhes where two ſufficient inhabitants cannot be found, the commiſſioners, or two of them, ſhall nominate perſons living in or near the ſaid places to be aſſeſſors; and alſo appoint collectors. *ſ.* 47.

No commiſſioner, aſſeſſor, or collector, ſhall be liable to any penalties other than ſuch as by this act are inflicted. *ſ.* 48.

No perſon ſhall be capable of acting as a commiſſioner until he ſhall have taken the oaths appointed by 1 *Geo.* 1. *c.* 13. and 6 *Geo.* 3. (*ſee* OATHS.) which it ſhall be lawful for any two commiſſioners to adminiſter to any other commiſſioners. *ſ.* 49.

If any commiſſioner preſume to act before he has taken the oaths, he ſhall forfeit to his majeſty 200 *l.* *ſ.* 50.

Every perſon aſſeſſed for his office ſhall be rated where the ſame is exerciſed. *ſ.* 51.

The right honourable the maſter of the rolls, the maſters in chancery, ſix clerks, clerks of the petty-bag, examiners, regiſters, clerks of the inrolments, clerks of the affidavit and *ſubpœna* offices, and all other officers of the court of chancery, that execute their offices within the liberty of the rolls, ſhall there be aſſeſſed; and all annuities payable to officers in reſpect of their offices, ſhall be aſſeſſed where ſuch officers are aſſeſſed for their offices; and all other annuities not charged upon lands, ſhall be aſſeſſed in the places where they are payable; and every perſon rated in reſpect of any perſonal eſtate ſhall be rated where he reſides; and if any perſon who ought to be taxed in reſpect of his perſonal eſtate be out of the realm ſuch perſon ſhall be rated where he was laſt abiding within this realm. *ſ.* 52.

Where any perſon has goods in any county other than the county where he reſides, it ſhall be lawful at any time before the 24th of *Auguſt* 1790, to aſſeſs ſuch perſon for ſuch goods in any county where the ſame be; and every perſon aſſeſſed for any manors, *&c.* ſhall be aſſeſſed where ſuch premiſſes lie. *ſ.* 53.

If any perſon be doubly charged, then upon certificate made by any two commiſſioners for the place of his laſt reſidence, of the ſum charged upon him (which the commiſſioners are required to give without fee) and upon oath made of ſuch certificate before any juſtice of peace of the place where the certificates are made, the perſon ſo doubly charged ſhall, for ſo much as is ſo certified, be diſcharged in every other county. *ſ.* 54.

This act ſhall not extend to the inhabitants of *Scotland*, *Ireland*, *Jerſey*, or *Guernſey*, for aſſeſſing any ſuch perſonal eſtate, which they have within thoſe places, for the ſaid ſum hereby charged upon *England*, *Wales*, and *Berwick*; and if any perſon that ought to be taxed in *England*, *&c.* for his perſonal eſtate, by changing his reſidence or other fraud, eſcape from the taxation, and the ſame be proved before the commiſſioners, or before one juſtice of peace of the county where ſuch perſon reſideth, at any time within one year after ſuch tax made, every perſon ſo eſcaping ſhall be charged at treble the value as he ought to have been; the ſaid treble value, upon certificate made into the exchequer by the commiſſioners or juſtices, to be levied on the goods and lands of ſuch perſons. *ſ.* 55.

Every houſeholder ſhall upon demand of the aſſeſſors give an account of the names and qualities of ſuch perſons as lodge in their houſes, under the penalty of forfeiting to his majeſty 5 *l.* to be levied as any other penalty in this act mentioned. *ſ.* 56.

Every perſon having any ſhare in the *New River*, or in the *Thames* water-works, or in *Marybone*, or in *Hampſtead* water-works, and every perſon, having any ſhare in any office for inſuring houſes in caſes of fire, or in any lights, or in the *King's Printing Houſe*, ſhall pay 4 *s.* for every 20 *s.* of the yearly value; and they, and all companies of merchants in *London*, and the bank of *England*, and all ſalaries and penſions (taxable in *London*) payable at the general poſt-office and exciſe-office, ſhall be aſſeſſed by the commiſſioners for the ſaid city, and the ſame ſhall be paid by the governors, treaſurers, or receivers of the ſaid offices and ſtocks, and be deducted out of their next dividend; and every perſon having any ſalary in reſpect of any office exerciſed in the ward of *London* where the poſt-office is ſituated, ſhall be aſſeſſed in the ſame ward. *ſ.* 57.

So often as any of the ſaid governors, treaſurers, or receivers of the ſaid offices or ſtocks neglect to pay the ſums whereat the perſons having ſhares in the ſaid offices or ſtocks are aſſeſſed, it ſhall be lawful for the collectors, or any of them to levy the ſum ſo aſſeſſed by diſtreſs and ſale of the goods jointly belonging to the perſons who have ſuch ſhares. *ſ.* 58.

Every reputed papiſt of the age of 18 years who has not taken the oaths required by 1 *Will.* & *Mar. c.* 8. ſhall pay double. *ſ.* 59.

Provided that if any ſuch papiſt, within ten days after the firſt meeting of the commiſſioners in the places where he ought to be taxed, take the ſaid oaths before two commiſſioners, he ſhall not be doubly aſſeſſed. *ſ.* 60.

Every perſon of the age of 18 years, who has not taken the oaths, and upon ſummons of two commiſſioners refuſes to take the oaths, or neglects to appear in order to take the oaths, ſhall pay double. *ſ.* 61.

Any two commiſſioners, upon information or upon any cauſe of ſuſpicion, ſhall cauſe every perſon ſuſpected to be ſummoned to take the ſaid oaths. *ſ.* 62.

It ſhall be ſufficient for quakers to make the declaration of fidelity contained in 1 *Will.* & *Mar. ſt* 1. *c.* 18. *ſ.* 63.

Where any aſſeſſors required to make double aſſeſſments upon papiſts or others, for not taking the oaths, neglect to do their duty, the commiſſioners, or two of them, ſhall cauſe ſuch papiſts, *&c.* to be doubly charged. *ſ.* 64.

Where the owners of any lands are liable to be doubly charged as papiſts, *&c.* ſuch owners only ſhall be charged with

with the double rates, and tenants are diſcharged of the ſame, any covenant for payment of taxes notwithſtanding. *ſ.* 65.

The priſon of the *King's Bench*, and the rents and perquiſites of the marſhal and other officers, and alſo the priſon of the marſhal, and of the *Marſhalſea* priſon, and all profits of the *Marſhalſea* court and priſon, in the pariſh *St. George the Martyr* in *Southwark*, and the judges of the ſaid court, and all counſellors and attornies practiſing in the *Marſhalſea* court, and all profits and fees accruing to them, ſhall be aſſeſſed in the pariſh of *St. George* aforeſaid. *ſ.* 66.

Where any officers belonging to the ſaid priſons neglect to pay the money aſſeſſed, any two commiſſioners for *Surry* may certify ſuch neglect, and the ſum payable to the commiſſioners in the place where ſuch officers reſide; and any two ſuch commiſſioners are required by warrant to authorize the collectors of the place where ſuch officers reſide to diſtrain the goods of ſuch officers; and the diſtreſſes to keep for four days; and if ſuch officers do not pay the money within four days, the goods may be appraiſed and ſold by two ſuch perſons as the commiſſioners who ſign the warrant appoint; and the monies ſhall be paid to the collectors of the pariſh of *St. George:* but in caſe no goods be found to make good the money, it ſhall be lawful for any two commiſſioners, by warrant, to cauſe ſuch officers neglecting to pay to be apprehended wherever they can be found, and to be committed to the common gaol where they are taken until payment, with charges to be allowed by the commiſſioners. *ſ.* 67.

The priſon of the *Fleet*, and the profits of the office of warden, in the pariſh of *St. Bride*, *London*, ſhall be aſſeſſed in the pariſh of *St. Bride's*, *London*. *ſ.* 68.

The officers of his majeſty's dock yard at *Stoke Damrel*, near *Plymouth*, ſhall be aſſeſſed within the town and pariſh of *Plymouth*, ſo as the proportion aſſeſſed upon the town of *Plymouth*, in the year 1693, be again aſſeſſed thereon. *ſ.* 69.

The officers of his majeſty's hoſpital for ſick and hurt ſeamen in the pariſh of *Eaſt Stonehouſe*, near *Plymouth*, ſhall be aſſeſſed within *Plymouth*; ſo as the proportion aſſeſſed upon *Plymouth*, in 1759, be again aſſeſſed thereon; and ſo as *Eaſt Stonehouſe* be not charged with a greater proportion in reſpect of the ſaid ſalaries than they were in the ſaid year. *ſ.* 70.

Out of the ſum to be aſſeſſed on the officers of the ſaid hoſpital, there ſhall be paid to the collectors for *Eaſt Stonehouſe*, 20*l.*; in aid of the aſſeſſment upon the ſaid pariſh. *ſ.* 71.

The commiſſioners, clerks, and officers, for duties on ſtamped vellum, *&c.* ſhall be aſſeſſed in *Shire Lane* ward, within *St. Clement Danes* and *St. Mary le Strand*, ſo as the full proportion aſſeſſed on *St. Clement Danes* and *St. Mary le Strand*, in 1785, be again aſſeſſed thereon, and ſo as any other diviſion to which the ſaid office may be removed, be not charged with a greater proportion, than it was in 1785: provided, that out of the ſum aſſeſſed on the ſaid commiſſioners, *&c.* there be paid to the collectors for the diviſion, to which the office may be removed, one fourth part thereof, and alſo the whole of the land tax for all additional commiſſioners, *&c.* which ſhall have been created ſince 25 *Dec.* 1785, or which ſhall be hereafter created; to be applied in aid of the aſſeſſment laid upon the ſaid diviſion. *ſ.* 72.

The commiſſioners, clerks, and other officers, in the office for victualling the navy, ſhall be aſſeſſed in the manor of *Eaſt Smithfield*, in the pariſh of *St. Botolph* without *Aldgate*, within the *Tower* diviſion, in *Middleſex*, ſo as the proportion aſſeſſed on the ſaid manor and pariſh be again aſſeſſed thereon, and ſo as any other diviſion to which the ſaid office may be removed, be not charged with a greater proportion than on 25 *Dec.* 1785: provided, that out of the ſums to be aſſeſſed on the ſaid commiſſioners, there be paid to the collectors for the diviſion to which the office may be removed, one fourth part of the ſum aſſeſſed on ſuch commiſſioners created between 16 *Feb.* 1692, and 25 *Dec.* 1785; and alſo the whole of the land tax for all additional commiſſioners, *&c.* created ſince 25 *Dec.* 1785, to be applied in aid of the aſſeſſment to be laid upon the ſaid diviſion. *ſ.* 73.

The commiſſioners, clerks, and officers, of the navy pay office, and navy office, ſhall be aſſeſſed in the wards of *Broad Street* and *Tower*, *&c.* *ſ.* 74.

The water-works in *Southwark* ſhall be aſſeſſed in *Suothwark* by the commiſſioners of *Surry*. *ſ.* 75.

The water-works in *Weſtminſter* ſhall be aſſeſſed by the commiſſioners, *&c.* of *Weſtminſter*. *ſ.* 76.

All offices which were aſſeſſed within the palaces of *Whitehall* and *St. James* in the years 1703 and 1704, ſhall be aſſeſſed within the ſaid palaces. *ſ.* 77.

One half of the amount of the penſion liſt ſhall be aſſeſſed in the diviſion of the palaces of *Whitehall* and *St. James*, in each year; and the other half ſhall be aſſeſſed to the land tax, in the diviſion where the penſions payable at the exchequer are aſſeſſed. *ſ.* 78.

The perſons who collect the yearly profits of the water-works in *Colcheſter*, in *Eſſex*, ſhall be charged, and ſhall be allowed the ſame on their accounts by their proprietors. *ſ.* 79.

Such perſons as collect the profits of the water-works in *New Windſor*, in *Berks*, ſhall be charged with the tax. *ſ.* 80.

In all places where any patent officers of biſhops were aſſeſſed for their offices in 1693, the ſame offices ſhall be aſſeſſed in the ſame places by this act. *ſ.* 81.

The proportion which at the firſt general meeting of the commiſſioners for *Middleſex*, ſhall be laid upon that part of the pariſh *St. Andrew Holborn* which is in the ſaid county, ſhall be equally raiſed therein without being ſubdivided, or making any diſtinction between that part above the bars and that part below the bars; and in the ſubdiviſion of commiſſioners to act for the ſeveral diviſions in the ſaid county, a number ſhall be appointed to act for all that part of the ſaid pariſh which lieth in the ſaid county. *ſ.* 82.

The pariſh of *St. George Hanover Square*, in the liberty of *Weſtminſter*, ſhall be chargeable with a diſtinct *quota* ſeparate from the pariſh of *St. Martin in the Fields*; and if any controverſy ariſe among the commiſſioners concerning the apportioning thereof, the commiſſioners who have any intereſt in either of the pariſhes ſhall withdraw; and in default thereof, the commiſſioners preſent who do not inhabit, nor have any intereſt in either of the pariſhes ſhall impoſe fines upon every ſuch commiſſioner ſo refuſing to withdraw, not exceeding 20*l.* *ſ.* 83.

The pariſhes of *St. John*, *St. Peter*, and *Brechington*, in the iſle of *Thanet*, within the liberty of *Dover*, ſhall be deemed a diſtinct diviſion, and ſhall be charged according to the proportion aſſeſſed on the ſaid pariſhes by *Wil.* & *Mar. c.* 1. *ſ.* 84.

No poor perſon ſhall be charged with the pound-rate impoſed upon lands, *&c.* whoſe lands, *&c.* are not of the yearly value of 20*s.* *ſ.* 85.

If any collector keep in his hands any of the money for longer

longer time than is directed, or pay any part thereof to any perſon other than the receiver-general, ſuch collector ſhall forfeit 40 *l.* And in caſe any receiver-general or his deputy pay any of the monies to any perſon other than into the receipt of exchequer, and within the times limited; or in caſe any ſuch receiver-general or his deputy pay any of the monies by warrant of the treaſury or under-treaſurer, or upon any tally of *Pro*, or tally of anticipation, or other way whereby to divert or hinder the actual payment thereof into the receipt of exchequer; every ſuch receiver-general ſhall, for every ſuch offence of himſelf or his deputy, forfeit 500 *l.* to him that ſhall ſue for the ſame in any court of record. *ſ.* 86.

The commiſſioners of the treaſury, or under-treaſurer, ſhall not direct any warrant to any of the collectors or receivers-general for the payment of any of the monies hereby given to any perſon other than into the receipt of the exchequer; nor ſhall they direct any warrant to the offices of the exchequer for ſtriking any tally of *Pro*, or tally of anticipation, nor do any thing whereby to divert the payment of the monies into the receipt of exchequer; nor ſhall the officers of the exchequer ſtrike, or direct, or record the ſtriking of any tally of *Pro*, or tally of anticipation, upon any of the ſaid monies, upon any account or warrant whatſoever; nor ſhall any teller throw down any bill, whereby to charge himſelf with any of the ſaid monies, until he have actually received the ſame. *ſ.* 87.

No ſtay of proſecution, upon any warrant, order or direction, by *Non vult ulterius proſequi*, ſhall be allowed in any ſuit for the recovery of penalties by this act inflicted. *ſ.* 88.

If any perſon aſſeſſed by this act with a pound-rate upon lands, *&c.* upon complaint to the commiſſioners, make it appear to the commiſſioners, or three of them, by proof upon oath, that ſuch aſſeſſment doth exceed the equal pound-rate that ought to be charged, the commiſſioners are impowered to leſſen the aſſeſſments, ſo much as the ſame exceed the equal pound-rate that ought to be charged, and ſhall cauſe the money ſo abated to be re-aſſeſſed within the whole diviſion, although the pound-rate of 4 *s.* in the pound be thereby exceeded; or if any particular part of the ſame, or any perſon appear to be undercharged, the money ſo abated ſhall be raiſed upon ſuch part or perſons. *ſ.* 89.

The receiver-general of each county, *&c.* ſhall appoint perſons, for whom he ſhall be anſwerable, to be his deputies; and the receivers-general are to appoint ſo many deputies that no ſub-collector may be obliged to travel above ten miles from his abode, for the payment of the monies; and if any receiver-general neglect to appoint ſuch deputies, or neglect to attend by himſelf or deputy at the time and place by him appointed for his receipts, ſuch receiver-general ſhall for every ſuch offence forfeit 100 *l.* one moiety to his majeſty, and the other moiety to him that ſhall ſue for the ſame in any court of record at *Weſtminſter*. *ſ.* 90.

In caſe there be not a ſufficient number of commiſſioners for any city or place capable of acting, any of the commiſſioners for the county at large, or next adjoining thereto, may act within ſuch city or place. *ſ.* 91.

All mayors and other chief magiſtrates appointed commiſſioners, ſhall have power to act for any city, *&c.* wherein they inhabit. *ſ.* 92.

Members of parliament who during this ſeſſion abide within *London* and *Weſtminſter*, and the ſuburbs, or within the county of *Middleſex*, ſhall in reſpect of their ready money or debts, or any other tax on their perſons, be aſſeſſed only in the place where ſuch members have their manſion-houſes, or where they moſt uſually reſide during the interval of parliament; and in caſe any aſſeſſor or commiſſioner aſſeſs any member contrary, he ſhall forfeit to the party grieved 40 *l.* with coſts. *ſ.* 93.

The firſt general meeting of the commiſſioners for the *Weſt Riding* of York ſhall be at *Pontefract*; and for the *North Riding* at *Thirſk*; and for the *Eaſt Riding* at *Beverley*. *ſ.* 94.

No perſon ſhall be capable of acting as a commiſſioner for any county (*Merioneth*, *Cardigan*, *Carmarthen*, *Glamorgan*, *Montgomery*, *Pembroke* and *Monmouth* excepted) or for any of the ridings in the county of *York*, unleſs ſuch perſon be ſeized and poſſeſſed of hereditaments taxed in the ſame county for the value of 100 *l. per ann.* of his own eſtate, by *the land-tax act* 1788. *ſ.* 95.

Any commiſſioner for *Angleſea* or *Carnarvon* ſhall be capable of acting, being himſelf, or his tenants or truſtees, taxed for 60 *l. per ann.* *ſ.* 96.

No commiſſioner ſhall be diſabled from acting for any city, borough, cinque port, or town corporate, whereof he is an inhabitant, nor from acting within any of the inns of court, or inns of chancery. And no attorney or ſolicitor, not poſſeſſed of hereditaments, over and above all incumbrances, taxed in the ſame county or place, or within the county at large within which ſuch place ſtands, or next adjoining, for the value of 100 *l. per ann.* of his own eſtate, by the laſt act, or any receiver-general, or collector of any aid, ſhall be capable of acting as a commiſſioner. *ſ.* 97.

No perſon ſhall be capable of acting as a commiſſioner within the city of *London*, and liberty of *St. Martin le Grand*, unleſs ſuch perſon be poſſeſſed of hereditaments taxed in the ſaid city or liberty for the value of 20 *l. per ann.* of his own eſtate, or unleſs ſuch perſon was taxed for 150 *l.* perſonal eſtate. *ſ.* 98.

No perſon ſhall be capable of acting as a commiſſioner within the city and liberty of *Weſtminſter*, unleſs ſuch perſon be poſſeſſed of hereditaments taxed for 50 *l. per ann.* by the laſt land tax. *ſ.* 99.

The maſter of his majeſty's houſehold, the firſt clerk of the houſehold, the clerk of the kitchen, and ſeveral officers who ſhall act as commiſſioners by virtue of their offices, no other qualification ſhall be required, than the poſſeſſion of ſuch offices. *ſ.* 100.

If any perſon diſabled for the cauſes aforeſaid preſume to act as a commiſſioner, for every ſuch offence he ſhall forfeit 50 *l.* to any perſon who will ſue in any court of record. *ſ.* 101.

The perſons who receive the profits of the new waterworks in *Exon*, ſhall be chargeable with the tax aſſeſſed on the ſaid profits, and ſhall be allowed the ſame on their accounts. *ſ.* 102.

This act ſhall not charge the queen in reſpect of any annuities granted by his majeſty. *ſ.* 103.

This act ſhall not charge his royal highneſs the prince of *Wales*, nor the duke of *Glouceſter*, or the officers attending their perſons, in reſpect of any annuities granted by his majeſty to their ſaid royal highneſſes. *ſ.* 104.

This act ſhall not charge the penſions of any ſuperannuated ſea-officers, or the penſions of widows of ſea-officers, ſlain in the ſervice of the crown; or the revenue of the moſt noble order of the garter; or the penſions of the poor knights of *Windſor* payable out of the exchequer. *ſ.* 105.

Where the revenues belonging to the reſidentiaries of the cathedral churches are chargeable to the land tax, and

the overplus of the ſaid revenues is to go in ſhares for the maintenance of the reſidentiaries, the ſaid reſidentiaries ſhall not be further chargeable, as enjoying the offices of profit out of the ſaid revenues. *ſ.* 106.

This act ſhall not charge a penſion of 100*l. per annum* granted by the late king *Charles* II. to the poor clergy of the iſle of *Man*. *ſ.* 107.

Nothing in this act ſhall lay any charge upon the ſalaries of his majeſty's pages of honour. *ſ.* 108.

In caſe there be any failure in raiſing the ſums charged upon any county, *&c.* by this or any former acts for granting an aid to king *William*, queen *Anne*, his late majeſty, or his preſent majeſty, by a land tax, the receiver general of ſuch county, *&c.* ſhall certify to the barons of the exchequer, the particular city or place where ſuch failure hath happened, together with the names of the aſſeſſors and collectors, and other perſons charged with the tax; which city or place, or any perſon charged with the ſaid tax, ſhall be liable to proceſs for ſuch neglect in paying the ſame. *ſ.* 109.

The commiſſioners for the county of the city of *Lincoln* may act within the *Bail* and *Cloſe* of *Lincoln*. *ſ.* 110.

The commiſſioners for the county of *Lincoln* may act within the pariſh of St. *Martin Stamford Baron* in the county of *Northampton* as uſually. *ſ.* 111.

There ſhall be kept in his majeſty's exchequer, in the office of the auditor of the receipt, one regiſter, in which all the money paid into the exchequer for the duties hereby granted, ſhall be entered apart from all other monies. *ſ.* 112.

Where any office of profit is executed by deputy, ſuch deputy ſhall pay ſuch aſſeſſment, and deduct the ſame out of the profits; and in caſe of non-payment, ſuch deputy ſhall be liable to ſuch diſtreſs as is preſcribed againſt any perſon enjoying any office of profit; and there ſhall be the like remedies for recovering the monies aſſeſſed upon any ſuch office to the land tax for the year 1706, and for any ſubſequent year not yet ſatisfied, in all caſes where the accounts of thoſe years are not otherwiſe cleared in the exchequer. *ſ.* 113.

At every time and place appointed by the commiſſioners for the collectors to pay in the monies to the receiver general, the receiver general, or his deputy, ſhall deliver a liſt to ſuch perſon as the commiſſioners, or three of them, appoint, containing the ſums then or before paid by the reſpective collectors. And in caſe there be any neglect in delivering ſuch liſt, ſuch receiver general or his deputy ſhall forfeit not exceeding 20*l.* to be impoſed by any three commiſſioners, to be anſwered into the receipt of exchequer. *ſ.* 114.

Where any perſons, who, in purſuance of any former act for granting an aid to queen *Anne*, or his late majeſty, or his preſent majeſty, by a land tax, diſtrain the goods of any collector on non-payment of money, it ſhall be lawful for ſuch perſons making ſuch diſtreſs, out of the money ariſing by the ſale of ſuch goods, to keep in their hands ſo much money, as the commiſſioners, or two of them, (who order ſuch diſtreſs) judge reaſonable for making ſuch diſtreſs, as alſo for the charges. *ſ.* 115.

No receiver ſhall in any accounts (unleſs ſuch account be declared and paſſed in the exchequer within two years after the 24th of *March* 1790), be allowed to charge any county or place for any monies in arrear, but the ſame ſhall remain a debt upon ſuch receiver. *ſ.* 116.

Upon every ſuch writ of *diſtringas* hereafter to be iſſued upon any ſuch *inſuper*, the ſheriff or other officer ſhall return iſſues after the rate of 5*l.* at leaſt for every 100*l.* of the ſum ſet *inſuper*; which iſſues ſo returned ſhall be forthwith drawn down into the great roll of the pipe; and proceſs, according to the courſe of the exchequer, ſhall iſſue for levying the ſame at the firſt general iſſuing of proceſs for his majeſty; unleſs the treaſury, or chancellor of the exchequer, or barons of the exchequer, or one of them, order the drawing down ſuch iſſues into the pipe, or the iſſuing ſuch proceſs, to be reſpited. *ſ.* 117.

The perſons who receive the profits of the water-works in *Shrewſbury*, ſhall be charged with the tax, and ſhall be allowed the ſame on their accounts. *ſ.* 118.

Where in purſuance of the acts for the land tax, in the reign of queen *Anne*, king *George* the firſt, and his preſent majeſty, ſeveral pariſhes have been diſcharged by the exchequer, of certain overplus ſums, wherewith they were overburthened, by reaſon of double taxes formerly charged; the eaſe ſo given ſhall accrue only to the reſpective pariſhes formerly overburthened, and ſhall not leſſen the proportions to be raiſed in any other place. *ſ.* 119.

Where the lands of a whole pariſh are charged with more than 4*s.* in the pound, becauſe the eſtates of papiſts and others, formerly doubly taxed, by their taking the oaths, or the being come to proteſtants, are liable only to a ſingle aſſeſſment, it ſhall be lawful for the commiſſioners of the diviſion, or two of them, upon complaint, to examine into the matter, and at any time before the 29th of *Sept.* 1790, to certify to the barons of exchequer, the names of ſuch perſons, and how much their double tax did amount to, and how much the ſum charged upon the lands in ſuch place, by occaſion of their being now liable to a ſingle aſſeſſment, doth exceed 4*s.* in the pound; and the barons of the exchequer, or two of them, are to enquire, by the oaths of two witneſſes, concerning the truth of the certificates; and they have power at any time before the laſt day of *Nov.* 1790, to diſcharge the overplus charged upon ſuch place; and the ſaid overplus may be diſcharged upon the duplicates to be returned for ſuch place, and ſhall be allowed upon the account of the receivers general; and ſuch place ſo diſcharged by the barons, and no others, ſhall have the benefit of the ſums ſo diſcharged; and no officer ſhall take any fee for ſuch diſcharge, which certificate, or a copy thereof, whereby the ſaid places have been diſcharged by the barons of the exchequer, ſhall be produced by the perſons claiming the benefit thereof to the commiſſioners at their next general meeting. *ſ.* 120.

It ſhall be lawful for the commiſſioners within any diviſion, (other than ſuch commiſſioners as have been collectors of the land tax there), to iſſue their precepts to ſuch collectors, who are ſuſpected to have received any money, by any acts which within ſeven years have been made, for granting a land tax, and to have converted the ſame to their own uſe; and if ſuch collectors be dead, then to iſſue ſuch precept to their heirs, executors, or adminiſtrators, requiring ſuch collectors, their heirs, *&c.* to appear before the commiſſioners; and upon their appearances or default, the commiſſioners ſhall have power to enquire by examination of witneſſes upon oath, or any other lawful ways, what ſums the collectors did convert to their own uſe; and to iſſue their warrants requiring ſuch collectors, *&c.* to pay the ſame to his majeſty's uſe, *viz.* in caſe there be any deficiency remaining upon ſuch pariſh, *&c.* ſuch deficiency ſhall be ſatisfied; and where there is no deficiency, or there be an overplus more than ſufficient to diſcharge ſuch deficiency, the commiſſioners ſhall require the monies ſo found,

found, to be paid to the receiver general, towards diſcharging ſo much of the proportions to be charged on ſuch pariſh by this act. *ſ.* 121.

Such payments ſhall be ſufficient diſcharges to the collectors. *ſ.* 122.

If any ſuch collector neglect to pay according to ſuch order of the commiſſioners, the commiſſioners, or two of them, are authoriſed to impriſon ſuch collector, till payment, and to ſecure the eſtate as well freehold as copyhold, and all other eſtate real and perſonal of ſuch collector; and the commiſſioners ſhall appoint a time for a general meeting, and cauſe public notice to be given ſix days before ſuch meeting; and the commiſſioners at ſuch meeting are to ſell ſuch eſtates, and ſatisfy the ſum detained in the hands of ſuch collectors. *ſ.* 123.

The commiſſioners ſhall cauſe the monies in arrear, upon former land taxes, to be re-aſſeſſed, and anſwered. *ſ.* 124.

No receiver general, his agents or ſervants, ſhall maintain any action againſt any hundred for their being robbed of the ſaid monies, unleſs the perſons carrying ſuch monies be in company, three at leaſt, to atteſt the truth of their being robbed. *ſ.* 115.

Tolls for repairing the roads, ſhall not be liable to be rated by this act, and the perſons employed in collecting ſuch tolls and repairing ſuch roads, ſhall not be liable to be taxed by reaſon of their ſaid employments. *ſ.* 126.

Where the commiſſioners, or five of them, ſhall ſuſpect that the aſſeſſors have in fraud of any pariſh ſince the 6th of *May* 1717, been omitted to be charged for their own eſtates, it ſhall be lawful for ſuch commiſſioners, before the 29th *Sept.* 1790, to ſummon and examine ſuch aſſeſſors or any other perſons upon oath; and the commiſſioners ſhall compute the wrong which ſuch pariſh hath ſuſtained, and award ſatisfaction; and by warrant cauſe the ſums to be levied upon the perſons, or the executors, or adminiſtrators of the perſons, ſo omitted to be charged; which ſums ſhall be paid to the collectors, to the end the pariſhes may be eaſed to this preſent aid, or to the next aid. *ſ.* 127.

Such commiſſioners as are to tranſmit the duplicates in the king's remembrancer's office ſhall diſtinguiſh the groſs ſum payable in every diviſion for double taxes. *ſ.* 128.

The ſum to be raiſed by the town of *Cambridge* ſhall be levied by rating all lands, woods, fiſhings, and ſluices, upon the river *Cam* alias *Grant*, and all other hereditaments in the ſaid town and precincts thereof; and eſtates in goods belonging to the ſaid town, or any the members of the ſame, except as in this act before is excepted. *ſ.* 129.

The collectors ſhall demand the entire ſum aſſeſſed for the whole year on fairs, and the booths and ſtandings in the ſame, from the parties who ſet to ſale any goods or otherwiſe occupy the ſame, or elſe upon the premiſes charged with ſuch aſſeſſments, at any time within ſeven days after the firſt proclaiming of ſuch fairs: and in default of payment ſhall levy the ſum aſſeſſed by diſtreſs and ſale of goods found in the ſaid booths. *ſ.* 130.

The collectors ſhall have all ſuch power of making diſtreſs as is hereby given to collectors in other caſes; and the tenants of ſuch booths and ſtandings are to pay ſuch money rated thereon, and to deduct the ſame out of the rent payable to their landlords. *ſ.* 131.—*Any part of this act may be repealed this ſeſſion.* ſ. 132.

The ſum of 47954*l.* 1*s.* 2*d.* by this act granted, ſhall be raiſed in *Scotland*, by an eight months ceſs of 5994*l.* 5*s.* 1*d*$\frac{3}{4}$.; the ſaid ceſs to be raiſed out of the land rent of *Scotland*, according to the monthly proportions within the reſpective ſhires, ſtewartries, cities, and boroughs in the act expreſſed. *ſ.* 133.

The proportion of the boroughs in *Scotland* ſhall be rated as their tax roll is ſettled by themſelves. *ſ.* 134.

The ſaid new ſupply in *Scotland* is to be paid at the terms following, *viz.* the two firſt months on or before the 24th of *June* 1790; the ſecond two months ceſs on or before the 29th of *Sept.* 1790; the third two-months ceſs on or before the 25th of *Dec.* 1790; and the remaining two-months ceſs on or before the 25th of *March* 1791. *ſ.* 135.

The perſons named in the land-tax acts of 26 & 27 *Geo.* 3. or ſuch of them who have qualified or ſhall qualify themſelves, according to the laws of *Scotland*, ſhall be commiſſioners for raiſing the ſupplies in *Scotland* for the ſame ſhires and ſtewartries reſpectively; and the ſaid commiſſioners have power to chooſe their clerk, and to do every thing concerning the ſaid ſupply, as is preſcribed by the ceſs act of the ſixth of *Nov.* 1706, and other acts made in any former parliament of *Scotland*, to which the ſaid act doth relate. *ſ.* 136.

Execution ſhall be done in *Scotland* for bringing in the ſaid ſupply, as is provided by the ſame acts; and the firſt meeting of commiſſioners of ſhires ſhall be at the reſpective head burghs the 30th of *April* 1790; and the ſheriffs and ſtewarts, or their deputies, ſhall intimate the ſame to the commiſſioners, with power to the commiſſioners to appoint the ſubſequent diets and their conveners, as alſo to appoint collectors, with ſuch caution as they think fit. *ſ.* 137.

All clauſes in former acts of parliament of *Scotland*, in relation to the bringing in of the ceſs, and quartering, and touching riding money, ſhall ſtand in force as to the ſupply now impoſed. *ſ.* 138.

No perſon, whether heretor or collector, liable in payment of the ſaid ſupply ſhall be holden to produce the receipts of the ſame, after three years, unleſs diligence be done therefore by denunciation within three years; in which caſe one year farther is added. *ſ.* 139.

Every debtor owing money at ſix *per cent.* ſhall in the payment of his annual rents have retention of a ſixth part of ſix *per cent.* and this retention to be from the 11th of *Nov.* 1789, to the 11th of *Nov.* 1790; and it ſhall be uſury for any creditor to refuſe to grant the ſaid retention. *ſ.* 140.

The ſaid ſum of of 47,954*l.* 1*s.* 2*d.* ſhall be raiſed in *Scotland*, in the reſpective ſhires, ſtewartries, cities, and boroughs, free of all charges to his majeſty, and ſhall be paid at *Edinburgh*, to ſuch perſons as the treaſury ſhall appoint. *ſ.* 141.

No commiſſioner within any county in *Scotland*, ſhall be capable to be a commiſſioner of the land tax, who is not infeoft in ſuperiority or property, or poſſeſſed as proprietor or life-renter of lands valued in the tax-roll of the county to 100*l.* *Scots per annum*, except the eldeſt ſons and heirs apparent of perſons ſo infeoft; and every perſon who ſhall act as a commiſſioner, without being ſo infeoft, *&c.* ſhall forfeit 20*l.* ſterling for every ſuch acting, to be recovered by action, complaint, or petition, in a ſummary way, at the ſuit of any heretor within the county, before the county or ſtewart court, or before the lords of ſeſſion; and in caſe of any ſuch ſuit, the perſon complained of ſhall be obliged to prove that he is infeoft, *&c.* or otherwiſe ſhall forfeit the penalty without any proof on the plaintiff's part, other than that the perſon complained of hath taken upon him to act as a commiſſioner. *ſ.* 142.

Every

Every commiſſioner in *Scotland* ſhall, before his acting, take and ſubſcribe the oaths of allegiance and abjuration, and ſubſcribe the aſſurance appointed to be taken by perſons in offices of truſt in *Scotland*, upon pain of forfeiting 20*l.* ſterling; which oaths any two commiſſioners may adminiſter. *ſ.* 143.

Provided that any provoſt, baillie, dean of guild, treaſurer, maſter of the merchants company, or deacon convener of the trades of any royal borough, and any baillie of any borough of regality, or barony, herein named a commiſſioner in any county, ſhall be capable of acting. And it ſhall not be lawful for the court of ſeſſion, or any other courts or magiſtrates in *Scotland*, to grant any ſtay to the bringing in of the ſaid ſupply. *ſ.* 144.

It ſhall be lawful for any perſons to lend to his majeſty not exceeding two millions, upon the credit of the rates by this act granted. *See* EXCHEQUER. *ſ.* 145.

Offices and Penſions.

By 7 *Geo.* 1. *ſtat.* 1. *c.* 27. *ſ.* 19. and 12 *Geo.* 1. *c.* 2. *ſ.* 1. His majeſty, by warrant under the great or privy ſeal, or ſign manual, may cauſe a deduction to be made, not exceeding 6*d.* in the pound, out of all monies which ſhall be paid for penſions and annuities charged upon any of the hereditary or temporary duties; and for all ſalaries, fees, and wages, payable for offices of profit, granted by or derived from the crown, and for all other payments from the crown whatſoever; the pay of commiſſion and non-commiſſion officers and private men in the navy or army only excepted.

By 31 *Geo.* 2. *c.* 22. There ſhall be yearly paid, 1*s.* above all other duties, for every 20*s.* of the yearly value of all ſalaries, fees, and perquiſites, received for all offices and employments of profit in *Great Britain*; and 1*s.* for every 20*s.* of all penſions and other gratuities payable out of any revenue belonging to his majeſty in *Great Britain*, exceeding the value of 100*l. per annum*.

A deduction ſhall be made of the ſaid ſum of 1*s.* out of every 20*s.* payable for the ſalary or fees of any offices payable by the crown in *Great Britain* which exceed 100*l. per annum*, and for any penſion or gratuity payable out any revenue belonging to his majeſty in *Great Britain*, of exceeding 100*l. per annum*, and the money ſo deducted by the officers of the exchequer in *England*, ſhall remain there for the purpoſes herein after declared; and the monies ſo deducted by any officer of the duchies of *Lancaſter* and *Cornwall*, or by any other perſons by whom the ſaid ſalaries and penſions are payable in *England*, ſhall be by them paid into the receipt of the exchequer at *Weſtminſter*; and the money ſo deducted by any officers of the exchequer in *Scotland*, or by any other perſons by whom the ſaid ſalaries, *&c.* are payable in *Scotland*, ſhall be paid at *Edinburgh*, to ſuch perſons as the commiſſioners of the treaſury appoint to be receiver general, or receivers thereof for his majeſty's uſe, who ſhall pay the ſame into the receipt of the exchequer at *Weſtminſter*; and the officers of the exchequer are to keep diſtinct accounts of all ſums by them retained or received for the ſaid duty. *ſ.* 2.—*See* 32 Geo. 2. c. 33. ſ. 1 & 2.

Such part of the ſums hereby granted, as are payable for the profits of any office in *England*, *Wales*, and *Berwick*, which ariſe from perquiſites, ſhall be computed and paid according to the annual value at which ſuch profits ſtand valued in the laſt aſſeſſment to the land tax. *ſ.* 3. *See* 32 Geo. 2. c. 33. ſ. 5.

Provided that ſuch profits ariſing from ſuch perquiſites be deemed to have been valued in ſuch laſt aſſeſſment to the land tax at ſo much only as the entire ſum at which ſuch office was valued in the ſaid aſſeſſment, exceeds the amount of the ſalary, wages, or fees, payable in reſpect of the ſame office. *ſ.* 4.

The commiſſioners of the land tax for the time being, within *England*, *Wales*, and *Berwick*, ſhall be commiſſioners for putting ſo much of this act in execution as relates to the duty upon the perquiſites of offices in *England*, &c. *ſ.* 5.

The commiſſioners ſhall meet at the uſual places within each of the counties, *&c.* yearly on or before 3d *July*, and afterwards as often as neceſſary; and ſo many as be preſent ſhall, if they ſee cauſe, ſubdivide themſelves and the other commiſſioners not preſent, ſo as three may be appointed for the ſervice of each hundred; nevertheleſs not thereby to reſtrain any of them from acting as commiſſioners in any other part of the county; and the ſaid comiſſioners within the hundreds, *&c.* are at ſuch general meeting, or within eight days after, to ſet down in writing the amount of the duty, to be paid by all commiſſioners or other officers, their clerks, agents, ſecondaries, ſubſtitutes, and other inferior miniſters and perſons, having any of the ſaid offices or employments, the ſalary, wages, fees, and perquiſites whereof exceed 100*l. per annum*, within their hundreds, *&c.* in proportion to the laſt aſſeſſment to the land tax; and the ſaid commiſſioners, or three, are within the time above limited, to ſign and ſeal two duplicates of the rates, and one of them to deliver to the collectors of the land tax, or two reſponſible perſons, to be collectors of this duty for each pariſh, with warrant to collect ſuch rates, ſo as the ſame may be paid to the receiver general, at the times herein limited. And if any perſon think himſelf aggrieved, by being over-rated, ſuch perſon may appeal to the barons of the exchequer, and the barons, or one of them, ſhall determine ſuch appeals before the laſt day of *Michaelmas* term yearly. And the collectors are, upon the application of any perſon who thinks himſelf over-rated, to permit ſuch perſon to inſpect the duplicates without fee: and every perſon intending to appeal ſhall give notice thereof in writing, to one of the collectors; and all appeals once determined by the barons, ſhall be final. The commiſſioners are to deliver a ſchedule in parchment, under their hands and ſeals, containing the whole ſum rated within each pariſh, *&c.* unto the receiver general of each county, *&c.* and ſhall tranſmit a like ſchedule into the king's remembrancer's office of the exchequer; and this the commiſſioners ſhall cauſe to be done before the firſt day of *Hilary Term*, or within 20 days after (all appeals being firſt determined) for which duplicates the remembrancer, or his deputy, ſhall give a receipt *gratis*. *ſ.* 6.

The ſaid duty ſhall (ſave as herein otherwiſe provided) be raiſed as the land tax. *ſ.* 7.

The perquiſites of any offices ſhall pay and be rated in ſuch county in which the ſame were laſt aſſeſſed. *ſ.* 10.

The firſt half-yearly payment of the aſſeſſments ſhall be paid unto the receivers general of the counties, *&c.* before 10th *Oct.* and the laſt before the 5th *April* yearly. *ſ.* 11.

Every receiver general in *England*, &c. within one month after he has received the full ſum charged within any diviſion for ſuch payment, ſhall give to ſuch commiſſioners as act in ſuch diviſion, a receipt under his hand and ſeal, which ſhall be a diſcharge to each diviſion; which receivers general are, within 20 days after the receipt of any mo-

ney of the duties by this act granted, to tranſmit the money into the receipt of the exchequer. *ſ.* 12.

If any collector ſhall keep in his hands any money, longer than by this act is directed (other than the allowance made to him), or pay any part thereof to any perſon other than the receiver general of ſuch county, ſuch collector ſhall forfeit 40*l.*; and in caſe any receiver general or deputy, pay any part of the monies paid to him, other than into the exchequer, and within the times limited, or pay any part by any warrant of the treaſury, or under-treaſurer, or upon any tally of pro, or tally of anticipation, or other way, whereby to divert the payment thereof into the exchequer, ſuch receiver general ſhall, for every offence of himſelf or his deputy, forfeit 500*l.* to him that ſhall ſue in any court of record, by bill, *&c.* *ſ.* 13.

The commiſſioners of ſupply, for raiſing the land tax within *Scotland*, ſhall be commiſſioners for levying the duty within the ſame, and ſhall put in execution this act, and have power to chuſe their own clerk, and to do every thing concerning the ſupply, as is preſcribed by the ceſs act of 6th *Nov.* 1706, and other acts of any former parliament of *Scotland*, to which the ſaid act of 6th *Nov.* 1706, doth relate. *ſ.* 14.

Execution ſhall be done in *Scotland* for bringing the ſaid duty to be raiſed there, as provided by the ſame acts in all points not altered by this act; and the firſt meeting of the commiſſioners for ſhires in *Scotland*, ſhall be at the head burghs the ſecond *Monday* in *July* in every year; and the ſheriffs, or their deputies, ſhall intimate the ſame to the commiſſioners, with power to the commiſſioners to appoint the ſubſequent diets of their meetings and their conveners, and alſo to appoint collectors with ſuch caution as they think fit. *ſ.* 15.

All clauſes in former acts of parliament of *Scotland*, and convention of eſtates there, in relation to the bringing in of the ceſs, and quartering, and touching riding money, ſhall ſtand in force, as to the ſupply now impoſed upon *Scotland*. *ſ.* 16.

The clerk of the ſheriff's court in each ſhire in *Scotland*, ſhall yearly, on or before 10 *June*, deliver to the commiſſioners of ſupply for ſuch ſhire, a liſt of all offices of profit exerciſed in ſuch ſhire, and in every burgh within the ſame; and ſhall within the time aforeſaid deliver a duplicate of ſuch liſt to the deputy remembrancer of the exchequer in *Scotland*; and in caſe any clerk of the ſheriff's court neglect to deliver ſuch liſt or the duplicate thereof, within the time before mentioned, or wilfully omit out of ſuch liſts or duplicate any office that ought to have been inſerted, he ſhall forfeit 50*l.* ſterling. *ſ.* 17.

The commiſſioners ſhall yearly, on or before 10 *July*, ſet down in a rate prepared by them, the annual value of every office exerciſed in ſuch ſhire, and in every burgh within the ſame; and therein rate the ſaid ſum of 1*s.* for every 20*s.* of the annual value on the officers and perſons who execute any ſuch office, the ſalary and perquiſites whereof exceed 100*l.* *per* annum; and in caſe the ſaid commiſſioners of ſupply for any ſhire in *Scotland* neglect to make ſuch rate within the time limited, the ſheriff depute of the county ſhall on or before 25 *July* yearly make ſuch rate; and a note of the ſaid reſpective rates ſhall within ſix days after the perfecting thereof be lodged by the clerk of the commiſſioners, or the ſaid ſheriff depute reſpectively, in the hands of the collector of the ceſs or land tax for each county and burgh within *Scotland*, who ſhall be collector thereof; and every ſuch collector and his cautioners, or ſecurity, ſhall be bound *ipſo facto* by virtue of this act, for the due performance by ſuch collector, of all parts of the duty hereby committed to him in reſpect of the ſaid rates, and that under the penalty of 100*l.* ſterling; and every ſuch collector of the ceſs ſhall be intitled to an allowance from the receiver-general of 3*d.* *per* pound of the money by him paid to ſuch receiver-general; and the perſons ſo rated with the ſaid duty on their offices, ſhall pay in the duty on or before the 10th of *October* yearly, for the half year betwixt *Whitſunday* and *Martinmas*, and on or before the 5th of *April* yearly, for the half year betwixt *Martinmas* and *Whitſunday*, to the collector of the ceſs perſonally, or at his office for receiving the land tax; unleſs ſuch perſon enter an appeal againſt the aſſeſſment, in which caſe ſuch appeal ſhall be diſcuſſed before payment, and in caſe of appeal, ſuch payment ſhall be made within ten days after diſcuſſing or diſmiſſing ſuch appeal; and every perſon ſo rated ſhall, in caſe of his not paying in the duties to the collector of the ceſs, upon the day upon which he is to pay the ſame, or within three days after, forfeit treble the value. *ſ.* 18.

Perſons aſſeſſed, in caſe they conceive themſelves injured by the aſſeſſment, or of the collectors or other officer of the crown, if he judges the crown to be leaſed by the aſſeſſment, may appeal to the barons of the exchequer in *Scotland*, who are to determine finally all ſuch appeals on or before the laſt day of the term of *Martinmas* yearly; and every ſuch appellant ſhall, within ten days after the note in writing of his charge being delivered to him, or left at his houſe by the collector, by himſelf or ſome other perſon on his behalf, deliver to the collector of the ceſs at his office a note of the grievance, whereof he ſeeks redreſs by appeal; and ſuch collector is to make an entry of all ſuch notices. *ſ.* 19.

In caſe the party giving ſuch notice of appeal neglect to inſiſt thereon before the ſaid barons within the time before limited, then ſuch appeal ſhall be held to be fallen from, and the aſſeſſment ſhall ſtand in force; and in all caſes of appeals fallen from, or upon hearing whereof the barons vary not the rate, the barons ſhall order the appellant to pay to the collector any ſum not exceeding 20*s.* ſterling for coſts. *ſ.* 20.

Every perſon aſſeſſed for any office in *Scotland*, ſhall be rated and pay in the ſhire where the ſame is exerciſed, although the profits ariſing by ſuch office are payable elſewhere. *ſ.* 21.

The money impoſed on offices in *Scotland*, ſhall be raiſed in *Scotland* in the reſpective ſhires, ſtewartries, cities, and boroughs, free of all charges to his majeſty, ſave as is herein before mentioned; and ſhall be paid at *Edinburgh* to ſuch perſons as the commiſſioners of the treaſury appoint to be receiver-general or receivers thereof, for his majeſty's uſe; which receivers ſhall be accountable for the ſame in the exchequer. *ſ.* 22.

Where any perſon ſhall have two or more offices in *Great Britain*, the ſalary and perquiſites whereof together exceed 100*l.* a year, ſuch perſon ſhall be rated and pay the ſaid ſum of 1*s.* in the pound for the profits of ſuch offices. *ſ.* 23.

Nothing in this act ſhall extend to the pay of commiſſion or non-commiſſion officers or private men ſerving in the navy or army. *ſ.* 24.

No commiſſioner of the land tax in *England*, *&c.* or commiſſioner of the ſupply in *Scotland*, poſſeſſed of any office ſubject to the duty hereby impoſed, ſhall act in rating his own office, but ſhall withdraw until the rating thereof be ſettled by the reſt of the commiſſioners preſent; and in default thereof the reſt of the commiſſioners preſent ſhall impoſe ſuch fine as to them is thought fit, upon ſuch commiſſioner

miſſioner ſo refuſing to withdraw, or acting in his own cauſe, not exceeding 100 *l.* ſterling; and cauſe the ſame to be levied as other fines impoſed by this act are to be levied in *England* and *Scotland* reſpectively. *ſ.* 25.

Where any fees, ſalaries, or other profits on any offices charged by this act, are payable at the receipt of the exchequer, or by the cofferer of his majeſty's houſhold, or out of any other public office, or by any of his majeſty's receivers or paymaſters in *Great Britain*, the duty charged in reſpect of ſuch offices ſhall (in caſe of nonpayment) be ſtopped out of the ſame, or out of any money paid upon ſuch ſalaries or profits, or for arrears thereof, and be applied to the ſatisfaction of the duties not otherwiſe paid; and the proper officers in the exchequer, and other public offices, ſhall keep accounts of all monies ſtopped, and upon requeſt give copies of ſuch accounts to the collectors for the reſpective pariſhes where the ſaid monies are rated by this act. *ſ.* 26.

Where any office chargeable by this act is executed by deputy, ſuch deputy ſhall pay the aſſeſſment charged thereon, and deduct the ſame out of the profits of ſuch office; and in caſe of nonpayment ſuch deputy ſhall be liable to ſuch diſtreſs as by this act is preſcribed againſt any perſon having any office of profit, and to all other remedies and penalties. *ſ.* 27.

There ſhall be kept in the exchequer, *viz.* in the office of the auditor of the receipt, one book of regiſter, in which all the money paid into the exchequer for the duties on offices and penſions hereby granted, ſhall be entered diſtinct from all other monies. *ſ.* 28.

All penalties, triple values and forfeitures, incurred by this act in *Scotland*, ſhall be recovered at the ſuit of the reſpective collectors by diſtraining or poynding, according to the law of *Scotland*, upon warrants granted and ſubſcribed by any two commiſſioners for ſupply, or by the ſheriff, or deputy ſheriff, of the county from whom ſuch warrants are required, and they are reſpectively to grant the ſame under the penalty of 10 *l.* ſterling *toties quoties*, upon certificate made to them, or either of them, by the collector of the ceſs, that ſuch penalties are incurred, and ſuch duties not paid; which warrants ſhall be executed by the conſtables or ſheriff officers of the county; and the goods poynded ſhall be valued by any two perſons appointed by the ſheriff officer or conſtable, which two perſons ſhall be obliged to value the ſame, under the penalty of 40 *s.* ſterling for each neglect; which valuation ſhall be made upon the ground, or at the houſe where the ſame were poynded, and ſhall be ſold at the value by the officer or conſtable who does poynd, and the value to be applied, in the firſt place to the ſatisfaction of the duty triple value or penalty, and in the ſecond place, to the payment for the trouble of the officer or conſtable ſo poynding, at the rate of 2 *s. per* pound of the forfeitures for which the goods be poynded; unleſs the owner redeem the ſame by payment of the appraiſed value within four days after the poynding and valuation to the officer who poynded the ſame; and in caſe any ſurplus remain, ſuch ſurplus ſhall be returned to the owner; and in caſe no purchaſer appear at the ſale, the ſaid goods ſo poynded ſhall be conſigned and lodged in the hands of the ſheriff depute of the county or his ſubſtitute; and if not redeemed by the owner within four days after the conſignment, the ſame ſhall be rouped and ſold by order of the ſheriff, at ſuch time and place as he appoints; he always being liable to the payment of the triple value of the penalty incurred to the collector of the ceſs, and to the officer or conſtable who poynded the ſame for their trouble, in caſe the value of the goods ſo ſold amount to the extent of the penalties incurred and to the fees due to the officer or conſtable, and ſhall be in the third place intitled to 1 *s. per* pound of the value for his own trouble, after allowance of the penalties and of what is to be paid to the officer or conſtable ſo poynding, the expence of preſerving the goods or cattle ſo poynded during the four days allowed to the owner to redeem them, and the expence of the ſale; and the expence ſhall be allowed to the ſheriff for preſerving the goods or cattle diſtrained during the four days that the owner is allowed to redeem after conſignment in his hands, as alſo the expence of the ſale. *ſ.* 29.

The officer or conſtable who diſpoſes of ſuch goods or cattle ſo poynded and ſold, ſhall pay in the ſums ariſing from the ſale, in ſo far as extends to the penalties for which the ſame were poynded, within ten days after the receipt of the price, allowing what is above allowed for his own expence; and if the goods or cattle diſtrained be diſpoſed of by the ſheriff, he ſhall within four days after receipt of the price, pay in the ſame to the collector of the ceſs, after deduction of what is to be paid to the officer or conſtable who made the poynding, and of what is allowed to be retained by him, and ſhall remain liable to the collector of the ceſs until payment, and ſubject to be poynded and diſtrained therefore in the ſame manner as is above provided with regard to any perſon liable to penalties in virtue of this act. *ſ.* 30.

Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* he ſhall have treble coſts. *ſ. ult.*

By 32 *Geo.* 2. *c.* 33. All ſums due, and deducted by virtue of 31 *Geo.* 2. *c.* 22. in reſpect of ſalaries or fees of offices in *England*, *&c.* ſhall by the perſons deducting the ſame be paid into the hands of receivers, appointed by his majeſty, and it ſhall be lawful for ſuch receivers to retain out of the monies ſo paid into their hands ſuch ſum for their trouble as his majeſty ſhall appoint, not exceeding 3 *d. in* the pound; and the ſaid receivers ſhall give ſecurity for their good behaviour, by bond in ſuch penalty and with ſuch ſureties as the commiſſioners of the treaſury think fit; and the payments of the ſums ſo deducted ſhall be made to ſuch receivers in the courſe of the quarter wherein they be deducted; and ſuch receivers ſhall, within the next enſuing quarter, pay the ſame into the receipt of the exchequer at *Weſtminſter*: and the perſons making the deductions are required, at the requeſt of ſuch receivers, to deliver to them an account of all the ſalaries and penſions by the ſaid perſons payable, and of the names of the perſons intitled to the ſame; of which accounts the receivers are to enter copies in books to be by them kept. *ſ.* 1.

All ſums deducted in *England*, *&c.* for the duties payable for the ſalaries, *&c.* ſhall be accounted for to ſuch receivers as ſhall be in purſuance of this act, *&c.* appointed by his majeſty; and the accounts ſhall be audited and paſſed by ſuch receivers, or one of them, and not by the auditors of the impreſts or exchequer. *ſ.* 2.

If any diſpute ariſe whether the fees or ſalary of any office, or whether any penſion be chargeable, or touching the ſum to be deducted, ſuch diſputes ſhall be heard by the barons of the exchequer in *England*, or in *Scotland* reſpectively; and ſuch hearing is to be given on the complaint in writing before the barons, either by the party who thinks himſelf aggrieved, or by the receiver. *ſ.* 3.

The complainant ſhall give a copy of his complaint to the perſon againſt whom the ſame is made, within ten days after the ſame is lodged with the barons; and the barons in

England and *Scotland* reſpectively ſhall determine ſuch diſputes in a ſummary way, and their determination ſhall be binding without further appeal. *ſ.* 4.

The commiſſioners of the land tax for the time being ſhall aſcertain, according to their judgment, the amount of the perquiſites ariſing from every office within their reſpective diſtricts, diſtinct from the ſalary fees and wages, independently of any former valuation; and ſhall aſſeſs all ſuch offices whereof the perquiſites exceed 100 *l.* a year, at 1 *s.* for every 20 *s.* ariſing by the ſaid offices. *ſ.* 5.

The receivers ſhall tranſmit to the commiſſioners of the land tax in every diſtrict where any office is to be aſſeſſed, an account of all ſuch offices whereof the fees and ſalaries do not exceed 100 *l.* a year; and if the ſaid commiſſioners find the perquiſites ariſing from the ſaid office, with the ſalary, *&c.* as certified by ſuch receivers, to exceed together 100 *l.* a year, then they are to aſſeſs ſuch office, and to cauſe the duty to be levied thereon. *ſ.* 6.

In all future aſſeſſments to the land tax, the ſaid offices ſhall not be aſſeſſed at any higher rates than thoſe whereat the ſame were aſſeſſed in the 31ſt year of his preſent majeſty's reign. *ſ.* 7.

The word *perquiſites* in the 31 *Geo.* 2. *c.* 22. and in this act, ſhall for the purpoſes of the ſaid act, and of this act, be taken for ſuch profits of offices and employments in *Great Britain*, as ariſe from fees eſtabliſhed by cuſtom or authority, and payable either by the crown or the ſubjects, in conſideration of buſineſs done in the courſe of executing ſuch offices. *ſ.* 8.

Whereas in 31 *Geo.* 2. *c.* 22. *ſ.* 25. it is provided, that no commiſſioner of the land tax in *England*, *&c.* or of ſupply in *Scotland*, poſſeſſed of any office ſubject to the duty, ſhall act in rating his own office; nothing in this or in the ſaid act ſhall extend to any ſuch commiſſioner, for making or ſigning any aſſeſſment in purſuance of the ſaid act or of this act, provided ſuch commiſſioner withdraw until the rating of his own office ſhall be ſettled. *ſ.* 9.

The duty of 1 *s.* in the pound charged by the ſaid act upon penſions ſhall not be charged on, or payable out of, ſuch penſions or gratuities, which his majeſty ſhall be pleaſed to declare in the inſtrument directing payment thereof to be intended as charitable donations. *ſ.* 10.

Nothing in the ſaid act ſhall extend to the charging the ſaid duty upon any military officers ſerving on the ſtaff, or belonging to any of his majeſty's garriſons, regiments, troops, companies, the royal hoſpital of *Chelſea*, or the hoſpitals of the army. *ſ.* 11.

The ſaid act, or this act, ſhall not charge any penſion or ſum iſſuing out of, or charged upon, any revenues belonging to his majeſty in *Great Britain*, that have been by his majeſty's royal predeceſſors, or by act of parliament granted in fee or fee-tail, or till redeemed by payment of any ſum of money mentioned in any grant or act of parliament. *ſ.* 12.

Nothing in this act ſhall charge any offices in either of the two univerſities in *England*. *ſ.* 13.

By 5 *Geo.* 3. *c.* 40. The receivers-general of the duties in *Scotland* may retain in their hands, out of the monies received, ſuch money as his majeſty may appoint, not exceeding 3 *d.* in the pound; and by 9 *Geo.* 3. *c.* 41. a further ſum not exceeding 100 *l. per* ann. as a compenſation for their trouble.

Servants.

By 25 *Geo.* 3. *c.* 43. *ſ.* 3. There ſhall be paid throughout *Great Britain*, by every perſon who ſhall retain or employ any male ſervant, the yearly ſums following, *viz.*

For one, 1 *l.* 5 *s.*
Two, 1 *l.* 5 *s. each:*
Three, and not more than four, 1 *l.* 10 *s. each:*
Five, and not more than ſeven, 1 *l.* 15 *s. each:*
Eight, and not more than ten, 2 *l. each:*
And for eleven, and upwards, 3 *l. each:*
And every male perſon, of the age of 21 *years and upwards, never having been married, who ſhall employ any male ſervant, ſhall pay the annual ſum of* 1 *l.* 5 *s. for each male ſervant, over the duties before mentioned.*

The ſaid duties ſhall be payable for every male ſervant who ſhall be employed in any of the following capacities, *viz.* maitre d'hotel, houſe-ſteward, maſter of the horſe, groom of the chamber, valet de chambre, butler, under-butler, clerk of the kitchen, confectioner, cook, houſe-porter, footman, running footman, coachman, groom, poſtillion, ſtable-boy, and the reſpective helpers in the ſtables of ſuch coachman, groom, or poſtillion, gardener (not being a day labourer), park-keeper, game-keeper, huntſman or whipper-in, waiters in taverns, coffee-houſes, inns, ale-houſes, or any other houſes licenſed to ſell wine, ale, or other liquors by retail (other than occaſional waiters) or by whatſoever names, male ſervants really acting in any of the ſaid capacities ſhall be called, or whether ſuch male ſervants ſhall be employed in one or more of the ſaid capacities, or in any other buſineſs jointly with the ſame. *ſ.* 4.

And there ſhall alſo be paid by every perſon who ſhall employ any female ſervant, the duties following, *viz.* *ſ.* 5.

Every perſon who ſhall employ one, ſhall, for ſuch female ſervant, pay annually 2 *s.* 6 *d.*
For two, 5 *s. each:*
Three or more, 10 *s. each:*
And every male perſon, of the age of 21 *years and upwards, never having been married, who ſhall employ one female ſervant, and not more, ſhall, for ſuch ſervant, pay annually* 2 *s.* 6 *d. above the duty for one:*
Employing two, for each 5 *s. above the duty of* 5 *s. before mentioned:*
And employing three or more female ſervants, ſhall for each pay annually 10 *s. above the duty of* 10 *s. before mentioned.*

The duties ſhall not extend to any male or female ſervant employed *bona fide* for the purpoſes of huſbandry, farmers, dairy, or manufacture, or of any trade (other than waiters, as aforeſaid) by which the maſter ſhall earn a livelihood. *ſ.* 6.

The duty for every coachman, groom, poſtillion, or helper, let out to hire by way of job, ſhall be paid by the maſter, for whoſe uſe ſuch coachman ſhall be employed; and the duty for every gardener, retained by any perſon who ſhall contract for the keeping of any garden, ſhall be paid by the perſon for whoſe uſe and in whoſe garden ſuch gardener ſhall be employed. *ſ.* 7.

Nothing in this act ſhall exempt any perſon from the payment of any of the duties, in reſpect of any ſervant employed in any of the capacities aforeſaid, on account that ſuch ſervant is bound as an apprentice to ſuch perſon, except ſuch apprentices as are impoſed upon any maſter, under the powers given to magiſtrates and pariſh officers by act of parliament, ſo as the number of ſuch apprentices, impoſed upon any maſter, does not exceed two: and nothing herein ſhall exempt any ſuch apprentices who are employed as livery ſervants. *ſ.* 8.

This act ſhall not charge with any of the duties, the butler,

ler, manciple, cooks, gardeners, or porters, of any college or hall within either of the univerſities of *Oxford* or *Cambridge*, or the univerſities of *Edinburgh*, *Glaſgow*, *Aberdeen*, or *Saint Andrew*, in *Scotland*, or of the colleges of *Weſtminſter*, *Eaton*, or *Wincheſter*; or the ſervants of his majeſty, or any of the royal family; or of any ambaſſador or foreign miniſter reſiding in *Great Britain*. *ſ.* 9.

Nothing herein ſhall charge with any of the duties any of the royal hoſpitals of *Chriſt*, *Saint Bartholomew*, *Bridewell*, *Bethlem*, *Saint Thomas*, in the city of *London* and borough of *Southwark*, or *Guy's*, or the *Foundling* hoſpital. *ſ.* 10.

Nothing in this act ſhall charge with the duty any officer ſerving in any regiment of horſe or dragoons, under the rank, or not receiving the pay of a field officer, provided he retains no more than one ſervant; nor any officer ſerving in any regiment of artillery, infantry, or marines, or corps of engineers, for any ſervant who is actually a ſoldier in the regiment to which ſuch officer ſhall belong; nor any officer in his majeſty's navy, under the rank of a maſter and commander in actual employ, for any ſervant who is borne upon the books of the ſhip to which ſuch officer ſhall belong. *ſ.* 11.

Where any officer on half pay from the navy, army, or marines, diſabled by loſs of a limb, or wound received in ſervice, ſhall be charged for the duty for one male ſervant only, it ſhall be lawful for the commiſſioners, on an appeal to them by ſuch officer, and proof on oath made that he is an officer on half pay, and diſabled, to the ſatisfaction of the commiſſioners, to make an abatement of the whole duty from the charge againſt ſuch officer. *ſ.* 12.

Nothing in this act ſhall ſubject any maſter to the payment of any of the duties for any female ſervant who ſhall be retained by him, where it ſhall be made appear, by an extract from the regiſter of the births kept in the pariſh, where ſuch ſervant was born, that at the time of the aſſeſſment ſhe ſhall be under 14, or above 60 years. *ſ.* 14.

Duties to be collected by ſuch perſons, and paid into the exchequer under ſuch penalties, *&c.* as are appointed for the duties on houſes and windows, by 20 *Geo.* 2. *c.* 3. and *c.* 42.—21 *Geo.* 2. *c.* 10.—26 *Geo.* 2. *c.* 17.—31 *Geo.* 2. *c.* 22.—6 *Geo.* 3. *c.* 38.—19 *Geo.* 3. *c.* 59.—and 24 *Geo.* 3. *c.* 38. *ſ.* 15.

Commiſſioners of the aforementioned duties on houſes, *&c.* to put this act in execution; and ſhall meet yearly at ſuch time as the commiſſioners think proper, on or before 30 *April*; and ſhall then divide themſelves to act in ſeparate diſtricts, and proceed in the execution of this act, for aſſeſſing the duties in the ſame manner as is preſcribed by the acts relative to the duties on houſes and windows. *ſ.* 16.

Two commiſſioners, on default of meeting on the day above mentioned, may meet afterwards, *&c.* *ſ.* 17.

No perſon ſhall act as a commiſſioner (except in adminiſtering the oath after expreſſed) until he ſhall have taken the oaths requiſite to qualify him for acting as a commiſſioner of the duties on houſes and windows, and alſo the following oath:

I A. B. *do ſwear, That I will truly and faithfully execute the office of a commiſſioner, according to an act made in the 25th year of king* GEORGE *the third*, to repeal the duties on male ſervants, and for granting new duties on male and female ſervants; *and that I will determine upon all appeals which ſhall be brought before me under the ſaid act, according to the beſt of my ſkill and knowledge.*

So help me GOD.

Which two commiſſioners are to adminiſter; and if any perſon ſhall act before he ſhall have taken ſuch oaths, he ſhall forfeit 100 *l.* *ſ.* 18.

The duties ſhall be made for one year, from the 5 *April* in every year. *ſ.* 19.

The duties ſhall be paid quarterly, on the 5 *Jan.* 5 *April*, 5 *July*, and 10 *October*, in every year, by equal portions. *ſ.* 20.

If aſſeſſors neglect their duty, ſurveyors, *&c.* may perform the ſame. *ſ.* 22.

Every aſſeſſor, or ſurveyor or inſpector, authorized to act as an aſſeſſor, ſhall, before he preſumes to act, take (beſides the oaths or affirmations relative to the duties on houſes and windows) an oath, or make and ſubſcribe a ſolemn affirmation, in the following form:

I A. B. *do ſwear*, (or *affirm*, as the caſe may require) *That in the aſſeſſment which I am required to make by authority of an act made in the 25th year of king* GEORGE *the third*, to repeal the duties on male ſervants, and for charging new duties upon male and female ſervants, *I will act according to the beſt of my ſkill and knowledge.*

So help me GOD.

Which two commiſſioners are to adminiſter; and if any aſſeſſor ſhall preſume to act before he ſhall have taken the ſaid oath or affirmation, he ſhall forfeit 20 *l.* *ſ.* 23.

The commiſſioners ſhall, in the precepts directed by them to the inhabitants of pariſhes, naming aſſeſſors under the acts relative to the duties on houſes and windows, cauſe notice to be inſerted, that ſuch perſons are alſo appointed aſſeſſors of the duties granted by this act. *ſ.* 24.

Aſſeſſors ſhall, within 14 days after appointment yearly, give notice in writing, for every perſon keeping any male or female ſervant at his houſe, to produce, within 14 days next enſuing the day of giving ſuch notice, ſeparate liſts in writing of his male and female ſervants, ſuch liſt to deſcribe the chriſtian and ſurname of each ſervant, and the capacity in which each ſhall have been employed, and to contain the greateſt number, male and female, retained at any one time in the courſe of the year ending 5 *April* preceding; and ſuch perſon ſhall, after ſuch notice, make out the liſts, and ſign the ſame with his own name, and deliver the ſame to ſuch aſſeſſors, who are to call for the ſame: And if ſuch perſon ſhall neglect to make out, ſign, and deliver ſuch liſts, then ſuch aſſeſſors ſhall, from information, make an aſſeſſment upon ſuch perſon, for the ſervants liable to duties kept by him; and ſuch aſſeſſment ſhall be final on the perſon charged, who ſhall not be at liberty to appeal therefrom, unleſs ſuch perſon ſhall prove that he was not at his houſe at the time of the delivery of ſuch notice, nor between that day and the time limited for delivering ſuch liſt to the aſſeſſor; or unleſs ſuch perſon ſhall prove ſuch other excuſe as the commiſſioners ſhall think reaſonable. *ſ.* 25.

The remaining clauſes are the ſame as thoſe in 25 Geo. 3. *c.* 47. *from the 22d ſec. incluſive*, mutatis mutandis, *which clauſes ſee in page* 638, *ante.*

Every penalty of a greater ſum than 20 *l.* ſhall be recovered in any court of record at *Weſtminſter*, if the matter ſhall ariſe within *England* or *Wales*, or *Berwick*, or in the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, if the matter ſhall ariſe in that kingdom, by action of debt, *&c.* and one moiety ſhall belong to his majeſty, and the other moiety to the perſon who ſhall inform. *ſ.* 42.

Where the penalty doth not exceed 20 *l.* it ſhall be recoverable

coverable before two juſtices, on proof of the offence, either by confeſſion of the party, or by the oath of one witneſs; and one moiety ſhall belong to his majeſty, and the other moiety to the informer; and in caſe of nonpayment, ſhall be levied by diſtreſs and ſale of the offender's goods, by warrant under the hands and ſeals of ſuch juſtices; and the overplus, after deducting the penalty, and expences of diſtreſs and ſale, ſhall be rendered to the owner; and, for want of diſtreſs, the offender ſhall be ſent by ſuch juſtices to the priſon of ſuch county, for not exceeding ſix months, nor leſs than one. *ſ.* 43.

All conſtables ſhall be aiding in the execution of this act, and obey ſuch precepts as ſhall be to them directed by the commiſſioners, or three of them. *ſ.* 44.

All actions for any offence againſt this act, ſhall be brought within one year; and perſons ſued for any thing done in purſuance of this act, may plead the general iſſue, and if a verdict paſs for the defendant, ſuch defendant ſhall have treble coſts. *ſ.* 45.

By 25 *Geo.* 3. *c.* 70. Every perſon who ſhall have living in their houſes two or more lawful children or grandchildren, under the age of 14 years, ſhall, in reſpect of every two ſuch children, be exempted from the payment of the duties by the ſaid act impoſed for one female ſervant, *viz.* if any perſon, having two ſuch children, ſhall have one female ſervant, and not more, he ſhall be wholly exempted from the duty thereby impoſed; if any perſon having two ſuch children ſhall have two female ſervants, and not more, he ſhall pay for one female ſervant, at the ſame rate as if he retained only one, and ſo in proportion for any greater number, abating one female ſervant, and lowering the duty in the manner in the ſaid act provided for every two ſuch children.

Tenures.

Stat. quia emptores terrarum, 18 *Edw.* 1. *c.* 1. It ſhall be lawful to every freeman to ſell his lands, or part of them, ſo that the feoffee ſhall hold the ſame of the chief lord of the fee, by ſuch ſervice and cuſtoms as his feoffor held.

Stat. quia emptores terrarum, 18 *Edw.* 1. *c.* 2. If he ſell any part of ſuch lands, the feoffee ſhall hold it of the chief lord, and ſhall be charged with the ſervices for ſo much as pertaineth to the chief lord for the ſame parcel, according to the quantity of the land ſold; and the ſame part of the ſervice ſhall remain to the lord, to be taken by the hands of the feoffee, for which he ought to be attendant to the ſame chief lord, for the parcel of the ſervice due.

Manner of doing homage. 17 *Edw.* 2. *ſt.* 2. When a freeman ſhall do fealty to his lord, he ſhall hold his right hand upon a book, and ſhall ſay thus: "Hear you my "lord *R.* that I *P.* ſhall be to you both faithful and true, "and ſhall owe my fidelity unto you, for the land that I "hold of you, and lawfully ſhall do ſuch cuſtoms and ſer"vices as my duty is to you, at the terms aſſigned: So "help me God and all his ſaints."

By 16 *Car.* 1. *c.* 20. No perſon ſhall be diſtrained or compelled by any writ or proceſs of the court of chancery or exchequer, or otherwiſe by any means whatſoever, to take upon him the order and dignity of knighthood, nor ſhall ſuffer any fine or moleſtation by colour of his having not taken upon him the ſaid order; and every writ or proceſs, and all proceedings contrary to this act, ſhall be void. *ſ.* 2.

By 12 *Car.* 2. *c.* 24. The court of wards and liveries, and all wardſhips, liveries, *primer ſeiſins* and *ouſterlemains*, values, and forfeitures of marriages, by reaſon of any tenure of the king, or of any other by knights ſervice, and all mean rates, and all other gifts, grants, charges, incident or ariſing for wardſhips, liveries, *primer ſeiſins*, or *ouſterlemains*, ſhall be taken away. And all fines for alienations, ſeizures, and pardons for alienations, tenures by homage, and all charges incident or ariſing, for wardſhip, livery, *primer ſeiſin*, or *ouſterlemain*, or tenure by knights ſervice, eſcuage, and alſo *aide pur file marier*, and *pur faire fitz chivalier*, ſhall be taken away. And all tenures by knights ſervice of the king, or of any other perſon, and by knights ſervice *in capite*, and by ſocage *in capite*, of the king, and the fruits thereof, ſhall be taken away. And all tenures of any honours, manors, lands, tenements, or hereditaments, held either of the king or of any other perſon, ſhall be turned into free and common ſocage. *ſ.* 1.

The ſame ſhall forever be diſcharged of all tenure by homage, eſcuage, voyages royal, and charges for the ſame, wardſhips incident to tenure by knights ſervice, and values and forfeitures of marriage, and all other charges incident to tenure by knights ſervice, and of *aide pur file marier*, and *aide pur faire fitz chivalier*. ſ. 2.

All tenures to be created by the king, of any eſtate of inheritance by the common law, ſhall be in free and common ſocage only, and not by knights ſervice, or *in capite*, and ſhall be diſcharged of all wardſhip, value, and forfeiture of marriage, livery, *primer ſeiſin*, *ouſterlemain aide pur faire fitz chivalier*, and *pur file marier*. *ſ.* 4.

Provided that this act ſhall not take away any rents certain, heriots, or ſuits of court, incident to any former tenure now taken away, or other ſervices incident to tenure in common ſocage, or the fealty and diſtreſſes incident thereunto. And ſuch relief ſhall be paid in reſpect of ſuch rents, as in caſe of a death of a tenant in common ſocage. *ſ.* 5.

Any thing herein ſhall not take away any fines for alienation due by particular cuſtoms of particular manors and places, other than fines for alienation of lands holden immediately of the king *in capite*. *ſ.* 6.

This act ſhall not take away tenures in *frank almoign*, or ſubject them to greater ſervices; nor alter any tenure by copy of court roll, or any ſervices incident thereunto; nor take away the honorary ſervices of grand ſerjeantry, other than of wardſhip, marriage, *&c.* *ſ.* 7.

This act ſhall not infringe any title of honour, feodal or other, by which any perſon may have right to ſit in the lords houſe of parliament. *ſ.* 11.—*Confirmed* 13 Car. 2. ſt. 1. c. 7.

Theatres, and Places of public Entertainment.

By 3 *Jac.* 1. *c.* 21. If any perſon ſhall, in any ſtage play, interlude, ſhew, maygame, or pageant, jeſtingly and profanely uſe the name of *God*, or of *Chriſt Jeſus*, or of the *Holy Ghoſt*, or of the *Trinity*, he ſhall forfeit 10*l.* one moiety to the king, the other moiety to him that will ſue for the ſame in any court of record at *Weſtminſter*.

By 10 *Geo.* 2. *c.* 19. All perſons who ſhall for gain exhibit any ſtage play, interlude, ſhew, opera, or other theatrical or dramatical performance, or act any part or aſſiſt therein, within the precinct of either of the univerſities,

ties, or within five miles of the city of *Oxford*, or town of *Cambridge*, ſhall be deemed rogues and vagabonds; and it ſhall be lawful for the chancellor of either of the univerſities, or the vice-chancellor, or his deputy, to commit ſuch perſons to any houſe of correction within the counties of *Cambridge* or *Oxford*, reſpectively, to be kept to hard labour for one month, or to the common gaol of the city or county of *Oxford*, or town or county of *Cambridge* reſpectively, for one month, any licence or other privilege notwithſtanding.

By 10 *Geo.* 2. *c.* 28. Every perſon who ſhall for gain act or repreſent any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the ſtage, or any part therein, in caſe ſuch perſon ſhall not have any legal ſettlement in the place where the ſame ſhall be acted, without authority of letters patent from his majeſty, or without licence from the lord chamberlain of his majeſty's houſehold, ſhall be deemed a rogue and a vagabond within the act 12 *Ann. ſt.* 2. *c.* 23.—*ſ.* 1.

If any perſon, having or not having a legal ſettlement, ſhall, without ſuch authority or licenſe, act or repreſent for gain, any interlude, *&c.* ſuch perſon ſhall forfeit 50*l.* and in caſe the ſaid 50*l.* ſhall be paid or recovered, ſuch offender ſhall not for the ſame offence ſuffer any of the penalties inflicted by the ſaid act. *ſ.* 2.

No perſon ſhall for gain, act or repreſent any new interlude, *&c.* or any new act, ſcene, or other part, added to any old interlude, *&c.* or any new prologue or epilogue, unleſs a copy thereof be ſent to the lord chamberlain 14 days before the repreſenting thereof, with an account of the place where, and the time when the ſame is intended to be firſt repreſented, ſigned by one of the maſters of ſuch playhouſe, *&c.* ſ. 3.

It ſhall be lawful for the lord chamberlain, when he ſhall think fit, to prohibit the repreſenting any interlude, *&c.* or any part thereof, or any prologue or epilogue; and in caſe any perſon ſhall for gain act or repreſent any new interlude, *&c.* before a copy thereof ſhall be ſent as aforeſaid, or ſhall for gain act or repreſent any interlude, *&c.* contrary to ſuch prohibition; every perſon ſo offending ſhall forfeit 50*l.*, and every licenſe or authority by which the managers ſet up ſuch playhouſes or company ſhall ceaſe. *ſ.* 4.

No perſons ſhall be authoriſed by any letters patent, or by the licenſe of the lord chamberlain, to act or repreſent for gain any interlude, *&c.* in any part of *Great Britain*, except in the city of *Weſtminſter*, and in ſuch places wherein his majeſty ſhall in perſon reſide, during ſuch reſidence only. *ſ.* 5.

The pecuniary penalties inflicted by this act, for offences committed within *England*, *Wales*, and *Berwick*, ſhall be recovered in any of his majeſty's courts at *Weſtminſter*; and for offences committed in *Scotland*, by action or ſummary complaint before the court of ſeſſion or juſticiary, or for offences committed in any part of *Great Britain*, in a ſummary way before two juſtices of peace, by the oath of one witneſs, or confeſſion of the offender, to be levied by diſtreſs and ſale of goods; and for want of diſtreſs the offender ſhall be committed to any houſe of correction, for any time not exceeding ſix months, to be kept to hard labour, or to the common gaol of ſuch county, *&c.* for any time not exceeding ſix months; and any perſons aggrieved by the order of ſuch juſtices, may appeal to the next quarter ſeſſions; and the penalties for any offence againſt this act ſhall belong, one moiety to the informer, the other to the poor of the pariſh. *ſ.* 6.

If any interlude, *&c.* ſhall be repreſented in any place where wine, ale, beer, or other liquors, ſhall be ſold or retailed, the ſame ſhall be deemed to be repreſented for gain. *ſ.* 7.

No perſon ſhall be proſecuted for any offence againſt this act, unleſs ſuch proſecution be commenced within ſix calendar months after the offence committed; and if any ſuit be brought againſt any juſtice of peace, or other perſon, for doing any thing in purſuance of this act, ſuch ſuit ſhall be commenced within ſix calendar months after the act; and the defendant may plead the general iſſue; and if a verdict ſhall be for the defendant, *&c.* he ſhall have treble coſts. *ſ.* 8.

By 25 *Geo.* 2. *c.* 36. *Made perpetual by* 28 *Geo.* 2. *c.* 19. *ſ.* 1. Any houſe, garden, or place, kept for public dancing, muſic, or other public entertainment of the like kind, in *London* and *Weſtminſter*, or within 20 miles thereof, without a licenſe from the laſt preceding *Michaelmas* quarter ſeſſions of the peace, for the county, city, or diviſion, in which ſuch houſe or place is ſituate, under the hands and ſeals of four juſtices there aſſembled, ſhall be deemed a diſorderly houſe or place. And every ſuch licenſe ſhall be ſigned and ſealed by the ſaid juſtices in open court, and afterwards be read publicly by the clerk of the peace, with the names of the juſtices ſubſcribing the ſame; and no ſuch licenſe ſhall be granted at any adjourned ſeſſions; nor ſhall any fee be taken for any ſuch licenſe; and it ſhall be lawful for any ſuch conſtable, or other perſon authoriſed by warrant of a juſtice of peace of the county, diviſion or liberty, where ſuch houſe or place is ſituate, to enter the ſame, and ſeize every perſon found therein, that they may be dealt with according to law. And every perſon keeping ſuch houſe or place without ſuch licenſe, ſhall forfeit 100*l.* to ſuch perſon as will ſue for the ſame, and be otherwiſe puniſhable as in caſes of diſorderly houſes. *ſ.* 2.

In order to give public notice what places are licenſed purſuant to this act, there ſhall be affixed in ſome notorious place over the entrance of every ſuch houſe or place kept for any of the ſaid purpoſes, and ſo licenſed, an inſcription in large capital letters, in the following words, *viz. Licenſed according to act of parliament of the* 25th *of king* George *the ſecond.* And no ſuch houſe or place, although licenſed, ſhall be open for any of the ſaid purpoſes before five in the afternoon. And the affixing and keeping up ſuch inſcription, and the ſaid reſtriction in point of time ſhall be inſerted in and made conditions of every ſuch licenſe: and in caſe of any breach of either of the ſaid conditions, ſuch licenſe ſhall be forfeited, and be revoked by the juſtices in their next general or quarter ſeſſions, and ſhall not be renewed; nor ſhall any new licenſe be granted to the ſame perſon, or any other perſon on his behalf, or for his uſe, directly or indirectly, for keeping any ſuch houſe or other place for any of the purpoſes aforeſaid. *ſ.* 3.

Nothing in this act ſhall extend to the theatres royal in *Drury-Lane* and *Covent-Garden*, or the king's theatre in the *Haymarket*; nor to ſuch performances and public entertainments as ſhall be lawfully carried on by virtue of letters patent, or licenſe of the crown, or of the lord chamberlain of his majeſty's houſehold. *ſ.* 4.

Any perſon intitled to any of the forfeitures by this act impoſed, may ſue for the ſame by action of debt in any court of record at *Weſtminſter*, in which it ſhall be ſufficient to declare, that the defendant is indebted to the plaintiff in the ſum of —— being forfeited by an act, intitled, *An act for the better preventing of theſts and robberies, and for regulating places of public entertainment and puniſhing*

perſons keeping diſorderly houſes: and the plaintiff if he recover ſhall have his full coſts. *ſ.* 13.

No action ſhall be brought by virtue of this act, unleſs the ſame be commenced within ſix calendar months after the offence committed. *ſ.* 14.

By 28 *Geo.* 3. *c.* 30. It ſhall be lawful for juſtices, in general or quarter ſeſſion, to grant a licenſe to any perſon, making application by petition, for the performance of ſuch tragedies, comedies, interludes, operas, plays, or farces, as ſhall be repreſented at either of the patent or licenſed theatres in *Weſtminſter*, or as ſhall in manner preſcribed by law, have been ſubmitted to the inſpection of the lord chamberlain, at any place within their juriſdictions, or within any city, town, or place, within the limits of the ſame, for not exceeding 60 days, to commence within the then next ſix months, and to be within ſuch four months as ſhall be ſpecified in the licenſe, ſo as there be only one licenſe in uſe at the ſame time within the juriſdiction ſo given, and ſo as ſuch place be not within 20 miles of *London*, *Weſtminſter*, or *Edinburgh*, or eight miles of any patent or licenſed theatre, or 10 miles of the reſidence of his majeſty, or of any place within the ſame juriſdiction, at which, within ſix months preceding, a licenſe under this act ſhall have been had and exerciſed, or within 14 miles of either of the univerſities of *Oxford* and *Cambridge*, or within two miles of the outward limits of any city or place, having peculiar juriſdiction; and ſo alſo as no licenſe ſhall have been had and exerciſed at the ſame place within eight months then next preceding. *ſ.* 1.

No ſuch licenſe ſhall be granted by the juſtices to be exerciſed within any city or place, having peculiar juriſdiction, unleſs proof ſhall be made, that the majority of juſtices acting for ſuch peculiar juriſdiction, have, at a public meeting, ſigned their conſent to the ſaid application, or unleſs an expreſs condition ſhall be therein inſerted, that the ſame ſhall not be valid until it ſhall have been approved by the majority of the juſtices of ſuch peculiar juriſdiction, at a meeting holden expreſsly for taking the ſame into conſideration. *ſ.* 2.

No ſuch licenſe ſhall be granted by the juſtices within any city, town, or place, unleſs notice ſhall have been given by the perſon applying for ſuch licenſe, at leaſt three weeks before ſuch application, to the mayor, bailiff, or other chief civil officer of ſuch city, of his intending to make ſuch application. *ſ.* 3.

Tithes.

By 18 *Edw.* 3. *ſt.* 3. *c.* 7. Writs of *ſcire facias* ſhall not be granted to warn prelates and other clerks, to anſwer of tithes in the chancery; ſaving to the king his right.

By 45 *Edw.* 3. *c.* 3. A prohibition ſhall be granted, and upon the ſame an attachment, in caſe where great wood is ſold of the age of 20 or 40 years, or of greater age, and the parſons ſue the merchants that buy the ſame in the court chriſtian for the tithe of the wood in the name of *ſilva caedua*.

By 5 *Hen.* 4. *c.* 11. The farmers and occupiers of lands and other poſſeſſions of aliens ſhall pay all manner of tithes thereof due, to the parſons and vicars of holy church, in whoſe pariſhes the lands and poſſeſſions are ſituated, as the law of holy church requireth, notwithſtanding that the lands or poſſeſſions are ſeiſed into the king's hands, and notwithſtanding any prohibition. Qu. *If in force ſince the aboliſhing the ſupremacy of the church of* Rome.

By 27 *Hen.* 8. *c.* 20. Every ſubject of this realm, *Ireland* and *Wales*, according to the eccleſiaſtical laws and ordinances of this church of *England*, and after the laudable uſages and cuſtoms of the pariſh or other place where he dwelleth or occupieth, ſhall pay his tythes, offerings, and other duties of holy church; and for ſubſtractions of any of the ſaid tythes or duties, the parſon, vicar, curate, or other party aggrieved, may by proceſs of the king's eccleſiaſtical laws of the church of *England*, convent the perſon offending before his ordinary or other competent judge, having authority to hear and determine the right of tythes, and compel the perſon offending to yield their ſaid duties; and in caſe the ordinary, or his commiſſary, or the archdeacon, or his official, or any other competent judge, for any contempt, contumacy, diſobedience, or other miſdemeanor of the defendant, make information and requeſt to any of the king's moſt honourable council, or to the juſtices of peace of the ſhire where ſuch offender dwelleth, to aſſiſt the ordinary or judge to order or reform ſuch perſon in any cauſe before rehearſed; the king's ſaid honourable council, or ſuch two juſtices of peace, whereof one to be of the *quorum*, ſhall have power to cauſe to be attached the perſon againſt whom ſuch information ſhall be made, and to commit the ſame perſon to ward till he ſhall have found ſurety before any the king's counſellor, or juſtice of peace, to the uſe of the king, to give due obedience to the proceſs, decrees, and ſentences, of the eccleſiaſtical court wherein ſuch ſuit ſhall depend; and the king's ſaid counſellors, or two juſtices of peace, ſhall have power to take and record recognizances and obligations in any cauſe above written. *ſ.* 1.

This act ſhall not extend to any inhabitant of the city of *London* for any tithe, offering or other eccleſiaſtical duty, to be paid within the ſame city. *ſ.* 2.

Provided that every party to any ſuch ſuit, may have his lawful action, demand, or proſecution, appeals, prohibitions, and all other lawful defences and remedies in every ſuch ſuit, according to the ſaid eccleſiaſtical laws and ſtatutes of this realm. *ſ.* 3.

This act ſhall take effect, until the king and ſuch other 32 perſons which his highneſs ſhall appoint for the making of ſuch laws as his highneſs ſhall affirm, to be called the eccleſiaſtical laws of this church of *England*. *ſ.* 4.

By 32 *Hen.* 8. *c.* 7. All perſons of this realm and other his majeſty's dominions, ſhall truly ſet out or pay all tithes and offerings according to the cuſtoms and uſages of the places where ſuch tithes or duties ſhall grow; and in caſe any perſons, of their ungodly and perverſe will, withhold any tithes or offerings, the parſon, or party eccleſiaſtical, or lay, having cauſe to demand the ſaid tithes or offerings, may convent the perſons offending before the ordinary, his commiſſary, or other competent judge, according to the eccleſiaſtical laws; and the ordinary, *&c.* having the parties, or their lawful procurators before him, ſhall proceed to the examination, hearing, and determination, of ſuch matter, ordinarily or ſummarily, according to the courſe of the eccleſiaſtical laws. *ſ.* 2.

In caſe any of the parties appeal from the ſentence of the ordinary, *&c.* the judge ſhall adjudge to the other party reaſonable coſts, and ſhall compel the party appellant to pay the ſame by compulſory proceſs and cenſures of the laws eccleſiaſtical, taking ſurety of the other party to reſtore the coſts, if the principal cauſe be adjudged againſt him; and ſo every ordinary or judge eccleſiaſtical, ſhall adjudge

adjudge coſts to the other party upon every appeal in any ſuit of ſubtraction or detention of tithes, or in any other ſuit concerning the duty of ſuch tithes or offerings. ſ. 3.

If any perſons, after ſentence definitive given againſt them, obſtinately and wilfully refuſe to pay their tithes or duties, or ſuch ſums of money wherein they be condemned for the ſame, two juſtices of peace of the ſhire, whereof one of the *quorum*, ſhall have authority, upon information, certificate, or complaint, made in writing by the eccleſiaſtical judge that gave the ſentence, to cauſe the party refuſing, to be attached and committed to the next gaol, till he ſhall have found ſurety to the uſe of the king to perform the ſentence. ſ. 4.

No perſon ſhall be ſued or compelled to pay tithes for any lands which by the laws of this realm are not chargeable with ſuch tithes. ſ. 5.

This act ſhall not bind the inhabitants of *London* to pay their tithes and offerings within the city otherwiſe than before. ſ. 6.

Where any perſons which ſhall have any eſtate of inheritance, freehold, term, right, or intereſt, in any parſonage, vicarage, portion, penſion, tithes, oblations, or other eccleſiaſtical or ſpiritual profit, made temporal, or admitted to be in temporal hands by the laws of this realm, ſhall be diſſeiſed, or otherwiſe put from their lawful inheritance or intereſt by any perſon claiming title to the ſame; the perſons ſo diſſeiſed, or put from their right, their heirs, wives, and ſuch other to whom ſuch injury ſhall be done, ſhall have their remedy in the king's temporal courts, or other temporal court, as the caſe ſhall require, for the recovery of ſuch inheritance or intereſt, by writs of *praecipe quod reddat*, aſſiſe of *novel diſſeiſin*, *mortdanceſter*, *quod ei deforceat*, writs of dower, or other writs original, as the caſe ſhall require: and writs of covenant, and other writs for fines and other aſſurances of any ſuch parſonage, vicarage, portion, penſion, or other profit, called eccleſiaſtical or ſpiritual, ſhall be granted in the chancery, as hath been uſed for lands. ſ. 7.

Provided that this act ſhall not give remedy or ſuit in the courts temporal, againſt any perſon which ſhall refuſe to ſet out his tithes, or detain his tithes or offerings. ſ. 8.

By 2 & 3 *Edw.* 6. *c.* 13. Every of the king's ſubjects ſhall juſtly, without fraud, ſet out and pay all manner of their predial tithes in kind as they happen, as have been of right paid within forty years before this act, or of right or cuſtom ought to have been paid. And no perſon ſhall carry away any ſuch or like tithes which have been paid within the ſaid forty years, or of right ought to have been paid, in the places titheable, before he hath juſtly ſet forth for the tithe, the tenth part of the ſame, or otherwiſe agreed for the tithes with the parſon, vicars, or other owner or farmer of the tithes, under the pain of treble value of the tithes. ſ. 1.

Whenſoever the ſaid predial tithes ſhall be due, it ſhall be lawful to every party, to whom the tithes ought to be paid, or his ſervant, to ſee their tithes truly ſet forth, and the ſame quietly to carry away; and if any perſon carry away his corn or hay, or other predial tithes, before the tithe be ſet forth, or willingly withdraw his tithes of the ſame, or of ſuch other things whereof predial tithes ought to be paid, or do ſtop the parſon, vicar, owner, or their farmers, to view and carry away their tithes, by reaſon whereof the tithe is loſt or impaired; upon proof thereof made before the ſpiritual judge, or any other judge, to whom heretofore he might have made complaint, the party ſo withdrawing or ſtopping ſhall pay the double value of the tithe ſo taken, loſt or carried away, beſides coſts, to be recovered before the eccleſiaſtical judge, according to the king's eccleſiaſtical laws. ſ. 2.

Every perſon which ſhall have any beaſts or cattle titheable, depaſturing in any waſte or common ground, whereof the pariſh is not certainly known, ſhall pay their tithe for the increaſe of the ſaid cattle to the parſon, owner, or their farmers, of the pariſh or place where the owner of the ſaid cattle inhabiteth. ſ. 3.

No perſon ſhall be ſued, or compelled to pay tithes for any lands, which by the laws of this realm, or by any privilege or preſcription, are not chargeable with ſuch tithes, or that be diſcharged from any compoſition real. ſ. 4.

All ſuch barren heath or waſte ground, other than ſuch as be diſcharged of tithes by act of parliament, which before this time have paid no tithes by reaſon of barrenneſs, and ſhall be improved and converted into arable ground or meadow, ſhall after ſeven years after ſuch improvement pay tithe for the corn and hay growing upon the ſame. ſ. 5.

If any ſuch barren, waſte or heath ground, hath before this time been charged with tithes, and that the ſame be hereafter improved and converted into arable ground or meadow; the owners ſhall, during ſeven years after the improvement, pay ſuch kind of tithe as was paid for the ſame before the improvement. ſ. 6.

Every perſon exerciſing merchandizes, bargaining and ſelling, clothing, handicraft, or other art or faculty, being ſuch perſons, and in ſuch places, as within theſe forty years have uſed to pay perſonal tithes, or of right ought to pay, other than ſuch as be common day-labourers, ſhall yearly at or before *Eaſter*, pay for his perſonal tithes, the tenth part of his clear gains, his charges and expenſes according to his eſtate or degree to be deducted. ſ. 7.

In all ſuch places where handicraftſmen have uſed to pay their tithes within theſe forty years, the ſame cuſtom ſhall continue. ſ. 8.

If any perſon refuſe to pay his perſonal tithes, it ſhall be lawful to the ordinary of the dioceſe where the party is dwelling, to call the party before him, and examine him by all lawful means, other than the party's own oath, concerning the payment of the ſaid perſonal tithes. ſ. 9.

All perſons, which by the laws of this realm ought to pay their offerings, ſhall yearly pay their offerings to the parſon, vicar, proprietary, or their deputies or farmers, of the pariſhes where they dwell; and that at ſuch four offering days, as heretofore within four years hath been accuſtomed, and in default thereof pay for their ſaid offerings at *Eaſter* following. ſ. 10.

This act ſhall not extend to any pariſh towards the ſea-coaſts, the commodity whereof conſiſteth chiefly in fiſhing, and have uſed to ſatisfy their tithes by fiſh, but that every ſuch pariſh ſhall pay their tithes as they have of ancient time within this forty years accuſtomed, and ſhall pay their offerings as aforeſaid. ſ. 11.

This act ſhall not extend to the inhabitants of *London* and *Canterbury*, nor to any other place that hath uſed to pay their tithes by their houſes. ſ. 12.

If any perſon ſubtract any manner of tithes, obventions, profits, or other duties before-mentioned, he ſhall be ſued in the king's eccleſiaſtical court; and it ſhall not be lawful to the parſon, vicar, owner, or other their farmers, to ſue ſuch freeholders of tithes, or other duties aforeſaid, before any other judge than eccleſiaſtical: and if any archbiſhop, biſhop, chancellor, or other judge eccleſiaſtical, give any ſentence in the aforeſaid cauſes, and (no appeal nor prohibition hanging) the party condemned do not obey the

ſentence, it ſhall be lawful to ſuch judge eccleſiaſtical, to excommunicate the party diſobeying; in which ſentence of excommunication, if the party wilfully endure forty days, upon publication thereof in the pariſh church where the party is moſt abiding, the judge eccleſiaſtical may at his pleaſure ſignify to the king, in chancery, the condition of the ſaid party excommunicate, and thereupon require proceſs *de excommunicato capiendo*. *ſ.* 13.

If any party for any cauſe before rehearſed ſue for any prohibition in the king's court, the party before any prohibition ſhall be granted, ſhall deliver to ſome of the judges of the court the copy of the libel in the eccleſiaſtical court, ſubſcribed with the hand of the party; and under the copy of the libel ſhall be written the ſuggeſtion, whereof the party demandeth the prohibition: and in caſe the ſuggeſtion by two witneſſes be not proved in the court within ſix months after the prohibition ſhall be granted, the party that is hindred by ſuch prohibition, ſhall upon his requeſt have a conſultation, and ſhall alſo recover double coſts and damages. *ſ.* 14.

This act ſhall not give any miniſter or judge eccleſiaſtical any juriſdiction to hold plea of any matter contrary to the ſtatute *Weſtm.* 2. *c.* 5. the ſtatutes of *articuli cleri*, *circumſpecte agatis*, *ſilva caedua*, the treatiſe *de regia prohibitione*, nor againſt the ſtatute 1 *Edw.* 3. *c.* 20. nor yet hold plea in any matter whereof the king's court ought to have juriſdiction. *ſ.* 15.

Where ſuch cuſtom hath been in many parts of *Wales*, that of ſuch goods as hath been given with the marriage of any perſon their tithes have been exacted by the parſons and curates, no ſuch tithes of marriage goods ſhall be exacted. *ſ.* 16.

By 7 & 8 *Will.* 3. *c.* 6. *made perpetual by* 3 Ann. c. 18. For the more eaſy recovery of ſmall tithes, where the ſame do not amount to above the yearly value of 40 *s.* from any one perſon; every perſon ſhall truly ſet out and pay all ſmall tithes, and compoſitions for the ſame, with all offerings, oblations, and obventions, to the rectors, vicars, and other perſons to whom they ſhall be due, according to the rights, cuſtoms, and preſcriptions uſed within the pariſhes; and if any perſon ſhall ſubtract, or fail in the payment of ſuch ſmall tithes, offerings, *&c.* twenty days after demand, it ſhall be lawful for the perſons, to whom the ſame ſhall be due, to make their complaint in writing unto two juſtices of peace within that place where the ſame ſhall grow due; neither of which juſtices is to be patron of the church whence the tithes ariſe, nor intereſted in ſuch tithes, *&c.* *ſ.* 1.

If any complaint ſhall be brought to two juſtices of peace concerning ſmall tithes, offerings, *&c.* the juſtices are required to ſummon in writing, by reaſonable warning, every perſon againſt whom complaint ſhall be made; and after his appearance, or upon default of appearance, the ſaid ſummons being proved upon oath, the juſtices ſhall proceed to hear and determine the complaint, and upon the proofs ſhall in writing adjudge the caſe, and give ſuch compenſation upon ſuch tithes, *&c.* as they ſhall judge reaſonable, and alſo coſts not exceeding 10 *s.* *ſ.* 2.

If any perſon ſhall neglect, by ten days after notice, to pay any ſuch ſum, as upon ſuch complaint ſhall by two juſtices be adjudged, the conſtables and church-wardens of the pariſh, or one of them, ſhall by warrant of the ſaid juſtices diſtrain the goods of the party, and after detaining them three days, in caſe the ſum adjudged together with reaſonable charges be not paid, ſhall make public ſale of the ſame. *ſ.* 3.

It ſhall be lawful for all juſtices of peace, in the examination of all matters offered to them by this act, to adminiſter an oath to any witneſs. *ſ.* 4.

This act ſhall not extend to any tithes, *&c.* within *London*, nor to any other city or town corporate where the ſame are ſettled by act of parliament. *ſ.* 5.

No complaint concerning any ſmall tithes, *&c.* ſhall be determined by juſtices of peace, unleſs the complaint be made within two years after the ſame tithes, *&c.* become due. *ſ.* 6.

Any perſon aggrieved by any judgment given by two juſtices may appeal to the next quarter ſeſſions; and if the juſtices then preſent find cauſe to confirm the judgment, they ſhall give coſts againſt the appellant, to be levied by diſtreſs and ſale of goods; and no proceedings by virtue of this act, ſhall be removed, or ſuperſeded by *certiorari*, or other writ, unleſs the title of ſuch tithes, *&c.* be in queſtion. *ſ.* 7.

Where any perſon complained of for ſubtracting ſmall tithes, *&c.* ſhall before the juſtices inſiſt upon any preſcription, compoſition or *modus*, agreement or title, and deliver the ſame in writing to the juſtices ſubſcribed by him, and ſhall then give to the party complaining ſecurity to the ſatisfaction of the juſtices, to pay all ſuch coſts and damages, as upon a trial at law ſhall be given againſt him, in caſe the ſaid preſcription, *&c.* ſhall not be allowed; the juſtices ſhall forbear to give judgment in the matter, and the perſons complaining ſhall be at liberty to proſecute ſuch perſons for their ſubtraction in any other court. *ſ.* 8.

Every perſon who ſhall by virtue of this act obtain any judgment, or againſt whom any judgment ſhall be obtained, before juſtices of peace for ſmall tithes, *&c.* ſhall cauſe the judgment to be inrolled at the next quarter-ſeſſion; and the clerk of the peace is required on tender thereof to inrol the ſame; and he ſhall not aſk for the inrolment any fee exceeding 1 *s.* *ſ.* 9.

If any perſon againſt whom ſuch judgment ſhall be had, ſhall remove out of the county, *&c.* after judgment, and before the levying the ſum, the juſtices who made the judgment, or one of them, ſhall certify the ſame to any juſtice of peace of ſuch other county, wherein the perſon ſhall be inhabitant; which juſtice is required, by warrant directed to the conſtables or church-wardens of the place, to levy the ſum adjudged upon the goods of ſuch perſon. *ſ.* 10.

The juſtices who ſhall hear and determine any of the matters aforeſaid, ſhall have power to give coſts, not exceeding 10 *s.* to the party proſecuted, if they find the complaint falſe and vexatious; which coſts ſhall be levied in manner aforeſaid. *ſ.* 12.

If any perſon ſhall be ſued for any thing done in execution of this act, and the plaintiff ſhall diſcontinue, *&c.* ſuch perſon ſhall recover double coſts. *ſ.* 13.

Any perſon who ſhall begin any ſuit for recovery of ſmall tithes, *&c.* in his majeſty's court of exchequer, or in any eccleſiaſtical court, ſhall have no benefit by this act for the ſame matter. *ſ.* 14.

By 11 & 12 *Will.* 3. *c.* 16. *made perpetual by* 1 Geo. 1. c. 26. Every perſon who ſhall ſow hemp or flax, ſhall pay to every parſon, vicar, or impropriator of ſuch pariſh or place, yearly 5 *s.* for each acre of hemp and flax, before the ſame be carried off the ground; for the recovery of which, the parſon, *&c.* ſhall have the uſual remedy. *ſ.* 1.

This act ſhall not extend to charge any lands diſcharged by any *modus decimandi*, ancient compoſition, or otherwiſe. *ſ.* 2.

Tobacco.

By 12 *Car.* 2. *c.* 34. *Confirmed by* 13 *Car.* 2. *c.* 14. No perſon ſhall ſet, plant, improve to grow, make or cure, any tobacco, either in ſeed, plant, or otherwiſe, within *England*, *Wales*, *Guernſey* or *Jerſey*, or *Berwick*, or in *Ireland*, under the penalty of forfeiture of ſuch tobacco, or the value thereof, or of 40 *s.* for every pole of ground ſo planted, *&c.* one moiety to his majeſty, and the other moiety to him that ſhall ſue for the ſame in any court of record. *ſ.* 1.

All ſheriffs, juſtices of peace, mayors, bailiffs, and conſtables, upon information made, that there is any tobacco ſet or growing within their precincts, ſhall within ten days cauſe to be burnt, plucked up or deſtroyed, all ſuch tobacco. *ſ.* 2.

In caſe any ſhall reſiſt any perſons in the execution of this act, ſuch perſon ſhall forfeit 5 *l.* in manner aforeſaid. And in caſe any perſon ſhall not pay the money, diſtreſs ſhall be made, and ſale; and in caſe no diſtreſs be found, ſuch party ſhall be committed to the common gaol in the county for two months. *ſ.* 3.

This act ſhall not extend to the hindring of the planting of tobacco in any phyſic garden of either univerſity, or in any other private garden for phyſic or chirurgery, ſo as the quantity exceed not half of one pole in any one place. *ſ.* 4.

By 15 *Car.* 2. *c.* 7. Every perſon that ſhall ſet, plant, or ſow, any tobacco within *England*, *Wales*, *Guernſey* and *Jerſey*, *Berwick*, or *Ireland*, ſhall, over and above the penalty of the ſaid former act, forfeit 10 *l.* for every pole of ground that he ſhall ſo plant, ſet or ſow; one-third part to the king, one other third to the uſe of the poor of ſuch pariſh, and the other third part to them that ſhall ſue for the ſame in any of his majeſty's courts at *Weſtminſter*. *ſ.* 18.

In caſe any ſhall reſiſt any perſons in the execution of the ſaid act, 12 *Car.* 2. *c.* 34. they ſhall, over and above the penalties therein mentioned, be committed to the common gaol of the county, until they have entred into recognizance to his majeſty, with two ſureties, of 10 *l.* not to commit the like offence again. *ſ.* 19.

This act ſhall not extend to the hindrance of planting tobacco in any phyſic-garden of either of the univerſities, or any other private garden for chirurgery, ſo as the quantity exceed not the half of one pole in any one place. *ſ.* 20.

By 22 & 23 *Car.* 2. *c.* 26. All juſtices of peace ſhall, a month before every quarter-ſeſſions, iſſue their warrants to all high conſtables, petty conſtables, and tithingmen, requiring them to make diligent ſearch and inquiry, what tobacco is ſown, ſet, planted, growing, curing, cured or made, within their reſpective limits, and by whom; and to make preſentment in writing, upon oath, at the next quarter-ſeſſions, of the names of all ſuch perſons as have ſown, *&c.* any tobacco, and what quantity of land is, or was ſown, *&c.* therewith, and who are the immediate tenants or occupiers of the lands planted, who ſhall be deemed planters thereof. *ſ.* 2.

Which preſentment ſhall be filed by the clerk of the peace, and ſhall be a conviction of all perſons ſo preſented, unleſs ſuch perſons (having notice of ſuch preſentment by delivery of a copy, or by leaving a copy at their place of abode, in the preſence of one witneſs, ten days before the next quarter-ſeſſions), ſhall at the quarter-ſeſſions next after ſuch notice traverſe ſuch preſentment, and find ſureties for the trying ſuch traverſe at the quarter-ſeſſions next after. *ſ.* 3.

All conſtables, tithingmen, bailiffs, and other public officers, ſhall within fourteen days after warrant from two juſtices of peace, calling to their aſſiſtance ſuch perſons as they ſhall find convenient, pluck up, burn, tear, and deſtroy all tobacco-ſeed, plant, leaf, planted, ſowed, or growing. *ſ.* 4.

If any tobacco ſhall be ſuffered to grow fourteen days after the receipt of ſuch warrant, ſuch conſtables, *&c.* ſhall forfeit 5 *s.* for every pole of ground ſo ſet, planted, or ſowed, one moiety to the king, and the other moiety to them that ſhall ſue for the ſame, in any of his majeſty's courts at *Weſtminſter*. *ſ.* 5.

In caſe any perſon ſhall neglect to aſſiſt (being required) any conſtable, *&c.* in the execution of this act, ſuch perſon, upon conviction before two juſtices of peace, ſhall forfeit 5 *s.* to be levied by warrant from the juſtices by diſtreſs and ſale of goods; and in caſe no diſtreſs can be found, ſuch offender ſhall be committed to the common gaol of the county for one week. *ſ.* 6.

If any perſon ſhall forcibly reſiſt any conſtable, or other perſon, in the execution of this act, ſuch perſon, upon conviction before two juſtices of peace, ſhall forfeit 5 *l.* to be levied by warrant from the juſtices, by diſtreſs and ſale of goods; and in caſe no diſtreſs can be found, ſuch offender ſhall be committed to the common gaol of the county for three months. *ſ.* 7.

If any action ſhall be proſecuted againſt any perſon for what he ſhall do in purſuance of this act, or either of the before-mentioned acts, ſuch perſon may plead the general iſſue not guilty. *ſ.* 8.

This act ſhall not extend to the hindering the planting of tobacco in any phyſic garden of either univerſity, or in any other private garden for phyſic or chirurgery, ſo as the quantity exceed not half a pole in one place. *ſ.* 9.

By 6 *Ann. c.* 22. It ſhall not be lawful for any commander of any of her majeſty's ſhips of war, or purſer thereof, to ſell or deliver to any of her majeſty's ſeamen or marines on board of ſuch ſhip, any tobacco of the growth of *Europe*, nor any tobacco mixed with tobacco of the ſaid growth. *ſ.* 12.

All tobacco to be uſed on board any of her majeſty's ſhips of war in *Europe*, ſhall be of the growth of the *Britiſh* plantations which hath paid her majeſty the duties, and been manufactured in *Great Britain*; upon pain that every commander or purſer who ſhall knowingly offend herein, ſhall forfeit their places, and 3 *s.* for every pound of tobacco ſo ſold and delivered; one moiety to the queen, and the other moiety to the informer who ſhall ſue for the ſame in any of her majeſty's courts at *Weſtminſter*. *ſ.* 13.

By 1 *Geo.* 1. *c.* 46. Every perſon who ſhall cut, or procure to be cut, any wallnut leaves, hop leaves, ſycamore leaves, or other leaves or materials (not being tobacco leaves), into the form of any the uſual cuts, which tobacco ſhall be cut into for ſale; or ſhall colour or cure, or procure to be coloured or cured, any ſuch leaves, *&c.* to make them reſemble tobacco; or ſhall ſell or offer to ſell knowingly any ſuch leaves, *&c.* mixed or unmixed with tobacco, as if the ſame were tobacco, ſhall forfeit for every pound-weight 5 *s.* one moiety to his majeſty (bearing the charge of proſecution), and the other to the informer; to be recovered with coſts in any the courts at *Weſtminſter*, or in the exchequer in *Scotland*. *ſ.* 1.

All perſons who ſhall export, or put on board for ex-

portation, any ſuch leaves, &c. or endeavour to obtain a drawback for the ſame as if it were tobacco, ſhall forfeit 5 *s.* for every pound-weight, over and above all other penalties. *ſ.* 2.

All leaves, &c. ſo cut, &c. and all utenſils made uſe of in cutting or curing the ſame, may be ſearched for and ſeized by any officer of the cuſtoms, or by any perſons thereto authorized by the treaſury, or the commiſſioners of the cuſtoms in *England* or *Scotland*. *ſ.* 3.

No houſe, &c. ſhall be opened to ſearch for ſuch leaves, &c. but at ſeaſonable hours, and not without a warrant from two juſtices of peace; and ſuch leaves, &c. which ſhall be ſeized within the limits of any port, or within ſix miles of the ſame, ſhall be brought to the next cuſtom-houſe ware-houſe; and if ſeized at a greater diſtance, ſhall be ſecured by order of two juſtices, at the king's charge, till the cauſe of ſuch ſeizure ſhall be determined by the juſtices at the next or ſecond quarter-ſeſſions after ſuch ſeizure; and all ſuch leaves, &c. after condemnation, ſhall be openly burnt at his majeſty's charge. *ſ.* 4.

All ſervants and labourers imployed in cutting, &c. ſuch leaves, &c. or in vending the ſame, and being convicted by the oath of one perſon, before two juſtices, ſhall by them be committed to the common gaol or houſe of correction, to be kept at hard labour not exceeding ſix months. *ſ.* 5.

Perſons ſued for any thing done in purſuance of this act may plead the general iſſue; and if the plaintiff be nonſuit, &c. the defendant ſhall recover treble coſts. *ſ.* 6.

If any perſon ſhall make, mix or colour, any ſnuff with oker, umber, or any other colouring (except with water tinged with *Venetian* red only), or ſhall mix with any ſnuff, any fuſtick or yellow ebony, touchwood, or other wood, or any dirt, ſand or duſt ſifted from tobacco, or knowingly ſell or expoſe to ſale ſuch ſnuff; he ſhall forfeit the ſnuff, and 3 *l.* for every pound-weight thereof, to be recovered in any court at *Weſtminſter*, or in the exchequer in *Scotland*, one moiety to his majeſty, and the other to the proſecutor. *ſ.* 7.

By 5 *Geo.* 1. *c.* 11. The act 1 *Geo.* 1. *c.* 46. and all the powers therein ſhall be in force againſt any perſon who ſhall make, mix, or colour, any ſnuff with okers, umber, or other colouring (except water tinged with *Venetian* red only), or ſhall mix with any ſnuff, fuſtick, or yellow ebony, touchwood, or other wood, or any dirt, ſand, or ſmall tobacco, ſifted from tobacco, called tobacco duſt. *ſ.* 22. Qu. *As to the force of this and the preceding act ſince* 29 Geo. 3. c. 6. ſ. 84 and 93. *which ſee under* EXCISE *in* PART I. *pages* 310 *and* 312.

By 19 *Geo.* 3. *c.* 35. So much of 12 *Car.* 2. and 15 *Car.* 2. or of any other act made in this kingdom, which prohibits the ſetting, planting, or improving to grow, making, or curing tobacco, either in ſeed, plant, or otherwiſe, in *Ireland*, ſhall be repealed. *ſ.* 1.

No tobacco the growth, product, or manufacture of *Ireland*, ſhall be exported from thence to any port whatſoever out of *Ireland*, except to *Great Britain*; under the like ſecurities as are preſcribed in 12 *Car.* 2. for encouraging and increaſing of ſhipping and navigation, with reſpect to tobacco, and other enumerated goods of the growth, &c. of the *Engliſh* plantations. *ſ.* 2.

Tolls.

By 3 *Edw.* 1. *c.* 31. Touching them that take outrageous toll in market-towns, if any do ſo in the king's town, let in fee-farm, the king ſhall ſeize into his own hand the franchiſe of the market; and if it be another's town, and the ſame be done by the lords of the town, the king ſhall do in like manner; and if it be done by a bailiff, without the command of his lord, he ſhall reſtore to the plaintiff as much more for the outrageous taking as he had of him, and ſhall have 40 days impriſonment. Touching citizens and burgeſſes to whom the king or his father hath granted murage to encloſe their towns, which take ſuch murage otherwiſe than it was granted, they ſhall loſe their grant for ever, and ſhall be grievouſly amerced.

Treaſon.

By 25 *Edw.* 3. *ſt.* 5. *c.* 2. When a man doth compaſs or imagine the death of the king, or of his wife, or of their eldeſt ſon and heir; or if a man doth violate the king's wife, or the king's eldeſt daughter unmarried, or the wife of the king's eldeſt ſon and heir; or if a man levy war againſt the king in this realm, or be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm or elſewhere, and thereof be probably attainted of open deed by men of his condition; and if any man counterfeit the king's great or privy ſeal, or his money, and if a man bring falſe money into this realm counterfeit to the money of *England*, knowing the money to be falſe, to merchandize or make payment, in deceit of the king and of his people; and if a man ſlay the chancellor, treaſurer, or the king's juſtices of the one bench or the other, juſtices in eyre, or juſtices of aſſiſe, and all other juſtices aſſigned to hear and determine, being in their places doing their offices; the caſes above rehearſed ought to be judged treaſon, which extendeth to the king and his royal majeſty: and of ſuch treaſon the forfeiture of the eſcheats pertaineth to the king, as well of the lands holden of other as of himſelf. And there is another manner of treaſon, when a ſervant ſlayeth his maſter, or a wife her huſband, or when a man ſecular or religious ſlayeth his prelate to whom he oweth faith and obedience; and of ſuch treaſon the eſcheats ought to pertain to every lord of his own fee. And if any other caſe ſuppoſed treaſon happen before any juſtices, they ſhall tarry without going to judgment till the caſe be ſhewed before the king and his parliament, whether it ought to be judged treaſon or felony. And if any man of this realm ride armed diſcovert or ſecretly, with men of arms, againſt any other to ſlay him, or rob him, or to take him, or keep till he hath made fine or ranſom; it is not the mind of the king, nor his council, that it ſhall be judged treaſon, but it ſhall be judged felony or treſpaſs according to the laws; ſaving to the king the year and the waſte, and the forfeitures of chattels. And writs of *ſcire facias* ſhall be granted in ſuch caſe againſt the land-tenants without other original, and without allowing any protection.

By 11 *Hen.* 7. *c.* 1. No perſons that attend upon the king and ſovereign lord of this land for the time being, in his perſon, and do him true and faithful ſervice of allegiance, or be in other places by his commandment in his wars, within this land or without, for the ſame ſervice of allegiance, ſhall be convict or attaint of high treaſon, or of other offences by act of parliament or otherwiſe, whereby they ſhall forfeit life, lands, poſſeſſions, goods, or other things, but ſhall be for that ſervice diſcharged of any trouble or loſs; and any acts or proceſs contrary to this ordinance ſhall be void; provided that no perſon take any benefit by this act, which ſhall decline from his allegiance.

By

By 26 *Hen.* 8. *c.* 13. No offenders in high treaſon ſhall have benefit of ſanctuary. *ſ.* 3.

If any of the king's ſubjects commit or practice out of this realm any treaſon, ſuch treaſons ſhall be inquired and preſented by the oaths of twelve men, upon good and probable evidence, in ſuch county of this realm, and before ſuch perſons, as it ſhall pleaſe the king to appoint by commiſſion under his great ſeal, in like manner as treaſons committed within this realm; and upon every indictment found of any ſuch treaſons, and certified into the king's bench, like proceſs ſhall be had againſt the offenders as if the treaſon had been found to be done within the realm; and all proceſs of outlawry againſt offenders in treaſon inhabiting out of the realm at the time of the outlawry pronounced ſhall be effectual. *ſ.* 4.

Every offender convict of high treaſon by preſentment, confeſſion, verdict or proceſs of outlawry, ſhall forfeit to the king all lands which ſuch offender ſhall have of any eſtate of inheritance at the time of ſuch treaſon committed or after; ſaving to every perſon, other than the offenders, their heirs and ſucceſſors, all rights, *&c.* *ſ.* 5. Qu. *If this act is in force ſince* 1 & 2 Phil. & Mar. c. 10.

By 33 *Hen.* 8. *c.* 20. If any perſon ſhall commit high treaſon when in good memory, and after confeſſion thereof before any the king's council ſhall fall to lunacy; if it ſhall appear by the teſtimony of four of the king's council, that ſuch perſons at the time of doing their treaſon, and at the time of their confeſſion, were of good memory, the king's commiſſion of oyer and terminer ſhall be awarded; by virtue of which the commiſſioners ſhall inquire of the treaſons; and in the abſence of the perſons indicted, without any arraignment or plea, ſhall ſwear the jury, to try whether the perſons be guilty or not guilty; and if found guilty, they ſhall have ſuch judgment, and ſuffer ſuch pains of death, *&c.* as in caſes of high treaſon. *ſ.* 1. *But this is repealed by* 1 & 2 Phil. & Mar. c. 10. ſ. 1.

If any perſons ſhall be convicted of high treaſon by authority of parliament, or by the common law, and afterwards fall to lunacy, yet they ſhall ſuffer execution; and if any perſon ſhall be attainted of high treaſon by the common law, ſuch attainder ſhall be of as good force as if it had been by authority of parliament. And the king ſhall be adjudged in actual poſſeſſion of the lands and goods of the offenders, which his highneſs ought to have if the attainder had been by authority of parliament, without any office or inquiſition found. *ſ.* 3.

Saving to all perſons, other than ſuch perſons attainted, and their heirs and perſons claiming by them after the treaſon committed, all right, *&c.* *ſ.* 4.

By 35 *Hen.* 8. *c.* 2. All treaſons, miſpriſions of treaſons, or concealments of treaſons, committed out of this realm, ſhall be inquired of, heard and determined, before the king's juſtices for pleas to be holden before himſelf, by lawful men of the ſhire where the ſaid bench ſhall fit, or elſe before ſuch commiſſioners, and in ſuch ſhire as ſhall be aſſigned by the king's commiſſion, and by men of the ſame ſhire, in like manner as if ſuch treaſons, *&c.* had been committed within the ſame ſhire. *ſ.* 1.

Provided that if any peers be indicted of ſuch treaſons, *&c.* they ſhall have their trial by their peers in manner accuſtomed. *ſ.* 2. Qu. *If in force ſince* 1 & 2 Phil. & Mar. c. 10. *See* 4 Inſt. 124.

By 1 *Edw.* 6. *c.* 12. All offences made treaſon or petit treaſon by any ſtatute are repealed, but only ſuch as were treaſon or petit treaſon by 25 *Edw.* 3. *ſt.* 5. *c.* 2. *ſ.* 2.

If any perſon by open preaching or expreſs words do affirm, that the king, his heirs or ſucceſſors, kings of this realm, is not, or ought not to be king of *England*, *France* and *Ireland*, or do compaſs or imagine by open preaching or expreſs words to depoſe or deprive the king, his heirs, or ſucceſſors, from their royal eſtate or titles to the realms aforeſaid, or do openly publiſh by expreſs words, that any other perſon than the king, *&c.* of right ought to be kings of the realms aforeſaid; ſuch offenders being convicted, their aiders, *&c.* for their firſt offence, ſhall forfeit to the king all their goods, and alſo ſuffer impriſonment at the king's pleaſure. And if any perſon being once convicted, ſhall eftſoons commit any the offences before mentioned, other than ſuch as be expreſſed in 25 *Edw.* 3. and ſhall be thereof convicted, ſuch offenders, their aiders, *&c.* for their ſecond offence, ſhall forfeit to the king the whole profits of their lands and ſpiritual promotions for term of life of ſuch offenders, and ſhall alſo forfeit to the king all their goods, and ſuffer during their lives perpetual impriſonment. *And if any perſon being two times convicted of the ſame offences, ſhall eftſoons commit any of the ſaid offences to be thereof convicted, ſuch third offence ſhall be judged high treaſon.* ſ. 6.

This ſtatute ſhall not repeal any act concerning the counterfeiting the coin, or for the clipping, waſhing, or filing, of the coin, or concerning the bringing into this realm counterfeit money. *ſ.* 8.

Provided that no perſon ſhall be put to anſwer for any of the offences aboveſaid concerning treaſons by open preaching or words only, unleſs he be accuſed within 30 days after the words ſpoken, if the accuſers be within this realm during the ſpace of 30 days after the offence committed; and if the accuſer ſhall be out of this realm during the ſaid 30 days, the party ſhall be accuſed within ſix months; or elſe the parties, their aiders, *&c.* not to be impeached; and the accuſation ſhall be made to one of the king's council, or to one of the juſtices of aſſiſe, or juſtices of peace, being of the *quorum*, or two juſtices of peace within the ſhire where the offence ſhall be committed. *ſ.* 19.

Concealment or keeping ſecret any high treaſon ſhall be adjudged miſpriſion of treaſon, as heretofore. *ſ.* 20.

This act ſhall not make any perſon to be offender for calling the *French* king by the name of the king of *France*. *ſ.* 21.

No perſon ſhall be indicted or convicted for any offence of treaſon, petit treaſon, miſpriſion of treaſon, or for any words before ſpecified, for which he ſhall ſuffer pains of death, impriſonment, or forfeiture of goods or lands, unleſs he be accuſed by two lawful witneſſes, or ſhall willingly confeſs the ſame. *ſ.* 22. *All that is made treaſon by this act is repealed by* 1 Mar. ſt. 1. c. 1.

By 5 & 6 *Edw.* 6. *c.* 11. If any of the king's ſubjects do commit or practice, out of this realm, any the offences by any act now in force made treaſon, ſuch treaſons ſhall be inquired and preſented by the oaths of twelve men, upon probable evidence, in ſuch county, and before ſuch perſons, as it ſhall pleaſe the king to appoint by commiſſion under his great ſeal, in like manner as treaſons committed within this realm; and upon every indictment found of any ſuch treaſons, and certified into the king's bench, like proceſs ſhall be had as if the treaſon had been found to be committed within the realm. *ſ.* 6.

All proceſs of outlawry againſt offenders in treaſon, being reſiant out of the realm at the time of the outlawry pronounced, ſhall be as effectual as if ſuch offenders had been dwelling within this realm. *ſ.* 7.

Provided that if the party outlawed ſhall within one year

year after the outlawry pronounced, or judgment given upon the outlawry, yield himſelf unto the chief juſtice of *England*, and offer to traverſe the indictment or appeal whereupon the outlawry ſhall be pronounced, he ſhall be received to the traverſe, and being thereupon found not guilty, he ſhall be acquitted. *ſ.* 8.

Every offender convict of high treaſon according to the common law, ſhall forfeit to the king all lands which ſuch offender ſhall have of any eſtate of inheritance in his own right at the time of ſuch treaſon committed, or any time after. *ſ.* 9.

Concealment or keeping ſecret of high treaſon, ſhall be deemed only miſpriſion of treaſon, as heretofore. *ſ.* 11.

No perſon ſhall be indicted or attainted for any of the offences aforeſaid, or for any treaſons that now be, or hereafter ſhall be, unleſs the offender be accuſed by two lawful accuſers; which at the time of the arraignment of the party, if they be living, ſhall be brought in perſon before the party accuſed, and maintain that, that they have to ſay againſt the party to prove him guilty; unleſs the party ſhall willingly without violence confeſs the ſame: ſaving to every perſon, other than the offenders, and their heirs, and ſuch as claim to their uſes, all rights, *&c.* *ſ.* 12.

The wife, whoſe huſband ſhall be attainted of treaſon, ſhall not have dowry of any the lands of the perſon attainted of treaſon. *ſ.* 13.

The treaſons made by this act are repealed by 1 Mar. ſt. 1. c. 1.

By 1 *Mar. ſt.* 1. *c.* 1. No offence being by act of parliament made treaſon, petit treaſon, or miſpriſion of treaſon, ſhall be adjudged to be high treaſon, petit treaſon, or miſpriſion of treaſon, but only ſuch as be declared treaſon, petit treaſon, or miſpriſion of treaſon, by 25 *Edw.* 3. *ſt.* 5. *c.* 2. *ſ.* 3.

By 1 *Mar. ſt.* 2. *c.* 6. If any perſon falſely forge and counterfeit any ſuch kind of coin of gold or ſilver, as is not the proper coin of this realm, and ſhall be current within this realm by the conſent of the queen, or if any perſon do falſely forge, or counterfeit the queen's ſign manual, privy ſignet, or privy ſeal, ſuch offence ſhall be deemed high treaſon. *ſ.* 2.

By 1 & 2 *Phil.* & *Mar. c.* 10. All trials for treaſon ſhall be according to the courſe of the common law; ſaving to every perſon, other than the offenders, all rights, *&c.* *ſ.* 8.

Concealment or keeping ſecret of high treaſon ſhall be deemed only miſpriſion of treaſon, as heretofore. *ſ.* 9.

In caſes of high treaſon concerning coin, or for counterfeiting the queen's ſignet, privy ſeal, great ſeal, or ſignet manual, ſuch manner of trial ſhall be obſerved, as heretofore, by the common law. *ſ.* 13.

By 1 & 2 *Phil.* & *Mar. c.* 11. If any perſon ſhall bring into this realm, or any the dominions of the ſame, any falſe and counterfeit money being current within this realm, knowing the ſame to be falſe and counterfeit, to the intent to utter or make payment with the ſame within this realm, ſuch perſons ſo offending, their counſellors and abettors, ſhall be deemed offenders in high treaſon. *ſ.* 2.

All perſons that ſhall be accuſed of any offence concerning the impairing, counterfeiting, or forging, of any coin current within this realm, may be indicted, tried or attainted, by ſuch like evidence, and in ſuch manner, as hath been uſed at any time before the firſt year of king *Edward* 6. *ſ.* 3.

By 5 *Eliz. c.* 11. Clipping, waſhing, rounding, or filing, for wicked gain's ſake, of any the monies of this realm, or of the dominions thereof, or of the monies of any other realm ſuffered to be current within this realm, or the dominions thereof by the queen, ſhall be adjudged treaſon; and the offenders, their counſellors, conſenters, and aiders, being convicted, ſhall ſuffer death, and forfeit all their goods, and ſhall alſo forfeit all their lands during their lives only. *ſ.* 2.

Perſons which have grant to enjoy the forfeitures of lands or goods of men attainted in high treaſon, ſhall have all ſuch forfeitures by force of this act. *ſ.* 3.

Any attainder by this act ſhall not make any corruption of blood to any the heirs of any ſuch offender, or make the wife loſe her dower. *ſ.* 4.

If any peer of this realm be indicted of any offence made treaſon by this act, he ſhall have his trial by his peers, as heretofore. *ſ.* 5.

By 14 *Eliz. c.* 3. If any perſon falſely forge or counterfeit any ſuch coin of gold or ſilver as is not the coin of this realm, nor permitted to be current, ſuch offence ſhall be deemed miſpriſion of high treaſon; and the offenders, their procurers, *&c.* being convicted, ſhall be impriſoned, and forfeit ſuch lands and goods, as in caſes of miſpriſion of treaſon for concealment of high treaſon.

By 18 *Eliz. c.* 1. If any perſon ſhall, for wicked lucre's ſake, impair, diminiſh, falſify, ſcale, or lighten, the proper monies of this realm, or any the dominions thereof, or the monies of any other realms allowed to be current at the time of the offence committed, within this realm or any the dominions of the ſame by proclamation, it ſhall be deemed treaſon, and the offenders, their counſellors, *&c.* being convicted, ſhall ſuffer death, and forfeit all their goods, and ſhall alſo forfeit to the queen all their lands during their lives only. *ſ.* 1.

Any attainder by this act ſhall not make any corruption of blood to the heirs of ſuch offenders, or make the wife loſe her dower. *ſ.* 2.

If any peer of this realm be indicted of any offence made treaſon by this act, he ſhall have his trial by his peers. *ſ.* 3.

By 23 *Eliz. c.* 1. All perſons which ſhall pretend to have power, or ſhall put in practice, to abſolve, perſuade, or withdraw, any of the queen's ſubjects, or any within her dominions, from their natural obedience to her majeſty; or to withdraw them for that intent from the religion by her authority eſtabliſhed, to the *Romiſh religion*; or to move them to promiſe obedience to any authority of the ſee of *Rome*, or of any other ſtate, within her dominions; or ſhall do any overt act to that intent, ſhall be adjudged traitors; and if any perſon ſhall be willingly abſolved or withdrawn as aforeſaid, or willingly be reconciled, or promiſe obedience to any ſuch pretended authority, every ſuch perſon, their procurers and counſellors thereunto, being convicted, ſhall be judged and ſuffer as in caſes of high treaſon. *ſ.* 2.

All perſons that ſhall wittingly be aiders or maintainers of perſons ſo offending, or which ſhall conceal any offence aforeſaid, and ſhall not within 20 days diſcloſe the ſame to ſome juſtice of peace or other high officer, ſhall be judged and ſuffer as offenders in miſpriſion of treaſon. *ſ.* 3.

If any peer of this realm be indicted of any offence made treaſon or miſpriſion of treaſon by this act, he ſhall have his trial by his peers as in like caſes. *ſ.* 14.

It is to be obſerved, that this act does not mention her majeſty's heirs or ſucceſſors.

By 28 or 29 *Eliz. c.* 2. No record of attainder that now is for any high treaſon, where the party attainted hath been executed for the ſame treaſon, ſhall by the heirs of ſuch perſon,

ſon, or by any other claiming under ſuch heirs, be reverſed for error. *ſ.* 1.

By 7 *Will.* 3. *c.* 3. All perſons that ſhall be indicted for high treaſon, whereby any corruption of blood may be made to ſuch offenders, or their heirs, or for miſpriſion of ſuch treaſon, ſhall have a copy of the indictment, but not the names of the witneſſes, delivered unto them five days at leaſt before they be tried, to enable them to adviſe with counſel; their attornies or agents requiring the ſame, and paying the officer his fees for writing thereof, not exceeding 5*s.* and every ſuch perſon ſhall be admitted to make his defence by counſel, and to make any proof that he can produce by lawful witneſſes, upon oath, for his juſt defence; and in caſe any perſon ſo accuſed ſhall deſire counſel, the court before whom ſuch perſon ſhall be tried, or ſome judge of that court, ſhall immediately upon requeſt aſſign ſuch counſel, not exceeding two, as the perſon ſhall deſire, to whom ſuch counſel ſhall have free acceſs at all ſeaſonable hours. *ſ.* 1.

No perſon ſhall be indicted, tried or attainted, of high treaſon, whereby any corruption of blood may be made, or of miſpriſion of ſuch treaſon, but upon the teſtimony of two witneſſes, either both of them to the ſame overt act, or one of them to one and the other of them to another overt act of the ſame treaſon, unleſs the party ſhall willingly, without violence, in open court, confeſs the ſame, or ſhall ſtand mute, or refuſe to plead, or in caſes of high treaſon ſhall peremptorily challenge above the number of 35 of the jury. *ſ.* 2.

Provided that any perſon indicted for any the treaſons or miſpriſions aforeſaid may be outlawed, and thereby attainted; and in caſes of high treaſon, where by law, after ſuch outlawry, the party may come in and be tried, he ſhall have the benefit of this act. *ſ.* 3.

If two or more diſtinct treaſons of divers kinds be alledged in one indictment, one witneſs produced to prove one of the treaſons, and another witneſs produced to prove another, ſhall not be deemed two witneſſes to the ſame treaſon. *ſ.* 4.

No perſon ſhall be indicted, tried, or proſecuted, for any ſuch treaſon or miſpriſion of ſuch treaſon, committed within *England*, *Wales*, or *Berwick*, unleſs the indictment be found within three years after the offence done: except that if any perſon be guilty of deſigning, endeavouring, or attempting any aſſaſſination on the body of the king, by poiſon or otherwiſe, ſuch perſon may be proſecuted at any time. *ſ.* 5.

And all perſons who ſhall be accuſed and tried for ſuch treaſon as aforeſaid, or for miſpriſion of ſuch treaſon, ſhall have copies of the panel of the jurors, duly returned by the ſheriff, and delivered to them two days at leaſt before they be tried; and all perſons indicted ſhall have the like proceſs of the court to compel their witneſſes to appear at ſuch trials, as is uſually granted to compel witneſſes to appear againſt them. *ſ.* 6.

No evidence ſhall be given of any overt act that is not expreſsly laid in the indictment. *ſ.* 7.

No indictment, for any of the offences aforeſaid, nor any proceſs or return thereupon, ſhall be quaſhed on the motion of the priſoner or his counſel, for miſwriting, miſ-ſpelling, falſe or improper *Latin*, unleſs exception be taken in court by the priſoner or his counſel before any evidence given in open court upon ſuch indictment; nor ſhall any ſuch miſwriting, *&c.* after conviction, be cauſe to ſtay or arreſt judgment; but judgment given upon ſuch indictment may be reverſed upon a writ of error, as if this act had not been. *ſ.* 8.

Upon the trial of any peer or peereſs for treaſon or miſpriſion, all the peers who have a right to ſit and vote in parliament ſhall be ſummoned 20 days before ſuch trial; and every peer ſo ſummoned and appearing ſhall vote in the trial, firſt taking the oaths, and ſubſcribing and repeating the declaration mentioned in 30 *Car.* 2. *ſt.* 2. *ſ.* 10.

This act ſhall not extend to any impeachment or other proceedings in parliament. *ſ.* 11.

This act ſhall not extend to any indictment of high treaſon for counterfeiting his majeſty's coin, his great ſeal or privy ſeal, his ſign manual or privy ſignet. *ſ.* 12.

By 8 and 9 *Will.* 3. *c.* 26. *made perpetual by* 7 Ann. c. 25. No perſon (except perſons employed in his majeſty's mints, for the uſe of the mints only, or perſons authorized by the treaſury) ſhall knowingly make or mend, or aſſiſt in the making or mending, of any puncheon, counter puncheon, matrix, ſtamp, dye, pattern or mould, of ſteel, or other metal, or of ſpaud, or fine founders earth, or ſand or other materials, in which there ſhall be the figure of either ſide, or flat of any gold or ſilver coin current; nor ſhall knowingly make or mend, or aſſiſt in the making or mending, of any edger or edging tool, not of common uſe in any trade, but contrived for marking of money round the edges with letters, grainings or other marks, reſembling thoſe on money; nor any preſs for coinage, nor any cutting engine, for cutting round blanks by a ſcrew out of flatted bars of gold, ſilver, or other metal; nor ſhall knowingly buy, ſell, or conceal, or without authority or ſufficient excuſe knowingly have in his cuſtody any ſuch puncheon, *&c.* and if any perſon ſhall offend in the matters aforeſaid, ſuch offenders, their counſellors, procurers, aiders, and abettors, ſhall be guilty of high treaſon. *ſ.* 1.

If any perſon ſhall without authority knowingly convey, or aſſiſt in the conveying, out of his majeſty's mint any puncheon, or other inſtrument uſed about the coining of monies there, or any uſeful part of ſuch inſtruments, as well the perſons offending, their counſellors, procurers, aiders, or abettors, as alſo all perſons knowingly receiving or concealing the ſame, ſhall be guilty of high treaſon. *ſ.* 2.

If any perſon (other than the perſons employed in his majeſty's mints, or ſuch as ſhall have authority from the treaſury) ſhall mark on the edges any current coin; or if any perſon ſhall mark on the edges any diminiſhed or counterfeit coin, with letters or grainings like thoſe on the edges of money coined in his majeſty's mint, ſuch offence ſhall be high treaſon, and the offenders, their counſellors, procurers, aiders, and abettors, being convicted, ſhall ſuffer death as in caſe of high treaſon. *ſ.* 3.

If any perſon ſhall colour, gild, or caſe over with gold or ſilver, or with any waſh or materials producing the colour of gold or ſilver, any coin reſembling the current coin, or any round blanks of baſe metal, or of coarſe gold or ſilver, of a fit ſize and figure to be coined, or ſhall gild over any ſilver blanks of a ſize and figure reſembling the current gold coin, ſuch perſons, their counſellors, *&c.* ſhall be guilty of high treaſon. *ſ.* 4.

If any puncheon, dye, ſtamp, edger, cutting engine, preſs, flaſk, or other inſtrument for coining or counterfeiting gold or ſilver monies, or any part of ſuch tool, ſhall be hid in any place, or found in the houſe or poſſeſſion of any perſon not employed in coining in his majeſty's mints, nor having the ſame by authority, any perſons diſcovering are required to ſeize the ſame, and to carry them to ſome juſtice of peace, to be produced in evidence againſt any perſon who ſhall be proſecuted for ſuch offence; and after they ſhall have been produced in evidence, they ſhall by order of the court,

court, or in the preſence of ſome juſtice of peace, in caſe there be no trial, be deſtroyed; and if any counterfeit or diminiſhed money ſhall be produced in any court of juſtice in evidence, or otherwiſe, the judges ſhall cauſe ſuch monies to be cut in pieces in court, or in the preſence of ſome juſtice of peace, and then to be delivered to ſuch perſons to whom the ſame ſhall appertain. *ſ.* 5.

This act ſhall not make any corruption of blood, or make the wife of any offender to loſe her dower; and perſons accuſed of offences made treaſon or felony by this act, ſhall be tried by ſuch evidence, and in ſuch manner, as any offenders for counterfeiting the king's money. *ſ.* 7.

The crimes mentioned in the act 6 and 7 *Will.* 3. *c.* 17. (*ſee page* 232, *ante*) may be heard and determined upon indictment or preſentment, either in his majeſty's court of king's bench, or before juſtices of *oyer* and *terminer*, or juſtices of aſſize or gaol-delivery. *ſ.* 8.

No proſecution ſhall be made for any offence againſt this act, unleſs commenced within three months. *ſ.* 9. *See* 1 *Ann. ſtat.* 1. *c.* 9. *ſ.* 2.

By 1 *Ann. ſt.* 1. *c.* 9. *re-enacted after the union by* 7 Ann. c. 25. ſ. 2. The proſecution of ſuch as offend againſt the act 8 *Will.* 3. *c.* 26. by making or mending any coining tool therein prohibited, or by marking of money round the edges with letters or grainings, may be commenced at any time within ſix months after ſuch offence committed. *ſ.* 2.

By 1 *Ann. ſtat.* 2. *c.* 17. If any perſon ſhall endeavour to deprive or hinder any perſon who ſhall be the next in ſucceſſion to the crown for the time being, according to the limitations in 1 *Will.* and *Mar. ſt.* 2. *c.* 2. and 12 and 13 *Will.* 3. *c.* 2. *which ſee in* KING, from ſucceeding after the deceaſe of her majeſty to the imperial crown of this realm, *viz.* during the time her majeſty ſhall have no iſſue, the princeſs *Sophia*, electoreſs and ducheſs dowager of *Hanover*; and after the deceaſe of the ſaid princeſs, the next in ſucceſſion to the crown; and the ſame maliciouſly and directly ſhall attempt by any overt act, ſuch offence ſhall be high treaſon. *ſ.* 3.

By 2 and 3 *Ann. c.* 20. Be it enacted and declared, that if any officer or ſoldier in her majeſty's army ſhall either upon land out of *England*, or upon the ſea, hold correſpondence with any rebel or enemy of her majeſty, or give them advice or intelligence, or ſhall treat with ſuch rebels or enemies without her majeſty's licence, or licence of the general, lieutenant-general, or chief commander, ſuch perſon ſhall be guilty of high treaſon. *ſ.* 34.

If any officer or ſoldier of her majeſty's army, either upon land out of *England*, or upon the ſea, ſhall raiſe any mutiny or ſedition in the army, or ſhall refuſe to obey his ſuperior officer, or ſhall reſiſt any officer in the execution of his office, or ſhall ſtrike, draw, or offer to draw any weapon againſt his ſuperior officer, every perſon ſo offending ſhall be guilty of felony; and the offenders being convicted, or indicted or arraigned, and ſtanding mute, or challenging peremptorily above 20 of the jury, ſhall ſuffer death. *ſ.* 35.

The treaſons and felonies before mentioned may be enquired of, heard and determined, in the queen's bench, by good men of the county where the court ſhall ſit, or before ſuch commiſſioners, and in ſuch county, as ſhall be aſſigned by the queen. *ſ.* 36.

If any perſon ſhall in a court martial be tried and acquitted, or convicted of any of the offences herein before mentioned, ſuch acquittal or conviction ſhall be a bar to any indictment or proceeding for the ſame offence. *ſ.* 40.

No attainder for any crime made felony by this act ſhall make any corruption of blood to any heir of ſuch offender, or debar the wife of her dower. *ſ.* 41.

If any peer ſhall commit any of the offences aforeſaid beyond the ſeas, and ſhall not have been there tried for the ſame by martial law, and after his return into this realm ſhall be indicted of any offence hereby declared to be treaſon or felony, he ſhall have his trial by his peers. *ſ.* 42.

Every perſon who ſhall be accuſed for any thing made treaſon by this act, ſhall be entitled to the benefit of the act 7 *Will.* 3. *c.* 9. *ſ.* 43. Qu. *If all this act (for puniſhing mutiny,* &c.) *be not expired?*

By 6 *Ann. c.* 7. If any perſon ſhall maliciouſly, adviſedly, and directly, by writing or printing, maintain and affirm, that the pretended prince of *Wales*, who ſtiles himſelf king of *Great Britain*, or king of *England*, by the name of *James* the third, or king of *Scotland*, by the name of *James* the eighth, hath any right or title to the crown, or that any other perſon hath any right or title to the ſame, otherwiſe than according to an act made in *England*, 1 *Will.* and *Mar. ſt.* 2. *c.* 2. and one other act, 12 *Will.* 3. *c.* 2. and the acts made in *England* and *Scotland* for the union of the two kingdoms; or that the kings of this realm, with the authority of parliament, are not able to make laws and ſtatutes to bind the crown, and the deſcent thereof; ſuch perſon ſhall be guilty of high treaſon. *ſ.* 1.

If any perſon ſhall maliciouſly and directly, by preaching, teaching, or adviſed ſpeaking, declare and affirm, that the pretended prince of *Wales*, who ſtiles himſelf king of *Great Britain*, *&c.* hath any right or title to the crown, or that any other perſon hath any right or title to the ſame, otherwiſe than according to an act made in *England*, 1 *Will.* and *Mar. ſt.* 2. *c.* 2. and 12 *Will.* 3. *c.* 2. and the acts made in *England* and *Scotland*, for the union of the two kingdoms; or that the kings of this realm, by authority of parliament, are not able to make laws to limit the crown, and the inheritance thereof; ſuch perſon ſhall incur the penalty of *praemunire*, 16 *Ric.* 2. *c.* 5. *ſ.* 2.

Provided that no perſon ſhall be proſecuted by virtue of this act for any words ſpoken, unleſs the information of ſuch words be given upon oath to a juſtice of peace within three days after ſuch words ſpoken, and the proſecution of ſuch offence be within three months after ſuch information; and no perſon ſhall be convicted for ſuch words ſpoken, but by the oaths of two witneſſes. *ſ.* 3.

See other parts of this act in COMMISSIONERS, KING, PARLIAMENT.

By 7 *Ann. c.* 21. After the deceaſe of the perſon who pretended to be prince of *Wales* during the life of the late king *James*, *&c.* no attainder for treaſon ſhall extend to the diſheriting of any heir, nor to the prejudice of any perſon, other than the offender during his life. *ſ.* 10.

After the deceaſe of the perſon who pretended, *&c.* when any perſon is indicted for high treaſon, or miſpriſion of treaſon, a liſt of the witneſſes that ſhall be produced on the trial for proving the ſaid indictment, and of the jury, mentioning the names, profeſſion, and place of abode, of the witneſſes and jurors, ſhall be given at the ſame time that the copy of the indictment is delivered to the party indicted; and copies of all indictments for the offences aforeſaid, with ſuch liſts, ſhall be delivered to the party indicted ten days before the trial, and in preſence of two witneſſes. *ſ.* 11. *But this ſhall not extend to any indictment of high treaſon for counterfeiting his majeſty's coin, the great ſeal, or privy ſeal, his ſign manual, or privy ſignet, or to any indictment of high treaſon, or to any proceedings thereupon againſt any offender, who by any act now in force is to be indicted, arraigned, tried, and convicted by ſuch evidence, and in ſuch manner as is uſed againſt*

againſt offenders for counterfeiting his majeſty's coin. 6 Geo. 3. c. 53. ſ. 3.

By 15 *Geo.* 2. *c.* 28. If any perſon waſh, gild, or colour any lawful ſhilling or ſixpence, or any counterfeit ſhilling or ſixpence, or add to or alter the impreſſion of ſuch coins, with intent to make ſuch ſhilling reſemble or paſs for a guinea, or ſuch ſixpence paſs for an half guinea; or file, or alter, waſh or colour any halfpennies or farthings, or add to or alter the impreſſion of an halfpenny or farthing, with intent to make an halfpenny paſs for a ſhilling, or a farthing paſs for a ſixpence, the perſon ſo offending, their counſellors, aiders, and procurers, ſhall be adjudged guilty of high treaſon. *ſ.* 1.

By 20 *Geo.* 2. *c.* 30. Every perſon impeached by the commons of *Great Britain* of any high treaſon, whereby any corruption of blood may be made to ſuch offender or his heir, or for miſpriſion of ſuch treaſon, ſhall be admitted to make his defence by counſel not exceeding two, who ſhall be aſſigned on the application of the party impeached at any time after the articles of impeachment are exhibited by the commons.

By 30 *Geo.* 3. *c.* 48. The judgment to be awarded againſt any woman convicted of high treaſon, petit treaſon, or of abetting, procuring, or counſelling any petit treaſon, ſhall not be that ſuch woman ſhall be drawn to the place of execution, and be there burned to death, but that ſuch woman, ſo convicted, ſhall be drawn to the place of execution, and be there hanged by the neck until ſhe be dead. *ſ.* 1.

If any woman ſhall be convicted of petit treaſon, or of abetting, procuring, or counſelling any petit treaſon, then ſuch woman ſhall be ſubject to ſuch further pains as are ſpecified with reſpect to perſons convicted of wilful murder, in 25 *Geo.* 2. *c.* 37. and the court before whom ſuch woman ſhall be convicted, ſhall paſs ſentence at ſuch time, and ſhall give ſuch orders with reſpect to the time of execution, the diſpoſal of the convict's body after execution, and all ſuch other matters as are directed to be given by the ſaid act, with reſpect to perſons convicted of murder. *ſ.* 2.

Whenever any woman ſhall be convicted of high treaſon, or of petit treaſon, or of abetting, procuring, or counſelling any petit treaſon, and judgment ſhall be given thereon according to this act, then ſuch woman, being ſo attainted of ſuch crimes, ſhall be ſubject to the like forfeitures, and corruption of blood, as before this act. *ſ.* 4.

Trees.

By 6 *Geo.* 3. *c.* 48. Every perſon who ſhall wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwiſe deface, damage, ſpoil, or deſtroy, or carry away, any timber tree, or trees likely to become timber, or any part thereof, or the lops or tops thereof, without the conſent of the owner thereof firſt had, or in any of his majeſty's foreſts or chaſes, without the conſent of the ſurveyor, or his deputy, or perſon intruſted with the care of the ſame, and ſhall be thereof convicted upon the oath of one witneſs, before one juſtice, ſhall, for the firſt offence, forfeit not exceeding 20 *l.* as to ſuch juſtice ſhall ſeem meet, together with the charges previous to and attending ſuch conviction, to be aſcertained by ſuch juſtice; and upon non-payment thereof, ſuch juſtice ſhall commit the offender to the common gaol, for not exceeding twelve, nor leſs than ſix months, or until the penalty and charges be paid; and if any perſon ſo convicted ſhall be guilty of the like offence a ſecond time, and ſhall be thereof convicted in like manner, ſuch perſon ſhall forfeit not exceeding 30 *l.* together with the charges attending ſuch conviction; and upon non-payment thereof, ſuch juſtice ſhall commit the offender to the common gaol, for not exceeding 18, nor leſs than twelve months, or until the penalty and charges be paid; and if any perſon ſo convicted ſhall be guilty of the like offence a third time, and ſhall be thereof convicted in like manner, ſuch perſon ſhall be guilty of felony, and the court ſhall tranſport ſuch perſon for 7 years to any of his majeſty's plantations in *America*, in like manner as other felons. *ſ.* 1.

All oak, beach, cheſnut, walnut, aſh, elm, cedar, fir, aſh, lime, ſycamore, and birch trees, (*and poplar, alder, larch, maple, and hornbeam trees, by* 13 Geo. 3. c. 33.) ſhall be deemed timber trees within this act. *ſ.* 2.

Every perſon who ſhall pluck up, or cut, ſpoil, or deſtroy, or take away, any root, ſhrub, or plant, out of the fields, nurſeries, gardens, or garden grounds, or other cultivated lands, of any perſon whomſoever, without the conſent of the owner firſt had, and ſhall be thereof convicted upon the oath of one witneſs, before one juſtice, ſhall for the firſt offence forfeit not exceeding 40 *s.* together with the charge previous to and attending ſuch conviction, to be aſcertained by ſuch juſtice; and if any perſon ſo convicted ſhall again commit the like offence, and be convicted in manner aforeſaid, ſuch perſon ſhall for ſuch ſecond offence, forfeit not exceeding 5 *l.* together with the charges attending the conviction; and if any perſon ſo before convicted ſhall a third time commit the like offence, and ſhall be thereof convicted, ſuch perſon ſhall, for ſuch third offence, be deemed guilty of felony; and the court ſhall tranſport ſuch perſon for ſeven years to any of his majeſty's plantations in *America*, as other felons. *ſ.* 3.

Every perſon who ſhall go into the woods, underwoods, or wood grounds, of any of his majeſty's ſubjects, not being the owner thereof, and ſhall there cut, lop, top, or ſpoil, ſplit down, or damage, or otherwiſe deſtroy, any kind of wood or underwood, poles, ſticks of wood, green ſtubs, or young trees, or carry away the ſame; or ſhall have in his cuſtody any kind of wood, underwood, *&c.* and ſhall not give a ſatisfactory account how he came by the ſame, and ſhall be thereof convicted before one juſtice, on the oath of one witneſs, ſhall for the firſt offence forfeit not exceeding 40 *s.* together with the charges attending ſuch conviction; and if any perſon ſhall commit any of the offences aforeſaid a ſecond time, he ſhall forfeit not exceeding 5 *l.* together with the charges attending ſuch conviction; and if a third time, ſuch perſons convicted thereof ſhall be deemed incorrigible rogues, and puniſhed as ſuch. *ſ.* 4.

Juſtices for the counties, cities, ridings, diviſions, or places, wherein any offences againſt this act ſhall be done, are to put this act in execution, and adminiſter an oath to any witneſſes. *ſ.* 5.

It ſhall be lawful for ſuch juſtice, unleſs the forfeitures ſhall be paid down upon conviction forthwith, where not otherwiſe directed, by warrant, to commit ſuch offender, for the firſt offence, to the houſe of correction for one month, to hard labour, and to be once whipped there; and for the ſecond offence, for three months, and to be whipped there once in every one of the ſaid three months. *ſ.* 6.

If any perſon ſhall hinder, or attempt to prevent, the ſeizing or ſecuring any perſon employed in carrying away any ſuch timber or other trees, ſuch perſon ſhall forfeit 10 *l.* to the perſon who ſhall convict ſuch offender; and if not paid on conviction, the perſon convicted ſhall be committed to the houſe of correction to hard labour for not exceeding ſix months. *ſ.* 7.

One moiety of all forfeitures, not otherwiſe directed, ſhall go to the informer, and the other to the perſon aggrieved. *ſ.* 8.

The conviction of every offender againſt this act ſhall be certified by the juſtice before whom made, to the next general quarter ſeſſions of the peace, to be filed amongſt the records of the ſeſſions; and ſuch conviction ſhall be on parchment or paper, in the following form (as the caſe ſhall happen) or in words to the like effect, *viz.*

To wit. { *BE it remembered, That on the* ——— *day of* ——— *in the year* ———

A. B. *was, upon the complaint of* C. D. *convicted before* ——— *of the juſtices of the peace for* ——— *in purſuance of an act paſſed in the 6th year of the reign of his majeſty king* George *the third, for* ——— as the caſe ſhall be.

Given under ——— *hand and ſeal the day and year above written.*

Which ſhall be good in law, and ſhall not be quaſhed for want of any form or words whatſoever; nor be removed by *certiorari* into his majeſty's court of *king's bench*, but ſhall be deemed final. *ſ.* 9.

By 9 *Geo.* 3. *c.* 41. The clauſe in 6 *Geo.* 3. *c.* 48. *ſ.* 4. and all penalties, forfeitures, and puniſhments thereby inflicted, and all other proviſions, clauſes, matters, and things relating thereto, ſhall extend, and be applied and put in execution, in relation to all his majeſty's foreſts and chaces within this realm; and to all perſons who ſhall, without legal right or authority, by night or day, cut down, deſtroy, take, carry, or convey away any hollies, thorns, or quickſets, growing or being upon any of his ſaid foreſts or chaces, or within the woods or wood grounds of any of his majeſty's ſubjects; or who ſhall have in their cuſtody any ſuch hollies, thorns, or quickſets, and ſhall not give a ſatisfactory account how they came by the ſame, and ſhall be thereof convicted before one juſtice, in the manner preſcribed by the ſaid act. *ſ.* 8.

The conviction of offenders againſt this act ſhall be certified by the juſtice before whom made, to the next general quarter ſeſſions of the peace, to be filed amongſt the records of the ſaid ſeſſions; and ſuch conviction ſhall be in the following form, or to the like effect, *viz.*

To wit. { *BE it remembered, That on the* ——— *day of* ——— *in the year* ———

A. B. *was, upon the complaint of* C. D. *convicted before* ——— *of the juſtices of the peace for* ——— *in purſuance of an act paſſed in the 9th year of the reign of his majeſty king* George *the third, for* ——— (as the caſe ſhall be.)

Given under ——— *hand and ſeal the day and year above written.*

Which conviction ſhall be good in law, and ſhall not be quaſhed for want of form, nor be removed by *certiorari* into the *king's bench*, but ſhall be deemed final. *ſ.* 9.

Treſpaſs.

By 3 *Ed.* 1. *c.* 20. Treſpaſſers in parks and ponds ſhall be impriſoned for three years, make fine, and find ſureties, and in default ſhall abjure.

By 37 *Hen.* 8. *c.* 6. If any perſon maliciouſly and unlawfully cut, or cauſe to be cut off, the head or dam of any ponds, pools, motes, ſtews, or other ſeveral waters, or the head or pipes of any conduit of any perſon, or maliciouſly and unlawfully burn any wain or cart laden with coals or other goods of any other perſon, or maliciouſly and unlawfully burn any heap of wood of any other perſon, prepared for the making of coal, billets, or talwood, or maliciouſly and unlawfully cut out the tongue of any tame beaſt of any other perſon (the beaſt then being in life) or maliciouſly and unlawfully cut off the ear of any the king's ſubjects, otherwiſe than by authority of law, chancemedley, ſudden affray or adventure; or maliciouſly or unlawfully bark any fruit trees of any other perſon; ſuch offenders ſhall not only forfeit unto the party grieved treble damages, to be recovered by action of treſpaſs at common law, but alſo ſhall forfeit to the king 10*l.* in name of a fine. *ſ.* 4.

By 43 *Eliz. c.* 7. All lewd perſons which ſhall cut or unlawfully take away any corn growing, or rob any orchards or gardens, or break or cut any hedge, pales, rails or fence, or dig, pull up or take up, any fruit trees, to the intent to take the ſame away, or ſhall cut or ſpoil any woods or underwoods, poles or trees ſtanding, not being felony, and their procurers or receivers knowing the ſame, being convicted by confeſſion, or one witneſs, before ſome juſtice of peace, mayor or other head officer, where the offence ſhall be committed, or the party apprehended, ſhall give ſuch recompence for the damages as by ſuch head officer or juſtice of peace ſhall be appointed, for the firſt fault; and if ſuch offenders ſhall be thought in the diſcretion of the juſtice, *&c.* not able, or do not make ſatisfaction for the damages, the juſtice, *&c.* ſhall commit the offenders to ſome conſtable or other inferior officers of the city, *&c.* or hamlet where the offence ſhall be committed, or the party apprehended, to be whipped; and for every ſuch offence for which the offenders ſhall be eſtſoons committed, to receive the ſaid puniſhment of whipping. *ſ.* 1.

If any conſtable or inferior officer do not at the command of any juſtice of peace, or other head officer, execute by himſelf, or ſome other, the puniſhment limited by this ſtatute, it ſhall be lawful for the juſtice to commit the conſtable, *&c.* to the common gaol, until the offenders be by the ſaid conſtable, or by his procurement, whipped. *ſ.* 2.

Provided that no juſtice of peace, or other head officer, do execute this ſtatute for any the offences aforeſaid done unto himſelf, unleſs he be aſſiſted with one or more other juſtices of peace whom the offence doth not concern. *ſ.* 3. *See* 15 *Car.* 2. *c.* 2. *in* Woods.

By 22 & 23 *Car.* 2. *c.* 7. If any perſon ſhall in the night time maliciouſly and unlawfully maim, wound, or hurt, any horſes, ſheep, or other cattle, whereby the ſame ſhall not be killed, or ſhall deſtroy any plantations of trees, or throw down any incloſures, ſuch offenders ſhall forfeit unto the party grieved treble the damage, to be recovered by action of treſpaſs, or upon the caſe, at common law. *ſ.* 5.

Upon requeſt of the party injured, any three juſtices of peace (whereof one of the *quorum*) may enquire, as well by the oaths of twelve men as by examination of witneſſes, and iſſue out warrants, as well for the ſummoning of jurors, as for the apprehending of perſons ſuſpected, and to take their examination, as alſo to cauſe other perſons to appear and give information upon oath concerning the premiſſes; ſo as no perſon be proceeded againſt for any offence concerning which he ſhall be examined as a witneſs, and ſhall make a true diſcovery thereof: and in caſe any perſon ſhall refuſe to be examined, being duly ſummoned; it ſhall be lawful for the juſtices to commit the party ſo refuſing to the common gaol, until he ſhall ſubmit to be examined upon oath. *ſ.* 6.

Provided that no perſon who ſhall be puniſhed for any offence by this act, ſhall be puniſhed for the ſame by any other law; nor ſhall be queſtioned for the ſame, unleſs he be proceeded againſt within ſix months after the offence. *ſ.* 7.

By 13 *Geo.* 3. *c.* 32. If any perſon ſhall ſteal and take away, or maliciouſly pull up or deſtroy, any turnips, potatoes,

toes, cabbages, parſnips, peaſe, or carrots, growing or being in any garden, lands, or grounds, open or incloſed, and ſhall be thereof convicted before any juſtice, either by the confeſſion of the party offending, or by the oath of one witneſs, every perſon ſo offending, and being convicted, ſhall forfeit not exceeding 10 *s.* over the value of the goods ſtolen, as to ſuch juſtice ſhall ſeem meet; which ſhall be diſtributed between the owner of ſuch turnips, *&c.* and the overſeers of the poor, or perſons having the charge of the funds of the poor of ſuch pariſh where the offence ſhall be committed, for the uſe of the poor, in ſuch proportion as ſuch juſtice ſhall think fit; or the whole of ſuch ſums ſhall be given to the owner of ſuch turnips, *&c.* or to the overſeers, for the uſe of the poor, according to the diſcretion of ſuch juſtice; and in default of payment of ſuch penalty, ſuch juſtice ſhall commit ſuch offender to the houſe of correction, to be kept to hard labour for not exceeding one month, unleſs ſuch penalty be ſooner paid; and if the offence is committed in *Scotland*, ſuch juſtice ſhall commit ſuch offender to priſon, for not exceeding one month, unleſs ſuch penalty be ſooner paid; and the bringing of the offender before ſuch juſtice may be done, and the proceedings againſt offenders, under this act, may be carried on, in the moſt ſummary manner. *ſ.* 1.

In all informations, and other proceedings, the evidence of the owner of ſuch turnips, *&c.* and of the inhabitants of the pariſh where the offence ſhall be committed, ſhall be taken. *ſ.* 2.

Where ſuch conviction ſhall be upon the oath of the owner, the whole of the penalty ſhall be paid to the overſeer for the uſe of the poor. *ſ.* 3.

The juſtices ſhall cauſe the conviction to be drawn up in the following form. *ſ.* 4.

Be it remembered, that on the —— day of —— in the year of our Lord 17—, A. B. *having been brought before me, or having been duly ſummoned, and not having appeared, or having appeared* (as the caſe may be) *and having confeſſed, or being convicted* (as the caſe may be) *of the charge exhibited againſt him, is duly convicted* (ſpecifying the offence, time, *&c.*) *Given under my hand and ſeal the day and year aforeſaid.*

No perſon ſhall be proſecuted unleſs ſuch proſecution be begun within 30 days. *ſ.* 5.

Trial.

Stat. of York, 12 *Edw.* 2. *ſt.* 1. *c.* 2. When a deed is denied in the king's court, wherein witneſſes be named, proceſs ſhall be awarded to cauſe ſuch witneſſes to appear, as hath been uſed, ſo that if none of them came in at the great diſtreſs returned, or if it be returned, that they have nothing, or that they cannot be found, yet the taking of the inqueſt ſhall not be deferred; and if the witneſſes come in at the great diſtreſs, and the inqueſt for ſome cauſe remaineth untaken, the witneſſes ſhall have like day given them, as is aſſigned for the taking of the inqueſt; at which day, if the witneſſes do not appear, the iſſues that were firſt returned upon them ſhall be forfeit; and the taking of the inqueſt ſhall not be deferred becauſe of their abſence. And for abſence of witneſſes dwelling within franchiſes where the king's writ original doth not run, the taking of an inqueſt ſhall not be deferred.

By 9 *Edw.* 3. *ſt.* 1. *c.* 4. When any deeds be put forth in bar of any action, bearing date in a place within franchiſe, although there be witneſſes of the franchiſes named in the deeds, if the deeds be denied, proceſs ſhall be made into the county where the plea ſhall be moved, to have the inqueſt of the county and the witneſſes; and if the witneſſes come not at the great diſtreſs returned, the juſtices ſhall proceed to the taking of the inqueſt, as if the deed did bear date in the ſhire where the plea was moved, and the witneſſes were of the ſame county.

By 28 *Edw.* 3. *c.* 13. In all inqueſts and proofs to be taken amongſt aliens and denizens, be they merchants or other, before any juſtices or miniſters, although the king be party, the one half of the inqueſt or proof ſhall be denizens, and the other half aliens, if ſo many aliens be in the place; and if there be not ſo many aliens, then ſhall there be put in ſuch inqueſts or proofs as many aliens as ſhall be found, which be not parties. *ſ.* 2.

By 8 *Hen.* 6. *c.* 29. The ſtatute 2 *Hen.* 5. *ſt.* 2. *c.* 3. [*which ſee in* JURORS] ſhall not be prejudicial to the ordnance 28 *Edw.* 3. *c.* 13. notwithſtanding that the aliens have not lands to the value of 40 *s.* by the year.

By 20 *Hen.* 6. *c.* 9. Ladies of peers, married or ſole, being indicted of treaſon or felony by them done, ſhall be put to anſwer and judged before ſuch judges and peers of the realm, as peers ſhould be if they were indicted.

By 2 and 3 *Edw.* 6. *c.* 24. Where any perſon ſhall be feloniouſly ſtricken or poiſoned in one county, and die of the ſtroke or poiſoning in another county, an indictment found by jurors of the county where the death ſhall happen, ſhall be as effectual as if the ſtroke or poiſoning had been committed in the ſame county. *ſ.* 2.

The juſtices of gaol delivery, and *oyer* and *terminer*, in the county where ſuch indictment ſhall be taken, and alſo the juſtices of the king's bench, after the indictment ſhall be removed before them, may proceed upon the ſame, as they ſhould in caſe ſuch felonious ſtroke and death, *&c.* had grown all in one county; and ſuch party, to whom appeal of murder ſhall be given, may ſue appeal of murder in the ſame county where the party ſhall die, as well againſt the principal as againſt every acceſſary, in whatſoever county the acceſſary ſhall be guilty. *ſ.* 3.

Where any murder or felony ſhall be committed in one county, and another ſhall be acceſſary in any other county, an indictment found againſt ſuch acceſſary in the county where ſuch offence of acceſſary ſhall be committed, ſhall be as effectual as if the principal offence had been committed within the ſame county; and the juſtices of gaol delivery, or *oyer* and *terminer*, or two of them, in ſuch county where the offence of ſuch acceſſary ſhall be committed, ſhall write to the *cuſtos rotulorum* where ſuch principal ſhall be convicted, to certify them whether ſuch principal be convicted or diſcharged of ſuch principal felony; who upon ſuch writing ſhall make certificate under his ſeal, whether ſuch principal be convicted or diſcharged; and the juſtices of gaol delivery, *&c.* ſhall proceed upon ſuch acceſſary in ſuch manner, as if both the principal offence and acceſſary had been committed in the county where the offence of the acceſſary was committed. *ſ.* 4.

By 4 *&* 5 *Ann. c.* 16. Every *venire facias* for the trial of any iſſue in any ſuit in any of her majeſty's courts at *Weſtminſter*, ſhall be awarded of the body of the county where ſuch iſſue is triable. *ſ.* 6.

Provided that nothing in this act before contained ſhall extend to any appeal of felony or murder, or to any indictment or preſentment of treaſon, felony, or murder, or other matter, or to any action or information upon any penal ſtatute. *ſ.* 7.

In any actions in any of her majeſty's courts at *Weſtminſter*, where it ſhall appear to the court, that it will be neceſſary, that the jurors ſhould have the view of the place in queſtion, the courts may order ſpecial writs of *diſtringas*

or *habeas corpora*, by which the ſheriff or other officer ſhall be commanded to have ſix out of the firſt 12 of the jurors, or ſome greater number, at the place in queſtion, ſome convenient time before the trial, who ſhall have the matters in queſtion ſhewn to them by two perſons in the writ named, to be appointed by the court. *ſ.* 8.

By 24 *Geo.* 2. *c.* 18. Every *venire facias*, for the trial of any iſſue in any action, or information upon any penal ſtatute in any court of record at *Weſtminſter*, in the counties palatine of *Lancaſter*, *Cheſter*, and *Durham*, and the principality of *Wales*, ſhall be awarded of the body of the county where ſuch iſſue is triable. *ſ.* 3. — *See* CLERGY, FELONY, JURIES, MURDER, PIRATES.

Truſts.

By 29 *Car.* 2. *c.* 3. All declarations or creations of truſts of lands ſhall be manifeſted by writing, ſigned by the party enabled to declare ſuch truſt, or by his laſt will in writing, or elſe ſhall be void. *ſ.* 7.

Where any conveyance ſhall be made of lands, by which a truſt ſhall ariſe or reſult by implication or conſtruction of law, or be transferred or extinguiſhed by operation of law; ſuch truſt ſhall be of like force, as if this ſtatute had not been made. *ſ.* 8.

All grants and aſſignments of any truſt ſhall be in writing ſigned by the party granting or aſſigning the ſame, or by ſuch laſt will, or elſe ſhall be void. *ſ.* 9.

It ſhall be lawful for every ſheriff or other officer, to whom any writ or precept ſhall be directed, upon any judgment, ſtatute, or recognizance, to do execution of all ſuch lands, tithes, and hereditaments, as any other perſons be ſeiſed or poſſeſſed in truſt for him againſt whom execution is ſued, as if the party againſt whom execution ſhall be ſued, had been ſeiſed of ſuch lands, *&c.* of ſuch eſtate as they be ſeiſed of in truſt for him at the time of the execution ſued; which lands, *&c.* ſhall be accordingly held, freed from all incumbrances of ſuch perſons ſeiſed or poſſeſſed in truſt. And if any *ceſtuy que truſt* ſhall die, leaving a truſt in fee-ſimple to deſcend to his heir, ſuch truſt ſhall be *aſſets* by deſcent, and the heir ſhall be chargeable with the obligation of his anceſtor, as if the eſtate in law had deſcended to him. *ſ.* 10.

Provided that no heir, that ſhall be chargeable by reaſon of any eſtate or truſt made *aſſets* by this law, ſhall by reaſon of any plea, confeſſion of the action, or ſuffering judgment by *nient dedire*, or other matter, be chargeable to pay the condemnation out of his own eſtate; but execution ſhall be ſued of the whole eſtate ſo made *aſſets*, in whoſe hands ſoever it ſhall come after the writ purchaſed; in the ſame manner as by the common law, where the heir pleading a true plea, judgment is prayed againſt him thereupon. *ſ.* 11.—*See* FRAUDS, IDEOTS, INFANTS.

Turky Company.

By 26 *Geo.* 2. *c.* 18. Every ſubject of *Great Britain*, deſiring admiſſion into the *Turky Company*, ſhall, upon requeſt to the governor, or deputy governor, be admitted into the ſaid company within 30 days after ſuch requeſt; paying for his admiſſion for the uſe of the company, 20*l.* *ſ.* 1.

The following oath ſhall be taken by every perſon upon admiſſion, either before the governor or deputy governor of the company, or before two juſtices, which juſtices are to certify under their hands and ſeals that the ſaid oath was taken by ——— on the ——— day of ——— before us, two of his majeſty's juſtices of the peace in and for ——— *ſ.* 2.

YOU ſwear to be good, faithful, and true, to our ſovereign lord king George, *his heirs and ſucceſſors; you ſhall be obedient and aſſiſtant to the governor, his deputy, and aſſiſtants of the company of merchants of* England *trading into the* Levant *ſeas, in all lawful matters; you ſhall truly hold and keep to your power (having no ſingular regard to yourſelf, to the hurt and prejudice of the common weal of the ſaid company), all ſtatutes, acts, and ordinances, which have been duly made, according to the grant of privileges granted to the ſaid company, and conſiſtent with an act of parliament made in the* 26th *year of the reign of his majeſty king* George *the ſecond, intituled,* An act for enlarging and regulating the trade into the *Levant* ſeas: *the ſecrets of the ſaid company you ſhall not diſcloſe; and if you ſhall know any perſon or perſons, that intend any hurt, harm, or prejudice to our aforeſaid ſovereign lord, the king's majeſty, his heirs, or ſucceſſors, or to the ſaid company, or the privileges of the ſaid company, you ſhall give knowledge thereof to the ſaid governor, deputy, or aſſiſtants, or to ſome of them; and you ſhall not colour or free any goods, belonging to any one not free of the ſaid company.*

So help you GOD.

Perſons free of the company may ſeparately or jointly export from *Great Britain*, to any port within the limits of the letters patent, of *Jac.* 1. & *Car.* 2. *incorporating the ſaid company* in any *Britiſh* or plantation-built ſhips navigated according to law, at any time, and to any freemen of the company, or ſons or apprentices of freemen, being his majeſty's chriſtian ſubjects, ſo long as they remain under and ſubmit to the protection and direction of the *Britiſh* ambaſſadors and conſuls, any goods not prohibited by law to be exported; and alſo to import from any place within the limits of the ſaid letters patent, raw ſilk or any other goods, purchaſed within the ſaid limits, not prohibited by law to be imported, upon paying or ſecuring the duties, and ſuch impoſitions as ſhall be charged, for defraying the neceſſary expences of the company. *ſ.* 3.

The exportation of gold or ſilver, either in foreign coin or bullion, ſhall remain ſubject to the by-laws of the company. *ſ.* 4.

The governor, or deputy-governor and company, in general court aſſembled, may make by-laws, but no ſuch by-law ſhall be valid, unleſs confirmed at a ſubſequent general court held one month after the general court at which ſuch by-law was made; and if ſeven of the freemen think themſelves aggrieved by any by-law, it ſhall be lawful for them to preſent an appeal to the commiſſioners, for trade and plantations; who are to hear ſuch appeal, and to approve or diſapprove ſuch by-law. *ſ.* 5.

Such by-law ſhall be in force, till ſuch appeal be ſo heard and the by-law diſapproved. *ſ.* 6.

Such appeal ſhall be brought within 12 calendar months after ſuch by-law made and confirmed. *ſ.* 7.

The perſons appealing ſhall at the ſame time give notice in writing of ſuch appeal, to the governor, deputy-governor, or ſecretary of the company. *ſ.* 8.

No ſuch by-law ſhall be of any greater force than the ſame would have been if no ſuch appeal had been given by this act. *ſ.* 9.

Whenſoever any general court of the ſaid company is appointed for making any by-law, public notice thereof ſhall be given in the *London Gazette*, at leaſt 20 days before the holding ſuch general court. *ſ.* 10.

All rules made for preventing infection ſhall remain in force as if this act had never paſſed. *ſ.* 11.

No

No goods liable to retain the infection of the plague, and coming from the *Levant* without a clean bill of health, ſhall be landed in any part of *Great Britain* or *Ireland*, or of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, unleſs it appear to the ſatisfaction of his majeſty, or of his privy council, that the ſaid goods have been ſufficiently opened and aired in the lazarets of *Malta*, *Ancona*, *Venice*, *Meſſina*, *Leghorn*, *Genoa*, and *Marſeilles*, or one of them. *ſ.* 12.

By 20 *Geo.* 3. *c.* 18. Such goods as may be exported from or imported into *Great Britain*, in *Britiſh* ſhips, by any perſon free of the company, may, in like manner, be exported from, or imported into any port in *Ireland*, by any perſon free of the ſaid company, in *Britiſh* or *Iriſh* veſſels, legally navigated, on paying ſuch impoſitions as ſhall be aſſeſſed on all goods to be exported and imported as aforeſaid, or on any ſhips laden with the ſame, for defraying the expences of the company. *ſ.* 3.

The oath required by 26 *Geo.* 2. to be taken by perſons upon their admiſſion to their freedoms in the ſaid company, may be taken before two juſtices in *Ireland*. *ſ.* 4.

Vacations.

By 28 *Hen.* 8. *c.* 11.

THE year, in which the firſt-fruits ſhall be paid to the king, ſhall be immediately after the avoidance of any benefice ſpiritual; and the tithes, fruits, rents, and other profits belonging to any archdeaconry, parſonage, or other ſpiritual benefice, dignity, or office, within the king's dominions, during the vacation of the ſame, ſhall belong to ſuch perſon as ſhall be next preſented, *&c.* towards payment of the firſt-fruits. *ſ.* 3.

If any ordinary take the fruits, tithes, profits, or caſualties, belonging to any parſonage or ſpiritual benefice, *&c.* during the vacation of ſuch benefice, *&c.* and the ſame, upon reaſonable requeſt, doth not reſtore to the next incumbent, or interrupt the incumbent to have the ſame, every perſon ſo doing ſhall forfeit the treble value of ſo much as he ſhall have received; the moiety of which forfeiture ſhall be to the king, and the other moiety to the incumbent, to be recovered in any of the king's courts. *ſ.* 4.

Provided that it ſhall be lawful to every ordinary, to retain ſo much of the profits as ſhall amount to pay ſuch perſons as ſhall ſerve the cure during the vacation, their reaſonable ſtipend, and alſo for the collection of ſuch tithes, *&c.* during the vacation. *ſ.* 5.

In caſe the incumbent die, and before his death hath cauſed any of his glebe lands to be manured and ſown with corn, he may make his teſtament of the profits of the corn. *ſ.* 6.

If the fruits of the vacation be not ſufficient to pay the curate's ſtipend, the ſame ſhall be paid by the next incumbent within 14 days after he hath poſſeſſion. *ſ.* 10.

Vagrants.

By 39 *Eliz.* *c.* 17.—*Continued indefinitely by* 3 Car. 1. c. 4. & 16 Car. 1. c. 4. All idle and wandering ſoldiers or mariners, or idle perſons, which ſhall be wandering as ſoldiers or mariners, ſhall ſettle themſelves in ſome ſervice, or other lawful courſe, without wandering, or repair to the places where they were born, or to their dwelling places, betaking themſelves to ſome lawful trade, upon pain that all perſons offending ſhall be reputed as felons without benefit of clergy. *ſ.* 2.

Every idle and wandering ſoldier or mariner, which coming from his captain from the ſeas, or from beyond the ſeas, ſhall not have a teſtimonial of ſome juſtice of peace, near the place where he landed, ſetting down the place and time when he landed, and the place of his dwelling or birth, unto which he is to paſs, and a convenient time limited for his paſſage, or having ſuch teſtimonial, ſhall wilfully exceed the time above 14 days, every ſuch idle and wandering ſoldier or mariner, as alſo every other idle perſon wandering as ſoldier or mariner, which ſhall forge any ſuch teſtimonial, or have with him ſuch teſtimonial forged, knowing the ſame to be forged, every ſuch act ſhall be felony without benefit of clergy. *ſ.* 3.

It ſhall be lawful for the juſtices of aſſize, juſtices of gaol delivery, and the juſtices of peace having power to hear and determine felonies, to hear and determine all ſuch offences in their general ſeſſions, and to execute the offenders: except ſome honeſt perſon valued at the laſt ſubſidy to 10*l.* in goods, or 40*s.* in lands, or elſe ſome honeſt freeholder as by the juſtices ſhall be allowed, will be contented, before ſuch juſtices, to take them into his ſervice for one year, and will be bound by recognizance of 10*l.* to the queen, if he keep not the perſon for one year, and bring him to the next ſeſſion for the peace, and gaol delivery after the year: and if ſuch perſon depart within the year, without the licence of him that retained him, then to be adjudged as a felon, and not have benefit of clergy. *ſ.* 4.

Provided that if any ſuch idle and wandering perſon fall ſick by the way, ſo that he cannot travel within the time limited in his teſtimonial, no ſuch to be within the danger of the ſtatute, ſo as he ſettle himſelf in ſome lawful courſe within convenient time after the recovery of his ſickneſs. *ſ.* 5.

When any ſuch ſoldier or mariner ſhall repair to the place of his dwelling or birth, according to the teſtimonial, and cannot get work; upon complaint made by ſuch ſoldier or mariner, to two juſtices of peace, they ſhall take order to ſet him to ſome honeſt labour; and for want of ſuch work, the two juſtices ſhall tax the hundred for the relief of ſuch. *ſ.* 6.

If any ſuch ſoldier or mariner ſhall reſort to ſome juſtice of peace and make known his poverty, the juſtice ſhall have power to licenſe the ſoldier or mariner to paſs the next way to the place where he is to repair, and to limit him ſo much time as ſhall be neceſſary for his travel thither; and he purſuing his licence, may for his neceſſary relief aſk the relief that any perſon ſhall willingly give him. *ſ.* 7.

This

This act ſhall not work any corruption of blood in the heirs of any offender. *ſ.* 8.

By 7 *Jac.* 1. *c.* 4.—*Continued indefinitely by* 3 Car. 1. c. 4. & 16 Car. 1. c. 4. There ſhall be provided, within every county, one or more houſes of correction, together with mills, turns, cards, and ſuch implements, to ſet rogues or other idle perſons on work. *ſ.* 2.

The juſtices of peace at their quarter ſeſſions, ſhall elect one or more to be governor or maſter of the houſe ſo to be provided, which ſhall have power to ſet ſuch rogues, vagabonds, idle, and diſorderly perſons, as ſhall be ſent to the houſe, to work, and to puniſh the ſaid rogues, *&c.* by putting fetters or gives upon them, and by moderate whipping; and the ſaid rogues, *&c.* during ſuch time as they ſhall continue in the houſe of correction, ſhall not be chargeable to the country, but ſhall have ſuch allowance, as they ſhall deſerve by their own labour. *ſ.* 4.

The maſters of the houſes of correction ſhall have ſuch ſums of money yearly, as ſhall be thought meet by the juſtices at the quarter ſeſſions, to be paid quarterly beforehand by the treaſurers appointed by 43 *Eliz. c.* 2. *ſ.* 14. (*See* PRISONS,) (the ſaid maſter giving ſecurity for the performance of the ſervice) which if the treaſurer ſhall neglect, the maſter ſhall have authority to levy the ſame in ſuch manner as by the ſaid ſtatute the treaſurers are appointed to levy the weekly payment. *ſ.* 6.

Wilful people having children, and being able to labour, and running away out of their pariſhes, ſhall be deemed incorrigible rogues; and if ſuch man or woman, being able to work, ſhall threaten to run away and leave their families, the ſame being proved by two witneſſes before two juſtices of peace, they ſhall be ſent to the houſe of correction (unleſs they put in ſureties for diſcharge of the pariſh) to be dealt with as a ſturdy wandering rogue, and to be delivered at the meeting or quarter ſeſſions. *ſ.* 8.

If the maſters of the houſes of correction ſhall not every quarter ſeſſions yield account unto the juſtices of all perſons committed to their cuſtody; or if the perſons committed ſhall be troubleſome to the country, by going abroad, or otherwiſe eſcape from the houſe of correction; the juſtices ſhall ſet fines upon the maſter, which ſhall be paid to the treaſurer. *ſ.* 9.

By 13 & 14 *Car.* 2. *c.* 12. — *Made perpetual by* 12 Ann. ſt. 1. c. 18. In caſe any conſtable, headborough, or tithingman, ſhall die, or go out of the pariſh, any two juſtices of peace may make and ſwear a new conſtable, *&c.* until the lord of the manor ſhall hold a court, or until the next quarter ſeſſions, who ſhall approve of the ſaid officers, or appoint others. And if any officer ſhall continue above a year, the quarter ſeſſions may diſcharge him and appoint another until the lord ſhall hold a court. *ſ.* 15.

It ſhall be lawful for the juſtices of peace in quarter ſeſſions, to tranſport ſuch rogues, vagabonds, and ſturdy beggars, as ſhall be convicted, and adjudged to be incorrigible, to any of the *Engliſh* plantations. *ſ.* 23.—Qu. *If this laſt clauſe is in force ſince the repeal of* 39 Eliz. c. 4. *by* 12 Ann. ſt. 2. c. 23.

By 6 *Geo.* 1. *c.* 19. The juſtices of peace may commit vagrants, and other criminal perſons charged with ſmall offences, either to the common gaol or houſe of correction, as they ſhall think proper. *ſ.* 2.

By 14 *Geo.* 2. *c.* 33. The juſtices of peace of any county or diviſion at their general or quarter ſeſſions, where there are no aſſizes, great ſeſſion, or general gaol delivery held, upon the preſentment of the grand jury, ſhall have as full power to repair or enlarge any houſe of correction, or to purchaſe any houſe for a houſe of correction, or to build any houſe of correction, or to purchaſe land to erect ſuch houſe of correction upon, and to make a convenient backſide thereto, as if ſuch preſentment had been made at the aſſizes, great ſeſſion, or general gaol delivery, as is directed by 13 *Geo.* 2. *c.* 24. *repealed*; *ſee* 17 *Geo.* 2. *c.* 5. *ſ.* 30, & 34. and by the ſame ways as are provided by the ſaid act. *ſ.* 2.

It ſhall be lawful for any juſtice of peace to ſend any perſon apprehended as a vagabond, to the houſe of correction in the county or diviſion where he dwells, or to any other houſe of correction in the next county, *&c.* as is moſt convenient for the paſſing ſuch perſon. *ſ.* 3.

By 17 *Geo.* 2. *c.* 5. All perſons who threaten to run away and leave their wives or children to the pariſh, and all perſons who unlawfully return to ſuch pariſh or place from which they have been legally removed, by order of two juſtices of peace, without bringing a certificate from the pariſh whereunto they belong, and all perſons not having wherewith to maintain themſelves, live idle and refuſe to work for the uſual wages, and all perſons going about from door to door, or placing themſelves in the ſtreets, highways, or paſſages, to beg alms in the pariſhes where they dwell, ſhall be deemed idle and diſorderly perſons; and it ſhall be lawful for any juſtice of peace to commit ſuch offenders (being convicted by his own view, or by confeſſion, or by the oath of one witneſs), to the houſe of correction, there to be kept to hard labour for any time not exceeding one month; and it ſhall be lawful for any perſon to apprehend and carry before a juſtice any ſuch perſons going about from door to door, or placing themſelves in ſtreets, highways, or paſſages, to beg alms in the pariſhes where they dwell; and if they reſiſt or eſcape, they ſhall be ſubject to the ſame puniſhment as rogues and vagabonds are made liable to by this act; and it ſhall be lawful for the ſaid juſtice, by warrant, to order any overſeer of the poor of the pariſh or place where ſuch offender is apprehended, to pay 5 *s.* to any perſon apprehending them, for every offender ſo apprehended; which ſhall be allowed to ſuch overſeer in his account, he producing the juſtice's order, and a receipt under the hand of the perſon to whom ſuch ſum was paid: but if ſuch overſeer neglect to pay the ſaid ſum, the ſaid juſtice, on oath thereof made, may, by warrant order the ſame to be levied by diſtreſs and ſale of the goods of ſuch overſeer; who in ſuch caſe ſhall not be allowed the ſum ſo levied in his account. *ſ.* 1.

All perſons going about as patent gatherers, or gatherers of alms under pretences of loſs by fire or other caſualty, or going about as collectors for priſons or hoſpitals, all fencers and bearwards, all common players of interludes, and all perſons who for hire or reward act or cauſe to be acted any interlude or entertainment of the ſtage, or any part therein, not being authoriſed by law; all minſtrels, jugglers, all perſons pretending to be gypſies, or wandering in the habit of *Egyptians*, or pretending to have ſkill in phyſiognomy, palmeſtry, or like crafty ſcience, or pretending to tell fortunes, or uſing any ſubtil craft to deceive, or playing or betting at unlawful games, and all perſons who run away and leave their wives or children to the pariſh, and all petty chapmen and pedlars wandering abroad, not being licenſed or authoriſed by law, and all perſons wandering abroad, and lodging in alehouſes, barns, outhouſes or in the open air, not giving a good account of themſelves, and all perſons wandering abroad and begging, pretending to be ſoldiers, marines, ſeafaring men, or pretending to go to work in harveſt, and all others wandering abroad and begging, ſhall be deemed rogues and vagabonds. *ſ.* 2.

This

This act ſhall not extend to ſoldiers wanting ſubſiſtence, having certificates from their officers or the ſecretary at war, or to ſeafaring men licenſed by ſome teſtimonial, under the hand and ſeal of ſome juſtice of peace, ſetting down the time and place of their landing or diſcharge, and the place to which ſuch ſoldiers or marines are to paſs, and the names of the chief towns through which they are to paſs, and limiting the time of their paſſage, while they continue in the way to the place to which they are to paſs, and during the time ſo limited; or to any perſon going abroad to work in harveſt, ſo as he carry with him a certificate ſigned by the miniſter and one of the churchwardens or overſeers of the poor of the pariſh where he inhabits, declaring that he hath a dwelling houſe or place there, in which he inhabits. *ſ.* 3.

All end-gatherers offending againſt 13 *Geo.* 1. *c.* 23. and being convicted, and all perſons apprehended as rogues and vagabonds, and eſcaped from the perſons apprehending them, or refuſing to go before a juſtice, or to be examined upon oath, or to be conveyed by any ſuch paſs as is herein after directed, or knowingly giving a falſe account of themſelves, after warning given them of their puniſhment, and all rogues and vagabonds who break or eſcape out of any houſe of correction before the expiration of the term for which they were committed, and all perſons who after having been puniſhed as rogues and vagabonds and diſcharged, again commit any of the ſaid offences, ſhall be deemed incorrigible rogues. *ſ.* 4.

It ſhall be lawful for any perſon to apprehend offenders againſt this act, and to convey to ſome juſtice of peace the perſons ſo apprehended, to be proceeded againſt as is herein after directed. And in caſe any conſtable or other ſuch officer refuſe or neglect to uſe his beſt endeavours to apprehend or convey to ſome juſtice any ſuch offender, it ſhall be deemed a neglect of duty and he ſhall be puniſhed as is herein after directed: and in caſe any other perſon charged by any juſtice ſo to do, refuſe or neglect to uſe his beſt endeavours to apprehend and deliver to the conſtable, or ſuch other officer, or to carry ſuch offender before ſome juſtice, where no officer can be found, being convicted upon view, or by the oath of one witneſs, before a juſtice, he ſhall forfeit 10*s.* to the uſe of the poor of the pariſh; to be levied by diſtreſs and ſale of goods, by warrant from any juſtice: and in caſe any perſon, not being a conſtable or officer, apprehend any ſuch rogue or vagabond, and deliver him to a conſtable, or other officer, or convey him to ſome juſtice, according to this act, or if any conſtable or other ſuch officer, ſo apprehend and convey ſuch rogue or vagabond, it ſhall be lawful for ſuch juſtice, to reward any ſuch conſtable or other perſon, by making an order under hand and ſeal upon the high conſtable, to pay 10*s.* to the perſon ſo apprehending him, within one week after demand, and producing ſuch order, and giving a receipt; and the ſame ſhall be allowed by the treaſurer of the county or liberty to ſuch high conſtable, on his paſſing his accounts and delivering ſuch order and receipt, and alſo his own receipt for the ſame, to ſuch treaſurer; and the ſaid juſtices, at the general or quarter ſeſſions, ſhall allow the ſame to ſuch treaſurer in his accounts, upon his producing the vouchers aforeſaid; and in cities and places where there are no high conſtables, ſuch petty conſtables and other officers ſhall pay or retain ſuch reward, and be allowed it by virtue of this act, in their reſpective accounts, upon their producing and delivering up the like vouchers; and in caſe any high conſtable, or where there is no high conſtable, ſuch petty conſtable or other officer, refuſe or neglect to pay ſuch reward on demand, it ſhall be lawful for ſuch juſtice, by warrant, to levy the ſum of 20*s.* by diſtreſs and ſale of goods, and thereout to allow to the perſon intitled, the ſaid reward of 10*s.* and ſuch other recompence for his trouble, time, and expences, as the ſaid juſtice thinks fit. *ſ.* 5.

The juſtices of peace for every county, town corporate, diviſion, or liberty, or any two of them ſhall, four times in the year, or oftner, if need be, meet in their reſpective diviſions, and by their warrant command the conſtables or other peace officers of every hundred, pariſh, town, and hamlet, (who ſhall be aſſiſted with ſufficient men of the ſame places) to make a general privy ſearch in one night throughout their ſeveral limits, for the apprehending of rogues and vagabonds; and every juſtice ſhall, on receiving information that rogues and vagabonds are in any place within his juriſdiction, iſſue his warrant to the conſtable or other officer of ſuch place, to ſearch for and apprehend them; and ſuch rogues and vagabonds as they apprehend upon ſuch ſearches, they ſhall cauſe to be brought before any juſtice of peace of the ſame county, *&c.* ſ. 6.

Where any rogues or vagabonds, apprehended by any conſtable or other perſon, or upon ſuch ſearch, are brought before any juſtice, ſuch juſtice ſhall inform himſelf, by the examination upon oath of the perſon apprehended, or of any other perſon, of the condition and circumſtances of the perſon ſo apprehended, and of the pariſh where he was laſt legally ſettled; the ſubſtance of which examination ſhall be put into writing, and be ſigned by the perſon examined, and by the juſtice, and be tranſmitted to the next general or quarter ſeſſions of the peace, there to be filed; and ſuch juſtice ſhall order all ſuch perſons ſo apprehended, to be publicly whipt by the conſtable, petty conſtable, or tithingman, or ſome other perſon appointed by ſuch conſtable, *&c.* of ſuch pariſh or place where ſuch perſons were apprehended; or order ſuch perſons to be ſent to the houſe of correction until the next general or quarter ſeſſions, or for any leſs time; and after ſuch whipping or confinement, ſuch juſtice may, by a paſs under hand and ſeal, in the manner and form hereafter directed, cauſe ſuch perſons to be conveyed to the place of their laſt legal ſettlement; but if it cannot be found, then to the place of their birth; or if ſuch perſons be under the age of 14 years, and have any father or mother living, then to the place of abode of ſuch father or mother, there to be delivered to ſome churchwarden or overſeer of the poor; which paſs ſhall be in the form or to the effect following:

To the conſtable of ——— *in the county of* ——— or *to the tithingman or other officer* (as the caſe is; or if the offender is committed to the houſe of correction, then to the governor or maſter thereof) *and alſo to all conſtables and other officers whom it may concern, to receive and convey, and to the churchwardens, chapelwardens, or overſeers of the poor of the pariſh, town, or place,* (as the caſe is) *of* ——— *in the county of* ——— *or either of them, to receive and obey.*

Whereas, ——— *was* (or *were*) *apprehended in the pariſh of* ——— (or *in the town of* ——— or other place, deſcribing it) *as a rogue and vagabond, or as rogues and vagabonds,* viz. *wandering and begging there* (or as the caſe ſhall be) *and upon examination of the ſaid* ——— *taken before* ——— *upon oath (which examination is hereunto annexed) it doth appear, that his, her, or their laſt legal ſettlement is at* ——— *in this county,* or, *in the county of* ——— or, *that the ſaid* ——— *was* (or *were*) *born in the pariſh of* ——— *in this county* (or *in the county of* ———) *and*

———) *and hath* (or *have) not ſince obtained any legal ſettlement; or that the ſaid* ——— *is* (or *are) under the age of* 14 *years, and hath* (or *have) a father and mother living or abiding in the pariſh* (or *town) of* ——— (or other place, deſcribing it.) *Theſe are therefore to require you the ſaid conſtable, or other officer,* (or *governor or maſter of the houſe of correction,* as the caſe ſhall be) *to convey the ſaid* ——— *in the next direct way to the ſaid pariſh* (or *town) of* ——— (or other place) *within the ſaid county, and there to deliver him, her, or them, to ſome churchwarden, chapelwarden, or overſeer of the poor of the ſame pariſh, town, or place, to be there provided for according to law,* (or in caſe the ſaid pariſh, town, or place, to which ſuch perſon is to be ſent, lies in ſome other county or franchiſe, having ſeparate general or quarter ſeſſions of the peace, then the form ſhall be as followeth, *viz.) To convey the ſaid* ——— *to the pariſh* (or *town) of* ——— *that being the firſt pariſh* (or *town) in the next precinct through which he, ſhe, or they, ought to paſs in the direct way to the ſaid pariſh,* or *town of* ——— *to which he, ſhe,* or *they, is,* or *are, to be ſent, and to deliver him, her,* or *them, to the conſtable or other officer of ſuch firſt town* or *pariſh, in ſuch next precinct, together with this paſs, and the duplicate of the examination of the ſaid* ——— *taking his receipt for the ſame; and the ſaid* ——— *is,* or *are, to be thence conveyed on in like manner to the ſaid pariſh,* or *town of* ——— *there to be delivered to ſome churchwarden, chapelwarden, or overſeer of the poor of the ſame pariſh, town,* or *place, to be there provided for according to law. And you the ſaid churchwardens, chapelwardens, and overſeers of the poor, are hereby required to receive the ſaid perſon,* or *perſons, and provide for him, her,* or *them, as aforeſaid.*

Such juſtice ſhall make a duplicate of ſuch paſs and examination, and ſign the ſame; and ſhall tranſmit the duplicate of the ſaid paſs annexed to the examination, to the next general or quarter ſeſſions of the peace, there to be filed; and ſhall annex the duplicate of the examination to the paſs, and ſend it with the ſame; and the ſaid paſs, examination, and duplicates, may be read in any court of record in *England, Wales,* or *Berwick,* as evidence. *ſ.* 8.

Where any offender againſt this act is committed to the houſe of correction until the next general or quarter ſeſſions, and the juſtices at ſuch ſeſſions adjudge ſuch perſon a rogue or vagabond, or an incorrigible rogue; they may order ſuch rogue or vagabond to be kept in the ſaid houſe of correction to hard labour for any further time not exceeding ſix months; and ſuch incorrigible rogue, for any further time not exceeding two years, nor leſs than ſix months from the making ſuch order of ſeſſions; and during ſuch confinement, to be corrected by whipping, in ſuch manner and at ſuch times and places within their juriſdictions as they think fit; and ſuch perſon may afterwards be ſent away by ſuch paſs, *mutatis mutandis,* as aforeſaid; and if ſuch perſon, being a male, is above the age of 12 years, the juſtices at their ſeſſions may, at any time before he is diſcharged, ſend him to be employed in his majeſty's ſervice, either by ſea or land. And in caſe any ſuch incorrigible rogue, ſo kept in the houſe of correction, before the expiration of the time for which he or ſhe is ſo detained, break out or eſcape from the ſaid houſe of correction, or offend again in like manner, ſuch perſon ſhall be deemed guilty of felony, and being convicted, ſhall be tranſported for any time not exceeding ſeven years. *ſ.* 9.

The juſtice who makes the paſs, ſhall cauſe likewiſe to be delivered to the conſtable, or other officer appointed to convey them, a certificate, aſcertaining how they are to be conveyed, by horſe, cart, or on foot, and what allowance ſuch officer is to have for conveying them, (according to the rates appointed by the general or quarter ſeſſions of the peace, as is herein after directed) in the form, or to the effect following, *viz. ſ.* 10.

Whereas by a paſs (reciting the ſubſtance of the ſaid paſs) *I* (*or* we) *do hereby order and direct the ſaid perſon* (*or* perſons) *to be conveyed on foot,* (*or* in a cart, *or* by horſe, *&c.) to the ſaid town* (*or* pariſh) *of* ——— *in* ——— (or other place, deſcribing it) *in the way to ſuch pariſh* (town *or* place, *as the caſe ſhall be) in* ——— *days time; for which the ſaid conſtable* (&c.) *is to be allowed the ſum of* ——— *and no more.*

Given under my hand (or *our hands)* this ——— day, *&c.*

The conſtable, or officer who receives ſuch paſs and certificate, ſhall convey the perſon named in ſuch paſs in ſuch manner, and in ſuch time, as by the ſame paſs is directed, the next direct way to the place where he or ſhe is to be ſent, if ſuch place be in the ſame county or franchiſe where the ſaid perſon was apprehended; but if the place to which the perſon ſo apprehended is to be ſent, lies in ſome other county or franchiſe, he ſhall deliver the ſaid perſon to the conſtable or other ſuch officer of the firſt town or place in the next county or franchiſe, in the direct way to the place to which ſuch perſon is to be conveyed, together with the ſaid paſs and duplicate of examination, taking his receipt for the ſame; and ſuch conſtable, or other officer, ſhall without delay apply to ſome juſtice of peace in the ſame county or franchiſe, who ſhall make the like certificate as before *(mutatis mutandis)* and deliver it to the ſaid conſtable or other officer, who ſhall convey the perſon unto the firſt pariſh or place in the next county or franchiſe in the direct way to the place to which ſuch perſon is to be conveyed; and ſo in like manner from one county or franchiſe to another, till they come to the place to which ſuch perſon is ſent; and the conſtable or other officer, who delivers ſuch perſon to the churchwarden or other perſon ordered to receive him by ſuch paſs, ſhall deliver the ſaid paſs with the duplicate of examination, taking their receipt for the ſame; and if the churchwarden or perſon who receives any perſon ſo ſent think the examination to be falſe, he is hereby empowered to carry the perſon ſo ſent before ſome juſtice of peace, who, if he ſee cauſe, may commit ſuch perſon to the houſe of correction, till the next quarter ſeſſions, and the juſtices there if they ſee cauſe, may deal with ſuch perſon as an incorrigible rogue, but the perſon ſo ſent ſhall not be removed from the place to which ſent, but by order of two juſtices, in the ſame manner as other poor perſons are removed to the place of their ſettlement. *ſ.* 11.

It ſhall be lawful for any juſtice of peace, before whom any vagrants are carried, to order ſuch vagrants to be ſearched, and their bundles to be inſpected by the conſtable, tithingman, churchwarden, or overſeer of the poor, in the preſence of the ſaid juſtice; and if it appear, that any ſuch vagrants have ſufficient to pay their paſſage, either in the whole or in part, to the pariſh to which they belong, then the ſaid juſtice ſhall order ſo much of the money to be paid, or other effects found upon ſuch vagrants to be ſold, and employed towards the expence of taking up and paſſing ſuch vagrants, returning the overplus (if any be),

be), after deducting the charges of ſuch ſale to ſuch vagrants. *ſ.* 12.

The conſtable, or other officer of any pariſh or place in the counties of *Cumberland*, *Northumberland*, *Durham*, or town of *Berwick*, ſhall, upon any perſon being delivered to them by a paſs and examination, according to the direction of this act, whoſe place of legal ſettlement is in *Scotland*, deliver the ſaid examination to the clerk of the peace for ſuch reſpective county, to be kept among the records of the ſeſſions of that county, and convey ſuch perſon with the ſaid paſs, into the next adjoining ſhire, ſtewartry, or place in *Scotland*, and deliver him to ſome conſtable or other officer of the next pariſh or diſtrict within the ſaid ſhire, *&c.* taking his receipt for him, and ſuch officer ſhall receive ſuch perſon, and give ſuch receipt and diſpoſe of him according to law; and in caſe any ſuch vagrant, after being ſo ſent into *Scotland*, be found wandering, begging, or miſbehaving in *England*, he ſhall be deemed an incorrigible rogue, and be puniſhed as ſuch. *ſ.* 13.

Every maſter of any ſhip or pacquet boat bound for *Ireland*, the iſles of *Man*, *Jerſey*, *Guernſey*, or *Scilly*, ſhall, upon warrant to him directed, under the hand and ſeal of a juſtice of the peace of the county or place where ſuch ſhip lies, take on board the ſame, ſuch vagrants as be named in the ſaid warrant, and convey them to ſuch place in *Ireland*, the iſles of *Man*, *Jerſey*, *Guernſey*, or *Scilly*, as ſuch ſhip is bound to, or ſhall arrive at; and for the charges thereof, ſuch maſter ſhall take, and the conſtable or perſon who ſerves him with the ſaid warrant ſhall pay him ſuch rate *per* head, as the juſtices of the peace at their quarter ſeſſions appoint; and ſuch maſter ſhall, on the back of the ſaid warrant, ſign a receipt for the money, and alſo for the vagrants; which warrant, ſo indorſed, ſhall then be produced to the juſtice who ſigned the ſame, and upon his allowance thereof, under his hand, the money ſo paid ſhall be repaid by the county, in ſuch manner as by this act the money to be paid for conveying vagrants is directed; and every maſter of ſuch ſhip neglecting or refuſing to receive or tranſport ſuch vagrants, or to indorſe and ſign ſuch receipt, ſhall forfeit 5 *l.* to the uſe of the poor of the pariſh, to be levied by diſtreſs and ſale of the ſhip, or any goods within the ſame, by warrant of any juſtice for the ſame county, *&c.* ſ. 14.

Provided that no maſter of any ſhip be compelled to take on board more than one vagrant for every 20 tons burthen of ſuch ſhip. *ſ.* 15.

The juſtices of peace of any county, *&c.* ſhall, at the general or quarter ſeſſions of the peace, appoint what rates *per* mile, or otherwiſe, ſhall be made for the paſſing or maintaining of rogues, vagabonds, or incorrigible rogues, and may likewiſe make ſuch other orders for the more regular proceeding therein, within their reſpective juriſdictions, as they think proper; which rates and orders ſhall be obſerved by all juſtices conſtables and other perſons within the ſame juriſdictions. *ſ.* 16.

In caſe any petty conſtable or other ſuch officer of any pariſh, or place, bring to any high conſtable any ſuch certificate as aforeſaid, aſcertaining how and for what rates he is required to convey any vagabonds, *&c.* together with a receipt from any conſtable, or other perſon to whom the perſon ſo to be conveyed was delivered, the ſaid high conſtable ſhall pay unto ſuch petty conſtable, the rates aſcertained by ſuch certificate, taking from ſuch petty conſtable ſuch certificate, and his receipt for the ſame; and the ſaid high conſtable ſhall be allowed the ſame by the treaſurer of the county, *&c.* on his paſſing his accounts, upon his producing and delivering up ſuch certificate and receipt, and giving his own receipt to ſuch treaſurer; and the juſtices at the general or quarter ſeſſions ſhall allow the ſame to ſuch treaſurer in his accounts, upon his producing and delivering up the vouchers, aforeſaid; and in caſe any high conſtable refuſe or neglect to pay the ſaid petty conſtable, or other perſon, the rates aſcertained by ſuch certificate and receipt, on demand, it ſhall be lawful for any juſtice, by warrant to levy double the ſum, by diſtreſs and ſale of goods, and thereout to allow the ſaid petty conſtable, or other perſon, the ſum aſcertained by ſuch certificate and receipt, and ſuch other recompence for his trouble, time, and expences, as the ſaid juſtice thinks fit; and the overplus (if any) ſhall be returned to ſuch high conſtable upon demand; and in cities and places where there is no high conſtable, ſuch petty conſtables or other officers, ſhall be allowed what they ſo pay purſuant to ſuch certificate, in their accounts, upon their producing and delivering up ſuch vouchers; or in caſe any maſter of a houſe of correction deliver ſuch certificate and receipt to any treaſurer, ſuch treaſurer ſhall pay the rates therein aſcertained to ſuch maſter of a houſe of correction, taking his receipt, which ſhall be allowed to ſuch treaſurer in his accounts, on his producing and delivering up ſuch vouchers. *ſ.* 17.

In caſe any ſuch petty conſtable, or other officer or maſter of any houſe of correction, counterfeit any ſuch certificate, receipt, or note, or make, or knowingly permit to be made, any alteration therein, he ſhall forfeit 50 *l.* and in caſe he convey not the perſons to the place where they ought to be conveyed, or deliver them not to the proper perſon, or if any conſtable or other perſon refuſe to receive any ſuch perſons ſent to them, or to give a receipt as before directed, the conſtable or other perſon ſhall forfeit 20 *l.* which forfeiture ſhall be levied by diſtreſs and ſale of the offender's goods, by warrant of the juſtices where ſuch offence is committed, at their general or quarter ſeſſions; one moiety to be paid to the perſon who firſt makes information, and the other moiety to the treaſurer of the county or place, to be applied as part of the public ſtock; and the overplus (if any) ſhall be returned to ſuch conſtable, *&c.* upon demand. *ſ.* 18.

The pariſh or place to which any rogue, vagabond, or incorrigible rogue, is conveyed by paſs aforeſaid, ſhall employ in work, or place in ſome workhouſe or almshouſe, the perſon ſo conveyed to them, until he or ſhe betake themſelves to ſome ſervice or employment; and in caſe any ſuch perſon refuſe to work, the overſeers of the poor of the ſaid pariſh may cauſe ſuch perſon to be carried before ſome juſtice of peace, in order to be ſent to the houſe of correction, there to be kept to hard labour. *ſ.* 19.

Where perſons by lunacy or otherwiſe are furiouſly mad, and dangerous to be permitted to go abroad, it ſhall be lawful for two juſtices where ſuch lunatic is found, by warrant directed to the conſtables, churchwardens, and overſeers of the poor of the pariſh or place, to cauſe ſuch perſon to be apprehended, and kept ſafely locked up in ſome ſecure place within the county or precinct, as ſuch juſtices direct, and if ſuch juſtices find it neceſſary, to be there chained; if the laſt legal ſettlement of ſuch perſon be in any place within ſuch county; and if ſuch ſettlement be not there, ſuch perſon ſhall be ſent to the place of his laſt legal ſettlement, by a paſs, *mutatis mutandis*, as aforeſaid, and ſhall be locked up or chained, by warrant of two juſtices of the county or precinct to which ſuch perſon is to be ſent, and the charges of removing, and of maintaining, and curing ſuch perſon during ſuch reſtraint (which

ſhall be for ſuch time only as ſuch madneſs continues) ſhall be paid (being firſt proved upon oath) by order of two juſtices, directing the churchwardens or overſeers where any goods, lands, or tenements, of ſuch perſon be, to ſeize and ſell ſo much of the goods, or receive ſo much of the rents of the lands as is neceſſary to pay the ſame, and to account for what is ſo ſeized, ſold, or received, to the next quarter ſeſſions; but if ſuch perſon hath not an eſtate to pay the ſame, over and above what is ſufficient to maintain his or her family, then ſuch charges ſhall be paid by the pariſh or place to which ſuch perſon belongs, by order of two juſtices directed to the churchwardens or overſeers. *ſ.* 20.

This act ſhall not abridge the prerogative of the king, or the power of the lord chancellor, or the chancellor or vice-chancellor of the county palatine of *Lancaſter*, or of the chamberlain or vice-chamberlain of the county palatine of *Cheſter*, concerning ſuch lunatics, or reſtrain any friend or relation of ſuch lunatics from taking them under their own care. *ſ.* 21.

In caſe any conſtable or other officer or maſter of any houſe of correction, be negligent in his duty in the execution of this act, in any caſe for which no puniſhment is particularly provided, or in caſe any perſon diſturb the execution of this act, or reſcue any perſon apprehended or paſſing by virtue thereof, or be aſſiſting to his or her eſcape, and be thereof convicted, upon the oath of one witneſs, before a juſtice, where ſuch offence is committed, the perſon ſo offending for every ſuch offence ſhall forfeit any ſum not exceeding 5 *l.* nor leſs than 10 *s.* to the uſe of the poor of the pariſh, to be levied by diſtreſs and ſale of the offenders goods, by warrant from ſuch juſtice; and if ſufficient diſtreſs cannot be found, it ſhall be lawful for ſuch juſtice to commit the perſons ſo offending to the houſe of correction, there to be kept to hard labour for any time not exceeding two months. *ſ.* 22.

If any perſon ſhall knowingly permit any rogue, vagabond, or incorrigible rogue, to lodge in his or her houſe, barn, or other outhouſe or buildings, and ſhall not apprehend and carry ſuch vagabond, *&c.* before ſome juſtice, or give notice to ſome conſtable, or other officer ſo to do, ſuch perſon being thereof convicted, either on confeſſion or upon oath of one witneſs before a juſtice where ſuch offence is committed, ſhall forfeit any ſum not exceeding 40 *s.* nor leſs than 10 *s.* one moiety to the informer, and the other moiety to the poor of the pariſh, to be levied by diſtreſs and ſale of goods, by warrant from ſuch juſtice; and if any charge be brought upon any pariſh or place, by means of any ſuch offence, the ſame ſhall be anſwered to the ſaid pariſh by ſuch offender, and be levied by diſtreſs and ſale of goods; and if ſufficient diſtreſs cannot be found, ſuch offender ſhall be committed to the houſe of correction by the juſtice, for any time not exceeding one month. *ſ.* 23.

And whereas perſons are often found offending againſt this act having children with them, if any ſuch child above the age of ſeven years be committed to the houſe of correction as aforeſaid, it ſhall be lawful for the juſtices at the quarter ſeſſions, if they ſee convenient, at any time before ſuch child be diſcharged, to order ſuch child to be placed out in ſuch manner as they think fit, as a ſervant or apprentice to any perſon within their juriſdictions, who is willing to take ſuch child, to ſerve ſuch perſon till ſuch child arrive at the age of 21 years, or for any leſs time: and if any offender who was found with ſuch child, be again found with the ſame child, (which was ſo placed out as aforeſaid) offending againſt this act, ſuch offender ſhall be deemed an incorrigible rogue. *ſ.* 24.

And whereas women wandering and begging are often delivered of children in pariſhes to which they do not belong, where any ſuch woman is ſo delivered and becomes chargeable, it ſhall be lawful for the churchwardens or overſeers of the poor of ſuch pariſh or place, to detain ſuch woman in their cuſtody until they can ſafely convey her to ſome juſtice of the peace, who ſhall examine her, and commit her to the houſe of correction, until the next general or quarter ſeſſions, who may (if they ſee convenient) order her to be publicly whipt, and detained in the houſe of correction, for any further time, not exceeding ſix months; and upon application by the churchwardens or overſeers of the place where ſhe was delivered, the juſtices at ſuch ſeſſions ſhall order the treaſurer of the county or diſtrict to pay them ſuch a ſum as is adjudged a ſatisfaction for the charges ſuch place has been put to on ſuch woman's account; and if ſuch woman be detained and conveyed to a juſtice as aforeſaid, the child of which ſhe is delivered, if a baſtard, ſhall not be ſettled in the place where ſo born, but the ſettlement of ſuch woman ſhall be deemed the ſettlement of ſuch child. *ſ.* 25.

Any perſons aggrieved by any act of any juſtice out of ſeſſions, concerning the execution of this act, may appeal to the next general or quarter-ſeſſions of the county, *&c.* giving reaſonable notice thereof, whoſe order thereupon ſhall be final. *ſ.* 26.

In all cities and towns, where by ſpecial acts of parliament the charge of paſſing vagrants is to be defrayed in other manner than is by this act directed, or where ſuch vagrants, by virtue of ſpecial ſtatutes, are to be apprehended and conveyed to the places whither they are to be ſent by any perſons or officers, other than thoſe named for that purpoſe in this act, ſuch charge ſhall be defrayed in ſuch cities and towns as before the making of this act; and the perſon or officer liable to ſuch ſervice in the ſaid cities and towns, by the ſaid ſpecial acts of parliament, ſhall continue liable. And if any perſon be delivered to a bedel or conſtable within the city or liberties of the city of *London*, to be conveyed on, as directed by this act, the ſaid bedel or conſtable ſhall not deliver ſuch perſon in any other precinct within the ſaid city or liberties, but in the next county, as directed by this act. *ſ.* 27.

Where any perſons offending againſt this act, have been committed to the houſe of correction, until the next general or quarter ſeſſions, if, upon the examination of the perſons ſo committed, no place can be found to which they may be ſent by a paſs, the ſaid juſtices ſhall at the ſaid ſeſſions order ſuch perſons to be detained and employed in the houſe of correction, until they can provide for themſelves, or until the juſtices at ſeſſions can place them out in ſome lawful calling, as ſervants, apprentices, ſoldiers, mariners, or otherwiſe, either within this realm, or his majeſty's colonies in *America*, which the ſaid ſeſſions are impowered to do in ſuch manner as they think fit. *ſ.* 28.

This act ſhall not prejudice the heirs or aſſigns of *John Dutton*, of *Dutton*, late of the county of *Cheſter* Eſq; concerning the liberty which they lawfully may uſe within the county palatine of *Cheſter*, and county of *Cheſter*. *ſ.* 29.

Upon the preſentment of the grand jury at the aſſizes, great ſeſſion, general or gaol delivery, held for any county or liberty, that there is no houſe of correction; or that the houſe of correction already provided therein is not ſufficient, and that it will be neceſſary to provide one or more; the juſtices of the peace of any county, *&c.* at the general or quarter-ſeſſions, ſhall have power to build or enlarge one or more fit houſes of correction, or to buy or

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hire one or more fit houſes for that purpoſe, with a convenient backſide adjoining, or to purchaſe land and erect ſuch houſe of correction upon part thereof, and to lay out the reſt for ſuch backſide; and the ſaid juſtices at the general or quarter-ſeſſions ſhall agree upon raiſing ſuch ſums as upon examination of workmen, or others, appear to be neceſſary for building or enlarging ſuch houſes of correction, or for purchaſing or hiring houſes or land for that purpoſe: and if it be thought neceſſary to buy any houſe or land, the houſe or land ſo purchaſed, ſhall be conveyed to ſuch perſons as the ſaid juſtices at ſeſſions think fit, in truſt and for the uſe aforeſaid. *ſ.* 30.

The juſtices of peace for any county, *&c.* at their general or quarter-ſeſſions ſhall take care that the houſes of correction already provided, or hereafter to be provided within their reſpective juriſdictions (except ſuch houſes of correction as have been, or ſhall be erected or maintained by any particular founder), be duly fitted up and ſupplied with ſufficient implements and furniture for keeping, relieving, ſetting to work, and correcting all idle and diſorderly perſons, rogues, vagabonds, incorrigible rogues, and others, who ſhall be ſent to, or confined in the ſame; and two juſtices within the reſpective hundreds or juriſdictions, where there is any houſe of correction, or any two juſtices appointed at the general or quarter-ſeſſions for that purpoſe, ſhall viſit the ſame twice, or oftner if need be, in every year, and examine into the eſtate and management thereof, and report the ſame to the next general or quarter-ſeſſions; to the intent, that if any thing be amiſs therein, the ſame may, by order of ſuch general or quarter-ſeſſions, be reformed; and the ſaid juſtices, at their reſpective general or quarter-ſeſſions, ſhall have the like power over the houſes of correction to be erected or purchaſed by virtue of this act, as they now have by law over thoſe already erected; and further, that if the maſters of the ſaid houſes of correction keep not the ſaid idle and diſorderly perſons, rogues, vagabonds, or incorrigible rogues, to hard labour, and correct them according to the directions of the warrants by which they be committed or detained, or otherwiſe miſbehave, the ſaid juſtices at ſeſſions, are to impoſe ſuch fines upon them, as they think fit, in the ſame manner as fines may be impoſed on maſters of houſes of correction, for the neglect therein mentioned by 7 *Jac.* 1. *c.* 4. which fines ſhall be paid to the treaſurer of the county or diviſion, and ſhall be accounted for by him as part of the public ſtock; and the ſaid juſtices at their ſeſſions may appoint and remove the maſters or other officers of ſuch houſes of correction, and make ſuch orders as they think fit for the better governing the ſaid houſes of correction, and for employing, relieving, and puniſhing the perſons therein, or for ſending them to or from thence, which ſaid orders of ſuch juſtices ſhall be final: and no *certiorari* ſhall be granted for the removal of the ſame: and in caſe the perſon removed by order of any general or quarter-ſeſſions, neglect to quit the poſſeſſion of ſuch houſe of correction, from whence he is ordered to be removed, for ten days next after notice given him in writing by the clerk of the peace, it ſhall be lawful for any two juſtices (upon producing to them ſuch orders of ſeſſions, or an atteſted copy thereof, and upon oath by one witneſs, of ſuch notice having been given to the perſon ſo removed, and of his having neglected to quit poſſeſſion) by warrant under their hands and ſeals, to direct the ſheriff of the ſame county, or place, to remove him out of ſuch houſe of correction, and he is hereby required to clear the poſſeſſion thereof, in like manner as upon a writ of *habere facias poſſeſſionem*. *ſ.* 31.

Where any offenders are committed by any juſtice to the houſe of correction for offences cogniſable out of the general or quarter-ſeſſions of the peace, and the time and manner of their puniſhment is not by law expreſsly limited, the ſaid juſtice ſhall commit ſuch offender to the houſe of correction, there to be kept to hard labour until the next general or quarter-ſeſſions, or until diſcharged by due courſe of law; and it ſhall be lawful for two juſtices (of which the juſtice who committed ſuch offender to be one), to diſcharge the ſaid offender before the ſaid ſeſſions, if they ſee cauſe; and if he be not ſo diſcharged, the ſaid ſeſſions may either diſcharge him, or continue him in cuſtody for ſuch time as they ſee fit, not exceeding three months. *ſ.* 32.

The juſtices of peace at the general or quarter-ſeſſions, ſhall cauſe ſuch ſums as be neceſſary for the execution of this act, to be raiſed in the ſame manner as rates are directed to be raiſed by 12 *Geo.* 2. *c.* 29. *See Title* COUNTY RATES. *ſ.* 33.

If any perſon be ſued for any thing done in execution of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant may recover treble coſts. And this act ſhall commence from the 1ſt of *June* 1744; and from that time, 13 *Geo.* 2. *c.* 24. ſhall be repealed; but all the acts therein mentioned to be repealed, are hereby declared to be repealed. *ſ.* 34.

By 25 *Geo.* 2. *c.* 36. It ſhall be lawful for any two juſtices of peace, in caſe any perſon apprehended upon any general privy ſearch, or by any ſpecial warrant, be charged before them with being a rogue and vagabond, or an idle and diſorderly perſon, or with ſuſpicion of felony (although no direct proof be then made thereof), to examine ſuch perſon upon oath, not only as to the place where he was laſt legally ſettled, but alſo as to his means of livelihood; the ſubſtance of which examination ſhall be put into writing, and be ſigned by the perſon ſo examined; and the ſaid juſtices ſhall ſign the ſame, and tranſmit it to the next general or quarter-ſeſſions of the peace for the ſame county, city, or liberty, to be filed and kept on record: and if ſuch perſon make it not appear to ſuch juſtices, that he has a lawful way of getting his livelihood, or procure not ſome reſponſible houſe-keeper to appear to his character, and give ſecurity for his appearance before ſuch juſtices, at ſome other day (in caſe the ſame be required), to commit ſuch perſon to ſome priſon, or houſe of correction, for any time not exceeding ſix days; and in the mean time to order the overſeers of the poor of the pariſh or place in which ſuch perſon is apprehended, to inſert an advertiſement in ſome public paper, deſcribing ſuch ſuſpicious perſon, and any thing found upon him, or in his cuſtody, and which he is ſuſpected not to have come honeſtly by, and mentioning the place to which ſuch perſon is committed, and ſpecifying when and where ſuch perſon is to be again brought before them to be re-examined; and if no accuſation be then laid againſt him, ſuch perſon ſhall be diſcharged, or otherwiſe dealt with according to law. *ſ.* 12.

By 26 *Geo.* 2. *c.* 34. All rogues, vagabonds, and incorrigible rogues, ſent by paſſes from one county, riding, diviſion, corporation, or franchiſe, into any other county, *&c.* ſhall be delivered to the conſtable, or other ſuch officer, of the firſt town, pariſh, or place in the next county, *&c.* and ſhall be by ſuch conſtable, *&c.* conveyed forward in the manner by the 17 *Geo.* 2. *c.* 5. directed; and the treaſurer of each county, *&c.* ſhall pay to ſuch conſtable, *&c.* the charges of conveying ſuch vagabonds, *&c.* upon ſuch conſtables, *&c.* producing to him the cer-

tificate, and ſuch other vouchers as are required by the ſaid act to be delivered to the high conſtables; and the ſums ſo paid ſhall be allowed by the juſtices to ſuch treaſurer in his accounts, on his producing the vouchers aforeſaid, together with the receipt of the ſaid conſtable. *ſ.* 2.

By 22 *Geo.* 3. *c.* 64. As ſoon as houſes of correction ſhall be made, or altered and completed according to this act, the juſtices at their general quarter ſeſſions, ſhall order them to be fitted up in ſuch manner as to them ſhall ſeem fit; and ſhall alſo provide ſuch mills, looms, utenſils, and implements, as they judge proper for employing the perſons who ſhall be committed to ſuch houſes of correction for hard labour: and the ſaid juſtices ſhall, at every general quarter ſeſſions, call upon the keeper of ſuch houſe of correction to produce to them in writing a liſt of the perſons then in cuſtody, with a deſcription of the offences, and the time for which every ſuch perſon was committed, diſtinguiſhing particulary thoſe who are directed by the warrant to be kept to hard labour, and alſo the age and ſex of every perſon committed to hard labour, and in what trade, manufacture, or buſineſs, ſuch perſon hath been employed, and what he hath been moſt accuſtomed to, and is beſt qualified for, and how each perſon has behaved during his confinement, according to the beſt of his information and obſervation; which liſt the keeper is to make out, and deliver to the chairman of ſuch quarter ſeſſions, as ſoon as ſuch court ſhall be aſſembled; and the court ſhall, before the end of that ſeſſion, give ſuch directions for the future employment of the priſoners as to them ſhall ſeem meet; and the juſtices ſhall, at their general quarter ſeſſion, from time to time, order a ſufficient quantity of materials for manufactures to be provided for the uſe of the perſons who ſhall be committed to ſuch houſes of correction for hard labour, of ſuch kinds as they think proper; and ſhall employ ſome fit perſon to be the keeper of ſuch houſe of correction, and may appoint a temporary aſſiſtant to inſtruct ſuch priſoners in any buſineſs which the juſtices think proper to be ſet on foot there. *ſ.* 3.

The rules in the ſchedule annexed, ſhall be obſerved at every houſe of correction, ſubject to ſuch additions as ſhall be made by the juſtices at their quarter ſeſſions, held next after *Midſummer* or *Michaelmas*, and which they are to make at their diſcretion; provided ſuch addition ſhall not be contradictory to the rules eſtabliſhed by this act: and, for the purpoſe of having them more generally known, and attended to, the governors of every houſe of correction ſhall cauſe the ſame to be printed in plain legible characters, and fixed up in ſome conſpicuous part of every priſon. *ſ.* 4.

The juſtices at their general quarter ſeſſions, may cauſe ſuch ſums as ſhall be neceſſary for *erecting or repairing houſes of correction, and the ſupport of priſoners there*, to be raiſed in the ſame manner as the county rates. *ſ.* 5.

The want of houſes of correction, or the inſufficiency thereof, may be preſented at the quarter ſeſſions by a juſtice, on his own view or knowledge, as well as by the grand jury, purſuant to 17 *Geo.* 2.; which preſentment by the juſtice ſhall be proceeded upon in the ſame manner as if it had been made by the grand jury. *ſ.* 6.

It ſhall be lawful for the governor of every houſe of correction, to employ all priſoners therein, and kept at the expence of the county, in ſome work which is not ſevere, although ſuch priſoner was not, by the warrant of commitment, ordered to be kept to labour; and ſuch governor ſhall enter a ſeparate account of the work done by every perſon under that deſcription, and ſhall account with and pay to him one half of the nett profits, which he ſhall have earned, at the time of his diſcharge, and not before. *ſ.* 7.

No governor or keeper of any houſe of correction, or aſſiſtant under ſuch governor, ſhall ſell, or be licenſed to ſell, or have any benefit whatſoever, directly or indirectly, from the ſale of any wine, ale, beer, ſpirituous or other liquors, or any other article uſed in ſuch houſe of correction, or by any perſon confined therein, during ſuch employment; and every perſon offending therein ſhall, on complaint upon oath, and conviction for the offence, before a magiſtrate, forfeit 10*l.* and ſhall be diſmiſſed from his employment by order of the juſtices at their next general quarter ſeſſions, on proof being made upon oath before them of the ſaid offence; and no wine, ale, ſpirituous or other liquors, ſhall be brought into the houſe of correction to be drank there, unleſs for a medical purpoſe, by a written direction, under the hand of the apothecary or ſurgeon uſually attending ſuch houſe of correction; and the directions given by the laſt-mentioned act for the inſpection and controul by the juſtices over the maſter or keeper of ſuch houſe of correction, ſhall be enforced, and ſuch governor puniſhed for his neglect of duty or miſbehaviour, according to the ſaid act. *ſ.* 8.

The juſtices, in their quarter ſeſſions, ſhall fix a ſalary for the governor or keeper, and may moreover allow him ſome proportion of the profits earned by the priſoners. *ſ.* 9.

No woman ſhall be appointed keeper of any houſe of correction. *ſ.* 10.

The governor ſhall have power to put handcuffs or fetters upon any priſoner who ſhall behave in a refractory manner, or ſhew a diſpoſition to break out of priſon; but ſuch governor ſhall give notice thereof to one of the viſiting juſtices, within 48 hours after the priſoner ſhall be ſo fettered; and he ſhall not continue ſuch fettering longer than ſix days, without obtaining an order in writing from one of the viſiting juſtices. *ſ.* 11.

The juſtices at their general quarter ſeſſions, may, if they think fit, appoint a miniſter of the church of *England*, to perform divine ſervice there every *Sunday*, and may appoint ſuch ſalary for his trouble as they think fit, not exceeding 20*l. per annum*, to be paid by the treaſurer of the county, out of the county rates; but ſuch ſalary to be diminiſhed, at any future quarter ſeſſions, if the juſtices think fit. *ſ.* 12.

Penalties ſhall, in default of payment, after due ſummons and demand made, be levied by diſtreſs and ſale of the offender's goods, by warrant under the hand and ſeal of any juſtice, rendering the overplus, after charges of diſtreſs deducted; and in caſe ſufficient diſtreſs ſhall not be found, then, it ſhall be lawful for ſuch juſtice to commit ſuch offender to the common gaol or houſe of correction for not exceeding ſix months, nor leſs than one; and ſuch penalty ſhall be paid to the treaſurer of the county, in aid of the common ſtock, out of which the expences attending the execution of this act are to be paid. *ſ.* 13.

Rules, Orders, and Regulations, to be obſerved and enforced at every Houſe of Correction provided and eſtabliſhed, or to be provided and eſtabliſhed, under the Authority of the Acts of the ſeventh Year of the Reign of his late Majeſty King James the Firſt, the ſeventeenth of King George the Second, and the twenty-ſecond of King George the Third.

I. *THAT the ſeveral perſons who ſhall be committed to the houſe of correction to be kept to hard labour, ſhall be employed*

ployed (unleſs prevented by ill health) every day, during their confinement (except Sundays, Chriſtmas, *and* Good Friday), *for ſo many hours as the day-light in the different ſeaſons of the year will admit, not exceeding twelve hours, being allowed thereout to reſt half an hour at breakfaſt, an hour at dinner, and half an hour at ſupper, and that the intervals ſhall be noticed by the ringing of a bell.*

II. *That the governor of each houſe of correction ſhall aaapt the various employments which ſhall be directed by the juſtices at their quarter ſeſſions, to each perſon, in ſuch manner as ſhall be beſt ſuited to his or her ſtrength and ability, regard being had to age and ſex.*

III. *That the males and females ſhall be employed, and ſhall alſo eat and be lodged, in ſeparate apartments, and ſhall have no intercouſe or communication with each other.*

IV. *That every perſon ſo committed ſhall be ſuſtained with bread, and any coarſe but wholeſome food, and water; but perſons under the care of the phyſician, ſurgeon, or apothecary, ſhall be ſuſtained with ſuch food and liquor as he ſhall direct.*

V. *That the governor, and ſuch other perſons (if any) as ſhall be employed by the juſtices to aſſiſt the governor, ſhall be very watchful and attentive in ſeeing that the perſons ſo committed are conſtantly employed during the hours of work; and if any perſon ſhall be found remiſs or negligent in performing what is required to be done by ſuch perſon to the beſt of his or her power and ability, or ſhall wilfully waſte, ſpoil, or damage the goods committed to his or her care, the governor ſhall puniſh every ſuch perſon in the manner hereafter directed.*

VI. *That if any perſon ſo committed ſhall refuſe to obey the orders given by the governor, or ſhall be guilty of profane curſing or ſwearing; or of any indecent behaviour or expreſſion; or of any aſſault, quarrel, or abuſive words, to or with any other perſon; he or ſhe ſhall be puniſhed for the ſame in the manner hereafter directed.*

VII. *That the governor ſhall have power to puniſh the ſeveral offenders for the offences herein-before deſcribed, by cloſer confinement; and ſhall enter in a book, to be kept by him for the inſpection of the juſtices at the quarter ſeſſions, and the viſiting juſtice or juſtices, the name of every perſon who ſhall be ſo puniſhed by him, expreſſing the offence, and the duration of the puniſhment inflicted.*

By 23 *Geo.* 3. *c.* 88. If any perſon ſhall be apprehended having upon him any picklock key, crow, jack, bit, or other implement, with an intent feloniouſly to break and enter into any dwelling-houſe, warehouſe, coach-houſe, ſtable, or outhouſe; or ſhall have upon him any piſtol, hanger, cutlaſs, bludgeon, or other offenſive weapon, with intent feloniouſly to aſſault any perſon; or ſhall be found in or upon any dwelling-houſe, warehouſe, coach-houſe, ſtable, or outhouſe, or in any incloſed yard or garden, or area belonging to any houſe, with an intent to ſteal any goods; ſuch perſon ſhall be deemed a rogue and vagabond, within 17 *Geo.* 2.

By 24 *Geo.* 3. *ſeſſ.* 2. *c.* 55, after reciting, '22 *Geo.* 3. *c.* 64. whereby it was enacted, That the juſtices, within *England* and *Wales*, at their quarter ſeſſions next after *Midſummer*, from the time of paſſing that act, ſhould nominate one juſtice within their diſtricts, to examine the houſes of correction; and the juſtice ſo nominated was to inſpect the ſame, and report his opinion at the *Michaelmas* quarter ſeſſions then next following (as to the ſtate thereof, and the additions or alterations neceſſary to make them more convenient, having regard to the claſſing of the perſons who ſhould be kept there, according to the nature of their crimes and puniſhments, and to the providing proper places for the employment of ſuch perſons who were committed to hard labour, and to the keeping every part of ſuch priſons clean; and the ſaid juſtice nominated, was thereby required to employ perſons to make plans and eſtimates of new buildings, or additions or alterations; which, with the report of the ſaid juſtice, were to be laid before the court at the ſaid *Michaelmas* quarter ſeſſions; or at the *Epiphany* quarter ſeſſions then next following); which court was to conſider the ſame, and if they approved ſuch plans, they might adjourn the quarter ſeſſions to a further day, for receiving propoſals from perſons inclined to undertake ſuch work, of which notice ſhould be publiſhed, and then to contract with perſons to do the ſame; or if they diſapproved ſuch plans or eſtimates, to direct others to be made, and adjourn their ſeſſions to ſome further day, to receive ſuch new plans and eſtimates, and alſo propoſals from perſons inclined to undertake the work; and the juſtices, in ſettling and adjuſting ſuch plans, were to provide ſeparate apartments for all perſons committed upon charges of felony, or convicted of any theft or larceny, and committed to the houſe of correction for puniſhment by hard labour, to prevent any communication between them and the other priſoners; and alſo proper apartments, covered or open, for employing the perſons kept to hard labour; and they were alſo to provide ſeparate apartments, in each diviſion of the houſe of correction for women; and the general quarter ſeſſions were, upon ſuch report, to make ſuch order as to them ſhould ſeem juſt;' ENACTS, That it ſhall be lawful for the juſtices, who have omitted to examine into the ſtate of the houſes of correction, to examine, and fully to execute the act at the next or any ſubſequent quarter ſeſſion to be holden after the paſſing of this act, as fully as they could have done if they had proceeded therein at the quarter ſeſſions held next after *Midſummer*, *Michaelmas*, or *Chriſtmas*, from the time of paſſing the ſaid act. *ſ.* 1.

Where the amount of any eſtimate, approved by the juſtices, for building, rebuilding, enlarging, or removing, and fitting up any houſe of correction, under this act, ſhall exceed one half of the amount of the ordinary annual aſſeſſment for the county rate (to be taken on a proportion of the laſt five years), then it ſhall be lawful for the quarter ſeſſions to borrow on mortgage of the rates by inſtruments in the form, in the ſchedule, not leſs than 50*l.* nor exceeding 100*l.* each, at legal or lower intereſt, and to ſecure ſuch money upon the credit of the rates; and the juſtices aſſembled, are to agree with any perſon for the loan of ſuch money, and by their order to confirm ſuch agreement; and ſuch agreement eſtabliſhed by ſuch order, and ſigned by the chairman and two juſtices preſent at making ſuch order, ſhall be effectual for ſecuring to the perſon advancing any money, all money, with intereſt for the ſame; and copies or extracts of ſuch agreements or ſecurities ſhall be kept with the clerk of the peace, or officer having the cuſtody of the records of the ſeſſions; and all perſons are impowered (by indorſing his name on the back of ſuch ſecurity), to aſſign the ſame unto any perſon; and ſuch aſſignee may in like manner transfer the ſame again, and ſo *toties quoties*. *ſ.* 2.

The juſtices ſhall not only charge the rates, with the intereſt of the monies borrowed, but alſo with the payment of a further ſum, equal at leaſt to the ſum charged for the intereſt of ſuch ſecurities; which ſums ſhall be aſſeſſed on ſuch county, as county rates are, and applied in diſcharge of the intereſt, and of ſo many of the princi-

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pal ſums on the ſecurities as ſuch money will extend to diſcharge in each year, until the whole ſhall be fully paid; and the juſtices are to fix one or more days in each year, on which ſuch payment ſhall be made, and ſhall make orders for aſſeſſments in due time, ſo as to provide for the regular payment thereof; and they are to appoint a perſon to keep an account of all receipts and payments, in a book apart from all other accounts; and the ſaid books ſettled, to deliver into court at every general or quarter ſeſſions; and the ſaid juſtices are, at ſuch ſeſſions, to inſpect ſuch accounts, and make orders for carrying this act into execution; and if it appear to the juſtices, that the perſon appointed has neglected the order, and has not duly applied the money in hand, ſuch perſon ſhall forfeit double the amount of the money not applied; and the juſtices, in ſeſſion, ſhall direct in what order ſuch ſecurities ſhall be diſcharged, by drawing lots or otherwiſe, firſt diſcharging all ſecurities which ſhall bear the higheſt intereſt. *ſ.* 3.

The quarter ſeſſions ſhall make proviſions by means of the rates, and by their orders, in ſuch manner that the whole money borrowed ſhall be fully paid within 14 years. *ſ.* 4.

Juſtices may diſpoſe of old houſes of correction, and the ground on which they ſtand, at the beſt prices that can be gotten for the ſame; which monies ſhall be applied to the purpoſes of this act; and in caſe of any purchaſe of lands, which ſhall exceed what is neceſſary to be uſed, the juſtices may ſell the ſame, and apply the money for the purpoſes aforeſaid. *ſ.* 5.

Bodies politick, *&c.* may ſell and convey lands, *&c.* unto ſuch perſons as ſhall be named by the juſtices, in truſt, and for the purpoſe of erecting new houſes of correction, or enlarging old houſes of correction. *ſ.* 6.

Purchaſe money exceeding 100 *l.* to be laid out to purchaſe of lands, ſubject to the ſame uſes, and until ſuch purchaſes are made, the money to be laid out in government ſecurities. *ſ.* 7.

The ſections 8, 9, & 10, *direct a jury to be ſummoned to aſcertain the conſideration to be paid for ſuch purchaſe, in the ſame manner as* 24 Geo. 3. ſeſſ. 2. c. 54. ſ. 14, 15, & 16, *which clauſes are abridged in page* 375, ante.

Upon payment of the money ordered to be paid for the purchaſe of ſuch lands, or upon refuſal or inability to receive the ſame, leaving the ſame in the hands of ſuch perſons as the quarter ſeſſions ſhall appoint, for the uſe of the party, or in caſe of the party not being to be found, then, upon notice to be publiſhed in ſome paper circulating in the county, the ſaid lands purchaſed, ſhall veſt in the perſon who ſhall be authoriſed to take the ſame; and it ſhall be lawful for the juſtices, or two, their workmen or agents, to enter upon, and take poſſeſſion of, the ſaid lands, *&c. ſ.* 11.

Where any juſtice is, by any act, authoriſed to convict any perſon before him, in a ſummary way, without the intervention of a jury, it ſhall be lawful for ſuch juſtice, if he think fit, to commit ſuch perſon, ſo convicted in ſuch ſummary way, to the houſe of correction within his juriſdiction, in lieu of the common gaol. *ſ.* 12.

The SCHEDULE to which this Act refers.

Form of Mortgage and Charge upon the County Rates for ſecuring the Money borrowed.

We A. B. *one of his majeſty's juſtices of the peace, and chairman of the court of quarter ſeſſions of the peace for the county*, &c. *of* ——— (as the caſe ſhall be), *holden at* ——— *the* ——— *day of* ——— C. D. *and* E. F. *eſquires, two other of his majeſty's juſtices of the peace acting for the ſaid county*, &c. *and aſſembled in the ſaid court, in purſuance of the power to us given by an act paſſed in the twenty-fourth year of the reign of his majeſty king* George *the third, intituled*, &c. [inſert the title of the act], *do hereby, in open court, mortgage and charge all the rates to be raiſed within the ſaid county*, &c. (as the caſe ſhall be), *under the deſcription of county rates, by the laws now in being, with the payment of the ſum of* ——— ——— *which* G. H. *of* ——— ——— *hath propoſed, and agreed to lend, and hath now actually advanced and paid towards defraying the expences of building, repairing*, &c. (as the caſe ſhall be), *the houſe of correction for the ſaid county*, &c. *And we do hereby confirm and eſtabliſh the ſame unto the ſaid* G. H. *his executors, adminiſtrators, and aſſigns, for ſecuring the repayment of the ſaid ſum of* ——— ——— *and the intereſt agreed upon for the ſame, after the rate of* ——— per centum per annum: *and do order the treaſurer for ſuch county*, &c. *or other perſon* (as the caſe ſhall be), *to pay the intereſt of the ſaid ſum of* ——— *half yearly, as the ſame ſhall become due, until the principal ſhall be diſcharged, purſuant to the directions of the ſaid act.*

By 27 *Geo.* 3. *c.* 11. It ſhall be lawful for any juſtice, to commit either to the common gaol, or to any houſe of correction within his juriſdiction, ſuch vagrants, and other criminals, offenders, and perſons charged with, or convicted of ſmall offences, as by any law he is or ſhall be authoriſed to commit to the common gaol.

Victuals.

Stat. of the pillory, 51 *Hen.* 3. *ſt.* 6. If a baker or a brewer be convict becauſe he hath not obſerved the aſſize, the firſt, ſecond, and third time, he ſhall be amerced according to his offence, if it be not over grievous; but if the offence be grievous and often, he ſhall ſuffer puniſhment of the body, *viz.* a brewer to the tumbrel, or ſome other correction. Firſt, ſix lawful men ſhall be ſworn truly to gather all meaſures of the town, *viz.* buſhels, half and quarter buſhels, gallons, pottles, and quarts, as well of taverns as of other places; meaſures and weights, *viz.* pounds, half pounds, and other little weights, wherewith bread of the town or of the court is weighed; and upon every meaſure, buſhel and weight, the name of the owner ſhall be written; and likewiſe they ſhall gather the meaſures of mills: after which twelve men ſhall ſwear to make true anſwer to all ſuch things as ſhall be demanded of them in the king's behalf upon articles here following; and ſuch things as be ſecret, they ſhall utter ſecretly, and anſwer privately: and the bailiff ſhall be commanded to bring in all the bakers and brewers with their meaſures: and firſt, they ſhall inquire the price of wheat, how a quarter of the beſt wheat was ſold the laſt market-day, and how the ſecond wheat, and how the third, and how a quarter of barley and oats; after, how the bakers bread doth agree; alſo upon how much increaſe or decreaſe in the price of wheat a baker ought to change the aſſize and weight of his bread; alſo for default in the weight of the bread a baker ought to be amerced, or to be judged unto the pillory; alſo if any ſteward or bailiff for any bribe doth releaſe puniſhment of the pillory and tumbrel. *ſ.* 1.

Alſo if they have in the town a pillory of convenient ſtrength,

ſtrength, after they ſhall enquire of the aſſize and price of wine, after the departure of the juſtices in eyre, and if any corrupted wine be in the town; alſo of the aſſize of ale, how much brewers have ſold contrary to the aſſize; and they ſhall preſent their names, that they be amerced or judged to the tumbrel. *ſ.* 2.

Alſo if there be any that ſell by one meaſure and buy by another; alſo if any do uſe falſe ells, weights or meaſures; and if any butcher ſell contagious fleſh; alſo they ſhall enquire of cooks that ſeethe fleſh or fiſh with bread or water, or otherwiſe, that is not wholeſome, or after that they have kept it ſo long that it loſeth its natural wholeſomeneſs, and then ſeethe it again and ſell it; or if any buy fleſh of *Jews*, and then ſell it to *Chriſtians*; and alſo foreſtallers that buy any thing afore the due hour, or that paſs out of the town to meet ſuch things as come to the market, to the intent they may ſell the ſame in the town unto regrators. *ſ.* 3.

The aſſize of bread is repealed by 8 Ann. c. 18. *and by* 31 Geo. 2. c. 29. ſ. 1.

Stat. of York, 12 *Edw.* 2. *ſt.* 1. *c.* 6. No officer in city or borough, that ought to keep aſſizes of wines and victual, ſhall merchandize for wines nor victual; and if any do, and be thereof convict, the merchandize ſhall be forfeit to the king, and the third part thereof ſhall be delivered to the party that ſued the offender; and the chancellor, treaſurer, barons of the exchequer, juſtices of either bench, and juſtices aſſigned to take aſſizes, ſhall admit ſuch plaints by writs and without writs, and ſhall determine them, and ſhall perform all things contained in theſe articles; and the king may aſſign his juſtices to execute this in cities and boroughs.

Stat. de cibariis utendis, 10 *Edw.* 3. *ſt.* 3. None ſhall cauſe himſelf to be ſerved at dinner or ſupper with more than two courſes, and each meſs with two ſorts of meat at moſt, be they fleſh or fiſh, with common potages: except in the great feaſts, *viz.* the eve and day of *Chriſtmas*, St. *Stephen's* day, new year's day, the days of *epiphany* and the purification, the eve and day of *Eaſter*, and the morrow of *Eaſter*, aſcenſion-day, the day of *pentecoſt* and the morrow, the day of Trinity, the nativity of St. *John Baptiſt*, the day of St. *Peter* and *Paul*, the days of the aſſumption and nativity of our lady, and the day of all ſaints, on which days any one may be ſerved with three courſes at moſt in manner aforeſaid.

By 23 *Edw.* 3. *c.* 6. Butchers, fiſhmongers, regrators, hoſtelers, brewers, bakers, poulterers, and other ſellers of victual, ſhall be bound to ſell the ſame for a reaſonable price; and if any ſell victuals in other manner, and thereof be convict [viz. *by ſuit in the county, wapentake, tithing or ſuch other the king's courts*, c. 4.] he ſhall pay double the ſame that he received to the party damnified, or in default of him to any other that will ſue; and the mayors and bailiffs of cities, boroughs, market towns and others, and of the ports and other places, ſhall have power to enquire; and in caſe the mayors and bailiffs be negligent, and be thereof convict before the juſtices aſſigned, they ſhall pay the treble of the thing ſold to the party damnified, or in default of him to any other that will ſue, and be grievouſly puniſhed towards the king.

By 13 *Ric.* 2. *c.* 8. *confirmed by* 4 Hen. 4. c. 25. Victuallers ſhall have reaſonable gains, according to the diſcretion of the juſtices of peace, and no more, upon pain to be grievouſly puniſhed according to the diſcretion of the juſtices, where no pain is limited in certain; and ſheriffs, ſtewards of franchiſes, mayors and bailiffs, and all other that have aſſize of bread and ale, ſhall take no amercement or fine for any default touching the aſſize for which a man ought to have bodily puniſhment; and mayors, *&c.* that have the ſurvey of victuals in cities, *&c.* ſhall put the ſtatute 23 *Edw.* 3. *c.* 6. in execution.

By 12 *Edw.* 4. *c.* 8. No perſon (other than mayors and governors of cities and towns, or other intitled by charter) by colour of letters patent obtained, or to be obtained, ſhall uſe any ſuch office as ſurveyors of victuallers, upon pain of 40 *l.* the one half to the king to the uſe of his houſe, the other half to him that will ſue for the ſame by action of debt.

By 3 *Hen.* 8. *c.* 8. As often as any victualler is choſen to bear office within any city, borough, or town corporate, which ſhould have the aſſiſing and correction of victuals, two diſcreet perſons of the ſame city, *&c.* not being victuallers, ſhall be choſen by the commonalty in like form as the ſaid officer ſhall be choſen; which two perſons, with the ſaid officer, ſhall be ſworn truly to ceſs the prices and aſſiſes of victual for the time that ſuch victualler ſhall abide in the office; and it ſhall be lawful to the ſaid officers, after the victuals be ceſſed by the ſame officer and the ſaid two perſons, or one of the two perſons, the other being abſent, to ſell wines and all other victual. *ſ.* 1.

This act ſhall not diſcharge any miniſter of the cities of *London*, *York*, and *Coventry*, for any wine or victual to be ſold by retail within the ſaid cities. *ſ.* 2.

By 25 *Hen.* 8. *c.* 2. Upon every complaint of enhancing of prices of cheeſe, butter, capons, hens, chickens, and other victuals, without reaſonable cauſe, in any the king's dominions, the lord chancellor, lord treaſurer, lord preſident, lord privy ſeal, lord ſteward, lord chamberlain, and all other lords of the king's council, the treaſurer and comptroller of the king's houſe, the chancellor of the duchy, the juſtices of either bench, the chancellor, chamberlains, under treaſurer and barons, of the exchequer, or 7 of them, whereof the lord chancellor, lord treaſurer, lord preſident, or lord privy ſeal, to be one, ſhall have power to ſet reaſonable prices of all ſuch victual, and proclamation ſhall be made of ſuch prices. *ſ.* 1.

All fermors, owners, broggers, and other victuallers, keeping any of the ſaid victuals to the intent to ſell, ſhall ſell at ſuch prices as ſhall be ſet by the proclamation, upon the pains limited in the proclamation. *ſ.* 2.

This act ſhall not be hurtful to mayors or other officers of cities, boroughs, or towns corporate, or others having authority to ſet prices of ſuch victuals. *ſ.* 3.

No perſon, unleſs by licenſe under the great ſeal, ſhall convey any victuals beyond the ſea, except for the victualling of ſhips, and except barrelled butter and meal to be carried to *Iceland*, upon pain of the value of the thing conveyed, the one half to the king, and the other half to the party that will ſue. *ſ.* 4. *Moſt kinds of victuals are now permitted to be exported by ſubſequent acts.*

By 2 and 3 *Edw.* 6. *c.* 15. *Revived, continued, and confirmed, by* 22 *and* 23 Car. 2. *c.* 19. *which is now expired.* If any butchers, brewers, bakers, poulterers, cooks, coſtermongers, or fruiterers, ſhall conſpire, covenant, promiſe, or make any oaths, that they ſhall not ſell their victuals but at certain prices; or if any artificer do conſpire, *&c.* that they ſhall not do their works but at a certain price, or ſhall not take upon them to finiſh that another hath begun, or ſhall do but a certain work in a day, or ſhall not work but at certain times; every perſon ſo conſpiring, *&c.* being convict by evidence, confeſſion or otherwiſe, ſhall forfeit for the firſt offence 10 *l.* to the king, if he pay the ſame within ſix days after conviction, or elſe ſhall ſuffer 20 days impriſonment, and ſhall only have bread and water for his ſuſtenance; and for the ſecond offence ſhall forfeit 20 *l.* if he

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pay the ſame within ſix days, or elſe ſhall ſuffer puniſhment of the pillory; and for the third offence ſhall forfeit 40 *l.* if he pay the ſame within ſix days, or elſe ſhall ſit on the pillory, and loſe one of his ears, and alſo ſhall be taken as a man infamous. *ſ.* 1.

If any ſuch conſpiracy, *&c.* be made by any ſociety or company of any craft of the victuallers above mentioned, with the conſent of the more part of them, beſides the puniſhment for the offender, their corporation ſhall be diſſolved. *ſ.* 2.

Juſtices of aſſize, juſtices of peace, mayors, bailiffs, and ſtewards of leets, at their ſeſſions, leets, and courts, ſhall have power to enquire, hear and determine all offences againſt this ſtatute. *ſ.* 3.

View.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 48. View ſhall not be granted but where the view is neceſſary; as if one loſe land by default, and moveth a writ to demand the ſame land; and where one by an exception dilatory abateth a writ after the view, as by non-tenure, or miſnaming of the town, *&c.* if he purchaſe another writ; in this caſe, and in the caſe before mentioned, the view ſhall not be granted, if he had view in the firſt writ. In a writ of dower, where the demand is of land that the huſband aliened to the tenant or his anceſtors, though the huſband died not ſeized, yet view ſhall not be granted. In a writ of entry alſo that is abated, becauſe the demandant miſnamed the entry, if he purchaſe another writ of entry, if the tenant had view in the firſt writ he ſhall not have it in the ſecond. In all writs alſo where lands be demanded by reaſon of a leaſe, made by the demandant or his anceſtor unto the tenant, and not to his anceſtor, as that which he leaſed to him being within age, not whole of mind, being in priſon, *&c.* view ſhall not be granted; but if the demiſe were made to his anceſtor, view ſhall lie as before.

Stat. de viſu ter. *incert. temp. ſ.* 1. View ſhall not be granted in a writ of ward, in a writ of cuſtoms and ſervices, in a writ of advowſon of a church, but in caſe when there be more churches than one in a town, and all of one ſaint, in a writ of dower, and in a *nuper obiit.*

Union of Churches.

By 37 *Hen.* 8. *c.* 21. An union or conſolidation of two churches, or of a church and chapel in one, the one of them not being above the yearly value of 6 *l.* as valued to the king, and not diſtant from the other above one mile, may be had by the aſſent of the ordinary of the dioceſe, and of the incumbents, and of all ſuch as have a right to the patronages, being of full age. And ſuch unions ſhall continue for ever in ſuch manner as by writing under the ſeals of ſuch ordinaries, incumbents and patrons, ſhall be declared. *ſ.* 3.

All unions and conſolidations, which have heretofore been by the aſſent of the ordinaries, incumbents and patrons, in fee-ſimple, ſhall alſo continue for ever. *ſ.* 4.

Saving unto the king all tenths and firſt-fruits. *ſ.* 5.

Provided that all unions to be had within any city or town corporate, without the aſſent of the mayor, ſheriffs, and commonalty of the city, or of ſuch bodies corporate of other towns, by the names of their corporations under their common ſeal, ſhall be void. *ſ.* 6.

Where the inhabitants of any poor pariſh, or the more part of them, within one year after the union or conſolidation of the ſame pariſh, by writing ſhall aſſure the incumbent for the yearly payment of ſo much money as with the ſum that the pariſh is rated at in the king's court ſhall amount to 8 *l.* to be paid yearly by the inhabitants to the incumbent and his ſucceſſors, ſuch unions or conſolidations ſhall be void. *ſ.* 7.

By 17 *Car.* 2. *c.* 3. In every city or town corporate, which have a mayor and aldermen and particular juſtices of peace, or bailiffs or other chief officers and aſſiſtants, and where two or more churches or chapels and the pariſhes lie within the corporation convenient to be united; the biſhop, with the conſent of the mayor, aldermen and juſtices, or bailiffs or other chief officers, or the major part of them, and of the patrons, may unite the churches, *&c.* and ſhall appoint at which church the inhabitants ſhall meet, which ſhall be the church preſentative thereafter. *ſ.* 1.

Notwithſtanding ſuch union, each of the pariſhes ſhall continue diſtinct as to all rates and privileges, and churchwardens ſhall be elected for each. *ſ.* 2.

Where one or more of the churches ſhall be full, the union ſhall take effect upon the firſt avoidance; and the ſeveral patrons ſhall preſent by turns, in ſuch order as the biſhop, with the conſent of the mayor, *&c.* and of the patrons, ſhall determine; ſaving to the king all tenths and firſt-fruits, and alſo reſerving all procurations and penſions. *ſ.* 3.

Provided that no union made by virtue of this act be effectual, until it be regiſtered in the regiſter book of the biſhop. *ſ.* 4.

No union made by virtue hereof ſhall be effectual, where the ſettled maintenance belonging to the incumbents ſhall exceed 100 *l. per* ann. unleſs the major part of the pariſhioners under their hands deſire otherwiſe. *ſ.* 5.

Every miniſter of churches united according to this act ſhall be the incumbent thereof, ſo as ſuch miniſter be a graduate in one of the univerſities of this kingdom. *ſ.* 6.

Every owner of any impropriation or tithes may give and annex the ſame to the parſonage or vicarage of the pariſh church where the ſame lie, or ſettle the ſame in truſt for the parſonage, *&c.* or the curates there ſucceſſively where the parſonage is impropriate, and no vicar endowed, without licence of mortmain. *ſ.* 7.

If the ſettled maintenance of any parſonage or vicarage with cure ſhall not amount to 100 *l. per* ann. it ſhall be lawful for the incumbent to purchaſe to him and his ſucceſſors lands, rents, tithes, or other hereditaments, without licenſe of mortmain. *ſ.* 8.

By 4 and 5 *Will.* and *Mar. c.* 12. Where any churches ſhall be united by virtue of the act 17 *Car.* 2. *c.* 3. and one of the churches ſhall be demoliſhed, as often as the church preſentative ſhall be out of repair, or there ſhall be need of decent ornaments for performance of divine ſervice, the pariſhioners of the pariſh whoſe church ſhall then be demoliſhed, ſhall pay towards the charges of ſuch repairs and ornaments, ſuch proportion as the biſhop ſhall by the union direct, and for want of ſuch direction, one third part of ſuch charges; and the ſame ſhall be rated, and in default thereof ſuch proceedings ſhall be had againſt them as for the reparation and ornaments for their own pariſh church. *ſ.* 2.

Voucher.

Stat. Marleber. 52 *Hen.* 3. *c.* 27. None vouched to warranty before the juſtices in eyre in plea of land ſhall be amerced becauſe he was not preſent when he was vouched, except the firſt day of the coming of the juſtices; but if the party vouched be within the ſhire, the ſheriff ſhall be commanded

manded to cauſe him to come within the third or fourth day, according to the diſtance of the place, as it was wont to be done; and if he dwell without the ſhire, he ſhall have reaſonable ſummons of 15 days at leaſt.

Stat. Weſtm. 1. 3 *Edw.* 1. *c.* 40. In writs of poſſeſſion, of *mortdanceſtor*, of coſinage, of *aiel*, *nuper*, *obiit*, of intruſion, *&c.* whereby lands are demanded which ought to deſcend, revert, remain or eſcheat, by the death of any anceſtor, or otherwiſe, if the tenant vouch to warranty, and the demandant counterpleadeth him, and will aver by aſſiſe, or by the country, or otherwiſe as the court will award, that the tenant or his anceſtor was the firſt that entered after the death of him of whoſe ſeiſin he demandeth, the averment ſhall be received, if the tenant will abide thereupon; and if not, he ſhall be further compelled to another anſwer, if he have not his warrantor preſent that will warrant him freely, and incontinent enter into the warranty; ſaving unto the demandant his exceptions againſt him, if he will vouch further, as he had againſt the firſt tenant. In all writs of entry which make mention of degrees, none ſhall vouch out of the line. And in other writs of entry where no mention is made of degrees (which writs ſhall not be maintained but where the other writs of degrees cannot lie) and in a writ of right, if the tenant vouch to warranty, and the demandant will counterplead him, and be ready to aver by the country, that he that is vouched, nor his anceſtors, had never ſeiſin of the land, *&c.* ſince the time of him on whoſe ſeiſin the demandant declareth until the writ purchaſed and the plea moved, whereby he might have infeoffed the tenant or his anceſtors, the averment ſhall be received, if the tenant will abide thereupon; and if not, the tenant ſhall further anſwer, if he be not preſent that will warrant him freely, and incontinent enter in anſwer; ſaving unto the demandant his exceptions againſt him, as againſt the firſt tenant: and the ſaid exception ſhall have place in a writ of *mortdanceſtor*, and in other writs before named, as well as in writs that concern right; and if the tenant have a deed that compriſeth warranty of another man, his recovery by a writ of warranty of charters ſhall be ſaved to him.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 6. Like as the tenant ſhould loſe the land in demand, in caſe where he vouched, and the vouchee could diſcharge himſelf of the warranty, in the ſame wiſe ſhall the warrantor loſe where he denieth his warranty, and it be found, and tried againſt him, that he is bound to warrantize. And if an inqueſt be depending between the tenant and warrantor, and the demandant will require a writ of *venire facias* to the jury, it ſhall be granted him.

Stat. of Vouchers, 20 *Edw.* 1. *ſt.* 1. Where the tenant in a plea of land voucheth to warranty, and the demandant will aver, that neither the vouchee nor none of his anceſtors, ſince the time that the anceſtor of the demandant was ſeized, was in poſſeſſion of the lands, his averment ſhall be admitted, whether the party vouched be abſent or preſent. *ſ.* 3.

By 14 *Edw.* 3. *ſt.* 1. *c* 18. If the tenant vouch to warranty a dead man, and the demandants will aver that the vouchee is dead, or that there is none ſuch, their averment ſhall be received.

Upholſters.

By 11 *Hen.* 7. *c.* 19. No perſons ſhall make, or put to ſale in fairs or markets, any featherbeds, bolſters or pillows, except they be ſtuffed with one manner of ſtuff, *viz.* with dry pulled feathers, or elſe with clean down alone, and with no ſcalded feathers nor fendown, nor none other unlawful and corrupt ſtuff; except any perſons for their own uſe make any of the ſaid wares, ſo they be not offered to be ſold in fairs and markets, upon pain of forfeiture. And in likewiſe quilts, mattreſſes and cuſhions, ſhall be ſtuffed with one manner of ſtuff, *viz.* with clean wool, or with clean flocks alone, and with no unlawful ſtuff, upon pain of forfeiture of all ſuch unlawful wares.

By 5 and 6 *Edw.* 6. *c.* 23. No perſons ſhall make to the intent to ſell, or offer to be ſold, any featherbed, bolſter or pillow, except the ſame be ſtuffed with dry pulled feathers or clean down only, without mingling of ſcalded feathers, fendown, thiſtledown, ſand, lime, gravel, unlawful or corrupt ſtuff, hair, *&c.* upon pain of forfeiture of all ſuch featherbeds, *&c.* or the value thereof. *ſ.* 1.

No perſon ſhall make to the intent to ſell, or put to ſale, any quilt, mattreſs or cuſhions, which ſhall be ſtuffed with any other ſtuff than feathers, wool or flocks alone, upon pain of forfeiture of all ſuch quilts, *&c.* or the value thereof; the moiety of which forfeitures to be to the king, the other moiety to ſuch as will ſue. *ſ.* 2.

Uſes.

By 27 *Hen.* 8. *c.* 10. Where any perſons ſhall be ſeized of any honours, lands, or other hereditaments, to the uſe or truſt of any other perſons, ſuch perſons that ſhall have any ſuch uſe or truſt ſhall be deemed in lawful ſeiſin and poſſeſſion of the ſame honours, *&c.* of like eſtates as they ſhall have in uſe, truſt or confidence; and the eſtate and poſſeſſion that was in ſuch perſons that ſhall be ſeized to the uſe or truſt, ſhall be adjudged in them that ſhall have ſuch uſe or truſt. *ſ.* 1.

Where divers perſons ſhall be jointly ſeized to the uſe or truſt of any of them, thoſe which ſhall have ſuch uſe or truſt ſhall be adjudged to have only ſuch eſtate, poſſeſſion and ſeiſin, of the lands, *&c.* as they had in the uſe or truſt; ſaving to all perſons, other than thoſe which be ſeized to any uſe or truſt, all right, *&c.* *ſ.* 2.

Alſo ſaving to all thoſe perſons which ſhall be ſeized to any uſe, all ſuch former rights, as they might have had to their own proper uſe. *ſ.* 3.

Where divers perſons be ſeized, to the uſe that ſome other perſons ſhall have an annual rent out of the lands, the ſame perſons, their heirs and aſſigns, that have ſuch uſe and intereſt to have ſuch annual rents, ſhall be adjudged in poſſeſſion and ſeiſin of the ſame rent, of like eſtate as they had in the uſe, and as if a ſufficient grant had been made to them by ſuch as ſhall be ſeized to the uſe of ſuch rent; and every ſuch perſon as ſhall have any uſe or intereſt in or to any ſuch rent or profit, ſhall lawfully diſtrain for non-payment, and in their own names make avowries, or by their bailiffs or ſervants make coniſances and juſtifications, and have all other remedies, as if the ſame rents had been actually granted to them. *ſ.* 4. 5.

This act ſhall not diſcharge or ſuſpend any ſtatute, recognizance or other bond, by the execution of any eſtate in any lands. *ſ.* 10. *See other parts of this act in* JOINTURES *and* WILLS. *See* TRUSTS.

Uſury.

By 37 *Hen.* 8. *c.* 9. No perſon ſhall ſell his merchandizes to any perſon, and within three months after buy the ſame, or any part thereof, upon a leſſer price, knowing them to be the ſame. *ſ.* 2. Upon pain to forfeit treble the value

of the things ſold; and alſo ſuffer impriſonment, and make fine and ranſom at the king's will; one moiety of which forfeiture ſhall be to the king, and the other to him that will ſue in any the king's courts of record. *ſ.* 6.

By 12 *Ann. ſt.* 2. *c.* 16. No perſon upon any contract which ſhall be made after the 29th of *September* 1714, ſhall take for loan of any monies, wares, *&c.* above the value of 5 *l.* for the forbearance of 100 *l.* for a year. And all bonds, contracts, and aſſurances for payment of any money to be lent upon uſury, whereupon there ſhall be reſerved or taken above five in the hundred, ſhall be void; and every perſon which ſhall receive, by means of any corrupt bargain, loan, exchange, chevizance, ſhift, or intereſt, of any wares, or other thing, or by any deceitful way, for the forbearing or giving day of payment for one year, for their money or other thing, above 5 *l.* for 100 *l.* for a year, *&c.* ſhall forfeit the treble value of the monies, and other things lent. *ſ.* 1.

Every ſcrivener, broker, and ſolicitor, who ſhall take for brokage, or procuring the loan or forbearing of any money, above the rate of 5 *s.* for 100 *l.* for a year, or above 12 *d.* above the ſtamp duties, for making or renewing of the bond, or for any counterbond, ſhall forfeit 20 *l.* with coſts, and ſuffer impriſonment for half a year, the one moiety of which forfeitures to be to the queen, and the other moiety to him that will ſue for the ſame in the county where the offences are committed. *ſ.* 2.

Wager of Law.

Mag. chart. 9 *Hen.* 3. *c.* 28.

NO bailiff ſhall put any man to his law, nor to an oath, upon bare ſaying without witneſſes brought in.

By 5 *Hen.* 4. *c.* 8. To eſchew miſchiefs which be as well within *London* as other places, of that that divers fained ſuits of debt have been taken by the people of the ſaid places againſt divers people, ſurmiſing that they have accounted before auditors aſſigned, of divers receipts, duties and contracts, had betwixt them, and that they were found in arrearages upon the account in divers great ſums, where there was never receipt nor duty betwixt ſuch parties, to the intent to make them againſt whom ſuch ſuits were taken, to put them in inqueſt, and to put them from the waging of their law; the judges before whom ſuch actions ſhall be ſued in cities and boroughs, ſhall have power to examine the attornies and other, and thereupon to receive the defendants to their law, or to try the ſame by inqueſt, after the diſcretion of the judges.

Wales.

Stat. Walliae, 12 *Edw.* 1. The juſtice of *Snaudon* ſhall have the keeping of the king's peace in *Snaudon* and the lands of *Wales* adjacent, and ſhall do juſtice to all according to the king's original writs, and the laws and cuſtoms underwritten. *ſ.* 2.

There ſhall be ſheriffs, coroners, and bailiffs of commotes in *Snaudon*, *&c.* *viz.* the ſheriff of *Angleſey*, of *Caernarvon*, of *Merioneth*, of *Flint*, who ſhall be intendant to the juſtice of *Cheſter*, and anſwer at the exchequer of *Cheſter*. *ſ.* 3.

There ſhall be coroners in the ſame counties, to be choſen by the king's writ. *ſ.* 8.

The ſheriff ſhall exerciſe his office in this form, *viz.* when any one complains of any treſpaſs done to him againſt the king's peace, whether it be of the taking and unjuſt detaining of cattle, or *de namio vetito*, or of debt, or of other contract not kept, *&c.* by writ or without writ; he ſhall firſt take pledges of proſecuting, or by his faith if he be poor, and afterwards ſhall do execution in this manner; the defendants in every caſe ſhall be ſummoned, that they be at the next county to anſwer to the plaintiffs; at which county, the ſummons being made and witneſſed, if they come not, they ſhall be again ſummoned that they be at the next county, *&c.* at which if they come not, they ſhall be a third time ſummoned, *&c.* at which county if they come not, the plaintiffs, by conſideration of the county, as well in pleas by writ as in plaints without writ, ſhall recover their demands with their damages, as well in moveables as immoveables: and for ſuch defaults pain ſhall be incurred to the king according to the law and cuſtom of *Wales*; and when the parties appear, they ſhall proceed to judgment by conſideration of the county. *ſ.* 11.

The county ought to be held in this manner, *viz.* from month to month in the place where the king ſhall order; and this on *Monday* in one county, on *Tueſday* in another county, on *Wedneſday* in the third county, and on *Thurſday* the fourth county, and not on other days; and the ſheriff ſhall thus proceed to hold his county. *ſ.* 12.

Firſt he ſhall hear and receive before him, and the coroner and ſuitors of the county, the preſentments of the felonies and caſualties, which ſhall have happened between the two counties, of the death of man, in this manner; the four next towns, to the place where the manſlaughter or caſualty ſhall have happened, ſhall come to the next county, together with the finder, and the *Waleſcherie*, that is, the kindred of the man ſlain, and ſhall there preſent the fact, and the manner of it; ſaying, that ſuch a day and place it happened, that ſuch a one, known or unknown, was found ſlain by felony, or drowned, or dead by misfortune, and ſuch a one found him, who is preſent, *&c.* and this preſentment ſhall be enrolled, as well in the roll of the coroner, as in the roll of the ſheriff; and if there be man or woman who will ſue by appeal, pledges of proſecuting ſhall be received, and if the appellees appear, they ſhall be taken, and kept in priſon until the coming of the juſtices; and if they do not appear, they ſhall be put to the exigent from county to county; and if at the fourth county they come not, and be not bailed, they ſhall be outlawed; and if they appear not at the firſt county at which they are demanded, their lands

lands and goods ſhall be taken and ſeized into the hands of the king, and delivered to the townſhips to keep. *ſ.* 13.

In the ſame manner they ſhall proceed in appeal of wounding, maim, rape, burning, and robbery, if the appellees appear not; and if they appear, and find ſufficient pledges, ſix at leaſt, they ſhall be replevied. *ſ.* 14.

Againſt appellees of the force, command, or receiving, there ſhall be no proceeding to outlawry until ſome one be convict of the fact. *ſ.* 15.

The ſheriff ſhall make his turn in every commote twice in the year, *&c.* to which turn all the freeholders and reſiants ſhall come, except clerks and women; and the ſheriff, by the oath of twelve freeholders or more, ſhall enquire of the underwritten heads touching the crown. *ſ.* 16.

Of ſeducers of the king, and realm, of the queen, and their children, and their conſenters. *ſ.* 17.

Of thieves, manſlayers, robbers, murderers, and felonious burners, their receivers and conſenters, *&c.* *ſ.* 18.

Alſo of rights withdrawn from the king, and of thoſe who have appropriated to themſelves royal rights without warrant, *&c.* *ſ.* 19.

The ſheriff in his turn ſhall firſt call before him all the people of the commote, and cauſe them to ſwear, that they will preſent the truth to the twelve or more jurors elected by the ſheriff, *&c.* *ſ.* 20.

The ſheriff in taking of verdicts ſhall not ſeek occaſions againſt the preſenters, nor take fines of them for not taking occaſion againſt them. *ſ.* 21.

There ſhall alſo be in every commote in *Wales*, one coroner at leaſt, to be choſen by the king's writ in full county, *&c.* *ſ.* 23.

The writ of *novel diſſeiſin*. "The king to the ſheriff of "*Angleſey* greeting; *A.* hath complained to us, that *B.* and "*C.* have unjuſtly, and without judgment, diſſeiſed him "of his freehold in *N.* after our peace proclaimed in *Wales* "in the 11th year of our reign; we therefore command "you, that if the ſaid *A.* make you ſecure of proſecuting "his claim, you ſhall cauſe that tenement, *&c.* to be in "peace until a certain day, which our juſtice ſhall make "known to you, *&c.* Dated at *Karnarvan*, *&c.* or elſe-"where." *ſ.* 27.

There ſhall be letters patents made in theſe words, until the king order otherwiſe: "The king to his juſtice greet-"ing; know ye that we have conſtituted you our juſtice, "together with thoſe whom you ſhall think fit to be aſſo-"ciated to you, to take aſſizes of *novel diſſeiſin* and *mort-*"*danceſter* in the parts of *Wales*; and therefore we com-"mand you, that at certain days and places which you "ſhall to this appoint, you take thoſe aſſizes, doing therein "what to juſtice ſhall appertain, according to the law and "cuſtom of our realm, *&c.*" *ſ.* 31.

A common writ, which in ſome caſe toucheth the right, and in ſome caſe the poſſeſſion. "The king, *&c.* com-"mand *A.* that juſtly, *&c.* he render to *B.* the manor of "*N.* with the appurtenances, which the ſaid *A.* to him de-"forceth, as he ſaith; and unleſs he do it, and the afore-"ſaid *B.* make you ſecure of proſecuting his claim, then "ſummon by good ſummoners the aforeſaid *A.* that he be "before our juſtice, *&c.*" *ſ.* 34.

In like manner the writ ſhall be granted before the juſtices in the bench, if the demandant will. *ſ.* 36.

Writs of debt ſhall not be granted to be pleaded before the juſtice, of a leſs ſum than 40 *s.* but pleas of debt, which amount not to 40 *s.* ſhall be pleaded in the county, and in the commote. *ſ.* 41.

The form of a writ of attorney: "The king to the ſhe-"riff greeting; know that A. hath attorned before us *B.* "and *C.* to gain or loſe in a plea which is before you by our "writ, between him the ſaid *A.* demandant, and *D.* te-"nant, of a meſſuage with the appurtenances in *N.* and "therefore we command you, that you receive the ſaid *B.* "and *C.* or either of them, if both can not be preſent, in-"ſtead of the ſaid *A.* *&c.*" *ſ.* 47.

In a writ of *mortdanceſtor* the proceedings ſhall be thus: pledges being found to proſecute, and the aſſize being elected, and the view had by the jurors, the tenant ſhall be ſummoned by two good ſummoners, that he be before the juſtice at a certain day, *&c.* and the ſummons ſhall contain 15 days at leaſt, at which day, if he come, the juſtice ſhall proceed; and if he come not he ſhall be puniſhed for his default, according to what is contained in the law of *Wales*, *viz.* by three cows or the price of them; and he ſhall be reſummoned by other ſummoners, *&c.* at which day, whether he come or not, the juſtice ſhall proceed, unleſs he cauſe himſelf to be eſſoined *de ultra mare*, and then ſhall be given him the ſpace of forty days, that he may have *eb* and *flode*; but if he be within the four ſeas, and falſely eſſoin himſelf *de ultra mare*, and be convict thereof by good proof or enquiry, he ſhall be puniſhed as for a default by the amercement which is contained in the law of *Wales*, and he ſhall be precluded from ſaying any thing againſt the aſſize, unleſs he can vouch to warranty. *ſ.* 55.

In no writ of plea of land lieth any eſſoin, but only the eſſoin *de ultra mare*, and this before the tenant or deforcient appear in court, and the eſſoin *de ſervitio domini regis*, which lies at any time of the plea, when the king will warrant it; but if he who cauſeth himſelf to be eſſoined *de ſervitio domini regis*, fail of the king's warrant, he ſhall be puniſhed for his default by amercement according to the law of *Wales*, and ſhall refund to his adverſary the coſts of the day by the diſcretion of the juſtice. *ſ.* 56.

In the writs of *mortdanceſtor*, the proceedings ſhall be thus: the writ being firſt read, in which is contained the demand of the demandant, the deforcient ſhall be aſked, if he can ſay any thing wherefore the aſſize ought to remain, which if he cannot, the juſtice ſhall take the aſſize. *ſ.* 57.

The deforcient may ſay many things againſt the aſſize, *viz.* that the anceſtor, of whoſe death, *&c.* committed felony, for which he was hanged, or confeſſing the felony before coroner abjured *Wales*. *ſ.* 59.

Of pleas which are determined by inqueſts or juries, ſome are of immoveables as of tenements, ſome of moveables as of debts and chattles, ſome of both, ſome of treſpaſſes; but firſt of immoveables. *ſ.* 63.

When the deforcient appears, becauſe the demand of the demandant cannot be known by the words of the writ, inaſmuch as there are many, and as it were an infinite number of differences, the demandant muſt count againſt the deforcient, and expreſs the nature of his demand, and this by words containing the truth, not obſerving that hard cuſtom, *qui cadit a ſyllaba, cadit a tota cauſa*. *ſ.* 65.

When by the affirmance of the one party, and the denial of the other, they are deſcended to a lawful iſſue, the plea ſhall be determined by verdict of the inqueſt; becauſe pleas of land in thoſe parts are not determined by battle, nor by the great aſſize. *ſ.* 66.

Of moveables, *viz.* of debt the defendant ſhall be ſummoned to be before the juſtice at a certain day, at which if he come not, he ſhall be again ſummoned, and if he come not at the ſecond day, nor eſſoin himſelf, the debt ſhall be adjudged to the demandant by default, together with his damages by the diſcretion of the juſtice, or by inqueſt of the country, at the will of the juſtice. If the debtor come, the plaintiff muſt declare his demand, *viz.* that he is bound

to him in 100 marks, &c. or for things ſold, or of other contracts, upon which he muſt produce ſuit, or the writing obligatory, or ſhew a tally; then the debtor ſhall anſwer, and if he acknowledge the debt, it ſhall be adjudged and levied of his lands and chattles, &c. If he deny the debt, and his obligation be brought forth againſt him, the writing muſt be verified by the witneſſes named in the writing, if they be living, together with the country; and if there be no witneſſes named, or if they be dead, it ſhall be verified by the country alone. If the plaintiff have no obligation, but only produce ſuit or tally, the adverſe party may defend, that he is not bound to him, and defend this, by the law, *viz.* by his own oath, together with 11 ſwearing with him, or by the country, at his election. *ſ.* 67.

If the debtor alledge payment, he muſt ſhew an acquittance; or the demandant may defend by the law, that he hath received nothing, or by the country. *ſ.* 68.

This writ of debt ſhall not be granted of a leſs ſum than 40*s.* *ſ.* 69.

In a writ of covenant, if at the ſecond ſummons the defendant comes not, nor is eſſoined, the petition of the demandant ſhall be heard, and the thing in demand ſhall be taken, if it be a tenement, into the hand of the king; and if it be a chattle, it or the value thereof ſhall be taken into the king's hand, and another day ſhall be given, &c. *ſ.* 71.

In ſome caſe an action lies to demand a tenement by writ of covenant, and in ſome caſe money or damages, or the tenement. *ſ.* 73.

In perſonal treſpaſſes, the plaintiff ſhall ſwear, before the juſtice hear him, that his action exceeds the ſum of 40*s.* *ſ.* 76.

Inheritances ſhall remain partible among heirs males, as it hath been accuſtomed, but baſtards ſhall have no part. *ſ.* 88.

By 28 *Edw.* 3. *c.* 2. All the lords of the marches of *Wales* ſhall be attending to the crown of *England*, as they and their anceſtors have always been, and not to the principality of *Wales*.

By 9 *Hen.* 4. *c.* 4. No thief or felon in *Wales*, openly known, ſhall be ſuffered to diſclaim out of the ſeigniory where the felony was done, and ſuch diſclaim ſhall be put out; and all thieves ſhall be put to anſwer in the lordſhips where they are taken, without being delivered by diſclaimer, or by letters of the marches.

By 26 *Hen.* 8. *c.* 4. Upon the charge given to any inqueſt, ſworn before any juſtice, or other officer within *Wales* or the marches, upon any traverſe againſt the king, or the trial of any recognizance broken, or any other forfeiture forfeited to the king, and upon trial of any murderer, felon, or acceſſary of felony, one perſon ſhall be ſworn in preſence of the juſtice, &c. for the true and diligent keeping of the jurors; and the perſon ſo ſworn, without the ſpecial command of the juſtice, &c. ſhall not ſuffer to be miniſtred to the jurors any bread, drink, meat, fire, or light, nor ſhall ſuffer the jurors to ſpeak to any perſon; nor without the command aforeſaid ſhall ſpeak to the jurors, but only to demand of their agreement, until the jurors ſhall have given their verdict; and if the officer, &c. do not execute the premiſſes, he ſhall be puniſhed and impriſoned, and make fine and ranſom to the king, by the diſcretion of the juſticer, &c. *ſ.* 1.

By 26 *Hen.* 8. *c.* 6. All perſons dwelling within *Wales*, or in the lordſhips marchers, upon ſuch warning as hath been uſed, ſhall appear before the juſtice or other officer, at every ſeſſions and court in any place within *Wales*, or within the juriſdictions of the lordſhips marchers, and ſhall give their perſonal attendance; upon pain of ſuch fines and amerciaments, as ſhall be aſſeſſed by the juſtice or other officer, to the king's uſe, if it be within any of the king's lordſhips marchers, and if it be within any other lordſhips marchers, then to the uſe of the lord; the ſaid forfeitures to be levied by diſtreſs. *ſ.* 1.

If any ſteward, or other officer of any lordſhip marcher, do fain or procure any untrue ſurmiſe againſt any perſon that ſhall give attendance before them at ſuch courts, and upon the ſame commit them contrary to law; upon ſuit to the king's commiſſioners, they ſhall have power to ſend for ſuch ſteward or officer, and alſo for the perſon impriſoned; and if he can prove that his impriſonment was without cauſe, the commiſſioners ſhall aſſeſs the officer to pay to the the perſon wrongfully impriſoned 6*s.* 8*d.* for every day. *ſ.* 2.

The commiſſioners ſhall ſet further fine upon the officer to be paid to the king; and in caſe the officer refuſe to appear before the commiſſioners, they ſhall ſet upon ſuch officer ſuch fine as ſhall be thought convenient, and compel the officer, by impriſonment, as well to pay ſuch fine, as to pay unto every perſon ſo impriſoned ſuch ſums as they ſhall be ceſſed for their wrong impriſonment. *ſ.* 3.

No perſon dwelling in *Wales*, or the lordſhips marchers, repairing to any court within *Wales*, &c. ſhall bring to the court, or within two miles from the ſame, nor to any town, church, fair, market, or other congregation (except it be upon a hute or outcry of felony) nor in the highways, in affray of the king's peace, or the king's people, any bill, long-bow, croſs-bow, hand-gun, ſword, ſtaff, dagger, halberd, moreſpike, ſpear, or other weapon, privy coat or armour; upon pain of forfeiture of the armour, and to ſuffer impriſonment, and make fine and ranſom to the king, by the diſcretion of the commiſſioners of his marches, except it be by the aſſent of the ſaid juſtices, or other officer, or of the commiſſioners of the marches. *ſ.* 4.

No perſon, without licenſe of the commiſſioners in writing, ſhall within *Wales* or the marches, or in any ſhires adjoining, levy any commorth, bydale, tenants ale, or other collections, under colour of marriage, or ſuffering of their children ſaying or ſinging the goſpels, or for redemption of any murder or felony, or other cauſe; nor ſhall make any games of running, wreſtling, leaping, or other games (ſhooting excepted) upon pain of one year's impriſonment, and ſuch fine as by the commiſſioners ſhall be thought convenient; and the commiſſioners ſhall have power to hear and determine the ſaid offences by their examination; and no perſon ſhall caſt any thing into any court within *Wales*, or in the lordſhips marchers, by name of an arthel, by reaſon whereof the court may be diſturbed, upon pain of one year's impriſonment. *ſ.* 5.

All courts within *Wales* or the lordſhips marchers ſhall be kept within the ſureſt place, where the juſtice ſhall appoint. And for the puniſhment and ſpeedy trials of felonies, &c. committed within any lordſhip marcher of *Wales*, the juſtices of gaol delivery, and of the peace, in the ſhires of *England*, where the king's writ runneth, next adjoining to the lordſhip marcher, or other places in *Wales*, where ſuch felonies ſhall be committed, ſhall have power to enquire by verdict of twelve men of the ſame ſhires within *England*, there to cauſe all ſuch felons, &c. to be indicted according to the laws of this land, in like manner as if the felonies, &c. had been committed within the ſaid ſhires in the realm; and to hear, determine, and judge the ſame. *ſ.* 6.

All foreign pleas pleaded by any of the ſaid malefactors ſhall be tried and determined in the ſaid ſhires; and the acquittal

quittal or fine making, for any of the cauſes aforeſaid in any of the lordſhips marchers, ſhall be no bar for any perſon, being indicted in the ſaid ſhires within two years after ſuch felony done. *ſ.* 7.

The ſaid juſtices of peace and gaol delivery ſhall have power to award proceſs, as well of outlawry as otherwiſe, againſt offenders ſo indicted, according to the laws of *England*. And the ſaid juſtices, or two of them, afore whom any ſuch offender ſhall be outlawed, ſhall ſend unto the king's officers of his lordſhip's marchers, or to their deputies, or unto the lords marchers, or their officers, where ſuch offence ſhall be done, or where ſuch offender ſhall be reſiant, a certificate under ſeal of ſuch outlawry, commanding them under pain of 100*l.* to apprehend and attach the bodies of the offenders, and keep them till ſuch time, before the next ſeſſions of gaol delivery of the ſhire where ſuch offenders ſhall be outlawed or attainted, as ſhall be thought expedient to convey ſuch offenders, by indenture to be made between the deliverers and the receivers, from one lordſhip marcher to another, and unto the time that ſuch offenders be delivered before the ſaid juſtices of gaol delivery, upon pain of 100*l.* *ſ.* 8.

Every officer or lord to whom any certificate ſhall be directed as aboveſaid, ſhall, at the next ſeſſions and gaol delivery, after the attachment of ſuch offenders, return the certificate, and what they have done in that behalf, upon the pain aforeſaid; ſaving to all offenders all exceptions to the outlawry as accuſtomed. *ſ.* 9.

If any perſon indicted, outlawed, or attainted, by force of this act, find ſureties before the juſtices of gaol delivery, that he ſhall not commit any felony or felonious offence, nor be acceſſary to any felony, *&c.* but at all times be of good behaviour; the juſtices ſhall for one time only, admit ſuch offender to a fine, and diſcharge ſuch offender of every ſuch felony, murder, *&c.* ſo that the ſame offender ſtand not appealed of the ſaid offence; and ſuch offender ſhall be for the ſame offences done within any of the lordſhips marchers diſcharged. *ſ.* 10.

This act ſhall not abridge any liberties of any lord marcher, unleſs the offenders be indicted or attainted by force of this act within two years after ſuch felonious offence committed. *ſ.* 11.

Every officer upon command given by the commiſſioners ſhall bring or deliver every offender to the officer of the lordſhip marcher, or other place, where any ſuch offence ſhall be committed upon the bounds of the ſaid lordſhips, or to the ſaid commiſſioners, as the officers ſhall be commanded, under pain of 40*l.* *ſ.* 13.

By 27 *Hen.* 8. *c.* 5. The lord chancellor ſhall have power to appoint juſtices of peace, juſtices of the *quorum*, and juſtices of gaol delivery, in the counties of *Cheſter*, *Flint*, *Angleſey*, *Kayernarvan*, *Mereoneth*, *Cardigan*, *Kayermerthen*, *Pembroke*, and *Glamorgan*, by commiſſion under the great ſeal, which ſhall have power to enquire, hear and determine, all things inquirable, *&c.* before juſtices of peace, *&c.* in other ſhires of *England*. *ſ.* 1.

The eſtreats of the iſſues, fines, and amerciaments, before ſuch juſtices of peace, *&c.* in the ſaid counties of *Cheſter* and *Flint*, ſhall be returned into the exchequer of *Cheſter* before the chamberlain. *ſ.* 2.

The eſtreats in the counties of *Angleſey*, *Kaernarvan*, and *Mereoneth*, ſhall be returned into the exchequer at *Kaernarvan* before the chamberlain of *North Wales*. *ſ.* 3.

The eſtreats before the juſtices of *Kayermerthen* and *Cardigan*, ſhall be returned into the king's exchequer at *Kayermerthen* before the chamberlain of *South Wales*. *ſ.* 4.

The eſtreats before the juſtices of *Pembroke*, ſhall be returned into the king's exchequer at *Pembroke*. *ſ.* 5.

The eſtreats before the juſtices of *Glamorgan*, ſhall be returned into the king's exchequer at *Caierdiff*. *ſ.* 6.

The juſtices of *Cheſter*, *Flint*, *Angleſey*, *Kayernarvan*, *Mereoneth*, *Cardigan*, *Kayermerthen*, *Pembroke* and *Glamorgan*, ſhall be paid of the ſaid iſſues, *&c.* like fees, as other juſtices of peace, and clerks of the peace, in other ſhires. *ſ.* 7.

By 27 *Hen.* 8. *c.* 7. It ſhall be lawful to all the king's ſubjects, *&c.* freely to paſs through the foreſts in *Wales*, both on horſeback and on foot, as well driving cattle as carrying wares, or otherwiſe, without any fine or impoſition; and if any of the foreſters, rulers, walkers, fermers, or their aſſigns, exact any forfeitures, *&c.* and be thereof convicted, they ſhall incur the dangers of the ſtatute for robberies by the king's highway, and be tried before the juſtices of peace in the next ſhire, according to the law of *England*. *ſ.* 4.

If any beaſt of any of the king's ſubjects come into the ſaid foreſts by ſtrays, thief-ſtolen, or otherwiſe, and there be marked and ſeized by any of the foreſters, *&c.* and the owners within one year and a day find the cattle, and prove the ſame to be their cattle, the ſame ſhall be re-delivered according to the law of *England*, the owners paying for the keeping; and if any of the foreſters, *&c.* deny the re-deliverance, ſuch foreſter, *&c.* ſhall forfeit to the party aggrieved the double value of ſuch cattle; and the party grieved may have his action of detinue for the cattle to be tried in the next ſhire; and like proceſs of outlawry to be had as in an action of treſpaſs. *ſ.* 5.

By 27 *Hen.* 8. *c.* 26. The dominion of *Wales* ſhall be and continue united to the realm of *England*, and perſons born in *Wales* ſhall have all liberties as other the king's ſubjects. *ſ.* 1.

All perſons inheritable to lands in *Wales* ſhall inherit the ſame after the *Engliſh* tenure without partition; and the laws of *England*, and no other, ſhall be uſed in *Wales*. *ſ.* 2.

Divers of the lordſhips marchers ſhall be united to ſhires of *England*, and divers to ſhires of *Wales*, in manner following: and the reſt of the lordſhips marchers ſhall be divided into counties, *viz.* the counties of *Monmouth*, *Brecknock*, *Radnor*, *Montgomery*, *Denbigh*: and the lordſhips, *&c.* of *Monmouth*, *Chepſtow*, *Matherne*, *Llanvihangel*, *Magour*, *Goldecliffe*, *Newport*, *Wellonge*, *Llanwerne*, *Caerlion*, *Uſk*, *Treleck*, *Tintern*, *Shynfreth*, *Gronſmont*, *Wite-caſtle*, *Reglan*, *Calicote*, *Biſton*, *Abergavenny*, *Penroſe*, *Grenefield*, *Maghen* and *Hochuyſlade*, ſhall be parts of the ſhire of *Monmouth*; and the town of *Monmouth* ſhall be the ſhire town; and the county court ſhall be kept at *Monmouth* and *Newport*, *alternis vicibus*. ſ. 3.

All actions real within the county of *Monmouth*, and all actions perſonal of 40*s.* or above, and all actions mixt, ſhall be ſued by original writ out of the chancery in *England*, and heard, determined, and tried, before the juſtices in *England*, by aſſize, or *niſi prius*, within the county of *Monmouth*, in like manner as all other actions in any ſhire of *England*; and the juſtices of the king's bench, or common bench of *Weſtminſter*, ſhall have power to direct proceſs to the ſheriff and other officer of the county of *Monmouth*, and alſo to direct writs of *venire facias* to the ſheriff, for the trial of every iſſue joined before them, and alſo to award commiſſions of *niſi prius* into the county of *Monmouth*, for the trial of ſuch iſſues joined before them, in like

like manner as to every ſhire of *England*; and the ſheriffs and eſcheators of the county of *Monmouth*, ſhall make their accounts in the exchequer in *England*. *ſ.* 4.

The lordſhips, *&c.* of *Brecknock*, *Creckhowel*, *Tretowre*, *Penkelly*, *Engliſh-Talgarth*, *Welſh-Talgarth*, *Dynas*, the *Haye*, *Glynebogh*, *Broyulles*, *Cantercely*, *Lando*, *Blaynllinby*, *Eſtrodew*, *Buelthe* and *Lingros*, ſhall be parts of the county of *Brecknock*; and the town of *Brecknock* ſhall be the ſhire town. *ſ.* 5.

The lordſhip, *&c.* of *New Radnor*, *Eliſtherman*, *Elueles*, *Bongherd*, *Glaſebery*, *Glawdiſtre*, *Mibilles-church*, *Meleneth*, *Blewagh*, *Knighton*, *Norton*, *Preſton*, *Commothuder*, *Rayder*, *Gwethronyon* and *Stanage*, ſhall be parts of the county of *Radnor*; and the town of *New Radnor* ſhall be the ſhire town, and the county court ſhall be kept at *New Radnor*, and *Rothergowy*, *alternis vicibus*. ſ. 6.

The lordſhips, *&c.* of *Mountgomery*, *Kedwenkerry*, *Cawrſland*, *Aruſtely*, *Keveliock*, *Doythur*, *Poweſland*, *Cluneſland*, *Baleſley*, *Tempceſter* and *Alceſter*, ſhall be parts of the county of *Mountgomery*; and the town of *Mountgomery* ſhall be the ſhire town; and the county court ſhall be holden at *Mountgomery* and *Magenleth*, *alternis vicibus*. ſ. 7.

The lordſhips, *&c.* of *Denbighland*, *Ruthin*, St. *Taſſe*, *Kinllethowen*, *Bromfilde*, *Yale*, *Chirke* and *Chirkeland*, *Moleſdale* and *Hopeſdale*, ſhall be parts of the county of *Denbigh*; and the town of *Denbigh* ſhall be the ſhire town; and the county court ſhall be kept at *Denbigh* and *Wrixham*, *alternis vicibus*. ſ. 8.

The king ſhall have one chancery and exchequer at his caſtle of *Brecknock*, and one other at his caſtle of *Denbigh*; and the ſheriffs and other officers accountants of the counties of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, ſhall be yearly appointed by the king, and ſhall yearly make their accounts before the king's auditors, and ſuch chamberlain or baron of the ſaid exchequer as ſhall be appointed by the king. *ſ.* 9.

Juſtice ſhall be miniſtered to the king's ſubjects of the ſaid ſhires of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, according to the laws of *England*, and according to ſuch cuſtoms and laws uſed in *Wales* aforeſaid, as the king and his council ſhall allow, after ſuch form as within the three ſhires of *North Wales*. *ſ.* 10.

The lordſhips, *&c.* of *Oſweſter*, *Whetington*, *Maſbroke*, *Knoking*, *Elleſmer*, *Downe* and *Churbury* hundred, in the marches, ſhall be united to the county of *Salop*; and the lordſhips of *Oſweſter*, *Whetington*, *Maſbroke* and *Knoking*, ſhall be named the hundred of *Oſweſter*; and the lordſhip of *Elleſmer* ſhall be united to the hundred of *Pymhill*; and the lordſhip of *Downe* ſhall be united to the hundred of *Churbury*. *ſ.* 11.

The lordſhips of *Ewyas Lacy*, *Ewyas Harold*, *Clifford*, *Wynforton*, *Yerdeſly*, *Huntingdon*, *Whytney*, *Wygmore*, *Logharneys* and *Stepulton*, in the ſaid marches, ſhall be united to the county of *Hereford*; and the lordſhips of *Wygmore* and *Logharneys* ſhall be named in the hundred of *Wygmore*; and the lordſhip of *Ewyas Lacy* ſhall be named the hundred of *Ewyas Lacy*; and the lordſhip of *Ewyas Harold* ſhall be united to the hundred of *Webtree*; and the lordſhips of *Clifford*, *Wynforton*, *Yerdeſley*, *Whitney* and *Huntingdon*, ſhall be named the hundred of *Huntingdon*. *ſ.* 12.

The lordſhips of *Wollaſtone*, *Tindam* and *Becheley*, in the ſaid marches between *Chepſtow-bridge* and *Glouceſterſhire*, ſhall be united to the county of *Glouceſter*, and to the hundred of *Weſebery*. *ſ.* 13.

The lordſhips of *Gowerkylvey*, *Biſhops-town*, *Landaffe*, *Singhnithe ſupra*, *Singhnithe ſubtus*, *Maſkin*, *Ogmore*, *Glynerotheney*, *Tallagarney*, *Ruthien*, *Tallavan*, *Lanblethyan*, *Lantwid*, *Tyeryal*, *Avan*, *Nethe*, *Landewey* and the *Clays* in *Wales*, ſhall be united to the county of *Glamorgan*; and the ſaid ſhire of *Glamorgan* and *Mordonnoke*, and the lordſhips annexed to the county of *Glamorgan*, ſhall be named the ſhire of *Glamorgan* only. *ſ.* 14.

The lordſhips of *Lanemthevery*, *Abermerleſe*, *Kedwely*, *Eſkenning*, *Cornewolthou*, *Newcaſtle*, *Emell*, *Abergoyly* in *Wales*, ſhall be united to the county of *Kayermerthen*. *ſ.* 16.

The lordſhips of *Haverfordweſt*, *Kilgarran*, *Lanſteffan Langeharne* otherwiſe *Tellangherne*, *Walwyſcaſtle*, *Dewysland*, *Lannehadein*, *Lanfey*, *Herberth*, *Slebeche*, *Roſmarket*, *Caſtellan* and *Landofleure*, in *Wales*, ſhall be united to the county of *Pembroke*. *ſ.* 17.

The lordſhips of *Tregaron*, *Glenergine*, *Landway*, *Ureny*, in *Wales*, ſhall be united to the county of *Cardigan*; and juſtice ſhall be miniſtered to the inhabitants of the counties of *Glamorgan*, *Caermarthen*, *Pembroke* and *Cardigan*, according to the laws of *England*, and after no *Welſh* laws, as within the three ſhires of *North Wales*. *ſ.* 18.

The lordſhip of *Mouthway* in *Wales*, ſhall be united to the county of *Mereoneth*. *ſ.* 19.

All juſtices, ſheriffs, coroners, and other officers of the law, ſhall proclaim and keep the ſeſſions and other courts in the *Engliſh* tongue; and all oaths of officers, juries, and inqueſts, and other affidavits, *&c.* ſhall be in *Engliſh*. And no perſon that uſe the *Welſh* language ſhall enjoy any office or fees within the king's dominion, upon pain of forfeiting the ſame, unleſs they uſe the *Engliſh* language. *ſ.* 20.

It ſhall be lawful to the ſheriff of every the ſhires of *Monmouth*, *Brecknock*, *Radnor*, *Montgomery* and *Denbigh*, to put every miſruled and ſuſpect perſon under common mainprize, as the ſheriffs do within *North Wales*. *ſ.* 21.

The ſheriff of the county of *Monmouth* ſhall certify ſuch recognizances at every quarter ſeſſions; and every perſon within the couty of *Monmouth*, put under common mainprize, ſhall keep their perſonal appearance at the ſeſſions next after *Eaſter*, and next after St. *Michael*, until they be releaſed. *ſ.* 22.

Every of the ſheriffs of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, ſhall certify ſuch recognizances before ſuch juſtice as ſhall be appointed by the king within the ſaid ſhires, at every ſeſſions. *ſ.* 23.

Every perſon within the counties of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, and alſo within the counties of *Glamorgan*, *Kaiermarden*, *Pembroke* and *Cardigan*, put under common mainprize, as well by the ſheriffs as by the juſtices, ſhall keep their appearance before the juſtices of every ſeſſions, in like manner as in *North Wales*. *ſ.* 24.

The lord chancellor ſhall direct the king's commiſſion to view the ſhires of *Kaiermarthen*, *Pembroke*, *Cardigan*, *Monmouth*, *Brecknock*, *Radnor*, *Mountgomery*, *Glamorgan* and *Denbigh*, and to divide them into hundreds; and the hundreds ſo divided ſhall return with the commiſſion into the chancery. *ſ.* 26.

The lord chancellor ſhall direct the king's commiſſion to inquire out all laws and cuſtoms uſed within *Wales*, and the ſame ſhall certify to the king and his council; and ſuch laws and cuſtoms as the king and his council ſhall think expedient in any ſhire of *Wales* ſhall ſtand as if this act had never been. *ſ.* 27.

For all parliaments two knights ſhall be choſen for the ſhire of *Monmouth*, and one burgeſs for the borough of *Mon-*

Monmouth, the burgeſſes fees to be levied, as well within the borough of *Monmouth* as within all other ancient boroughs within the ſaid ſhire. *ſ.* 28.

One knight ſhall be choſen for every of the ſhires of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, and for every other ſhire within *Wales*; and for every borough being a ſhire town, except the ſhire town of *Mereoneth*, one burgeſs; the burgeſſes fees to be levied as well of the ſhire towns as of all other ancient boroughs within the ſhires. *ſ.* 29.

Provided that this act ſhall not take away any laws or cuſtoms uſed within the three ſhires of *North Wales*, nor the liberties of the duchy of *Lancaſter*. *ſ.* 31.

This act ſhall not take away any other acts made for the trial of treaſon, murder, or felonies, or acceſſories of the ſame, committed in any lordſhip marcher in *Wales*, in the next ſhires of *England*, adjoining. *ſ.* 34.

Lands in *Wales*, which have been uſed by cuſtom to be partable among heirs males, ſhall ſo continue. *ſ.* 35.

The king within five years after the end of this parliament ſhall have power to erect courts of record in *Wales*, and ſuch juſtices, officers, and clerks, as by his highneſs ſhall be thought convenient. *ſ.* 37.

By 33 *Hen.* 8. *c.* 13. The lordſhips of *Hope* and *Aſſaph*, and the lordſhip and pariſh of *Hawarden*, and the lordſhips of *Moldeſdale*, *Mereford* and *Oſeley*, ſhall be part of the county of *Flint*. *ſ.* 3.

The inhabitants of the lordſhips of *Hope*, *Aſſaph*, *Moldeſdale*, *Mereford* and *Hawarden*, ſhall pay their miſſes and tallages with ſuch ſhires as before. And the ſaid lordſhips of *Hope*, *Moldeſdale*, *Mereford*, *Oſeley* and *Hawarden*, ſhall be called the hundreds of *Moldeſdale*; and the lordſhip of *Aſſaph* ſhall be part of the hundred of *Ruthland*. *ſ.* 4.

By 34 & 35 *Hen.* 8. *c.* 26. The king's principality of *Wales* ſhall be divided into 12 ſhires, of which eight have been ſhires of ancient time, *viz.* *Glamorgan*, *Caermarthen*, *Pembroke*, *Cardigan*, *Flint*, *Caernarvan*, *Angleſey* and *Mereoneth*, and four be newly made by 27 *Hen.* 8. *c.* 26. *viz.* *Radnor*, *Brecknock*, *Mountgomery* and *Denbigh*, beſides the ſhire of *Monmouth*, and the lordſhips united to the ſhires of *Salop*, *Hereford*, and *Glouceſter*. *ſ.* 2.

The limitations of the hundreds of late made by virtue of his grace's commiſſions out of chancery, and returned into the ſame ſhall ſtand in force. *ſ.* 3.

There ſhall be kept ſeſſions twice in every year, in every of the ſaid ſhires, which ſhall be called the king's great ſeſſions in *Wales*. *ſ.* 5.

The juſtice of *Cheſter* ſhall keep ſeſſions twice every year in the ſhires of *Denbigh*, *Flint* and *Mountgomery*, and have his old fee of 100 *l.* yearly. *ſ.* 6.

The juſtice of *North Wales* ſhall hold ſeſſions twice every year in the ſhires of *Caernarvon*, *Mereoneth* and *Angleſey*, and ſhall have of the king a yearly fee of 50 *l.* *ſ.* 7.

One perſon learned in the laws of *England*, by the king appointed, ſhall be juſtice of the ſhires of *Radnor*, *Brecknock* and *Glamorgan*, and ſhall have yearly of the king 50 *l.* for his fee. *ſ.* 8.

One other perſon learned in the laws to be appointed as aforeſaid, ſhall be juſtice of the ſhires of *Caermarthen*, *Pembroke* and *Cardigan*, and have yearly of the king 50 *l.* *ſ.* 9.

The ſaid juſtices ſhall have letters patent and commiſſions for their offices under the great ſeal of *England*, to be exerciſed by themſelves *or their ſufficient deputies*. *ſ.* 10. *See* 13 *Geo.* 3. *c.* 51. *ſ.* 3.

The ſaid juſtices ſhall hold all pleas of the crown in as ample manner as the king's chief juſtice of *England*, and other the king's juſtices of the king's bench there; and alſo pleas of aſſizes, and all other pleas and actions real, perſonal, and mixt, in as ample manner as the juſtices of the common pleas in *England*. *ſ.* 12.

The ſaid juſtices of *Wales* ſhall have power to enquire of treaſons, murders, felonies, riots, routs, unlawful aſſemblies, extortions, embraceries, maintenances, retainers, concealments, contempts, and all other offences, committed within the limits of their commiſſions againſt the form of the common law of *England*, or of any the ſtatutes of the ſame, and to hear and determine the premiſes, and generally to adminiſter common juſtice to all the king's ſubjects within the limits of their commiſſions, according to the laws, ſtatutes, and cuſtoms of *England*. *ſ.* 13.

The ſeſſions ſhall be kept ſix days, as is uſed within the three ſhires of *North Wales*; and the juſtices ſhall cauſe proclamations to be made in the ſhire towns, what time and place they purpoſe to keep their ſeſſions, 15 days at leaſt before they keep the ſame. *ſ.* 14.

Days ſhall be given in all pleas from day to day, and ſeſſions to ſeſſions, by diſcretion of the juſtices, as is uſed in *North Wales*. *ſ.* 15.

The original ſeal deviſed by the king for juſtice to be miniſtered in the three ſhires of *North Wales*, viz. *Merioneth*, *Caernarvan* and *Angleſey*, ſhall be in the cuſtody of the chamberlain of *North Wales*. *ſ.* 16.

One other original ſeal deviſed by the king for the miniſtration of juſtice in the ſhires of *Caermarthen*, *Pembroke* and *Cardigan*, ſhall be in the keeping of the chamberlain of *South Wales*. *ſ.* 17.

One other ſeal to be uſed in the ſhires of *Brecknock*, *Radnor* and *Glamorgan*, ſhall be in the cuſtody of the ſteward and chamberlain of *Brecknock*. *ſ.* 18.

One other ſeal for the ſhires of *Denbigh* and *Mountgomery* ſhall be in the cuſtody of the chamberlain of *Denbigh*. *ſ.* 19.

The ſeal of *Cheſter* ſhall be the original ſeal of *Flint*, and ſhall be in the cuſtody of the chamberlain of *Cheſter*. *ſ.* 20.

The ſaid ſtewards and chamberlains ſhall ſeal with the ſaid ſeals all original writs and proceſs returnable at the ſeſſions, and ſhall anſwer the king for the profits of the ſeal; and none of the ſaid ſtewards, chamberlains, or chancellors, ſhall by colour of their offices cauſe any perſons within the twelve 12 ſhires to appear before them or their deputies, nor ſhall have power to hear or determine any pleas of the crown, nor other matters of juſtice, otherwiſe than in this ordinance, but ſhall ſeal all original writs and proceſs, in manner as hath been uſed before the juſtice of *North Wales*. *ſ.* 21.

The king's ſtewards, chamberlains, or chancellors, within the 12 ſhires, which have the receipt of the king's rents, farms, or profits, may direct proceſs under the ſeal in their charge againſt bailiffs, reeves, fermors, and other miniſters accountant, to appear before them to anſwer for any the king's revenues, as they have been accuſtomed. *ſ.* 22.

Stewards of lordſhips or manors in *Wales* may hold ſuch leets, law-days, or court-barons, as appertaineth to the lordſhips, and hold pleas by plaint under 40 *s.* as in *England*. *ſ.* 23.

Provided the ſaid ſtewards nor the ſheriff ſhall have power to inquire of any felony in any leet or tourn. *ſ.* 24.

No

No leet ſhall be kept of any lordſhip but where it was accuſtomed before the 26 *Hen.* 8. *ſ.* 25.

All mayors and head officers of corporate towns in *Wales* may hold pleas and determine actions, according to their grants and cuſtoms, ſo they follow the courſe of the laws and cuſtoms of *England*, and not of any *Welſh* laws or cuſtoms; and in the ſaid towns they may try iſſues in any action perſonal by ſix men as heretofore. *ſ.* 26.

There ſhall be four judicial ſeals deviſed by the king, whereof one ſhall remain with the juſtice of *Cheſter*, to ſeal judicial proceſs and bills that ſhall be ſued before the ſaid juſtice in the ſeſſions; and one other in the cuſtody of the juſtice of *North Wales*; and the third in cuſtody of the juſtice of the three ſhires of *Glamorgan*, *Brecknock* and *Radnor*; and the fourth in the cuſtody of the juſtice of the ſhires of *Pembroke*, *Caermarthen* and *Cardigan*; and all proceſs that ſhall be awarded from the ſaid juſtices ſhall be ſealed with the judicial ſeal. *ſ.* 29.

The ſaid juſtices ſhall account to the king for the profits of the ſeals. *ſ.* 30.

The *teſte* of every bill and proceſs under the judicial ſeal ſhall be under the name of the juſtices from whom ſuch proceſs ſhall paſs, in manner as in the common pleas in *England*. *ſ.* 31.

All actions, real and mixt, attaints, conſpiracies, aſſizes, and *quare impedit*, appeals of murder and felony, and actions grounded upon ſtatutes, ſhall be ſued by original writs ſealed with the original ſeal returnable before the juſtices at their ſeſſions. *ſ.* 32.

All perſonal actions amounting to 40*s.* ſhall be ſued by writs original, or by bills, at the pleaſure of the party ſuing, as in *North Wales*. *ſ.* 33.

All perſonal actions under 40*s.* may be ſued before the juſtices in the ſeſſions by bill, as in *North Wales*. *ſ.* 34.

Every original bill concerning actions perſonal ſhall be ſealed with the king's judicial ſeal. *ſ.* 35.

Such fees ſhall be paid for the writing and ſealing of ſuch original writs and bills as hereafter ſhall be expreſſed, *viz.* for the ſealing of every original writ, and for every bill in actions perſonal, whereof the debt and damage amounteth to 40*s.* or above, the parties ſhall pay for the ſeal 6*d.*; and for every judicial proceſs upon any ſuch original writ or bill, for the ſealing, 7*d.* whereof the king ſhall have 6*d.* and the juſtice 1*d.* *ſ.* 36.

Every bill in perſonal actions, whereof the debt or damage amounteth not to 40*s.*, and all judicial proceſs upon the ſame, ſhall alſo be ſealed with the king's judicial ſeal, and the parties ſhall pay for the ſeal 3*d.*, whereof the king to have 2*d.* and the juſtice 1*d.* *ſ.* 37.

All writs of *ſcire facias*, and writs of good abearing, or for the peace, or writs of *ſuperſedeas* upon the ſame, and all other proceſs upon any record or ſuggeſtion admitted by the juſtices, ſhall alſo be ſealed with the judicial ſeal; and the parties ſhall pay for the ſeal 7*d.*, whereof the king ſhall have 6*d.* and the juſtice 1*d.* *ſ.* 38.

Every exemplification upon any record before the juſtices, ſhall be ſealed with the judicial ſeal; and the parties ſhall pay for the ſeal 20*d.* whereof the king ſhall have 16*d.* and the juſtice 4*d.* *ſ.* 39.

Recoveries and fines of record, and warrants of attorney for the ſame, may be taken before the juſtice, of lands within his authority without any *dedimus*, in like manner as before the chief juſtice of common pleas in *England*. *ſ.* 40.

All fines levied before any of the ſaid juſtices, with proclamation made the ſame ſeſſions that the fine ſhall be engroſſed, and in two other great ſeſſions next to be holden within the ſame county, ſhall be of the ſame force as fines levied with proclamations before the juſtices of the common pleas. *ſ.* 41.

Every perſon ſuing writs of entry in the *poſt*, or writs of covenant, or any other writs for any recovery by aſſent of parties, or otherwiſe, or for any fine to be levied, ſhall pay ſuch fines to the king, as well fines *pro licentia concordandi* as other fines, as is uſed in *England*; which fines ſhall be paid to ſuch perſons as ſhall ſeal the original writs. *ſ.* 42.

The king's ſilver upon every fine ſhall be paid as is uſed in the common place, *viz.* 2*s.* which ſhall be paid to the juſtice afore whom ſuch fine ſhall be levied, whereof the king ſhall have 20*d.* and the prenotary 2*d.*, and the juſtice 2*d.* and the juſtice ſhall account for the king's part. *ſ.* 43.

There ſhall be four prenotaries for making of judicial proceſs, and for entering pleas and matters of record in the ſeſſions, whereof one ſhall attend upon the juſtices for *North Wales*, one other upon the juſtice for *Flint*, *Denbigh* and *Mountgomery*; and the third upon the juſtice for *Caermarthen*, *Cardigan* and *Pembroke*; and the fourth upon the juſtice for *Glamorgan*, *Brecknock* and *Radnor*; and theſe prenotaries ſhall be appointed by the king by patent under his great ſeal of *England*. *ſ.* 44.

There ſhall be a marſhal and a crier in every of the circuits, which ſhall be named by the juſtices in like manner as juſtices of aſſize do in *England*; and the ſaid officers ſhall attend upon the juſtices in their circuits in perſon, and not by deputies. *ſ.* 45.

The marſhal ſhall have upon every judgment and every fine, 4*d.*, and the crier 1*d.*, and upon the acquittals of felons, and of them that ſhall be delivered by proclamation, or delivered out of common mainprize, the marſhal ſhall have 4*d.* and the crier 1*d.* *ſ.* 46.

The prenotaries ſhall have ſuch fees as hereafter expreſſed; *viz.* for the writing of pleas, and engroſſing writs of entry in the *poſt*, writs of right, *quod ei deforceat*, or any other writs purſued by aſſent of parties, 5*s.* and if it be with a double voucher, 6*s.* 8*d.* and for the exemplification thereof, 2*s.* and for the engroſſing of fines, 3*s.* 4*d.* and if with proclamations, 4*s.* *ſ.* 47.

For every bill of debt, detinue, treſpaſs, and other actions perſonal, under 40*s.* the prenotaries ſhall have for the firſt bill 4*d.*, for the ſecond 4*d.*, and for the third 4*d.* and for the entry of every declaration, plea, replication, and rejoinder, ſo he enrol the ſame in parchment, 4*d.*, and for every *venire fac'*, *tales*, *habeas corpora* and *diſtr'*, 4*d.* and for the judgment, 8*d.* and for every writ of execution in ſuch action, 6*d.* and for every warrant of attorney, 4*d.* *ſ.* 48.

In all actions of detinue, treſpaſs, and other actions perſonal, wherein the debt or damages amounteth to 40*s.* which ſhall be ſued by bills, the prenotary ſhall have for the firſt bill, 4*d.*; for the ſecond, 4*d.*; for the third, 4*d.*; and for every the declaration, the anſwer, replication, and rejoinder if enrolled in parchment, 8*d.* and for the *venire*, *tales*, *habeas corpora* and *diſtr'*, for every of them 6*d.*; and for the judgment 8*d.*, and for the warrant of attorney 4*d.* and for every writ of execution 6*d.* *ſ.* 49.

In original writs upon every action perſonal, the prenotaries ſhall have for every *iterum ſum'*, 6*d.* for every diſtreſs in treſpaſs, 6*d.* and for the declaration, 8*d.* for the anſwer, replication, and rejoinder, if enrolled and engroſſed, 12*d.* for the *venire*, *tales*, *habeas corpora* and *diſtr'*, for every of them, 6*d.* and the prenotaries to have for the entry

entry of the judgments, 12 *d.* and for every writ of execution 6 *d*; for the exemplification of every record in the ſaid actions 2 *s.*; for every warrant of attorney 4 *d.* In all actions real and mixt, aſſizes, *quare impedit*, appeals of felony, murder, or maim, the prenotary to have for the declaration or plaint, 2 *s.*, and for the plea, replication, rejoinder, ſur-rejoinder, if enrolled, 1 *s.*, and for the writing of every *venire*, *tales*, *habeas corpora* and *diſtr'*, for every of them 6 *d.*, and for the entry of the judgment, 2 *s.*, and for the writing of the writs of execution, 1 *s.*; and for writs of *grand cape* and *petit cape*, and writs of view, writs upon voucher, and all other writs in ſuch actions, 12 *d*; and for every warrant of attorney, 4 *d.*, and for the eſſoins, 4 *d.*, and for the adjournment, 2 *d.*, and for the bail of every perſon of felony, 12 *d.*, and for the bail for treſpaſs, 6 *d.*, and for the appearance and bailing of common mainprize, 2 *d.* *ſ.* 50.

For writing writs for the peace and good abearing granted by the juſtices in ſeſſions, 6 *d.*, and for the entering of every recognizance taken before the juſtices for every cauſe other than before expreſſed, 12 *d.*, and if with condition 2 *s.* and upon every acquittal and deliverance of felons or murderers by verdict, or by allowance of pardon, the prenotaries to have 2 *s.*, and if it be upon indictments certified from the juſtices of peace afore the great ſeſſions, the clerk of the peace to have alſo 12 *d.*, and upon the delivery of any ſuſpect of felony or murder by proclamation, the prenotary to have 12 *d.* *ſ.* 51.

The king ſhall have all fines, iſſues, amercements, and all forfeitures of recognizances before the juſtices in the ſeſſion; and the prenotaries ſhall yearly eſtreat the ſame into the exchequer appointed for that limit, that the ſheriffs levy the ſame, which ſheriffs ſhall yearly make their accounts before the king's auditors. *ſ.* 52.

There ſhall be juſtices of peace and *quorum*, and one *cuſtos rotulorum*, in every of the 12 ſhires. *ſ.* 53.

The juſtices of peace, juſtices of *quorum*, and *cuſtos rotulorum*, ſhall be appointed by the chancellor, under the great ſeal of *England*. *ſ.* 54.

Such perſons as ſhall be juſtices of peace within the ſaid ſhires ſhall be of good name and fame, and may exerciſe the office albeit they may not diſpend 20 *l.* or be learned in the laws; and before they excute their commiſſion they ſhall take their oaths before the chancellor, or one of the juſtices in *Wales*, by virtue of the king's writ of *dedimus*, or before any other perſon to be limited by the lord chancellor, as juſtices of peace in *England*. *ſ.* 56.

The juſtices of peace, or two of them, whereof one to be of the *quorum*, ſhall keep their ſeſſions four times in the year, and at other times upon urgent cauſes, as juſtices of peace in *England*, and ſhall have like power in all things, and fees of the king for the time of their ſitting, as well for themſelves as for their clerks, as in *England*. *ſ.* 57.

No juſtices of peace, clerk of the peace, nor other clerk or any juſtice of peace in *Wales*, ſhall take for the writing of any warrant of the peace, or good abearing, above 6 *d.*, and for entering of pledges or boroughs to pay the king's fine upon any indictment 9 *d.*, and if it be with proteſtation, then 12 *d.*, and for a *ſuperſedeas* not above 8 *d.*, and for a recognizance 12 *d.* And the juſtices of peace ſhall certify all recognizances taken before them for the peace or good abearing, into their ſeſſions next after the taking; and recognizance taken before any of them for ſuſpicions of felony, ſhall be certified before the great ſeſſions next after. *ſ.* 58.

All fines and amercements before the juſtices of peace ſhall be aſſered by two juſtices of peace, whereof one of the *quorum*. *ſ.* 59.

The ſaid fines and amercements, and all iſſues loſt before the juſtices of peace, and all forfeitures before the ſame juſtices, ſhall be yearly eſtreated by the clerks of the peace into the exchequer appointed for that limit, that proceſs may be awarded for the levying the ſame to the ſheriffs, who ſhall make their account before auditors; which auditors ſhall make allowance for the fees of the juſtices and clerks of the peace as in *England*. *ſ.* 60.

There ſhall be ſheriffs in every of the ſaid ſhires yearly appointed by the king; and none of the ſheriffs ſhall have their office longer than is uſed by the laws of *England*; and for the yearly nomination of the ſheriffs, the lord preſident, council, and juſtices of *Wales*, &c. ſhall yearly nominate three perſons in every ſhire, and ſhall certify their names to the lords of the council *craſtino animarum*, to the intent the king may appoint one of them to be ſheriff; and thereupon the ſheriffs ſhall have their patents and commiſſions under the great ſeal, and take oaths and knowledges of recognizances before the preſident and juſtices, by virtue of the king's writ of *dedimus*, for the due execution of their offices, and for their true accounts before the king's auditor or auditors aſſigned for *Wales*. *ſ.* 61.

The ſheriffs ſhall have power as ſheriffs in *England*, and ſhall execute proceſs and all lawful precepts of the juſtices of *Wales*, and alſo of the juſtices of peace, eſcheators, and coroners, in all things appertaining to their offices. *ſ.* 62.

The ſheriffs ſhall do all things for the miniſtration of juſtice, and for the conſervation of the peace, and the apprehenſion and redreſs of traitors, murderers, thieves, felons, and other offenders, as ſheriffs of *England*. *ſ.* 63.

The ſheriffs ſhall yearly account before ſuch the king's auditor or auditors, as ſhall be aſſigned by the king for *Wales*, and every ſheriff ſhall have for his fee 5 *l.* *ſ.* 64.

All mayors, ſheriffs, ſtewards, bailiffs, and other officers, of juſtice, in *Wales*, and all the king's ſubjects of the ſame, ſhall be obedient and aſſiſting to the juſtices of *Wales*, and alſo to the juſtices of peace, ſheriffs, and eſcheators, in things pertaining to their offices. *ſ.* 65.

Eſcheators ſhall be named in every ſhire by the lord treaſurer, by advice of the preſident, council, and juſtices; which eſcheators ſhall take their oaths, and knowledge their recognizances, before one of the ſaid juſtices, by virtue of the king's writ of *dedimus*, for the due execution of their offices, and for their true account to be made before the king's auditor, agreeable to the oath and recognizance uſed for eſcheators in *England*; and the eſcheators ſhall yearly have their patents and commiſſions under the great ſeal, and ſhall exerciſe their offices as in *England*. *ſ.* 66.

All perſons appointed to the ſaid offices may exerciſe their offices, if they may diſpend yearly 5 *l.* of freehold. *ſ.* 67.

There ſhall be two coroners to be elected in every of the 12 ſhires, as is uſed in *England*, by virtue of the writ *de coronatore eligendo*, to be awarded out of the chancery of *England*. *ſ.* 68.

The writ *de coronatore eligendo* within the county of *Flint*, ſhall be directed out of the exchequer of *Cheſter*. *ſ.* 69.

The juſtices of peace, or two of them, whereof one of the *quorum*, ſhall appoint in every hundred two gentlemen or yeomen to be chief conſtables. *ſ.* 70.

Every of the ſheriffs ſhall have a gaol within the caſtles of

the ſhire town, or other convenient place, and ſhall make the bailiffs of the hundreds to attend upon the juſtices in their ſeſſions. *ſ.* 71.

The conſtables of the king's caſtles within the ſhire towns ſhall be charged with the gaols, until convenient places be aſſigned to the ſheriff. *ſ.* 72.

The ſheriffs ſhall keep their counties monthly, and their hundred courts for pleas under 40*s.* as in *England*, and ſhall take for the entering of plaints, proceſs, pleas, and judgments, ſuch ſmall fees as is uſed in *England*. *ſ.* 73.

All trials in their ſaid courts, or before any ſtewards in courts baron, ſhall be by wager of law, or verdict of ſix men, at the pleaſure of the plaintiff or defendant that pleaded the plea. *ſ.* 74.

The ſheriffs ſhall hold their turns yearly after *Eaſter* and *Michaelmas*, as in *England*. *ſ.* 75.

The king ſhall have all fines, iſſues, amercements and forfeitures loſt in any of the counties, hundreds, courts, and turns. *ſ.* 76.

The eſtreats of the turns, counties, and hundreds, ſhall be viewed, and the fines, iſſues, and amercements, affered by the juſtices of aſſizes. And no ſheriff ſhall levy any ſuch forfeiture, before the eſtreat be affered, upon pain to forfeit 40*s.* And the ſheriff upon every judgment before him in his county or hundred court, in any plaint under 40*s.* may award a *capias ad ſatisfaciendum* or a *fieri facias*, at liberty of the parties purſuant. *ſ.* 77.

Bills ſued before the juſtices in perſonal actions, whereof the debt or damage is under 40*s.* the ſheriffs ſhall have for the return of every bill 2*d.*, and for every *venire fac'*, *tales*, *habeas corpora*, and *diſtringas*, 2*d.* And for writs of execution upon ſuch bill 12*d.* *ſ.* 78.

In bills ſued before the juſtices, in actions perſonal, above 40*s.* the ſheriff ſhall have for the return 4*d.*, and for the return of every *venire fac'*, *habeas corpora*, *diſtringas*, and *tales*, 4*d.*, and for every execution 2*s.* And in perſonal actions by original writs returnable before the juſtices, the ſheriff ſhall have for every *iterum ſum'*, *diſtr'*, and *alias diſtr'*, 4*d.* and for every *venire*, *habeas corpora*, *diſtr'* and *tales*, 6*d.* and for every execution 2*s.*; for the ſerving of every *elegit* 6*s.* 8*d.*; and in all real actions, or mixt, before the juſtices by original, for return of every original, 2*s.*, and for the return of every other writ and proceſs before judgment 2*s.*, and for every execution after judgment in actions real or mixt 2*s.* and for the ſerving of every writ of *habere fac'*, *ſeiſinam*, 6*s.* 8*d.* *ſ.* 79.

For attachments upon *capias* or other proceſs, before the juſtices, by original or judicial writ, if he return *cepi corpus*, 2*s.* for a *reddidit ſe* upon an *exigent* of felony, in appeal of murder or maim, or upon an indictment of felony or murder, 2*s.*, and upon a *reddidit ſe*, upon an *exigent* of debt, treſpaſs, detinue, and other actions perſonal, 1*s.*, and for the making of *replegiar'*, 1*s.*, and *withernam* upon the ſame, 1*s.*; for return of every writ of appeal of murder or felony, or maim, 1*s.*, and upon all other proceſs upon the ſame, as *venire fac'*, *tales*, *habeas corpora*, and *diſtr'*, 1*s.*; and in every action before the ſheriff by *juſticies*, for the ſummons, 4*d.*, and for every other proceſs, 4*d.*, and for every priſoner delivered by acquittal, or proclamation, for felony, 1*s.* *ſ.* 80.

Every ſheriff ſhall put ſuch perſons under common mainprize as they have reaſonable cauſe to ſuſpect, binding ſuch with two ſureties by recognizance, to appear before the juſtices at the next great ſeſſions, and ſhall certify the names of them before the juſtices. *ſ.* 81.

Every perſon that the ſheriff taketh to common mainprize, ſhall pay for his mainprize 2*d.*, and the ſheriff ſhall have for the return of a writ of falſe judgment out of a baſe court before the juſtices, 2*s.*, and the ſheriffs ſhall take no fee for the return of any writs of execution, unleſs he return the ſame executed. *ſ.* 82.

In all writs original or judicial, proceſs, pleas, or writings, not expreſſed in this ordinance, the fees thereof, as well for the ſeals as writing, ſhall be rated by the preſident, counſel, and juſtices, from time to time; and they ſhall have power to appoint what fee the ſheriffs eſcheators, and coroners, and their prenotaries and clerks, and other miniſters of juſtice, ſhall have, and to augment or diminiſh any fees above declared. *ſ.* 83.

No perſon for murder or felony ſhall be put to his fine, but ſuffer according to the laws of *England*; and the juſtices may reprieve the priſoner till they have advertiſed the king. *ſ.* 84.

The act 26 *Hen.* 8. *cap.* 6. concerning trials of felons in *Wales*, to be had in the next county within *England* adjoining where the king's writ runneth, ſhall ſtand in force. *ſ.* 85.

The ſaid act ſhall take effect concerning any of the ſaid offences perpetrated within the county of *Merioneth*, to be enquired of, heard, and determined, within the county of *Salop*, in manner as of like offences committed within any county of *South Wales*. *ſ.* 86.

The town of *Abertannad* ſhall be parcel of the county of *Salop*, and part of the hundred of *Oſweſtre*. *ſ.* 87.

In caſe any foreign plea or voucher be pleaded or made before the juſtices of *Wales*, between party and party, triable in any other ſhire within *Wales*, the juſtices ſhall ſend the king's writ, with a tranſcript of the record under ſeal, unto the juſtice of the county where the matter is triable, commanding the ſaid juſtice to proceed to the trial thereof; which trial he ſhall remand, with the whole record, unto the juſtice before whom the plea or voucher was pleaded. *ſ.* 88.

In caſe the foreign plea or voucher be triable within *England*, the juſtice ſhall proceed to trial thereof within the ſhire of *Wales* where the matter was pleaded. *ſ.* 89.

No perſons without authority ſhall make any rumours, tumults, unlawful aſſemblies, or outcries, at any of the ſaid courts or ſeſſions, nor any outcries and unlawful aſſemblies in great numbers at any other times, except for the apprehenſion or purſuing of murderers or felons, upon pain of impriſonment and a grievous fine. *ſ.* 90.

All lands in *Wales* that ſhall deſcend, ſhall be holden as *Engliſh* tenure, according to the common law, and not to be partible among heirs males after the cuſtom of gavelkind. *ſ.* 91.

No mortgages of lands within the ſaid ſhires ſhall be allowed, otherwiſe than after the common law. *ſ.* 92.

It ſhall be lawful to all perſons to alien their lands in *Wales*. *ſ.* 93.

If any perſon having lands within *Wales* ſhall be bound within *England* by ſtatute-ſtaple or recognizance, and pay not the debt; upon certificate made unto the chancery of *England*, by the clerk of the ſtaple, or by any juſtice of record before whom ſuch recognizance ſhall be acknowledged, proceſs ſhall be made to the ſheriffs of *Wales*, out of the chancery of *England*, after the courſe of the laws of *England*. *ſ.* 94.

Provided that for recognizances taken before the king's juſtices of his bench or common pleas, proceſs ſhall be had immediately from the ſaid juſtices. *ſ.* 95.

All writs, bills, plaints, pleas, proceſs, challenges, and trials,

trials, ſhall be uſed throughout all the ſhires aforeſaid, as is uſed in *North Wales*, or as ſhall be deviſed by the preſident, counſel, and juſtices. *ſ.* 96.

Where there ſhall be many ſuits before the juſtices in pleas perſonal, which cannot be tried in the time of the great ſeſſions, the iſſues may be tried at a petty ſeſſions before the deputy juſtices, as hath been uſed in *North Wales*; and there ſhall be no ſuit before the juſtices by bill, under 20*s.* *ſ.* 99.

If any murder or felony be committed within *Wales*, the parties ſhall not make any end with the offenders, unleſs they firſt make one of the juſtices privy to the ſame, upon pain of impriſonment and grievous fine; the penalty to extend againſt ſuch as ſhall move any ſuch agreement, although the ſame never take effect. *ſ.* 100.

No other liberties or cuſtoms ſhall be uſed within any lordſhips in *Wales* or the county of *Monmouth*, but ſuch as be given to the lords of the ſame by virtue of 27 *Hen.* 8. *cap.* 26. and not altered by this ordinance. *ſ.* 101.

In actions perſonal before the juſtices in *Wales*, by original writ or bill, if nine of the jury be ſworn to try the iſſue, and the reſidue make default, or be tried out, the ſheriff ſhall immediately return other names, *de circumſtantibus*, until there be 12 ſworn, as before the juſtices of *North Wales* hath been uſed. *ſ.* 103.

If any goods be ſtolen and ſold in any fair or market, within *Wales*, no ſuch ſale ſhall change the property. *ſ.* 104.

No perſon ſhall buy any cattle within *Wales*, out of market or fair, unleſs he can bring witneſs of the name of the perſon, what place and time he bought the ſame, upon pain of ſuch fine as ſhall be ſet by the juſtices. *ſ.* 105.

If any goods be ſtolen in *Wales*, upon ſuit had, the tract ſhall be followed from townſhip to townſhip, or lordſhip to lordſhip, according to the cuſtoms in *Wales*, upon ſuch penalty as heretofore. *ſ.* 106.

Every perſon that hath lands in fee or freehold may paſs in all juries, attaint only except; albeit he may not diſpend 40*s.* by the year, ſaving every challenge for other cauſe. *ſ.* 107.

No juror ſhall paſs in attaint, unleſs he may diſpend 40*s.* by the year of freehold. *ſ.* 108.

Tenants and reſiants in *Wales* ſhall pay their tallage at the change of their lords, in ſuch places as hath been accuſtomed. *ſ.* 109.

All the king's ſubjects in *Wales* ſhall find at all parliaments, knights, citizens, and burgeſſes, and ſhall be charged to all ſubſidies granted by the commons, and pay all other duties to the king as they have been accuſtomed; fines for redemption of ſeſſions excepted. *ſ.* 110.

The town of *Haverford-weſt* ſhall find one burgeſs at every parliament, the charges of the ſame burgeſs to be borne by the mayor, burgeſſes, and inhabitants. *ſ.* 111.

The king ſhall have all felons goods, and goods of perſons outlawed, waifs, ſtrays, and other forfeitures and eſcheats, anſwered by the hands of the ſheriffs; ſaving the right of his ſubjects. *ſ.* 112.

All errors and judgments before the juſtices at the great ſeſſions, in pleas real or mixt, ſhall be redreſſed by writ of error out of the chancery returnable before the king's bench; and if the judgment be affirmed, then to make execution, and other proceſs as is uſed in the king's bench. *ſ.* 113.

No execution of any judgment given in any baſe court, ſhall be ſtayed by writ of falſe judgment. *ſ.* 114.

All proceſs for weighty cauſes ſhall be made into *Wales* by the ſpecial command of the chancellor of *England*, or any of the king's council in *England*, as heretofore. *ſ.* 115.

The town of *Bewdley*, in the pariſh of *Ribbesford*, in the county of *Wigorn*, ſhall be united to the county of *Wigorn*, and be within the hundred of *Dodingtre*. *ſ.* 116.

The lordſhip of *Llanſtiffan*, *Uſterloys*, and *Langham*, ſhall be part of the county of *Caermarthen*, and parcel of the hundred of *Derles*. *ſ.* 117.

The county court of the county of *Radnor* ſhall be holden at *New Radnor* and *Preſton*, *alternis vicibus*, and never at *Rather Gowey*. *ſ.* 118.

The town of *Haverford-weſt* ſhall be a county in itſelf, as before, at the will of the king, and ſeparated from the county of *Pembroke*, at the king's pleaſure. And the king's high juſtice of the county of *Pembroke* ſhall be high juſtice of the county and town of *Haverford-weſt*; and it ſhall he lawful unto the mayor, ſheriff, bailiffs, and burgeſſes, of the ſaid county and town of *Haverford-weſt*, to uſe all lawful liberties at the king's will, according to the laws of *England*; and the judicial ſeal of the ſhires of *Pembroke*, *Caermarthen*, and *Cardigan*, in cuſtody of the high juſtice there, ſhall be uſed in the county and town of *Haverford-weſt*, as the original and judicial ſeal of the ſame town. *ſ.* 124.

This act ſhall not be prejudicial to any perſon concerning any lands, ſervices, bondmen, tolls, or other hereditaments. *ſ.* 126.

All lands within *Wales* ſhall deſcend to the heirs according to the common law, and not as gavelkind. *ſ.* 127.

All liberties of the duchy of *Lancaſter*, ſhall be of the ſame force as before this act. *ſ.* 129.

By 1 *Edw.* 6. *c.* 10. If any writ of *exigent* be awarded in the king's bench or the common pleas againſt any perſon dwelling in *Wales*, or in the counties palatine of *Cheſter*, or the city of *Cheſter*, the juſtices ſhall have power to award one writ of proclamation according to the ſtatute 6 *Hen.* 8. *c.* 4. [*See* OUTLAWRY,] to ſuch ſheriffs of the counties in *Wales*, and of the counties palatine of *Cheſter* and the city of *Cheſter*, where the defendant ſhall dwell. And ſuch writ of proclamation ſhall have the ſame *teſte* and return as the *exigent*; and ſuch ſheriff ſhall make proclamation, and make return of the ſame: and all outlawries, upon ſuch *exigents*, and no writ of proclamation awarded to the ſheriff of the county where the defendant ſhall dwell, or not returned, to be void. *ſ.* 2.

Every ſheriff of *Wales*, and of the counties palatine of *Cheſter*, and of the city of *Cheſter*, ſhall have in the king's bench and common pleas, one deputy to receive writs; and all writs of proclamation aforeſaid ſhall be delivered to ſuch deputy of record. *ſ.* 3.

If any perſon dwelling in *Wales* ſhall be outlawed, writs of ſpecial *capias utlagatum*, ſingle *capias utlagatum*, *non moleſtand*, and other proceſs, may be directed to the ſheriff of any of the counties in *Wales*, as immediate officers to the king's ſaid courts, and ſuch writs may be delivered of record to the deputy of ſuch ſheriffs. *ſ.* 4.

If any ſuch writ of proclamation be delivered unto any of the ſaid ſheriffs, or his deputy, in form aforeſaid, and the ſheriff do not make true return of ſaid writ, ſuch ſheriff ſhall forfeit 5 *l.* the one half to the king, the other to ſuch as will ſue for the ſame in an action of debt upon this act, in any of the king's courts of record. *ſ.* 5.

This act ſhall not be prejudicial to the counties of *Wales*, or the counties palatine of *Cheſter*, or the city of *Cheſter*, otherwiſe than before declared. *ſ.* 6.

This act ſhall not be prejudicial to any lord marcher in *Wales*. *ſ.* 7.

By 1 & 2 *Phil.* & *Mar. c.* 15. As well ſpiritual lords marchers having lordſhips marchers, or lordſhips royal in *Wales*, and their ſucceſſors, as alſo the heirs of the lords temporal marchers, ſhall have the moiety of every forfeiture of common mainprize, recognizance for the peace or appearance, forfeited by their tenants within the lordſhips marchers, or lordſhips royal, to be paid by the hands of the ſheriff. *ſ.* 5.

And ſhall have all ſuch miſes and profits of their tenants, as the lords marchers uſed to have at their firſt entry into their lands, and hold all ſuch courts-baron, and courts-leet, and have all ſuch waif, ſtray, *infang thefe*, *outfang thefe*, *treaſure trove*, deodands, goods of felons and of perſons outlawed for felony or murder, wreck *de mere*, wharfage, and cuſtoms of ſtrangers, as in times paſt. *ſ.* 6.

By 5 *Eliz. c.* 25. In every of the ſhires of *Wales*, and in the counties palatine of *Cheſter*, *Durham*, and *Lancaſter*, where a full jury ſhall not appear before the juſtices, or by challenge of parties the jury is like to remain untaken for default of jurors, the juſtices upon requeſt by the plaintiff or demandant, ſhall have authority to command the ſheriff to name ſo many other perſons preſent as ſhall make up a full jury; which ſhall be added to the former panel. And in caſe ſuch perſons be preſent and do not appear, or do wilfully withdraw themſelves, ſuch juſtices ſhall ſet ſuch fine as they ſhall think good, to be levied as iſſues loſt by jurors. *ſ.* 2.

Where any jury ſhall be made full by command of the juſtices, ſuch perſons as were returned in the panel that ſhall make default, ſhall loſe iſſues as though the jury had remained for default of jurors. *ſ.* 3.

Provided that upon a reaſonable excuſe proved before the juſtices at the day of appearance, by the oaths of two witneſſes, the juſtices ſhall have authority to diſcharge ſuch juror. *ſ.* 4.

If the juſtices do not come, the jurors ſhall be diſcharged of iſſues. *ſ.* 5.

If upon any writ of *habeas corpora* or *diſtringas*, iſſues be returned upon any hundredors or jurors, where the ſame hundredors and jurors ſhall not be ſummoned and diſtrained, every ſuch ſheriff ſhall loſe for ſuch offence double ſo much as the iſſues returned ſhall amount unto; the moiety of all which forfeitures (other than the iſſues to be returned upon the jurors) ſhall be to the queen, and the other half to him that will ſue for the ſame in the queen's great court within the county where ſuch forfeiture ſhall happen; ſaving to all perſons all right to ſuch iſſues, *&c.* *ſ.* 6.

This act ſhall not extend to any city or town corporate, for the return of any inqueſt of perſons inhabiting in the ſaid cities, *&c.* but that they may return ſuch perſons as before, ſo that the ſheriff, *&c.* return reaſonable iſſues. *ſ.* 7.

By 5 *Eliz. c.* 28. The biſhops of *Hereford*, *St. Davies*, *Aſaph*, *Bangor*, and *Landaff*, ſhall take order, that the bible with the book of common prayer, as now uſed in *Engliſh*, be tranſlated into the *Britiſh* or *Welſh* tongue; and divine ſervice ſhall be uſed throughout the ſaid dioceſes, where the *Welſh* tongue is commonly uſed, in the *Britiſh* tongue. *ſ.* 1.

The bible and common prayer in the *Engliſh* tongue ſhall be had, in every church throughout *Wales*, in which the bible and common prayer in *Welſh* is to be had, and the ſame books ſhall remain in convenient places within the churches. *ſ.* 2.

By 18 *Eliz. c.* 8. The queen may at her pleaſure appoint two or more learned in the laws, to be juſtices of the counties of *Cheſter*, *Flint*, *Denbigh*, and *Montgomery*; and two or more juſtices of *North Wales*, *viz.* of *Angleſey*, *Caernarvon*, and *Merioneth*; and two or more juſtices of the ſhires of *Radnor*, *Glamorgan*, and *Brecknock*; and two or more juſtices of the ſhires of *Cardigan*, *Caermarthan*, and *Pembroke*, and the town and county of *Haverfordweſt*. *ſ.* 3.

Her majeſty may grant commiſſions of aſſociation under the great ſeal to any perſons learned, to be aſſociate with ſuch juſtices. *ſ.* 4. *See* 13 Geo. 3. c. 51. ſ. 3.

By 27 *Eliz. c.* 9. Every writ of covenant, and other writ, whereupon any fine ſhall be levied, the return thereof, the writ of *dedimus*, the return thereof, the concord, note, and foot, of every ſuch fine, the proclamations and the king's ſilver, and alſo every original writ of entry in the *poſt*, or other writ, whereupon any common recovery ſhall be ſuffered, the writs of *ſummon. ad warrantiſandum*, the returns of the ſaid writs, and every warrant of attorney of every demandant, tenant, and vouchee, in the courts of aſſizes, or great ſeſſions within the twelve ſhires of *Wales*, town and county of *Haverfordweſt*, and counties palatines, may upon the requeſt of any perſon be inrolled; and the inrolments ſhall be of as good force as the ſame being extant ought to be. *ſ.* 1.

No fine, proclamations upon fines, or common recovery, in *Wales*, or the counties palatine, ſhall be reverſed by writ of error for falſe Latin, raſure, interlining, miſentring of any warrant of attorney, or of any proclamation, miſreturning or not returning of the ſheriff, or other want of form in words, and not in ſubſtance. *ſ.* 2.

Every perſon that ſhall take the knowledge of any fine, or warrant of attorney for ſuffering any common recovery, within *Wales* or the counties palatine, ſhall with the certificate of the concord or warrant of attorney certify alſo the day and year wherein the ſame was acknowledged; and no perſon ſhall be bound to certify ſuch knowledge of any fine or warrant, except it be within one year next after the knowledge taken. *ſ.* 5.

No clerk or officer in *Wales*, or the counties palatine, ſhall receive any writ of covenant, or writ of entry, or other writ, whereupon any fine or common recovery is to paſs, unleſs the day of the knowledge of the ſame ſhall appear by ſuch certificate, upon pain of 40 *s.* And no attornment upon any ſuch fine ſhall be entred upon record, except the party have appeared in court in perſon, or by attorney warranted by the hands of one of the juſtices of the court, upon a writ of *quid juris clamat*, *quem redditum redd'*, or *per quæ ſervitia*. And every entry of attornment in the courts aforeſaid, wherein there ſhall be no appearance as aforeſaid, ſhall be void without writ of error, or other means. *ſ.* 6.

There ſhall be an office for the inrolments in every of the twelve ſhires of *Wales*, town of *Haverfordweſt*, and counties palatine; and the juſtices ſhall take the charge of the inrolments aforeſaid, and in conſideration of their charges therein ſhall have the ſums following, *viz.* for the inrolment and examination of every fine, 5 *s.* and for the inrolment, *&c.* of every recovery, 5 *s.* and for every exemplification of the inrolment of every fine, 3 *s.* 4 *d.* and for every exemplification of the inrolment of every recovery, 3 *s.* 4 *d.* and for the ſearch of the rolls for one year, 4 *d.* and for the copy of one ſheet containing four-

teen

teen lines, 4*d.* And the juſtices of aſſizes, or great ſeſſions, or one of them, ſhall examine the inrolment of every ſuch fine and recovery, and write his name in the roll, upon pain of 40*s.* for every default; and it ſhall be lawful for the juſtices to take order in all things for the inrolments; and upon examination to aſſeſs ſuch fine or amerciament upon any clerk, ſheriff, or other perſon for his miſpriſion, contempt, and negligence, concerning fines or recoveries, as ſhall be thought meet, to be eſtreated amongſt other fines and amerciaments. *ſ.* 7.

The exemplification of any ſuch inrolment of fine or recovery, under the judicial ſeal, or under the ſeal of the county palatine, ſhall be of as good force as the original record. *ſ.* 8.

It ſhall be lawful for the juſtices clerks, by their warrant, in the offices, to write out or inrol the ſame records; and the ſaid records ſhall not be carried forth of the ſaid offices. *ſ.* 9.

By 19 *Car.* 2. *c.* 5. The act 17 *Car.* 2. *c.* 7. [*See* AVOWRY] ſhall be extended to all cauſes of replevin in his majeſty's court of common pleas for the county palatine of *Lancaſter*, the court of great ſeſſions of *Wales*, the court of great ſeſſions, or aſſizes for the county palatine of *Cheſter*, and the court of common pleas for the county of *Durham*.

By 1 *Will.* & *Mar. ſt.* 1. *c.* 27. The court before the preſident and council in the marches of *Wales*, and all juriſdiction belonging unto, or exerciſed in the ſame, ſhall be taken away. *ſ.* 2.

The juſtices of the great ſeſſions ſhall yearly nominate three perſons for each ſhire in their circuits, to be ſheriffs, and ſhall certify their names to the lords of the moſt honourable privy council *craſtino animarum*, to the intent the king may appoint one of them to be ſheriff. *ſ.* 3.

All errors in pleas perſonal within the principality of *Wales*, ſhall be redreſſed by writ of error, in the ſame manner as errors in pleas real and mixed, by 34 & 35 *Hen.* 8. *c.* 26. *ſ.* 113. *ſ.* 4.

Provided that no judgments nor decrees paſſed in the ſaid court before the 1ſt of *June* 1689, be by this act annulled. *ſ.* 5.

By 5 *Will.* & *Mar. c.* 4. It ſhall be lawful for the king by commiſſion under the great ſeal, to conſtitute any number of juſtices of peace in any of the counties of *Wales*. *ſ.* 2.

By 7 & 8 *Will.* 3. *c.* 38. It ſhall be lawful for any perſon reſiding, or who ſhall have any goods, within *Wales* or the marches thereof, by their laſt wills, to diſpoſe of all their goods and perſonal eſtate, as the teſtators ſhall think fit, in as ample manner as any perſons may within any other part of the province of *Canterbury*; and the widows, children, and other the kindred of ſuch teſtators, ſhall be barred to claim any part of the goods or perſonal eſtate, in other manner than by the ſaid laſt wills. *ſ.* 1.

Nothing in this act ſhall take away any right, which any woman now married, or younger perſon now born, may have to the reaſonable part of their huſband's or father's eſtate, by virtue of the cuſtom. *ſ.* 2.

By 11 & 12 *Will.* 3. *c.* 9. The clauſe 22 & 23 *Car.* 2. *c.* 9. *ſ.* 136. [*See* SUITS] and all proviſions by any law in force made for prevention of frivolous and vexatious ſuits in the courts at *Weſtminſter*, ſhall be extended to all ſuch ſuits in the court of great ſeſſions of *Wales*, the court of great ſeſſions for the county palatine of *Cheſter*, the court of common pleas for the county palatine of *Lancaſter*, and the court of pleas for the county palatine of *Durham*. *ſ.* 1.

No ſheriff, or other officer within the ſaid principality, or counties palatine, upon any writ or proceſs out of any of his majeſty's courts at *Weſtminſter*, ſhall hold any perſon to ſpecial bail, unleſs an affidavit be firſt made and filed in court, ſignifying the cauſe of action, and that the ſame is 20*l.* and upwards; and bail ſhall not be taken for more than the ſums expreſſed in ſuch affidavit. *ſ.* 2.

By 8 *Geo.* 1. *c.* 25. Any judge or officer of any of the courts of great ſeſſion in *Wales*, or court of ſeſſion in the counties palatine of *Cheſter*, *Lancaſter*, and *Durham*, that ſhall ſign any judgments, ſhall without fee, ſet down the day of the month and year upon the paper-book, docket, or record, which he ſhall ſign: which day ſhall be alſo entred upon the margin of the roll where the judgment ſhall be entred; and ſuch judgments, as againſt purchaſers *bona fide* for valuable conſideration, ſhall be judgments only from ſuch times as they ſhall be ſo ſigned, and ſhall not relate to the firſt day of the ſeſſion, or the day of return of the original, or filing the bail. *ſ.* 6.

By 6 *Geo.* 2. *c.* 14. In all perſonal actions, where the debt or damages ſhall not amount to 10*l.* in the courts of great ſeſſions and aſſize in *Wales* and *Cheſter*, and where the plaintiff ſhall ſue out an original writ or proceſs, and ſerve the defendant with a copy eight days before the commencement of the ſaid courts, and ſhall cauſe on the copy of ſuch proceſs to be written the notice in 5 *Geo.* 2. *c.* 27. [*See* ARRESTS] directed, the defendant ſhall appear at the return of ſuch proceſs, or before the third court; and in caſe the defendant ſhall not appear, it ſhall be lawful for the plaintiff or his attorney upon affidavit filed of the perſonal ſervice (for the filing whereof there ſhall be paid 1*s.*) to enter an appearance for ſuch defendant. *ſ.* 1.

No perſon ſhall have more than 5*s.* for making and ſerving a copy of ſuch proceſs. *ſ.* 2.

The act 4 *Geo.* 2. *c.* 26. [*See* PLEADINGS] that proceedings in the courts of juſtice ſhall be in the *Engliſh* language, ſhall extend to the courts of great ſeſſions, and all other courts within *Wales*. *ſ.* 3.

Where any perſon ſhall offend againſt the laſt mentioned act in *Wales*, the penalty may be ſued for, either in any of his majeſty's courts in *Weſtminſter*, or in the court of great ſeſſions where the offence ſhall be committed. *ſ.* 4.

By 20 *Geo.* 2. *c.* 42. In all caſes where *the kingdom of England*, or *that part of Great Britain called England*, hath been, or ſhall be mentioned in any act of parliament, the ſame has been, and ſhall be taken, to comprehend the dominion of *Wales* and town of *Berwick upon Tweed*. *ſ.* 3.

By 8 *Geo* 3. *c.* 14. The ſheriffs of the ſeveral counties in *Wales* ſhall provide neceſſary lodging and other accommodations for his majeſty's juſtices of the great ſeſſions, during each ſeſſion, as has been uſually provided by the ſheriffs within the ſeveral counties in *England*, for the juſtices of aſſize there; and his majeſty may, by warrant under his ſign manual, counterſigned by the high treaſurer, or three of the commiſſioners of the treaſury, authoriſe, during 1 *Geo.* 3. *c.* 1. the auditor of the land revenues of the crown ariſing within *Wales*, to allow all charges made by the ſheriffs, in the accounts by them delivered into the office of the ſaid auditor, of expences incurred by them in providing accommodations; and to direct that certificates ſhall be delivered by the ſaid auditor to the ſaid ſheriffs of the ſums ſo allowed in their accounts; and alſo to authoriſe the receiver general of the ſaid revenues to pay the ſums, certified upon the delivery to him of ſuch certificates, without any fee, to be paid by the ſheriff. *ſ.* 1.

No greater ſum ſhall be allowed than 10*l.* for which accommodations in one county during one ſeſſions. *ſ.* 2.

By

By 13 *Geo.* 3. *c.* 51. In caſe the plaintiff in any action upon the caſe for words, action of debt, treſpaſs on the caſe, aſſault and battery, or other perſonal action, where the cauſe ſhall ariſe within *Wales*, and which ſhall be tried at the aſſizes, at the neareſt *Engliſh* county to *Wales*, ſhall not recover 10 *l.*; if the judge who tried the cauſe, ſhall certify on the back of the record, that the defendant was reſident in *Wales* on the ſervice of the writ, or proceſs, on ſuch fact being ſuggeſted on the record or judgment roll, a nonſuit ſhall be entered againſt the plaintiff, and ſuch defendant ſhall be intitled to like judgment, to recover ſuch coſts againſt the plaintiff in every ſuch action, as if a verdict had been given for the defendant, unleſs the judge ſhall certify on the back of the record, that the freehold or title of the land mentioned in the declaration was chiefly in queſtion, or that ſuch cauſe was proper to be tried in ſuch *Engliſh* county. *ſ.* 1.

In all tranſitory actions ariſing within the principality, which ſhall be brought in any court of record out of *Wales*, and the venue therein, ſhall be laid in any county out of the principality, and the debt or damages found by the jury, ſhall not amount to 10 *l.* and it ſhall appear upon the evidence on the trial, that the cauſe aroſe in *Wales*, and that the defendant were reſident in *Wales* at the time of the ſervice of writ, or proceſs ſerved on him in ſuch action, and it ſhall be ſo certified, under the hand of the judge, upon the back of the record (on ſuch facts being ſuggeſted on the record or judgment roll), a nonſuit ſhall be entered thereon againſt the plaintiff, and the plaintiff ſhall pay to the defendant, in ſuch action, his coſts; and the defendant ſhall have like remedy to recover the ſame as in the caſe of a verdict given for the defendant in ſuch action; and, in the taxation of all coſts given to the defendant by this act, the officer ſhall allow to the plaintiff, out of the defendant's coſts, the full ſum given by the verdict to the plaintiff for his debt or damages: and, although no judgment ſhall be entered for the plaintiff upon ſuch verdict, yet ſuch verdict, without any judgment entered thereon, ſhall be bar to any action commenced by the plaintiff for the ſame. *ſ.* 2.

No juſtice for the county of *Cheſter*, or for any county, circuit, or ſhire, within *Wales*, ſhall have any power of exerciſing his office by deputy, except for the purpoſe of calling and adjourning any court, and receiving any motion, and for taking and proclaiming fines and arraigning recoveries, in ſuch court of each great ſeſſion and aſſizes, within the circuit of ſuch juſtice. *ſ.* 3.

It ſhall be lawful for the juſtices, by writing under the hand and ſeal of ſuch juſtice, to appoint any perſon to be his deputy for calling and adjourning any court, and receiving any motion, and for taking and proclaiming fines, and arraigning recoveries in ſuch court of each great ſeſſion and aſſizes, within their circuits, which perſon ſhall have full power ſo to do. *ſ.* 4.

His majeſty may, under his ſign manual, appoint one or more perſons, learned as aforeſaid, to execute the office of juſtice in the county palatine of *Cheſter*, or in any of the ſaid counties of *Wales*, for the then next enſuing great ſeſſions, in the place of any of the juſtices, who ſhall, by illneſs, be prevented attending ſuch ſeſſions, and ſo often as neceſſity ſhall require. *ſ.* 5.

The juſtices of great ſeſſions in *Wales*, upon motion on behalf of his majeſty, or on motion of any proſecutor or defendant in any indictment or information of any miſdemeanour, or on the motion of any plaintiff or defendant, in any action, in any courts of great ſeſſions, ſhall, in caſe ſuch juſtices think fit, order a jury to be ſtruck before the proper officer of ſuch courts, for the trial of any iſſue, in ſuch manner as ſpecial juries have been uſually ſtruck in courts of law at *Weſtminſter*, upon trials at bar; which jury ſo ſtruck ſhall be the jury returned for the trial of ſuch iſſue. *ſ.* 6.

The party who ſhall apply for ſuch ſpecial jury, ſhall not only pay the fees for ſtriking ſuch jury, but ſhall alſo pay all expences occaſioned by the trial by ſuch jury, and ſhall not have any other allowance for the ſame, upon taxation of coſts, than ſuch party would be intitled unto in caſe the cauſe had been tried by a common jury, unleſs the juſtice ſhall, immediately after the trial, certify in open court, under his hand, upon the back of the record, that the ſame was a cauſe proper to be tried by a ſpecial jury. *ſ.* 7.

No perſon who ſhall ſerve upon any jury, appointed by authority of this act, ſhall take for ſerving, more than the ſum which the juſtice who tries the iſſue ſhall think juſt, not exceeding 1 *l.* 1 *s.* except in cauſes where a view ſhall be directed. *ſ.* 8.

The juſtices of the courts of great ſeſſions ſhall, by one or more commiſſioners, under the ſeal of the ſaid courts, impower ſo many perſons as they think fit, in all the ſhires within their circuits in *Wales*, to take all ſuch affidavits as any perſon ſhall be deſirous to make before any of the perſons impowered in any cauſe depending, or in anywiſe concerning any of the proceedings in their circuits, as the juſtices of the king's bench, or common pleas, or treaſurer, chancellor, and barons of the exchequer uſe to do; which affidavits ſhall be filed in the offices of the ſaid courts of great ſeſſions, and may be read in the ſaid courts, as other affidavits taken in the ſaid courts now are; and all affidavits, taken as aforeſaid, ſhall be of the ſame force as affidavits taken in the ſaid courts; and all perſons forſwearing themſelves, in ſuch affidavits, ſhall be liable unto the ſame penalties, as if ſuch affidavits had been made in open court; which commiſſions ſhall be made out by the prothonotary, upon a fiat from the juſtices; and the ſaid prothonotary ſhall cauſe an entry to be made in a book to be kept for that purpoſe, of the names of the perſons to whom ſuch commiſſions are granted, and the times when iſſued; and the following fees ſhall be paid for each commiſſion, and no more *(to wit)*; 2 *s.* for the fiat, 4 *s.* for making out the commiſſion, beſides the duty and value of the parchment; and 4 *s.* for ſealing the ſame; and every commiſſioner ſo impowered, ſhall take for ſwearing of every affidavit before him, 1 *s.* and no more. *ſ.* 9.

No perſon appointed a commiſſioner ſhall take any affidavit during the holding the great ſeſſions, or aſſizes, for the county in which ſuch cauſe ſhall be depending. *ſ.* 10.

Such officers of the ſaid courts of great ſeſſions, as have heretofore taken affidavits, may continue ſo to do. *ſ.* 11.

The juſtices of the courts of great ſeſſions may, by commiſſion, or under the ſeal of the ſaid courts, impower ſuch perſons (other than common attorneys or ſolicitors) as they think fit in the ſeveral ſhires within their circuits in *Wales*, to take recognizances of bail in any action depending in the ſaid courts, in ſuch manner, and by ſuch bail piece, as the juſtices of the courts of great ſeſſions have uſed to take the ſame; which recognizances, or bail pieces, together with an affidavit made of the due taking of ſuch bail, by ſome credible perſon preſent at the taking thereof, ſhall be tranſmitted to the prothonotary's office, there to be filed of record, paying ſuch fees as have uſually been received for taking of ſpecial bails by the juſtices clerks, and other officers of the courts, which recognizance of bail or bail piece ſhall be of the like effect, as if

the ſame were taken before any of the juſtices; for the taking of which recognizance of bail or bail piece, the perſon ſo impowered ſhall receive only 2 *s.* *ſ.* 12.

The juſtices of great ſeſſions, in their courts, ſhall make ſuch rules for the juſtifying of bails, and making the ſame abſolute, as to them ſhall ſeem meet, ſo as the cognizor of ſuch bail be not compelled to appear in perſon in any of the ſaid courts, to juſtify; but the ſame may be determined by affidavit taken before the commiſſioners, touching the value of their eſtates. *ſ.* 13.

The attorney for the defendant ſhall give notice to the plaintiff's attorney of the taking of ſuch bail within eight days after the caption thereof, and the plaintiff may, within eight days after ſuch notice, take exception to ſuch bail, and enter the ſame in the prothonotary's office; and ſuch exception having been taken, the bail ſhall be juſtified before the juſtices, before the riſing of the ſecond court at the enſuing ſeſſions; and the bail bond taken by the ſheriff, under ſheriff, or other officer, for the defendant's appearance, ſhall remain in force until ſuch ſpecial bail ſhall have been finally juſtified; but the plaintiff, nevertheleſs, may file his declaration conditionally in the prothonotary's office; and the defendant, in caſe ſuch declaration ſhall have been delivered ſeven days before the firſt day of the ſeſſion next enſuing the return of ſuch writs, ſhall plead thereto, before the riſing of the ſecond court of ſuch great ſeſſions, unleſs further time ſhall be given him by the court. *ſ.* 14.

All original writs, bills, and all meſne proceſs whatſoever, by which any action ſhall be commenced in the courts of great ſeſſion for *North* and *South Wales*, ſhall be made returnable before his majeſty's juſtices reſpectively of the ſeveral counties of *North* and *South Wales*, on the firſt *Wedneſday* in any month, in each of the two vacations, annually, betwixt the two ſeſſions, or on the firſt day of the next ſeſſions, at the election of the plaintiff, or the attorney, who ſhall ſue out the ſame: And all ſuch writs or proceſs which ſhall iſſue out of the ſaid courts, returnable in the vacations, and whereon the defendant ſhall be arreſted or ſerved with a copy, ſuch defendant ſhall appear and file ſpecial bail, or enter a common appearance on the day of ſuch return, or within fourteen days next after; and in caſe of neglect in bailable actions, the ſheriff, or officer, ſhall, at the requeſt and coſts of the plaintiff, or attorney, aſſign to ſuch plaintiff the bail bond, by indorſement and atteſtation under his hand, in the preſence of two witneſſes; and the plaintiff, after ſuch aſſignment, may bring an action upon ſuch bail bond in his own name; and the ſaid courts may, by rule, give ſuch relief to the plaintiff and defendant, in the original action, and to the bail ſued upon the bail bond, as is agreeable to juſtice; and in caſe on ſervice of the copy of any writ (having notice thereunder written, purporting the intent of ſuch ſervice) returnable in the vacation time as aforeſaid, the defendant ſo ſerved, ſhall not appear at the return, or within fourteen days after, it ſhall be lawful for the plaintiff, upon affidavit made, and filed with the prothonotary of the ſaid courts, or his deputy, of the perſonal ſervice of ſuch writ as aforeſaid, to enter a common appearance for the defendant, and to proceed thereon as if ſuch defendant had entered his appearance; and ſpecial bail having been filed, or a common appearance entered, as the caſe ſhall require, the plaintiff may proceed to file his declaration; and the defendant, in caſe ſuch declaration ſhall have been delivered ſeven days before the firſt day of the ſeſſion next enſuing the return of ſuch writ, ſhall be bound to plead thereto, before the riſing of the ſecond court of ſuch great ſeſſion, to be holden for the county in which ſuch action ſhall have been brought, unleſs the court ſhall think proper to allow further time. *ſ.* 15.

Every officer or clerk belonging to the courts of great ſeſſions in *Wales*, who ſhall ſign any original writ or bill, relating to actions depending in the ſaid courts, ſhall, at the ſigning thereof, ſet down upon ſuch original writ or bill the day and year of his ſigning the ſame, which ſhall be entered upon the remembrance, or in the book where the abſtracts of ſuch original writ or bill ſhall be entered, upon pain to forfeit 5 *l.* for every neglect; to be recovered by any perſon who ſhall ſue by action of debt, *&c.* *ſ.* 16.

Where any penalty is given by any ſtatute, and the ſame is directed to be recovered in the courts of *Weſtminſter*, excepting ſuch as may by the laws now in being be ſued for only in the exchequer, and the offence for which ſuch penalty hath or ſhall be given, ſhall be done in any of the counties of *Wales*, and the defendant liable to the ſame ſhall be reſident within the juriſdiction of the great ſeſſion, it ſhall be lawful for the plaintiff, or proſecutor, or other perſon to whom ſuch penalty is given, in ſuch caſe, to ſue for and recover the ſame in the courts of great ſeſſion, in ſuch manner as he might have done in the courts at *Weſtminſter*; and the ſaid courts of great ſeſſion ſhall have juriſdiction as fully as if the ſaid courts had been named in the ſaid acts. *ſ.* 17.

Warrants of Attorney.

By 18 *Hen.* 6. *c.* 9. The act 10 *Hen.* 6. *c.* 4. *in* APPEARANCE ſhall endure for ever; and no officer ſhall do the contrary, upon pain of 40 *s.* every time that he ſhall be attainted by examination before the juſtices: and every attorney who hath not his warrant entred of record in all his ſuits, in which proceſs of *capias* and *exigent* is awardable, the ſame term in which the *exigent* is awarded or before, and thereupon attainted by like examination, ſhall incur the pain aforeſaid. *See* ARRESTS, ATTORNIES.

Warranty.

Stat. de bigam. 4 *Edw.* 1. *ſt.* 3. *c.* 6. In deeds where it is contained *dedi et conceſſi tale tenementum*, to be holden of the donors and their heirs by certain ſervices, the donor and his heirs ſhall be bound to warranty. And where it is contained *dedi et conceſſi*, &c. to be holden of the chief lords, or of others than the feoffors, no ſervice being reſerved, and without clauſe of warranty, the heirs ſhall not be bound to warranty; but the feoffor in his life only by reaſon of his own gift ſhall be bound to warranty.

By 4 *Ann.* *c.* 16. All warranties made by any tenant for life of any hereditaments, the ſame coming to any perſon in reverſion or remainder, ſhall be void; and all collateral warranties, made of any hereditaments by any anceſtor who has no eſtate of inheritance in poſſeſſion in the ſame, ſhall be void againſt his heir. *ſ.* 21. *See* VOUCHER.

Waſte.

Stat. Marleb. 52 *Hen.* 3. *c.* 24. Farmers during their terms ſhall not make waſte, ſale, nor exile, of houſes, woods, nor of any thing belonging to the tenements, without licence

licence had by writing of covenant; which if they do, and thereof be convict, they ſhall yield damages, and ſhall be puniſhed by amercement grievouſly.

Stat. Glouc. 6 *Edw.* 1. *c.* 5. A man ſhall have a writ of waſte againſt him that holdeth by the law of *England*, or otherwiſe for term of life, or of years, or a woman that holdeth by dower; and he that is attainted of waſte, ſhall loſe the thing waſted, and ſhall recompence thrice ſo much as the waſte ſhall be taxed at.

Stat. Weſtm. 2. 13 *Edw.* 1. *c.* 14. Of waſte done to the damage of any perſon, there ſhall be no writ of prohibition, but of ſummons, ſo that he of whom complaint is ſhall anſwer for waſte done at any time; and if he come not after the ſummons, he ſhall be attached, and after the attachment he ſhall be diſtrained, and if he come not after the diſtreſs, the ſheriff ſhall be commanded, that in proper perſon he take with him twelve, *&c.* and go to the place waſted, and inquire of the waſte done, and return the inquiſition, and after the inquiſion returned they ſhall paſs unto judgment, as in the ſtatute of *Glouceſt. c.* 5.

Stat. Weſt. 2. 13 *Edw.* 1. *c.* 22. Where two or more hold wood, turfland or fiſhing, in common, and ſome of them do waſte, an action may lie by writ of waſte; and when it is paſſed unto judgment, the defendant ſhall chuſe either to take his part in a place certain by aſſignment of the ſheriff, and by the view and oath of his neighbours, or elſe he ſhall grant to take nothing in the ſame wood, turfland, *&c.* but as his fellows will; and if he chuſe to take his part in a place certain, the place waſted ſhall be aſſigned for his part.

Stat. of waſte, 20 *Edw.* 1. *ſt.* 2. Every heir, as well within age as of full age, ſhall have his recovery by writ of waſte, and it ſhall hold place for waſte and deſtruction made in lands of his own inheritance, as well in the times of his anceſtors, as at any other time.

By 11 *Hen.* 6. *c.* 5. Where people let their lands, and the tenants have granted their eſtate, and afterwards the firſt tenants continually occupy the lands, and in the ſaid lands do waſte and deſtruction; they in the reverſion may have a writ of waſte againſt the tenants for life, or years, where the firſt tenants before the grant of their eſtates were puniſhable of waſte, and where after the grant the firſt tenants take the profits at the time of the waſte done.

Watch and Ward.

By *Stat. Winton*, 13 *Edw.* 1. *ſt.* 2. *c.* 4. In great towns walled, the gates ſhall be cloſed from ſunſetting until ſun-riſing, and no man ſhall lodge in the ſuburbs but in the day-time, nor in the day-time without his hoſt will anſwer for him; and the bailiffs of towns every week, or at leaſt every fifteenth day, ſhall make inquiry of all perſons lodged in the ſuburbs; and if they find any that receive men of whom there is ſuſpicion, the bailiffs ſhall do right therein. And watches ſhall be made from the feaſt of aſcenſion unto *Michaelmas*, in every city, by ſix men at every gate; in every borough by twelve men; in every town by ſix or four, according to the number of the inhabitants; and they ſhall watch all night from ſun-ſetting unto ſun-riſing: and if any ſtranger paſs by them, he ſhall be arreſted unto the morning; and then if no ſuſpicion be found, he ſhall go quit; and if they find ſuſpicion they ſhall deliver him to the ſheriff, and he ſhall keep him until he be delivered in due manner; and if they will not obey the arreſt, hue and cry ſhall be levied upon them, and the watchmen ſhall follow them with all the town, with hue and cry from town to town, until they be taken and delivered to the ſheriff.

By *Stat. Winton*, 13 *Edw.* 1. *ſt.* 2. *c.* 6. The conſtables ſhall preſent before juſtices aſſigned ſuch defaults as they ſhall have found of purſuits, and of watches and of highways, and alſo ſhall preſent all ſuch as lodge ſtrangers in uplandiſh towns, for whom they will not anſwer. And the juſtices aſſigned ſhall preſent the ſame at every parliament to the king, and the king ſhall provide remedy.

Artic. ſuper chart. 28 *Edw.* 1. *c.* 17. The ſtatute of *Wincheſter*, 13 *Edw.* 1. *ſt.* 2. ſhall be read four times by the year, as well as the two great charters. And to the keeping of that ſtatute the three knights ſhall be charged, who are aſſigned thro' the counties to redreſs things done againſt the great charters.

By 5 *Hen.* 4. *c.* 3. The watch upon the ſea-coaſt ſhall be made by the number, in the places, and in manner, as they were wont; and the ſtatute of *Wincheſter* ſhall be holden, and in the commiſſions of the peace this article ſhall be put in, that the juſtices have power thereof to make inquiſition in their ſeſſions, and to puniſh them which be found in default.

War Chandlers.

By 23 *Eliz. c.* 8. Every perſon which ſhall in the making and melting of wax uſe any deceit, by mingling the ſame with roſin, tallow, turpentine, or other deceitful thing, to the intent to ſell the ſame, or offer the ſame to be ſold for wax, ſhall forfeit the corrupted wax; and if the ſame be ſold before ſuch fault be found, the melter or procurer thereof ſhall forfeit for every pound 2 *s.* one half to the queen, the other half to the party deceived, if he will ſue, or any other perſon that will ſue for the ſame in any the queen's courts of record. *ſ.* 1.

Every melter and maker up of unwrought wax ſhall have a ſtamp of the breadth of 6 *d.* wherein two letters ſhall be graven ſignifying his name, and ſhall ſtamp every piece of wax triangle in three places upon the outſide of the upper part of every piece, upon pain to forfeit the value of every piece offered to be ſold, and not marked. *ſ.* 2.

No perſon ſhall melt, mix, work, or ſell, any wrought wax, or wares wrought with wax, as in lights, ſtaff-torches, red wax or ſealing wax, book candle, ſearing candle, ſearing of dead corps, links, green wax, red wax, or any other work done with wax to be put to ſale, but with good ſtuff in convenient quantity. And every perſon that ſhall work or ſell ſuch ſtuff ſhall have a mark to ſet on his work; and ſuch as ſhall work, or to ſale put, any ſuch falſe wax, or wares wrought with wax, ſhall forfeit the ſame; the one half to the queen, and the other to the party deceived if he ſhall ſue, or otherwiſe to him that will ſue for the ſame, in any of the queen's courts of record. *ſ.* 3.

Every perſon which ſhall offer to be ſold any corrupted or falſe mingled wax, ſhall forfeit the wax; the one moiety to the queen, and the other to the party deceived if he ſhall ſue for the ſame, or otherwiſe to him that will ſue for the ſame. And all barrels, kilderkins, and firkins, filled with honey by the maker and filler, ſhall be marked with two letters for his name, each letter of an inch and half length at leaſt, burnt upon the head of the caſk with an iron, upon pain to forfeit 6 *s.* 8 *d.* for every caſk offered to be ſold and not marked; and if any perſon ſhall fill and ſell, or cauſe to be filled or offered to be ſold, any barrel, *&c.*

with honey, for a barrel, &c. containing leſs than 32 wine gallons the barrel, 16 gallons the kilderkin, and 8 gallons the firkin; every perſon ſo offending, ſhall forfeit for every half gallon lacking, 5 *s.* and every perſon that ſhall corrupt the honey, ſold or to be ſold, with any deceitful mixture, ſhall forfeit the veſſel and honey; the one moiety to the queen, and the other to him that will ſue for the ſame. *ſ.* 4.

This act, as touching the marking of wax, ſhall not extend to any perſon ſelling the wax of their own bees in open markets in ſmall pieces: nor to any ſervants or other perſons mingling or corrupting wax by command of their maſter, ſo as they will confeſs the ſame. *ſ.* 5.

If any perſon ſhall counterfeit any the marks above mentioned, or ſhall ſet the mark of any other perſon without conſent, every ſuch offender ſhall forfeit 5 *l.* the one moiety to the queen, and the other moiety to the party deceived if he will ſue for the ſame, or otherwiſe, to any other perſon that ſhall ſue in any the queen's courts of record; and for non-payment to be ſet on the pillory in the next market-town, and ſuffer three months impriſonment. *ſ.* 6. *See* EXCISE diviſion, *Candles*.

Wears.

Mag. chart. 9 *Hen.* 3. *c.* 23. All wears ſhall be put down by *Thames* and *Medway*, and through *England*, but only by the ſea coaſts.

By 25 *Edw.* 2. *ſt.* 4. *c.* 4. All mills, wears, ſtanks, ſtakes, and kidels, ſet up in the time of king *Edward* I. and after, whereby ſhips and boats be diſturbed, ſhall be pulled down without being relevied; and thereupon writs ſhall be ſent to the ſheriffs, and juſtices ſhall be thereupon aſſigned, at all times needful.

By 45 *Edw.* 3. *c.* 2. The ſtatute 25 *Edw* 3. *c.* 4. ſhall be kept. And if any ſuch annoyance be done, it ſhall be pulled down by proceſs contained in the ſtatute; and he that ſhall relevy ſuch annoyance, and thereof be attainted, ſhall incur the pain of an hundred marks to the king, to be levied by eſtreats to the exchequer. And ſuch law ſhall hold of annoyance made by inhanſing of ſuch wears, &c. as by the new levying.

By 1 *Hen.* 4. *c.* 12. The ſtatutes 25 *Edw.* 3. *c.* 4. and 45 *Edw.* 3. *c.* 2. ſhall be duly executed. And commiſſions ſhall be made to juſtices in every county of *England* where need ſhall be, to ſurvey and keep the waters and great rivers, and to amend defaults, and make due execution of the ſaid ſtatutes, as well by their ſurvey, advice and diſcretion, as by inqueſt to be taken, and to hear and determine the things aforeſaid, and to ſurvey the wears, mills, ſtanks, ſtakes, and kifels, made before the time of king *Edward* I. and them that they find too much inhanſed or ſtraited to pull down and amend. And if any ſuch nuſances of wears, &c. in old time made, be judged to be pulled down and amended, he that hath the freehold ſhall make thereof execution at his own coſts within half a year after notice, upon pain of an hundred marks, to be paid to the king by eſtreats in the exchequer; and he that cauſeth them to be relevied, inhanſed, or ſtraited, againſt the ſaid judgment, and thereof be convict, ſhall incur the pain of an hundred marks. And in caſe any feel himſelf grieved by execution or other way in this behalf againſt right and reaſon, he ſhall purſue and have right and remedy.

By 4 *Hen.* 4. *c.* 11. *Enforced by* 1 Hen. 5. c. 2. Commiſſions ſhall be made to certain juſtices and other in every county where ſhall be needful, to inquire of all that is contained in the ſaid ſtatutes, and to puniſh the offenders by fine; ſaved to the king the pains compriſed in the ſtatutes, and that the eſtreats of ſuch fines be delivered by the juſtices to the ſheriff by indenture; and that the ſheriff pay off the iſſues and profits riſing of the eſtreats, to every of the juſtices for every day that he ſhall travel to exerciſe the commiſſion, 4 *s.* and that the ſheriffs have thereof allowance in the exchequer.

By 12 *Edw.* 4. *c.* 7. If by award of the commiſſioners aſſigned according to 1 *Hen.* 4. *c.* 12. it be found that any wears, fiſhgarths, mills, milldams, millſtanks, locks, ebbing wears, ſtakes, kiddels, hecks, or floodgates, be made, inhanſed, ſtraited or inlarged, againſt the ſtatute, the offenders being duly warned by the ſheriff by *ſcire facias*, and within three months they do not amend and break down the ſame, they ſhall forfeit an hundred marks, to be paid by eſtreats in the exchequer. *ſ.* 3.

If the offender, his heirs, or aſſigns, continue the ſame default, they ſhall forfeit an hundred marks; the one half to the king, and the other half to any of his people which will ſue for the ſame by original writ without fine in the chancery; no protection or eſſoin in the king's ſervice to be allowed. *ſ.* 4.

If any perſon, other than ſuch againſt whom ſuch judgment were made, being heir or aſſignee to them, do continue any wears, &c. they ſhall forfeit for every month an hundred marks; the one half to the king, and the other half to him that will ſue as aforeſaid. *ſ.* 6.

By 7 *Jac.* 1. *c.* 19. The wear and new milleate over the river *Exe* ſhall ſtand; and it ſhall be lawful for the mayor, bailiffs, and commonality, of *Exeter*, to have free paſſage to and from the ſaid new wear and milleate through all places convenient for repairing the ſame. *ſ.* 2.

For ſatisfaction to ſuch perſons which may be damnified by the ſaid new wear, upon complaint of ſuch parties the juſtices of aſſize for the county of *Devon*, or ſuch perſons as by them (calling the parties) ſhall be aſſigned, may either in the city of *Exeter*, or in the county of *Devon*, by oath examine all ſuch witneſſes as ſhall be produced; and thereupon award to the party grieved, either by the year or otherwiſe, ſuch recompence with coſts, to be by the mayor, bailiffs, and commonality, paid. *ſ.* 3.

For the money ſo awarded, it may be lawful for the ſaid parties grieved (upon refuſal of payment) to diſtrain in any of the lands belonging to the ſaid mayor, bailiffs, and commonalty, or to ſue them by action of debt in any of the courts of record. *ſ.* 4.

Weights and Meaſures.

Mag. chart. 9 *Hen.* 3. *c.* 25. One meaſure of wine ſhall be throughout the realm, and one meaſure of ale, and one meaſure of corn, *viz.* the quarter of *London*, and one breadth of dyed cloth, ruſſets, and haberjects, *viz.* two yards within the liſts. And it ſhall be of weights as of meaſures.

Ordin. for meaſures, 31 *Edw.* 1. An *Engliſh* peny called a ſterling ſhall weigh 32 wheat corns in the midſt of the ear, and 20 pence make an ounce, and 12 ounces a pound, and 8 pounds make a gallon of wine, and 8 gallons a *London* buſhel, which is the eighth part of a quarter.

Compoſitio ulnar. et pert. incert. temp. Three grains of barley dry and round make an inch, 12 inches a foot, three feet a yard, five yards and a half make a perch; and 40 perches and 4 in breadth make an acre. *Raſtal's abridgment.*

Ordin. for meaſuring land, 33 *Edw.* 1. *ſt.* 6. When an acre of land containeth 10 perches in length, it ſhall be in breadth 16 perches.

Ordin. for bakers, &c. incert. temp. c. 8. The ſtandard of buſhels, gallons, and ells, ſhall be ſealed with an iron ſeal of the king, and ſafe kept; under pain of 100 *l.* And no meaſure ſhall be in any town, unleſs it agree with the king's meaſure, and marked with the ſeal of the ſhire town. If any ſell or buy by meaſures unſealed, and not examined by the mayor or bailiffs, he ſhall be grievouſly amerced. And the meaſures of every town ſhall be examined twice in the year. If any be convict for a double meaſure, he ſhall be impriſoned for his falſehood, and grievouſly puniſhed.

Ordin. for bakers, &c. incert. temp. c. 9. The ſtandard ſhall be in cuſtody of the mayor and bailiffs, and ſix lawful perſons of the town being ſworn, before whom all meaſures ſhall be ſealed. No grain ſhall be ſold by the heap or cantle, except oats, malt, and meal.

Compoſit. de ponderib. incert. temp. The load of lead doth conſiſt of 30 formels, and every formel containeth 6 ſtone, except 2 pounds; and every ſtone doth conſiſt of 12 pounds, and every pound conſiſteth of the weight of 25 *s.* whereby the ſum in the formel is 70 *lb.* but the ſum of the ſtones in the load is 8 ſcore and 15. There is a weigh as well of lead as of wool, tallow, and cheeſe, and weigheth 14 ſtone; and 2 weighs of wool make a ſack, and 12 ſacks make a laſt. But a laſt of herrings containeth 10,000, and every 1000 ten 100, and every 100 ſix ſcore. A laſt of leather doth conſiſt of 20 diker, and every diker 10 ſkins; and a diker of gloves conſiſteth of 10 pair, a diker of horſe-ſhoes doth conſiſt of 10 ſhoes; a dozen of gloves, parchment, and vellom, contain 12 ſkins, and 12 pair of gloves. A 100 of wax, ſugar, pepper, cinnamon, nutmegs, and allom, containeth 13 ſtone and half, and every ſtone 8 pounds. The ſum of pounds in a hundred, 108 *lb.* The pound of pence, ſpices, confections, *&c.* conſiſteth of 20 *s.* but the pound of all other things weigheth 25 *s.* of confections, the pound containeth 12 ounces, and an ounce 20 *d.* A hundred of canvas and linen cloth conſiſteth of 100 ells, and every hundred containeth ſix ſcore; but the 100 of iron and ſhillings conſiſteth but of five ſcore; the dozen of iron conſiſteth of ſix pieces; the ſeem of glaſs containeth 24 ſtone, and every ſtone 5 pounds; a binn of eels conſiſteth of ten ſtrikes, and every ſtrike 25 eels; but the binn of ſkins conſiſteth of 33 ſkins; a timber of coney ſkins and grays conſiſteth of 40 ſkins; a chef of fuſtian conſiſteth of 14 ells; a chef of ſindon containeth ten ells; a hundred of garlic conſiſteth of 15 ropes, and every rope containeth 15 heads; a hundred hard fiſh is 8 ſcore.

By 14 *Edw.* 3. *ſt.* 1. *c.* 12. The treaſurer ſhall cauſe to be made ſtandards of buſhels, gallons and weights, of braſs, and ſend the ſame into every county; and there ſhall be aſſigned two perſons in every county, or more, to ſurvey that the meaſures and weights be according to the ſtandard; and they have power to enquire, hear and determine, and to puniſh all that ſhall be found guilty; and the ſheriffs at their command ſhall retain them in priſon till they have made fine to the king; and every perſon that will complain of ſuch as offend in buying or ſelling, ſhall be heard as well for the king as for themſelves. *ſ.* 1.

The ſaid aſſignees ſhall deliver their eſtreats every year in the morrow of St. *Michael* at the exchequer, and take for their expences the fourth part of that they may levy, and anſwer to the king of the three parts, but the clerk of the market ſhall do his office as in times paſt; lords of franchiſes ſhall not be put out of their franchiſes by this ordinance. *ſ.* 2.

By 18 *Edw.* 3. *c.* 4. Commiſſions to eſſay meaſures, ells and weights, ſhall not iſſue.

By 25 *Edw.* 3. *ſt.* 5. *c.* 9. The weight called aunſel ſhall be taken away; and every ſale and buying ſhall be by the balance, ſo that the balance be even; and the ſack of wool ſhall weigh but 26 ſtone, every ſtone 14 pound; and if any buyer do the contrary, he ſhall be grievouſly puniſhed, as well at the ſuit of the party, as at the king's ſuit.

By 25 *Edw.* 3. *ſt.* 5. *c.* 10. All meaſures, *viz.* buſhels, half buſhels, peck, gallon, pottel and quart, ſhall be according to the king's ſtandard; and the quarter ſhall contain 8 buſhels; and every meaſure of corn ſhall be ſtriked without heap; ſaving the rents and farms of lords, which ſhall be meaſured as in times paſt; and at all times needful the king ſhall aſſign juſtices in every county to enquire, hear and determine, upon the points aforeſaid, as well at the party's ſuit as at the king's; ſo that all franchiſes be ſaved to the lords.

By 27 *Edw.* 3. *ſt.* 2. *c.* 10. One weight, one meaſure, and one yard, ſhall be through all the land; and wools, and all goods of weights, ſhall be weighed by the balance, ſo that the balance be even; and he that doth againſt this, to the damage of the ſeller, ſhall forfeit to the king the value of the merchandize, and the party that will complain ſhall have the quadruple of that, that he ſhall be endamaged, and the treſpaſſer ſhall have one year's impriſonment, and be ranſomed at the king's will; and juſtices ſhall be aſſigned to enquire of ſuch treſpaſſes at all times needful.

By 13 *Ric.* 2. *c.* 4. The clerk of the market of the king's houſe ſhall execute his office duly, and all falſe weights and meaſures ſhall be burnt; and the ſaid clerk ſhall take no common fine, but every one ſhall be puniſhed according to their deſert; and he ſhall not ride with above ſix horſes, and ſhall tarry no longer in a place than need requireth; and if he offend againſt this ſtatute, he ſhall pay to the king for the firſt time 5 *l.* for the ſecond 10 *l.* for the third 20 *l.*

By 13 *Ric.* 2. *c.* 9. One meaſure and one weight ſhall be through *England*; and every man that ſhall be convict that he hath any other meaſure or weight, ſhall have impriſonment of half a year, and make gree to the party grieved to the double of his loſs, except it be in the county of *Lancaſter*, becauſe in that county it hath always been uſed to have greater meaſure; and none ſhall buy or ſell wool at more weight than 14 pound the ſtone, upon pain to pay the double to him that is grieved, and make fine and ranſom to the king; and none ſhall make other refuſe of wool but cot, gare and villein; and none ſhall buy wool by the words *good packing*, or the like, upon pain the broker to have impriſonment half a year, and the buyer to make fine, and the party grieved to have double damages.

By 15 *Ric.* 2. *c.* 4. The ſaid ſtatutes ſhall be firmly kept, as well in *London* as in any other place, as well by water as by land; and none ſhall buy corn nor malt but after eight buſhels the quarter, according to the ſaid ſtatutes, upon pain of forfeiture of the corn or malt ſo bought; ſaving to the king the forfeiture, except franchizes royal, to whom the king hath granted the ſame forfeit: and as well the mayor and ſheriffs of *London*, as the mayors and bailiffs of other cities, boroughs, towns, and markets (if they do not thereof due execution) ſhall incur like pain, as well at the ſuit of the king, as of the party or any other that will ſue for the king.

By 16 *Ric.* 2. *c.* 3. All weights and meaſures through the

the realm ſhall be according to the ſtandard of the exchequer; and the clerk of the market ſhall have all his meaſures and weights of braſs, according to the ſtandard and marks of the exchequer; and the ſame weights and meaſures ſo marked ſhall bring with him, at all times that he ſhall make the eſſay of weights and meaſures; and none ſhall uſe other meaſure nor weight, upon the pains contained in the ſtatutes.

By 1 *Hen.* 5. *c.* 10. None ſhall buy corn by other meaſure but eight buſhels ſtriked for the quarter; and if any buy corn otherwiſe, or by other meaſure, and thereof be attainted, he ſhall have one year's impriſonment, and pay to the king 100*s.* and to the party grieved other 100*s.* and the party which will ſue ſhall have an action upon the caſe: and the juſtices of peace have power to enquire and hold plea of theſe things, as well at the ſuit of the king as of the party; and nothing ſhall be taken for meaſuring of corn. *ſ.* 2.

By 2 *Hen.* 6. *c.* 11. No man ſhall bring into the realm, nor make within the realm, a tun of wine, except it contain of *Engliſh* meaſure 252 gallons, the pipe 126 gallons, and ſo after the rate the tertian and the hogſhead of *Gaſcoin* wine, upon pain of forfeiture of the wine; nor barrel of herring, nor of eels, unleſs they contain 30 gallons; nor but of ſalmon, unleſs it contain 84 gallons; nor kilderkins, tertians and firkins, of herring, nor of eels, nor of ſalmon, but after the rate, fully packed; upon pain of forfeiture of the herring, eels, and ſalmon, to the lord of the town, and he that will ſue ſhall have the fourth part of the forfeiture: and the juſtices of peace, and mayors and bailiffs, having power to enquire of the peace, ſhall enquire, hear and determine, the ſame defaults; and this ordinance ſhall extend as well within the county of *Cheſter* as elſewhere.

By 8 *Hen.* 6. *c.* 5. In every city, borough and town, common balance ſhall be, with common weights ſealed, according to the ſtandard of the exchequer, at the common coſts of the city, *&c.* in the keeping of the mayor or conſtable, at which balance all the inhabitants may freely weigh, without paying; taking nevertheleſs of foreigners for every draught within the weight of 40 *lb.* a farthing, and for every draught betwixt 40 *lb.* and 100, an halfpenny, and for every draught betwixt 100 *lb.* and 1000 *lb.* 1 *d.* whereof the weights ſhall be maintained, and the officers rewarded; and no man ſhall uſe weight nor meaſure, nor other thing in the place of weight or meaſure, that is not ſealed according to the ſtandard, nor put any thing to the ſame that may increaſe the meaſure or weight, upon pain of two years impriſonment, and fine and ranſom. And the juſtices of peace, mayors, bailiffs and ſtewards of franchiſes, ſhall have power to examine the treſpaſſers, and enquire of offenders againſt this ordinance; and every city, upon pain of 10 *l.* every borough, upon pain of 100*s.* and every town, where a conſtable is, upon pain of 40*s.* ſhall have a common balance with weights. *ſ.* 2.

By 11 *Hen.* 6. *c.* 8. In every city, borough, and town, there ſhall be a common buſhel ſealed according to the ſtandard in the exchequer, upon the ſame pain as in 8 *Hen.* 6. *c.* 5. is ſpecified of a common balance; and the mayor of *London*, and all other mayors and bailiffs, and all juſtices of peace in every county, ſhall have power to put the ſtatutes aforeſaid in execution, and hear and determine all offences againſt the ſame, as well at the ſuit of the king as of the party grived, and of any other of the king's people which will ſue for the king, and that as well by examination of the parties, as by iſſues tried, and other proceſs; and he that is attainted of any default againſt the ſtatute 1 *Hen.* 5. *c.* 10. ſhall pay to him, at whoſe ſuit he is attainted, 100*s.* and his coſts, and to the king another 100*s.*; and as well the mayor of *London*, at his firſt coming to the exchequer before the treaſurer and barons of the exchequer, as every of the other mayors and bailiffs, in their oaths for their offices, ſhall be ſworn to keep the ſtatutes aboveſaid; and all the mayors and bailiffs of cities and boroughs, accountable in the exchequer, ſhall yearly account of the forfeitures that may appertain to the king by the ſaid ſtatutes, ſaving to lords, cities and boroughs, their liberties.

By 11 *Hen.* 7. *c.* 4. To the knights and citizens in this preſent parliament, barons of the five ports, and certain burgeſſes, ſhall be delivered one of every weight and meaſure of braſs according to the ſtandard in the exchequer, and the ſaid knights, *&c.* ſhall convey the ſame by the citizens to their cities, and by the knights unto ſuch borough or town corporate, or market town within the ſhire, as is ſpecified in a ſchedule unto this bill annexed, there to remain in the keeping of the mayor, bailiff, or other head officer, as the king's ſtandard; and the inhabitants of all cities, boroughs and market towns, ſhall cauſe to be made common meaſures and weights, according to the weights and meaſures aboveſaid, to remain with the ſame cities, *&c.* the ſame to be examined and marked by the mayor, bailiff, or other head officer, in whoſe poſſeſſion the ſtandard ſhall remain; and every mayor, bailiff, or other head officer, having the ſaid weights and meaſures ſigned with a letter *H.* crowned, ſhall ſign like weights and meaſures unto every the ſubjects requiring the ſame, taking for marking of every buſhel 1 *d.*; and no perſon within any city, borough, or market town, ſhall buy or ſell with any weight or meaſure, except it be marked in manner aforeſaid, nor any other perſon out of the ſaid cities, *&c.* except it be equal with the ſtandard, and every perſon ſhall buy and ſell with a buſhel ſealed; and all mayors and other head officers of every city, borough or market town, ſhall cauſe twice in the year, or oftener, all weights and meaſures to be brought afore them, and ſuch as they ſhall find defective to be broken and burnt, and the parties which have offended ſhall forfeit for the firſt time 6*s.* 8*d.* to the ſaid mayor, and the ſecond time 13*s.* 4*d.* and the third time 20*s.* and be ſet upon the pillory; and two juſtices of peace, whereof one of the *quorum*, ſhall have authority, as well by examination as by enquiry, to hear and determine the defaults of the mayors and other head officers, and alſo of all buyers and ſellers doing contrary to this act, and to ſet fine and amercement upon the offenders. There ſhall be but eight buſhels ſtriken to the quarter of corn; and 14 *lb.* to the ſtone of wool, and 26 ſtone to the ſack. The juſtices of peace ſhall make like proceſs againſt all perſons found as aboveſaid defective, as if they were indicted for breaking the peace; and where by other ſtatutes it is ordained that every city, borough and town that hath a conſtable, ſhould have common weights and meaſures ſealed, upon penalty in the ſame limited, thoſe penalties ſhall not extend to any town which is no city, borough or market town. Provided that this act ſhall not extend unto any perſon ſelling or buying by water meaſure within ſhip-board; and the ſaid water meaſure ſhall only contain five pecks after the ſaid ſtandard ſtricken. The examination of the faults aboveſaid within the five ports ſhall be by the lord warden, or his lieutenant. This act ſhall not extend to the prince within the duchy of *Cornwall*, for any weights belonging to the coinage of tin within *Cornwall* and *Devonſhire*.

The names of towns limited for the cuſtody of weights and meaſures, viz. Apulby, Newcaſtle, Carleol, Lancaſter, York, Lincoln, Derby, Nottingham, Leiceſter, Coventry, Uppingham, Northampton, Bedford, Buckingham, Cambridge,

bridge, Hnntington, Norwich, Saint Edmondbury, Chelmsford, Hertford, Weſtminſter, Maidſtone, Guildford, Lewes, Oxonford, Reading, Shrewſbury, Stafford, Hereford, Glouceſter, Worceſter, Saliſbury, Wincheſter, Ilcheſter, Dorcheſter, Exeter, Leſtudiel, London, Briſtol, Dover, Southampton, Cheſter.

By 12 *Hen.* 7. *c.* 5. The meaſure of the buſhel ſhall contain eight gallons of wheat, and every gallon 8 *lb. troy*, and every pound 12 ounces, and every ounce 20 ſterlings, and every ſterling 32 corns of wheat in the midſt of the ear, according to the old laws. And new buſhels and gallons ſhall be made, and remain in the treaſury; and every city, borough and town, which have any buſhel or gallon, ſhall carry a buſhel and gallon to be made as aforeſaid at the coſts of the ſame city, &c. there to remain. The act 11 *Hen.* 7. *c.* 4. to ſtand in ſtrength with his penalties upon the ſaid buſhel and gallons new to be made, upon pain of 20 *l.* upon every city, borough, town, or other place, having the keeping of the common meaſures, that keep any other buſhel or gallon than is ordained by this act.

By 13 *Eliz. c.* 11. The aſſize of 32 gallons wine meaſures, which is about 28 gallons old ſtandard, well packed, and containing uſually 1000 full herrings at leaſt, ſhall be good aſſize of herring barrels. *ſ.* 5.

By 16 *Car.* 1. *c.* 19. There ſhall be one weight and one meaſure, according to the ſtandard of the exchequer, throughout the realm; and every meaſure of corn ſhall be ſtriked without heap; and whoſoever ſhall ſell, buy, or keep any other weight or meaſure, whereby any thing is bought or ſold, ſhall forfeit for every offence 5 *s.* being thereof convicted by the oath of one witneſs before a juſtice of peace, mayor, or other head officer; which forfeiture ſhall be levied by the churchwardens and overſeers of the poor (or one of them) where the offence ſhall be committed, to the uſe of the poor, by diſtreſs and ſale of goods; and in default of diſtreſs, the juſtice, mayor, or head officer, may commit the offender to priſon, until he pay the ſum forfeited. *ſ.* 2.

The clerk of the market of the king's or prince's houſehold ſhall only execute their offices within the verge; and head officers of corporations, and lords of liberties and their deputies, may execute the ſaid offices in their precincts. *ſ.* 3.

If any of the officers aforeſaid ſhall ſeal any weight or meaſure, which is not agreeable to the ſtandard, or ſhall refuſe to ſeal ſuch as are agreeable (paying only ſuch fees as are warranted by ſtatute or ancient cuſtom) they and their deputies ſhall forfeit 5 *l.* to be levied as aforeſaid, to the uſe of the poor. *ſ.* 4.

If they ſhall take any common fine, fee, or other ſum of money, than what are allowed by ſtatute or ancient cuſtom, for the ſigning or examination of any weights or meaſures which have been formerly marked or ſealed, or ſhall impoſe any fine or amerciament without a legal trial of the offence, or ſhall otherwiſe miſdemean themſelves in their office, they ſhall forfeit for the firſt offence 5 *l.* for the ſecond 10 *l.* and for every other offence 20 *l.* to be levied as aforeſaid, to the uſe of the poor. *ſ.* 5.

He that is fined or amerced by this act, ſhall not be again puniſhed for the ſame offence by any former law. *ſ.* 6.

This act ſhall not extend to the meaſure of rent corn, nor to water meaſure in ports. *ſ.* 7.

If any officer, authorized to execute this ſtatute, ſhall be impleaded for any act he ſhall do therein, he may plead the general iſſue *not guilty*. *ſ.* 8.

If he be found not guilty, or the plaintiff be nonſuited, he ſhall recover treble coſts. *ſ.* 9.

By 22 *Car.* 2. *c.* 8. The clauſe in 16 *Car.* 1. *c.* 19. that water meaſure ſhall be continued as formerly, ſhall be repealed as to the meaſuring of corn ground or unground, or ſalt; and if any perſon ſhall ſell any corn or ſalt uſually ſold by the buſhel by any other meaſure than that which is agreeable to the ſtandard in his majeſty's exchequer, called the *Wincheſter* meaſure, containing 8 gallons to the buſhel, ſtruck even by the brim by the ſeller, and ſealed, he ſhall forfeit 40 *s.* to be levied as in the ſaid act, by warrant of any juſtice of peace. *ſ.* 2.

If any mayor or other head officer of any city, borough, or liberty, ſhall knowingly and wilfully ſuffer any perſon to ſell or buy corn or ſalt by any other meaſure, or ſhall ſuffer any other meaſure to be uſed, or if upon complaint of the breach of this ſtatute they ſhall not duly puniſh the ſame, they upon conviction thereof by preſentment or indictment before the juſtices of peace of the county at the general ſeſſions ſhall forfeit 5 *l.* one moiety to the informer, the other moiety to the poor of the pariſh, to be levied by diſtreſs and ſale of goods; and for default of diſtreſs, by impriſonment by warrant of the juſtices. *ſ.* 3.

If the clerk of the market within the verge, or the mayor or other head officer, lord of liberty, or other perſon authorized to ſeal meaſures, ſhall neglect, being required, to ſeal any buſhel, half buſhel or peck, duly gauged, he ſhall forfeit for the firſt offence 5 *l.* and for every other offence 10 *l.* to be levied as aforeſaid; or if the clerk of the market within the verge ſhall take more than the lawful fees, or if any other perſon ſhall exact more than one penny for the ſealing of a buſhel, or one halfpenny for a half buſhel or peck, or one farthing for the ſealing of any meaſure containing one gallon, pottle, quart, pint or half pint, he ſhall incur the penalties in the afore named ſtatute. *ſ.* 4.

At the charge of ſuch perſons who ſhall have the profit of the market within any city, corporation or market town, there ſhall be one meaſure of braſs provided and chained in the public market place, upon pain to forfeit for every perſon ſo neglecting 5 *l.* as by this act directed; one moiety to the poor of the pariſh, the other moiety to him that ſhall ſue for the ſame. *ſ.* 5.

All conſtables are required to ſearch if any perſons uſe any other meaſure, or ſhall ſtrike the ſame in other manner than this act directs, or ſell or buy by a meaſure unſealed; and in caſe they find any ſuch unſealed meaſure, to break the ſame; and for every offence againſt this act, ſhall preſent ſuch offender at the next private or quarterly ſeſſions. *ſ.* 6.

No perſon puniſhed for any offence by virtue of this act, ſhall be queſtioned for the ſame offence by virtue of any other act. *ſ.* 7.

No perſon ſhall take any toll, but according to ſuch proportion as the meaſures in this act appointed bear unto the meaſures whereby the ſame have been uſually taken. *ſ.* 8.

By 22 & 23 *Car* 2. *c.* 12. Every perſon who ſhall ſell or buy any corn, ground or unground, or ſalt, by the bag, or without meaſuring, being thereunto required, or in any other manner than as is by 22 *Car.* 2. *c.* 8. directed, and that without ſhaking the meaſure by the buyer, ſhall forfeit, beſide the penalty of the former act, all corn or ſalt bought or ſold contrary to this act, or the value thereof, to the perſon complaining. *ſ.* 2.

On complaint made to any juſtice of peace, that any corn or ſalt hath been ſold contrary to this act, the proof ſhall lie upon the defendant; wherein if ſuch perſon fail, he ſhall forfeit as by this act, to be levied by diſtreſs and ſale of goods by warrant of one juſtice before whom he ſhall be convicted;

convicted; which penalties ſhall by the juſtices be diſtributed, one half to the poor of the pariſh, and the other half to the informer. *ſ.* 3.

Where in markets there is not a clerk of the market to ſeal meaſures, the mayor, bailiffs, or head officer, or other perſon who hath the benefit of ſuch market, are required to ſeal all meaſures duly gauged that ſhall be brought to them, taking no more than is by the ſaid act appointed. *ſ.* 4.

It ſhall be lawful for every perſon to whom any ſalt, rent-corn, or tithe-corn, is due by any leaſe or cuſtom, to take ſuch rent, or duties of ſalt and corn, or the value thereof, according to the proportion, and by the like meaſures, as the ſame were due before this parliament. *ſ.* 5.

By 13 & 14 *Will.* 3. *c.* 5. Every round buſhel with a plain bottom, 18 inches and a half wide throughout, and 8 inches deep, ſhall be a legal *Wincheſter* buſhel, according to the ſtandard in his majeſty's exchequer. *ſ.* 28.

By 1 *Ann. ſt.* 1. *c.* 15. The water meaſure ſhall be round, and in diameter 18 inches and an half within the hoop, and 8 inches deep, and ſo in proportion; and every water meaſure, by which apples and pears are ſold, ſhall be heaped as uſually; and whoſoever ſhall ſell or buy apples or pears by other meaſure ſhall forfeit 10*s.* one half to the informer, and the other half to the poor of the pariſh, being thereof convicted by oath of one witneſs before any juſtice of peace, mayor, or other head officer; which ſum of 10*s.* ſhall be levied by warrant from the juſtice, *&c.* by the petty conſtable of the pariſh, of the goods of ſuch offenders, by diſtreſs and ſale. *ſ.* 1.

This act ſhall not extend to any meaſures ſealed by the maſters, wardens, aſſiſtants and commonalty, of the freemen of the art of fruiterers of the city of *London*, to be uſed in meaſuring fruit ſold by them in the city, or within three miles diſtance from the ſame. *ſ.* 2. *See* Gauging.

Wills.

By 32 *Hen.* 8. *c.* 1. Every perſon, having any manors, lands or hereditaments, holden in ſocage, ſhall have power to give and deviſe, as well by his laſt will and teſtament in writing, or otherwiſe by any act lawfully executed in his life, all his ſaid hereditaments, or any of them. *ſ.* 1.

Provided that every perſon ſhall pay reliefs and heriots as before. *ſ.* 14.

By 34 & 35 *Hen.* 8. *c.* 5. Perſons having a ſole eſtate in fee ſimple, or ſeized in fee ſimple in coparcenary, or in common, of lands or other hereditaments, in poſſeſſion, reverſion, or remainder, ſhall have power to give or deviſe to any perſons (except bodies corporate) by his laſt will and teſtament in writing, or otherwiſe by act lawfully executed in his life, as much as in him of right is, his ſaid lands and hereditaments, or any of them, or any rents or profits out of the ſame, at his pleaſure. *ſ.* 4.

Wills made of lands or hereditaments, by any woman covert, or perſon within the age of one and twenty years, idiot, or *de non ſane memorie*, ſhall not be good in law. *ſ.* 14.

By 29 *Car.* 2. *c.* 3. All deviſes of lands deviſeable, either by the ſtatute of wills, or by this ſtatute, or by cuſtom, ſhall be in writing, ſigned by the party deviſing, or by ſome other in his preſence, and by his expreſs directions, and ſhall be atteſted and ſubſcribed in the preſence of the deviſor by three or four credible witneſſes, or elſe they ſhall be void. *ſ.* 5.

No deviſe in writing of lands or hereditaments, or any clauſe thereof, ſhall be revocable, otherwiſe than by ſome other will or codicil in writing, or other writing declaring the ſame, or by burning, cancelling, tearing, or obliterating the ſame, by the teſtator himſelf, or in his preſence, and by his directions and conſent. *ſ.* 6. *See ſect.* 12. *in* Life Eſtates.

No nuncupative will ſhall be good, where the eſtate bequeathed ſhall exceed the value of 30*l.* that is not proved by the oaths of three witneſſes that were preſent at the making thereof, nor unleſs it be proved that the teſtator, at the time of pronouncing the ſame, did bid the perſons preſent, or ſome of them, bear witneſs, that ſuch was his will, or to that effect; nor unleſs ſuch nuncupative will were made in the time of the laſt ſickneſs of the deceaſed, and in the houſe of his habitation, or where he hath been reſident ten days next before the making of ſuch will, except where ſuch perſon was taken ſick, being from his own home, and died before he returned. *ſ.* 19.

After ſix months paſſed after the ſpeaking of the pretended teſtementary words, no teſtimony ſhall be received to prove any will nuncupative, except the teſtimony, or the ſubſtance thereof, were committed to writing within ſix days after the making of the will. *ſ.* 20.

No letters teſtamentary, or probate, of any nuncupative will, ſhall paſs the ſeal of any court, till 14 days after the deceaſe of the teſtator be expired; nor ſhall any nuncupative will be received to be proved, unleſs proceſs have firſt iſſued to call in the widow, or next of kin to the deceaſed. *ſ.* 21.

No will in writing concerning any goods, or perſonal eſtate, ſhall be repealed, nor ſhall any clauſe or bequeſt therein be altered, by any words, or will by word of mouth only, except the ſame be in the life of the teſtator committed to writing, and read to the teſtator, and allowed by him, and proved to be ſo done by three witneſſes. *ſ.* 22.

Any ſoldier being in actual military ſervice, or any mariner being at ſea, may diſpoſe of his moveables, wages, and perſonal eſtate, as before this act. *ſ.* 23.

Nothing in this act ſhall alter the juriſdiction or right of probate of wills concerning perſonal eſtates. *ſ.* 24.

By 4 *Will. & Mar. c.* 2. It ſhall be lawful for any perſon inhabiting, or who ſhall have any goods, within the province of *York*, by their laſt wills and teſtaments, to give and diſpoſe of all their goods and perſonal eſtate to their executors, or as they ſhall think fit, in as ample manner as within the province of *Canterbury*; and the widows, children, and other the kindred of ſuch teſtators, ſhall be barred to claim any part in any other manner than as by the ſaid wills and teſtaments is appointed. *ſ.* 2.

Nothing in this act ſhall extend to the citizens of *York* and *Cheſter*, who are, or ſhall be freemen of the ſaid cities, inhabiting therein at the time of their death, but every ſuch citizen's widow and children ſhall have ſuch reaſonable part of the teſtator's perſonal eſtate, as they ought by the cuſtom of the province of *York*. *ſ.* 3.

By 2 *Ann. c.* 5. The ſaid proviſo 4 *Will. & Mar. c.* 2. *ſ.* 3. ſo far as the ſame concerns the citizens of *York*, ſhall be repealed. *ſ.* 1.

This act ſhall be a public act. *ſ.* 2.

By 4 & 5 *Ann. c.* 16. All ſuch witneſſes as are allowed to be good witneſſes upon trials at law, ſhall be deemed good witneſſes to prove any nuncupative will, or any thing relating thereto. *ſ.* 14.

By 25 *Geo.* 2. *c.* 6. If any perſon atteſt the execution of any will or codicil, made after the 24th of *June* 1752, to whom any beneficial deviſe, legacy, eſtate, intereſt, gift or appointment of, or affecting any real or perſonal eſtate, except

cept charges on lands or hereditaments for payment of debts, is thereby given or made, ſuch deviſe, &c. ſhall ſo far only as concerns ſuch perſon atteſting ſuch will or codicil, or any perſon claiming under him, be void; and ſuch perſon ſhall be admitted as a witneſs to the execution of ſuch will or codicil, within the intent of 29 *Car.* 2. *c.* 3. *ſ.* 1.

In caſe by any will or codicil already made, or hereafter to be made, any lands or hereditaments be charged with any debts, and any creditor, whoſe debt is ſo charged, hath atteſted, or ſhall atteſt the execution of ſuch will or codicil, every ſuch creditor ſhall be admitted as a witneſs to the execution of ſuch will or codicil. *ſ.* 2.

If any perſon hath atteſted the execution of any will or codicil already made, or ſhall atteſt the execution of any will or codicil to be made on or before the ſaid 24th of *June* 1752, to whom any legacy is thereby given, and ſuch perſon, before he give his teſtimony concerning the execution of any ſuch will or codicil, be paid, or have releaſed, or refuſed ſuch legacy upon tender thereof, ſuch perſon ſhall be admitted as a witneſs to the execution of ſuch will or codicil. *ſ.* 3.

In caſe of ſuch tender and refuſal as aforeſaid, ſuch perſon ſhall not be entitled to ſuch legacy, but ſhall be for ever barred therefrom; and in caſe of ſuch acceptance as aforeſaid, ſuch perſon ſhall retain to his own uſe the legacy ſo paid, notwithſtanding ſuch will or codicil afterwards be adjudged void, for want of due execution, or for any other cauſe. *ſ.* 4.

In caſe any ſuch legatee, who hath atteſted the execution of any will or codicil already made, or ſhall atteſt the execution of any will or codicil, to be made on or before the 24th of *June* 1752, ſhall have died in the life of the teſtator, or before he have received or releaſed, or refuſed ſuch legacy on tender, ſuch legatee ſhall be deemed a legal witneſs to the execution of ſuch will or codicil, within the 29 *Car.* 2. *c.* 3. *ſ.* 5.

The credit of every ſuch witneſs ſo atteſting the execution of any will or codicil, and all circumſtances relating thereto, ſhall be ſubject to the conſideration of the court and the jury, before whom ſuch witneſs is examined, or his teſtimony or atteſtation made uſe of; or of the court of equity in which his teſtimony or atteſtation is made uſe of. *ſ.* 6.

No perſon to whom any beneficial eſtate, intereſt, gift, or appointment, ſhall be given or made, which is hereby enacted to be void, or who ſhall have refuſed any ſuch legacy on tender, and who ſhall have been examined as a witneſs concerning the execution of ſuch will or codicil, ſhall, after being ſo examined, demand or take poſſeſſion of, or receive, any profits from any ſuch eſtate, intereſt, gift, or appointment; or demand or receive any ſuch legacy or any ſatisfaction for the ſame. *ſ.* 7.

This act ſhall not extend to the caſe of any heir at law, or of any deviſee, in a prior will or codicil of the ſame teſtator, executed and atteſted according to the 29 *Car.* 2. *c.* 3. or any perſon claiming under them reſpectively, who has been in quiet poſſeſſion for two years next preceding the 6th of *May* 1751, as to ſuch lands and hereditaments, whereof he has been in quiet poſſeſſion; and this act ſhall not extend to any will or codicil, the validity or due execution whereof hath been conteſted in any ſuit in law or equity commenced by the heir or the deviſee in any ſuch prior will or codicil, for recovering the lands or hereditaments deviſed in any will or codicil ſo conteſted, or for obtaining any other judgment or decree relative thereto, on or before the ſaid 6th of *May* 1751, and which has been already determined in favour of ſuch heir at law, or deviſee in ſuch prior will or codicil, or any perſon claiming under them reſpectively, or which is ſtill depending, and has been proſecuted with due diligence. *ſ.* 8.

No poſſeſſion of any heir at law, or deviſee in ſuch prior will or codicil as aforeſaid, or of any perſon claiming under them reſpectively, which is conſiſtent with, or may be warranted by any will or codicil atteſted according to the meaning of this act, or where the eſtate deſcended or might have deſcended, to ſuch heir at law, till a future or executory deviſe by virtue of any will or codicil atteſted according to this act ſhould take effect, ſhall be deemed a poſſeſſion within the meaning of the clauſe herein laſt before contained. *ſ.* 9.

This act ſhall extend to ſuch of the *Britiſh* colonies in *America* where the ſaid act 29 *Car.* 2. *c.* 3. is by act of aſſembly made, or by uſage received as law, or where by act of aſſembly or uſage the atteſtation and ſubſcription of a witneſs or witneſſes are made neceſſary to deviſes of lands or hereditaments; and ſhall have the ſame force in the conſtruction of, or for the avoiding of doubts upon, the ſaid acts of aſſembly, and laws of the ſaid colonies, as the ſame ought to have in the conſtruction of, or for the avoiding doubts upon, the ſaid 29 *Car.* 2. *c.* 3. in *England*. *ſ.* 10.

As to caſes ariſing in any of the ſaid colonies in *America*, no ſuch deviſe or legacy as aforeſaid ſhall be made void by this act, unleſs the will or codicil whereby ſuch deviſe or legacy be given be made after the 1ſt of *March* 1753. *ſ.* 11. *See* Emblements, Frauds, Uſes.

Wines.

By 4 *Edw.* 3. *c.* 12. A cry ſhall be made, that none ſell wines, but at a reaſonable price; and that aſſay be made of ſuch wines two times every year, at *Eaſter* and *Michaelmas*, and more often if need be, by the lords of towns and their bailiffs, and alſo by the mayor and bailiffs; and all the wines that be found corrupt, ſhall be poured out, and the veſſels broken; and the chancellor and treaſurer, juſtices of the one bench and the other, and juſtices of aſſize, ſhall have power to enquire upon the mayors, bailiffs and miniſters of towns, if they do not according to this ſtatute, and to puniſh as reaſon ſhall require.

By 28 *Hen.* 8. *c.* 14. The lord chancellor, lord preſident of the council, lord privy ſeal, and the two chief juſtices, or three of them, ſhall have power to ſet the prices of wines, *viz.* of the butt, tun, pipe, hogſhead, puncheon, tierce, barrel, or rundlet, when it ſhall be ſold in groſs, ſo that they cauſe the prices to be written, and proclamation thereof to be made in the chancery in term time, or elſe in the city or town where any ſuch wines ſhall be ſold in groſs. *ſ.* 2.

If any perſon, after ſuch prices be ſet, and proclamation thereof had, ſell any wines in groſs, by fraud, contrary to the ſaid prices proclaimed, he ſhall forfeit for every veſſel 40 *s.* the one half to the king, and the other half, if within a city, borough, or town corporate, to the mayors, ſheriffs, bailiffs, or other head rulers, of ſuch cities, &c. and if without city, &c. to ſuch of the king's ſubjects as will ſue for the ſame. *ſ.* 3.

The juſtices of peace, and all mayors, ſheriffs, bailiffs, and other head officers in cities, boroughs, and towns corporate, ſhall have power to hear, enquire and determine, the defaults of ſuch as ſhall ſell any wines contrary to this act, and to puniſh the offenders by impriſonment or otherwiſe. *ſ.* 4.

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By 7 *Edw.* 6. *c.* 5. It ſhall not be lawful to any perſon to keep any tavern, or to ſell or utter by retail, by the gallon, or leſs or greater meaſure, any *French* wines, except it be in cities, towns corporate, boroughs, port towns or market towns, or in the towns of *Graveſend*, *Sittingborn*, *Tuxford*, or *Bagſhot*, upon pain that every perſon that ſhall ſo offend ſhall forfeit for every day 10 *l.* nor ſhall it be lawful to any perſon to keep any tavern, or ſell by retail in any city, borough, or town corporate, any wines, but only ſuch perſons as ſhall be appointed by the head officers, and the common council, aldermen, burgeſſes, jurats, or commonalty of ſuch city, *&c.* by writing under the common ſeal of ſuch city, *&c.* and the ſaid appointment ſhall continue at the pleaſure of the head officer, and the common council, aldermen, burgeſſes, jurats, or commonalty; nor ſhall it be lawful to any perſon to keep any tavern, or to ſell wine by retail, in any city, borough, port town or market town, not corporate, or in *Graveſend*, *Sittingborn*, or *Bagſhot*, but only ſuch as ſhall be aſſigned by the juſtices of peace of ſuch county at the general ſeſſion, by writing under ſeal of the juſtices, and to be continued or changed by like authority; upon pain that every perſon that ſhall retail wine, being not licenſed as aforeſaid, ſhall forfeit for every day 5 *l.* Nor ſhall any perſons, having authority to appoint what perſons ſhall ſell wine by retail, appoint more taverns at one time in any one city, *&c.* (every town hereafter named except) than two wine cellars or taverns; and it ſhall not be lawful to any perſon, having authority to appoint taverns, to appoint in *London* above 40 taverns, and in *York* eight, in *Norwich* four, in *Weſtminſter* and in *Briſtol* ſix, in *Lincoln* three, in *Kingſton upon Hull* four, in *Shrewſbury* three, in *Exeter* four, in *Saliſbury* three, in *Glouceſter* four, in *Weſtcheſter* four, in *Hereford Eaſt* three, in *Worceſter* three, in *Southampton* three, in *Canterbury* four, in *Ipſwich* three, in *Wincheſter* three, in *Oxford* three, in *Cambridge* four, in *Colcheſter* three, in *Newcaſtle upon Tyne* four, upon pain to forfeit for every appointment contrary to this act 5 *l.* *ſ.* 3.

No perſon ſhall ſell by retail any wines to be drank in his houſe, or other place in his occupation, upon pain to forfeit 10 *l.* the one half to the king, and the other half to him that will ſue for the ſame, in any of the king's courts of record. *ſ.* 4.

Provided that it ſhall be lawful to merchants adventuring for the ſame, to keep to ſpend in their houſes ſuch wines as they ſhall tranſport into this realm, not taking any money for the ſame; and that it ſhall be lawful to every high ſheriff and mayor, and to every other perſon dwelling in the king's forts or towns fortified, to have wine to ſpend in their houſes, without taking recompence for the ſame. *ſ.* 5.

The juſtices of peace in their ſeſſions, and the ſteward in every leet, and the ſheriff in his turn, and every eſcheator ſhall have power to enquire by the oaths of twelve men, of offences contrary to this act; and every preſentment taken as aforeſaid ſhall be of ſuch effect, as if the ſame were taken before the king in his bench; and the penalties for any offence contrary to this act, as ſhall be found by preſentment before the juſtices of peace, eſcheators, ſheriff or ſteward, or by verdict as aforeſaid, and by action or information thereof commenced, ſhall be divided into two parts, whereof the one ſhall be to the king, and the other to the poor of the place. *ſ.* 6.

This act ſhall not charge any perſon, unleſs he be ſued, indicted or preſented for the ſame, within one year after the offence. *ſ.* 7.

This act ſhall not be hurtful to any of the inhabitants of *Oxford* and *Cambridge*, or to the chancellors or ſcholars of the ſame, ſo that there be not any more taverns within *Oxford* or *Cambridge*, than may be lawfully kept by this ſtatute. *ſ.* 8.

By 5 *Eliz.* *c.* 5. All perſons authorized to ſell wines by retail in the ſeveral places where they are authorized, may ſell the wines at ſuch prices as ſhall be limited by the queen's proclamation in that place, made by aſſent of ſuch lords, as by 28 *Hen.* 8. *c.* 14. were authorized to ſet price upon wines. *ſ.* 25.

By 12 *Car.* 2. *c.* 25. No perſon ſelling wine ſhall mingle or utter any *Spaniſh* wine mingled with *French* wine, or *Rheniſh* wine, cyder, perry, honey, ſugar, ſyrups or molaſſes, nor put in any iſinglaſs, brimſtone, lime, raiſins, juice of raiſins, water, nor any other ingredients, nor any clary or other herb, nor any fleſh; and no perſon ſelling wine, ſhall mingle or utter any *French* wines mingled with any *Rheniſh* wines or *Spaniſh* wines, cyder, ſtummed wine, vitriol, water, or other ingredients, nor any clary or other herb, nor any fleſh; and no perſon ſelling wine ſhall mingle or utter any *Rheniſh* wine mingled with any *French* wines or *Spaniſh* wines, cyder, or other ingredients, *&c.* and every perſon committing any of the offences aforeſaid, ſhall incur the penalties herein mentioned, *viz.* every perſon ſelling wines in groſs, mingled as aforeſaid, ſhall forfeit 100 *l.* and every perſon ſelling wine by retail, mingled as aforeſaid, ſhall forfeit 40 *l.* one moiety to the king, the other to the informer, to be recovered in any court of record. *ſ.* 11.

It ſhall be lawful for the lord chancellor, lord treaſurer, lord preſident, lord privy ſeal, and the two chief juſtices, or three of them, yearly between the 20th of *November* and the laſt of *December*, and no other times, to ſet the prices of the ſaid wines, to be ſold by retail, ſo that they cauſe the prices to be written, and proclamation thereof to be made in chancery yearly in term time, or elſe in the city, borough or town corporate, where ſuch wine ſhall be ſold; and all wine ſhall be ſold at ſuch prices for one year, to commence from the 1ſt of *February* next after the ſetting thereof, and in default of ſuch ſetting of prices, at the rates ſet by this act, under the penalties aforeſaid. *ſ.* 13. *Viz.* 5 *l.* one moiety to the king, and the other moiety to him that will ſue. *ſ.* 12. *Confirmed by* 13 Car. 2. c. 7.

By 5 *Ann.* *c.* 27. Any cylinder having an even bottom, and being ſeven inches diameter throughout, and ſix inches deep, or any veſſel containing 231 cubical inches, ſhall be a lawful wine gallon; and 252 gallons ſhall be a ton of wine, 126 gallons a butt or pipe, and 63 gallons an hogſhead of wine. *ſ.* 17.

By 10 *Geo.* 2. *c.* 19. Nothing in 9 *Geo.* 2. *c.* 23. [*See* PART I. *page* 235] ſhall prejudice the right, which the chancellor, maſters, and ſcholars of the univerſity of *Cambridge*, or of the univerſity of *Oxford*, claim of licenſing taverns and other public houſes within the precincts of the univerſities. *ſ.* 2.

This act ſhall not prejudice or confirm any liberties belonging to the mayor, bailiffs, and commonalty of the city of *Oxford*. *ſ.* 5.

By 17 *Geo.* 2. *c.* 40. No perſon ſhall ſell wine by retail, within either of the univerſities of *Oxford* or *Cambridge*, or the precincts of either of them, unleſs ſuch perſon be duly licenſed by the chancellor or vice chancellor of the univerſity of *Oxford*, and by the chancellor, maſters and ſcholars of the univerſity of *Cambridge*; upon pain of forfeiting for every offence 5 *l.* one moiety to the uſe of his majeſty, and the other moiety to the informer: and all perſons offending againſt this act, may be proſecuted for the ſaid forfeitures,

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in the courts of the chancellors, or vice chancellors of the ſaid univerſities in a ſummary way, by ſummoning the party accuſed to appear in the ſaid courts reſpectively; and on appearance (or contempt by not appearing, being duly ſummoned, and oath thereof made) ſuch courts may examine the matter, and upon confeſſion of the party accuſed, or on the oath of one witneſs, ſuch courts may give ſentence againſt ſuch party, and iſſue their warrant for levying the forfeitures by diſtreſs and ſale of goods; and for want of ſuch diſtreſs, may commit ſuch offender to the houſe of correction for one month; and no writ of *certiorari*, or other proceſs, ſhall iſſue to remove any ſuch ſentence from the ſaid courts, or any order or other proceedings made upon any ſuch ſentence, into any court of record at *Weſtminſter*, until the party againſt whom ſuch ſentence is given, before the allowance of ſuch *certiorari*, or other proceſs, find two ſureties, to be bound to the proſecutor in the ſum of 50*l.* with condition to proſecute the ſame within twelve months, and to pay unto the proſecutor his coſts, in caſe ſuch ſentence be affirmed. *ſ.* 11.

This act ſhall not prejudice or confirm any of the privileges belonging to the mayor, bailiffs and commonalty of the city of *Oxford*. *ſ.* 12.

See general Titles, EXCISE diviſion, *Wine*. IMPORTATION, *&c.* diviſion, *Wine. and* THE APPENDIX, poſt.

Witchcraft.

By 9 *Geo.* 2. *c.* 5. No proſecution ſhall be againſt any perſon for witchcraft, ſorcery, enchantment or conjuration, or for charging another with ſuch offence. *ſ.* 3.

If any perſon ſhall pretend to uſe witchcraft, *&c.* or undertake to tell fortunes, or from ſkill in any occult or crafty ſcience to diſcover where goods ſtolen or loſt may be found; every perſon ſo offending, and convicted on indictment or information in *England*, or on indictment or libel in *Scotland*, ſhall ſuffer impriſonment for one year, and once in every quarter of the ſaid year, in ſome market-town, upon the market day, ſtand on the pillory one hour, and ſhall, if the court think fit, be obliged to give ſureties for good behaviour. *ſ.* 4.

Witneſſes.

By 27 *Geo.* 3. *c.* 29. 'Whereas by divers acts of parliament pecuniary penalties inflicted for certain offences, 'or parts of ſuch penalties, are directed to be applied for 'or to the uſe of the poor of the pariſhes, townſhips, or 'places, within which ſuch offences were committed: And 'whereas, in divers of ſuch caſes, the pariſhioners or inhabitants of ſuch pariſhes, townſhips, or places, are not 'admiſſible witneſſes to prove the perpetration of ſuch offences within ſuch pariſhes, townſhips, or places, by reaſon whereof it has been found difficult to bring offenders 'to juſtice;' be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the 1ſt day of *Auguſt* 1787, the inhabitants of every pariſh, townſhip, or place, ſhall be deemed and taken to be competent witneſſes for the purpoſe of proving the commiſſion of any offence within the limits of ſuch pariſh, townſhip, or place, notwithſtanding the penalty incurred by ſuch offence, or any part thereof, is or may be given or applicable to the poor of ſuch pariſh, townſhip, or place, or otherwiſe, for the benefit or uſe, or in aid or exoneration of ſuch pariſh, townſhip, or place. *ſ.* 1.

Provided always, and be it enacted by the authority aforeſaid, That nothing in this act contained ſhall extend to any action or proceeding in which the penalty or penalties to be recovered ſhall exceed the ſum of 20*l.* *ſ.* 2.

Women.

By 31 *Hen.* 6. *c.* 9. Whereas people of power have found inventions to the danger of all ladies, gentlewomen, and other women ſole, having ſubſtance of lands or goods, to take them by force, or otherwiſe come to them ſeeming to be their friends, promiſing them faithful love, and ſo by diſſimulation or otherwiſe get them in their poſſeſſion, conveying them into places where the offenders be of moſt power, and when any woman is in their governance, the ſaid perſons will not ſuffer them to be at their liberty, till they bind them to the ſaid offenders, or other perſons to their uſe, in great ſums by obligations or ſtatutes merchant; alſo they many times compel them to be married contrary to their deſires, or otherwiſe they will levy the ſame ſums of their lands and goods, and put their perſons in danger. In all ſuch caſes the party bound may have a writ out of chancery, containing the matter of their unreaſonable treatment, directed to the ſheriff where ſuch offences were done, commanding him that he make proclamation in the next county court, that the perſons contained in the writ appear at a certain day and place before the chancellor, or before the juſtices of aſſize, or other perſon to be aſſigned by the chancellor; at the which day, if the parties appear, the chancellor, juſtice, or other perſon aſſigned, ſhall examine the parties; by which examination, if they find the obligations to be made as aforeſaid, the obligations and all proceſs thereupon ſhall be void; and if it be found that the obligations were made for a true duty, and by no ſuch means as aforeſaid, the obligations ſhall ſtand good; and if the perſons in ſuch writs named make default at the day, ſuch obligations in the writs expreſſed, and all proceſs thereupon, ſhall be void; and the ſheriffs ſhall execute the writs, upon pain of 300*l.* whereof the king to have one half, and the other half to the party which ſhall ſue the writ of proclamation, and the party grieved may have an action of debt for the half of the 300*l.* ſo forfeited, with proceſs of outlawry; and the defendants ſhall alledge no protection, or plead any foreign plea.

By 4 & 5 *Phil. & Mar. c.* 8. It ſhall not be lawful to take or convey away any maid or woman child unmarried, being within the age of 16 years, from the cuſtody, and againſt the will of the father, or of ſuch perſons to whom the father by his laſt will, or by any other act, ſhall appoint the keeping or education of ſuch maid or woman child, except taken by the maſter or miſtreſs, or guardian in ſocage, of ſuch child. *ſ.* 2.

If any perſon above the age of 14 years ſhall unlawfully take or convey any maid or woman child unmarried, being within the age of 16 years, from the poſſeſſion and againſt the will of the father or mother, or from the poſſeſſion and againſt the will of ſuch perſons as ſhall have by any lawful means the education or governance of ſuch child, every perſon ſo offending, being convicted, ſhall ſuffer impriſonment two years, or pay ſuch fine as ſhall be aſſeſſed by the council of the queen in the ſtar chamber. *ſ.* 3.

If any perſon ſhall ſo take away and deflower any ſuch maid or woman child, or ſhall againſt the will, unknowing

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of or to the father of ſuch maid, *&c.* if the father be in life, or againſt the will, *&c.* of the mother (having the cuſtody of ſuch child, if the father be dead) by ſecret letters, meſſages or otherwiſe, contract matrimony with ſuch maiden or woman child, every perſon ſo offending, being convicted, ſhall ſuffer impriſonment five years, or pay ſuch fine as ſhall be aſſeſſed in the ſtar chamber, the one moiety of which fines ſhall be to the king, the other moiety to the parties grieved. *ſ.* 4.

The council of the ſtar chamber, and juſtices of aſſize, by inquiſition or indictment, ſhall hear and determine the ſaid offences. *ſ.* 5.

If any woman child or maiden, being above the age of 12 years, and under the age of 16, conſent to ſuch perſon that ſo ſhall make any contract of matrimony, the next of kin of the ſame woman child or maid, to whom the inheritance ſhould deſcend or come after the deceaſe of the ſame woman child, ſhall have all ſuch lands as the ſame woman child had in poſſeſſion, reverſion or remainder, at the time of ſuch conſent, during the life of ſuch perſon that ſhall ſo contract matrimony; and after the deceaſe of ſuch perſon contracting matrimony, the ſaid lands ſhall deſcend and come to ſuch perſons as they ſhould have done in caſe this act had never been, other than to him that ſo ſhall contract matrimony. *ſ.* 6.

This act ſhall not diminiſh any cuſtom or authority touching orphans within the city of *London*, or any other city, borough or town. *ſ.* 7.

Woods.

By 35 *Hen.* 8. *c.* 17. In all coppice-woods or underwoods, which ſhall be felled at 14 years growing or under, there ſhall be left ſtanding for every acre twelve ſtandils or ſtorers of oaks; if there be not ſo many of oak, there ſhall be left ſo many of other kind, *viz.* of elm, aſh, aſpe, or beech, as ſhall make up the number, likely to be timber trees, the ſame ſtandils to be of ſuch ſtandils or ſtores as have been left there at any felling of the ſame underwoods in times paſt; and the ſtores ſo left ſhall be preſerved till they be ten inches ſquare within three foot of the ground, upon pain that every owner, having an eſtate in the ground, cauſing any ſuch underwoods to be felled, and not leaving the ſaid ſtores, to forfeit for every ſtandil ſo not left 3 *s.* 4 *d.* the one half to the king, and the other half to the party that will ſue, *&c.* *ſ.* 1.

All underwoods which ſhall be cut down at the age of 14 years, from the 20th *April* next after the felling thereof during four years, ſhall be incloſed, or the ſprings thereof otherwiſe preſerved from cattle, by them which ſhall have poſſeſſion in the woods, upon pain to forfeit for every rood 3 *s.* 4 *d.* for every month; and all underwoods which ſhall be ſo felled, being above 14 years growth, and not above 24 years, from the 20th of *April* next after the felling during ſix years, ſhall be incloſed, or the ſprings thereof otherwiſe preſerved from cattle, at the coſts of ſuch which ſhall have intereſt in the woods, upon pain to forfeit for every rood 3 *s.* 4 *d.* for every month. *ſ.* 2.

No perſon ſhall convert into paſture or tillage any ſuch underwoods, containing two acres or above, which now be wood, and reſerved to the uſe of increaſe of wood or underwood, and being two furlongs diſtant from the houſe of the owner, or from the houſe whereunto the ſaid wood doth lie, upon pain to forfeit for every acre 40 *s.* *ſ.* 3.

All perſons which ſhall have any ſeveral woods growing with great trees above 24 years growth, ſhall at the felling or weeding thereof leave ſtanding for every acre 12 trees of oak of the ſame great trees, if there be ſo many there, and for lack of oaks, as many other trees of elm, aſh, beech or aſpe, as ſhall make the full number, the ſame to be preſerved during 20 years next after the felling; and alſo from the 20th day of *April* next after the felling thereof during 7 years ſufficiently incloſe them, or the ſprings thereof otherwiſe preſerve from cattle, upon pain to forfeit for every ſuch great tree lacking 6 *s.* 8 *d.* and upon pain to forfeit for every rood not incloſed or preſerved for every month 3 *s.* 4 *d.* *ſ.* 5.

Provided that it ſhall be lawful to every owner of the ſaid woods, *&c.* to fell the ſame for building, repairing and incloſing of houſes, orchards and gardens, and for incloſing of parks, chaſes or other grounds, and for making or repairing of waterworks, bridges, floodgates, making or amending of ſhips and other veſſels, and for all other things concerning their own affairs, as they might have done before this act. *ſ.* 6.

It ſhall not be lawful to any perſon which ſhall have any woods or underwoods, wherein any other perſons have uſed time out of remembrance to have common of paſture, to fell the ſaid woods (except it be to his own uſe) until the fourth part of ſuch woods, or as much as the fourth part ſhall amount unto, be ſet out and incloſed, *viz.* the owner of the ſoil ſhall call together the commoners, or the more part of them, and by the aſſent of the more part of them ſhall ſet out the fourth part; and if the lord and tenants do not agree, then two juſtices of peace, not being of the alliance, council or fee, of the owner, being thereunto appointed by the juſtices in their quarter ſeſſions, upon requeſt made by the owner, ſhall have power to call before them, upon ſuch penalties as the juſtices ſhall appoint, 12 of the commoners and inhabitants; and upon the appearance of the owners, *&c.* or the more part of them, the juſtices ſhall declare the cauſe of their appearance, and ſhall by their aſſent proceed to the ſevering of the ſaid fourth part; and if the juſtices, owners, commoners and inhabitants, cannot agree, the juſtices ſhall have power to ſet out by mete and bound the fourth part, or ſo much under the fourth part of the ſaid woods as ſhall by the juſtices be thought neceſſary; and within the month after ſuch ſeverance the owner of the woods ſhall incloſe the ſame, and after ſuch incloſure, the ſaid owner may fell the woods. *ſ.* 7.

Provided that there ſhall be left ſtanding upon the part ſo ſevered like number of ſtandils or ſtorers of young oaks, or other young trees of elm, aſh, aſpe or beech, if it be underwoods; and if the woods ſhall be great trees, then ſuch number ſhall be left ſtanding of great trees, and upon like penalties as before limited; and the part ſo ſevered ſhall be incloſed 7 years, in like manner and upon the like penalties as before limited; and the ſtandils, ſtorers and great trees, appointed to be left ſtanding, ſhall be preſerved; and no beaſts, during ſeven years after the felling of the woods, ſhall willingly be put in or ſuffered to feed in any parcel of ſuch part ſo ſet forth, upon pain of 4 *d.* for every beaſt. *ſ.* 8.

If any owner of ſuch woods in any waſte ground cut down any trees contrary to the form aforeſaid, every perſon ſo offending ſhall forfeit for every tree 6 *s.* 8 *d.* one half of all the ſaid forfeitures to be to the king, and the other moiety to ſuch perſon that will ſue, *&c.* *ſ.* 9.

The commoners may uſe their common for their cattle within the reſidue of the woods not incloſed, as if this act had never been: and the owner of the ſoil ſhall be excluded

to put any cattle in the ſame reſidue, or to take any profit of the paſture upon the ſame, during the ſeven years; and after the ſeven years expired until the next cutting down of the woods upon the part ſevered, as well the ſame part as the reſidue ſhall be uſed in common, as well by the lord as by the commoners. *ſ.* 10.

Provided that it ſhall be lawful to fell and incloſe all woods and underwoods in waſte grounds which have been uſed to be incloſed for the maintenance of wood. *ſ.* 11.

If the part of wood ſo incloſed be not felled within four months after the incloſing, it ſhall be lawful to the commoners to put their cattle into the ground ſo incloſed as long as the wood ſhall be unfelled. *ſ.* 12.

This act ſhall not extend to any owner of woods within the weilds of *Kent*, *Surrey*, and *Suſſex*, other than to the common woods within the ſaid weilds. *ſ.* 13.

This act ſhall not charge any perſon with any penalty for any timber trees growing within two miles of the ſea in *Cornwall*, or any other timber tree being ſear and dead in the tops, or any other timber trees to be taken by the king's commiſſion, or for any offence unleſs the perſon offending be ſued within one year after the offence committed. *ſ.* 15.

If any perſon break or deſtroy any fences made for the ſaving of the ſame woods, he ſhall forfeit 10*s.* *ſ.* 16.

If any perſon ſuffer his ſwine of the age of 10 weeks, during ſuch years as the woods be appointed to be incloſed, to go in any ground or woods, unleſs the ſwine be ringed or pegged, the owners of ſuch ſwine ſhall forfeit for every ſwine, 4*d.* the one half, if it be in the king's woods, to be to his highneſs, and the other to the finder; and if it be within any other perſons grounds, the one half to be to the owners of the ſoil, and the other part to him that will ſue, *&c.* *ſ.* 17.

Where any woods ſhall be felled in any park, or ground incloſed wherein deer ſhall be kept, the owners of ſuch parks, *&c.* ſhall be chargeable for the incloſure and preſervation of the ſame but for four years after ſuch felling. *ſ.* 18.

If the incloſures of any of the ſaid woods be broken down, againſt the will of the owner, whereby cattle eſcape and hurt the ſpring, or if the woods be by any means deſtroyed or hindered, without the aſſent of ſuch owners, the penalties ſhall be extended upon the perſons by whoſe default the wood ſhall be ſo deſtroyed, *&c.* and not upon the owner. *ſ.* 19.

It ſhall be lawful to every owner of the ſaid woods, underwoods, grounds, and coppice, after the ſame have been fenced, or the ſpring otherwiſe preſerved, two years, to put colts and calves, under the age of one year, into the grounds. *ſ.* 20.—*Revived and made perpetual by* 13 Eliz. *c.* 25. *ſ.* 3.

By 1 *Eliz. c.* 15. No perſon ſhall convert to fuel for the making of iron, any timber trees of oak, beech, or aſh, or any part thereof, of the breadth of one foot ſquare at the ſtub, and growing within 14 miles of the ſea, or of the rivers of *Thames*, *Severn*, *Wye*, *Humber*, *Dee*, *Tine*, *Teeſe*, *Trent*, or any other river, by the which carriage is uſed by boat to the ſea, upon pain of forfeiture for every tree or part thereof ſo employed, 40*s.*, one half to the queen, and the other moiety to him that will ſue. *ſ.* 1.

This act ſhall not extend to the county of *Suſſex*, nor to the weild of *Kent*, nor to the pariſhes of *Charewood*, *Newdigate*, and *Leigh*, in the weild of *Surry*. *ſ.* 2.

By 13 *Eliz. c.* 25. All woods or coppices, intended by 33 *Hen.* 8. *c.* 17. to be incloſed, ſhall be ſufficiently incloſed, or the ſprings thereof otherwiſe ſaved, two full years more than the ſaid act is limited, upon like pains as are contained in the ſaid act; and it ſhall not be lawful to put any cattle into any coppice woods incloſed, from the time of the ſale until the end of five years, nor from the end of five years any other cattle but calves and yearling colts, until the end of ſix years, if the wood was under the age of fourteen years at the laſt fall; or until eight years, if the wood was above the age of 14 at the laſt fall. *ſ.* 18.

By 23 *Eliz. c.* 5. No perſon ſhall convert to fuel, for the making of iron in any iron mills, furnace, or hammer, any wood or underwood, which ſhall grow within 22 miles from *London*, or within 22 miles of the *Thames*, from *Dorcheſter*, in the county of *Oxford*, downwards; or within four miles of the foot of the hills called the *Downs* betwixt *Arundel* and *Pemſey* in *Suſſex*, nor within four miles of *Winchelſey* and *Rye*, nor within two miles of the town of *Pemſey*, nor within three miles of *Haſtings*; upon pain to forfeit for every load 40*s.*, one half to the queen, and the other moiety to him that will ſue. *ſ.* 1.

This act act ſhall not extend to any woods in any ſuch part of the weilds of *Surrey*, *Suſſex*, or *Kent*, as is diſtant above 18 miles from *London*, and eight miles from the *Thames*. *ſ.* 2.

No new iron works ſhall be erected within 22 miles of *London*, nor within 14 miles of the *Thames*, nor within four miles of the *Downs*, or of the towns of *Pemſey*, *Winchelſey*, *Haſtings*, or *Rye*, upon pain of 100*l.* to be recovered as aforeſaid. *ſ.* 3.

This act ſhall not extend to any woods upon any lands of *Chriſtopher Darrel*, in the pariſh of *Newdigate*, within the weild of *Surrey*, which have been coppiced for the uſe of his iron works. *ſ.* 4.

By 27 *Eliz. c.* 19. No perſon ſhall ſet up within the counties of *Suſſex*, *Surrey* or *Kent*, any iron mills, furnace, finery or blomary, for the making or working of iron, other than upon ſuch former bays or pens whereupon hath been, or ſhall be ſtanding, ſome iron mills, furnace, or hammer, or elſe upon ſuch lands as the party ſhall furniſh the ſame with ſufficient ſupply of his own woods, being to him in fee, or for life without impeachment of waſte; nor ſhall convert to fuel for the making or working of iron in any iron mills, *&c.* the bodies of any ſound timber trees, apt for the making of cleftwares, or ſawing timber of oak, aſh, or elm, of the bigneſs of one foot ſquare at the ſtub, or any part of the ſame; upon pain of forfeiture for every iron mill, *&c.* 300*l.* and for every body of ſuch timber tree, 40*s.* one half of which forfeitures to be to the queen, and the other half to him that will ſue. *ſ.* 1.

It ſhall be lawful for the owners of ſuch trees, the bodies whereof ſhall be employed for timber or cleft ware within the weilds of *Suſſex*, *Surrey*, or *Kent*, the ſame not being within 18 miles of *London*, or eight miles of the *Thames*, or four miles of the towns of *Rye* and *Winchelſey*, or three miles of *Haſtings*, or four miles of the foot of the *Downes* between *Arundell* and *Pemſey* in *Suſſex*, to employ the tops and offals for fuel for iron works. *ſ.* 2.

By 15 *Car.* 2. *c.* 2. *ſ.* 2. Every conſtable or other perſon ſhall have power to apprehend all perſons they ſhall ſuſpect having or carrying any burden of wood, bark, or baſt, of any trees, or any gates, ſtiles, poſts, pales, rails, or hedge wood, broom, or furze; and, by warrant of one juſtice of peace, any officer ſhall have power to ſearch the houſes or other places of all perſons they ſhall ſuſpect to have any wood, poles, young trees, or bark, or baſt of trees, or any gates, *&c.* and where they ſhall find any ſuch, to apprehend all perſons ſuſpected for taking the ſame, and them

them to carry before a juſtice of peace; and if they do not give a good account how they came by ſuch wood, &c. or ſhall not within ſome convenient time to be ſet by the juſtice, produce the party of whom they bought the ſame, or ſome witneſs to depoſe ſuch ſale of the wood, &c. they ſhall be convicted of the offence of cutting and ſpoiling of the ſame woods, &c. within the ſtatute 43 *Eliz. c.* 7. *which ſee in* TRESPASS.

Every perſon convicted ſhall, for the firſt offence, give the owner ſuch damages as the juſtice ſhall appoint, and pay down to the overſeers of the poor, ſuch ſum not exceeding 10*s.* as the juſtices ſhall think meet: and if ſuch offender do not make ſatisfaction to the owner, and pay to the poor, in manner aforeſaid, the juſtice ſhall commit him to the houſe of correction for not exceeding one month, or to be whipped by the conſtable. And if ſuch perſon ſhall again commit the ſaid offence, and be convicted, he ſhall be ſent to the houſe of correction for one month, and kept to hard labour. And if ſuch perſon ſhall again commit the ſaid offence, and be convicted, the third time he ſhall be deemed an incorrigible rogue. *ſ.* 3.

Whoſoever ſhall buy any burdens of wood, poles or ſticks, which may be juſtly ſuſpected to have been unlawfully come by, it ſhall be lawful for one juſtice, upon complaint, to examine the matter upon oath; and if they find that the ſame was bought of a perſon who might juſtly be ſuſpected to have unlawfully come by the ſame, and that the ſame was unlawfully come by, the juſtice ſhall award the party to pay treble the value to the party from whom the ſame was unlawfully taken, and in default of preſent payment, to iſſue warrants to levy the ſame by diſtreſs and ſale of goods, and in default of diſtreſs to commit the party to gaol, there to remain one month. *ſ.* 4.

No perſon ſhall be queſtioned for any offence upon this law, that hath been puniſhed for the ſame by any former law; nor unleſs he be queſtioned within ſix weeks after the offence. *ſ.* 5.

By 1 *Geo.* 1. *c.* 48. If any perſon ſhall maliciouſly break down, cut up, bark, deſtroy or ſpoil any timber tree, fruit tree, or other tree, the perſon damaged ſhall receive ſuch ſatisfaction from the inhabitants of the pariſh, town, hamlet, vill, or place, to be viewed, and coſts, to be recovered, in the ſame manner as hedges overthrown in the night, by 13 *Edw.* 1. *c.* 46. *(ſee* APPROVEMENT;) and where ſuch offence ſhall be committed in *Scotland*, to be recovered by way of ſummar action, as damages in other caſes of riot; unleſs the party offending ſhall by ſuch pariſh, &c. be convicted of ſuch offence within ſix months. *ſ.* 1.

Any two juſtices of the county, &c. or the juſtices in ſeſſions, on complaint by any inhabitant of ſuch pariſh, &c. or of the owner of the trees, or of any other, may cauſe ſuch offender to be apprehended, and hear and determine the offences aforeſaid; and on conviction of ſuch offender ſhall commit him to the houſe of correction, to be kept to hard labour for three months; and where there are no houſes of correction, the juſtices ſhall commit him to priſon for four months; and ſhall alſo order that ſuch offender be publicly whipped by the maſter of ſuch houſe of correction once every month during ſuch three months, in ſuch borough or corporation, if the offence be committed therein; or in the market town where ſuch houſe of correction ſtands, or in the next market town in the county, on the market day, between the hours of eleven and two; and where there is no houſe of correction, the juſtices ſhall order ſuch offender to be whipped by the hangman, once every month, during ſuch four months, on the market day where ſuch offender ſhall be committed, or on the market day of ſome town, between the hours aforeſaid. *ſ.* 2.

Before ſuch offender be diſcharged, he ſhall find ſureties for his good behaviour for two years. *ſ.* 3.

If any perſon ſhall maliciouſly ſet on fire, burn, or cauſe to be burnt, any wood, underwood, or coppice, ſuch malicious ſetting on fire is made felony; and where ſuch offences are committed in *Scotland*, the offender ſhall ſuffer as wilful fire-raiſers, according to 7 *Ann. cap.* 21.—*ſ.* 4.

By 6 *Geo.* 1. *c.* 16. If any perſon either by day or by night, cut, deſtroy, bark, deface, ſpoil, or carry away, any wood-ſprings, trees, poles, woods, tops of trees, under-woods or coppice-woods, thorns, or quickſets, without conſent of the owner; or ſhall break open, throw down, or deſtroy, any hedges, gates, poſts, ſtiles, fences, ditches, or other incloſures of ſuch woods, wood-grounds, parks, chaces, or coppices, plantation, or trees, thorns, or quickſets; the lords of manors, or owners who ſhall be damaged thereby, ſhall have ſuch remedy from the inhabitants of the pariſhes, towns, hamlets, villages, or places, joining to ſuch wood-ſprings, &c. as for hedges overthrown in the night, by 13 *Edw.* 1. *c.* 46. *(which ſee in* APPROVEMENT,) unleſs the offender ſhall, by ſuch pariſh, &c. be convicted of ſuch offence within ſix months. *ſ.* 1.

If any perſon in a riotous, open, tumultuous, or in a ſecret and clandeſtine manner, wrongfully and maliciouſly cut down, deſtroy, burn, carry away, &c. any wood, or ſprings of woods, &c. or in ſuch riotous, &c. manner, maliciouſly break open, throw down, or deſtroy, any hedges, gates, poſts, or other incloſures of ſuch woods, &c. any two juſtices of peace, or the juſtices in ſeſſions, upon complaint made by any inhabitant or other, may cauſe the offender to be apprehended, and hear and determine ſuch offences; and if ſuch juſtices convict any perſon of the treſpaſſes aforeſaid, they ſhall inflict the penalties in 13 *Edw.* 1. *c.* 46. *ſ.* 2.

If any action be proſecuted for any thing done in purſuance of this act, or 1 *Geo.* 1. *c.* 48. the defendant may plead the general iſſue, &c. and recover treble coſts. *ſ.* 3.

By 29 *Geo.* 2. *c.* 36. It ſhall be lawful for his majeſty, and all other owners of waſtes, woods, and paſtures, in *England*, wherein any perſons or bodies politic, have right of common of paſture, with the aſſent of the major part in number and value of the owners and occupiers of tenements to which the ſaid right of common of paſture belongs; and for the major part in number and value of the owners and occupiers of ſuch tenements, with the aſſent of the owners of the ſaid waſtes, &c. and for any other perſons, or bodies politic, with the aſſent and grant of the owners of ſuch waſtes, &c. and the major part in number and value of the owners and occupiers of ſuch tenements; to incloſe, for the growth of timber or underwood, any part of ſuch waſtes, woods and paſtures, for ſuch time, and upon ſuch conditions, as ſhall be agreed. *ſ.* 1.

In caſe any recompence be agreed to be given for ſuch incloſure, to the owners and occupiers of tenements, to which the right of common belongs, ſuch recompence ſhall be made either by a grant of a ſhare of the profit of the timber or under-wood growing on the ground ſo incloſed, or by a grant of other lands or hereditaments, or by ſome annuity or rent-charge iſſuing out of the ground ſo incloſed, or other lands, or ſhall be paid in money, to be placed out at intereſt on public ſecurities, or laid out in the purchaſe of lands or hereditaments, or of ſome annuity or rent-charge iſſuing out of lands, and the produce of ſuch lands or ſuch rent charge, or the intereſt of ſuch money, until

the ſame be laid out in ſuch purchaſe, ſhall be paid to the overſeers of the poor of the pariſh or townſhip, and ſhall be by them applied towards the relief of the poor, where ſuch waſtes, *&c.* lie, and accounted for as the rates for relief of the poor. And in caſe the owners of any ſuch waſtes, *&c.* and the major part in number and value of the owners and occupiers of the tenements to which ſuch right of common belongs, jointly agree to aſſign their reſpective right in the ſaid waſtes, *&c.* for the purpoſe of making ſuch incloſures, to any other perſon or body politic; and the owners of ſuch waſtes, *&c.* have not an eſtate in fee ſimple therein, or be diſabled or reſtrained from alienating the ſame, the recompence to be paid to any ſuch owners ſhall be either by a grant of a ſhare of the profit of the timber or underwood growing on the ground ſo incloſed, or by a grant of other lands or hereditaments, or of a rent charge iſſuing out of the ground ſo incloſed, or other lands; ſuch equivalent to be held by the owners of ſuch waſtes, *&c.* and ſuch as be intitled to the ſame, in reverſion, remainder, or ſucceſſion, in like manner as the eſtate in ſuch waſtes *&c.* is limited. And in caſe the inhabitants of any pariſh or townſhip be willing to acquire ſuch right of incloſure, for the employment of the poor, and any recompence be agreed to be given for the ſame, it ſhall be lawful for the overſeers of the poor of ſuch pariſh, (by the direction of the major part of the inhabitants aſſembled at a veſtry or public meeting, public notice being firſt given in the church on three *Sundays* before ſuch veſtry be held) to pay or purchaſe ſuch recompence out of any monies ariſing from the rates for the relief of the poor; and out of ſuch monies to pay ſuch charges as be neceſſary for incloſing and preſerving ſuch grounds; and ſuch overſeers ſhall apply the profit of the timber or underwood growing thereon, towards the relief of the poor, and ſhall account for the ſame as for the rates for the relief of the poor. *ſ.* 2.

Every agreement for any ſuch incloſure ſhall be in writing, and ſigned by the parties, and ſhall be regiſtered and enrolled by the clerk of the peace for the county or diviſion where ſuch waſtes, *&c.* or the greater part of them lie, within three months after the execution of ſuch agreement. *ſ.* 3.

It ſhall be lawful for all perſons or bodies politic, who think themſelves aggrieved by ſuch agreement, or for any perſon in their behalf, within ſix months after ſuch agreement is regiſtered and enrolled, to make complaint by appeal to the juſtices of the peace at the quarter ſeſſions for the ſame county or diviſion, who are to determine ſuch appeal, and whoſe determination therein ſhall be final; and if no ſuch appeal be made, the agreement ſo regiſtered and inrolled ſhall be for ever binding to all perſons. *ſ.* 4.

It ſhall be lawful for all bodies politic, whether aggregate or ſole, and all feoffees in truſt, executors, adminiſtrators, guardians, committees, and other truſtees, for and on the behalf of any infants, femes covert, lunatics, idiots, or other perſons, and the huſbands of femes covert, ſeiſed or intereſted in any ſuch waſte, *&c.* or any right of common in ſuch waſtes, *&c.* to agree to any ſuch incloſure; and all agreements ſo made ſhall be valid. *ſ.* 5.

If any perſon after the time limited for bringing ſuch appeal againſt any ſuch agreement, by day or by night unlawfully cut, take, deſtroy, break, throw down, bark, pluck up, burn, deface, ſpoil, or carry away, any trees growing within any ſuch incloſure, without the conſent of the owners, ſuch owners ſhall have ſuch remedy and ſatisfaction from the inhabitants of the pariſhes or places adjoining to ſuch incloſures, and recover ſuch damages, and in the ſame manner as is directed for dykes and hedges overthrown by the 13 *Edw.* 1. *c.* 46. unleſs the offender be convicted of ſuch offence within ſix months after the commiſſion of thereof. *ſ.* 6.

It ſhall be lawful for any two juſtices of the peace of the county or place wherein any ſuch offence is committed, or for the juſtices of peace for ſuch county or place in ſeſſions, upon complaint, to cauſe every ſuch offender to be apprehended, and to hear and determine the ſame treſpaſs, and to inflict the like penalty on every offender by them convicted, as is directed by 6 *Geo.* 1. *c.* 16. *ſ.* 7.

If any perſon unlawfully cut, take, deſtroy, break, throw down, bark, pluck up, burn, deface, ſpoil, or carry away, any tree growing in any waſte, wood, or paſture, in which any perſon or body politic hath right of common, every ſuch offender ſhall be in like manner convicted of ſuch offence, and incur the like penalty. *ſ.* 8.

It ſhall be lawful for any perſon or body politic to take remedy for the before-mentioned damages, either againſt the pariſh or place where any of the ſaid offences be committed, according to 1 *Geo.* 1. *c.* 48. or 6 *Geo.* 1. *c.* 16. or on the hundred wherein any of the ſaid offences be committed, as to ſuch perſon or body politic ſeems moſt meet, according to 9 *Geo.* 1. *c.* 22. *ſ.* 7.—*(See page* 364. *in* PART I.) *ſ.* 9.

If any action be brought for any thing done by virtue of this act, the defendant may plead the general iſſue; and if the plaintiff diſcontinue, *&c.* the deſendant ſhall recover treble coſts. *ſ.* 10.

By 31 *Geo.* 2. *c.* 41. Every recompence to be made by virtue of 29 *Geo.* 2. *c.* 36. ſhall be made to the perſons intereſted in the right of common, in proportion to their reſpective intereſts; and not be paid to the overſeers of the poor, as is directed by the ſaid act. *ſ.* 1.

And whereas doubts may ariſe whether tenants for life, or for terms of years determinable upon one or more lives, be owners, within the meaning of this act, and that of 29 *Geo.* 2. *c.* 36.; be it enacted, that the powers given to ſuch owners by this act, and the ſaid act may be executed by ſuch tenants for life, or years, during their reſpective intereſts. *ſ.* 2.

Nothing done by ſuch tenants for life, or terms of years, by virtue of this act, or by 29 *Geo.* 2. *c.* 36. ſhall have effect or continuance after the determination of the eſtate of ſuch tenants for life, or terms of years. *ſ.* 3. — *See titles* FORESTS, APPROVEMENTS, TREES.

Wool.

Confirm. chart. 25 *Edw.* 1. *c.* 7. The *maletoute* of wools, *viz.* a toll of 40*s.* for every ſack is releaſed; and the king ſhall not take ſuch things without common aſſent, ſaving the cuſtom of wools, ſkins, and leather, granted before by the commonalty.

Stat. de tallag. non concedend. 34 *Edw.* 1. *ſt.* 4. *c.* 3. Nothing ſhall be taken of ſacks of wool by colour of *maletoute*.

By 18 *Edw.* 3. *ſt.* 2. *c.* 3. Every man, as well ſtranger as privy, may buy wools. And the ſea ſhall be open to all merchants, to paſs with their merchandiſe where it ſhall pleaſe them.

By 34 *Edw.* 3. *c.* 19. The canvas in which wool is packed, with the corners, ſhall be allowed without cuſtom.—*See general titles* IMPORTATION, *&c.* diviſion *Wool*; and MANUFACTURES, diviſion *Woollen*.

Wreck.

Stat. Weſtm. 1. 3 *Edw.* 1. *c.* 4. Where a man, a dog, or a cat, eſcape quick out of the ſhip, ſuch ſhips, or any thing within them, ſhall not be adjudged wreck; but the goods ſhall be ſaved and kept by view of the ſheriff, coroner, or the king's bailiff, and delivered into the hands of ſuch as are of the town; ſo that if any ſue for thoſe goods, and after prove that they were his, or periſhed in his keeping, within a year and a day, they ſhall be reſtored; and if not, they ſhall remain to the king, and be ſeized by the ſheriffs, coroners, and bailiffs of the town; and where wreck belongeth to another, he ſhall have it in like manner; and he that otherwiſe doth, ſhall be awarded to priſon, and make fine at the king's will, and ſhall yield damages alſo; and if a bailiff do it, and it be diſallowed by his lord, and the lord will not diſcharge him thereof, the bailiff ſhall anſwer, if he have whereof; and if he have not, the lord ſhall deliver his bailiff's body to the king.

Stat. praerog. reg. 17 *Edw.* 2. *c.* 11. The king ſhall have wreck of the ſea, whales and great ſturgeons, taken in the ſea, or elſewhere, except in places privileged.

By 12 *Ann. ſt.* 2. *c.* 18.—*Made perpetual by* 4 Geo. 1. c. 12. The ſheriffs, juſtices of peace of every county, and all mayors, bailiffs, and other head officers of corporations and port towns near the ſea, and all conſtables, headboroughs, and officers of the cuſtoms, ſhall, upon application made to them on behalf of any commander of a ſhip, being in danger of being ſtranded, or being ſtranded, command the conſtables of the ports neareſt the coaſts where ſuch ſhip ſhall be in danger, to ſummon as many men as ſhall be thought neceſſary, to the aſſiſtance of ſuch ſhip; and if there ſhall be any ſhip belonging to her majeſty, or her ſubjects, riding near the place, the officers of the cuſtoms, and conſtables, are required to demand of the ſuperior officers of ſuch ſhip, aſſiſtance by their boats, and ſuch hands as they can conveniently ſpare; and in caſe ſuch ſuperior officer of ſuch ſhip, neglect to give ſuch aſſiſtance, he ſhall forfeit 100 *l.* to be recovered by the ſuperior officer of the ſhip in diſtreſs, with coſts, in any of her majeſty's courts of record. *ſ.* 1.

The collectors of the cuſtoms, and the commanding officer of any ſhips, and all others who ſhall act in the preſerving of any ſuch ſhip in diſtreſs, or their cargoes, ſhall, within 30 days, be paid a reaſonable reward by the commander or owners of ſuch ſhip in diſtreſs, or by the merchant whoſe ſhip or goods ſhall be ſaved; and in default thereof, the ſhip or goods ſhall remain in the cuſtody of ſuch officer of the cuſtoms, until ſuch charges be paid, and until the ſaid officer of the cuſtoms, and the maſter or other officer of the ſhip, and all others ſo employed, ſhall be reaſonably gratified, or ſecurity given for that purpoſe, to the ſatisfaction of the parties. And in caſe after ſuch ſalvage, the commander, mariners, or owners, of ſuch ſhip ſo ſaved, or merchant whoſe goods ſhall be ſaved, ſhall diſagree with the officer of the cuſtoms, touching the monies deſerved by any of the perſons employed, it ſhall be lawful for the commander of ſuch ſhip ſo ſaved, or the owner of the goods, or the merchant intereſted, and alſo for the officer of the cuſtoms, to nominate three of the neighbouring juſtices of peace, who ſhall adjuſt the *quantum* of gratuities to be paid to the ſeveral perſons and ſuch adjuſtments ſhall be binding to all parties, and ſhall be recoverable in an action at law in any of her majeſty's courts of record. And in caſe no perſon ſhall appear to make his claim to the goods ſaved, the chief officer of the cuſtoms of the neareſt port ſhall apply to three of the neareſt juſtices of peace, who ſhall put him or ſome other reſponſible perſon in poſſeſſion of the goods, ſuch juſtices taking an account of the goods, to be ſigned by the officer of the cuſtoms; and if the goods ſhall not be claimed within 12 months, public ſale ſhall be made thereof, (and if periſhable goods, forthwith to be ſold) and after charges deducted, the reſidue of the monies, with an account of the whole, ſhall be tranſmitted to her majeſty's exchequer, for the benefit of the owner, who upon affidavit or other proof of his property, to the ſatisfaction of one of the barons, ſhall upon his order receive the ſame. *ſ.* 2.

If any perſon beſides thoſe empowered by the officer of the cuſtoms, and the conſtables, ſhall enter or endeavour to enter on board any ſuch ſhip in diſtreſs, without the leave of the commander, or of the officer of the cuſtoms, or conſtable, or in caſe any perſon ſhall moleſt them in the ſaving of the ſhip or goods, or ſhall endeavour to hinder the ſaving of ſuch ſhip or goods, or ſhall deface the marks of any ſuch goods, before the ſame be taken down in a book, by the commander and the firſt officer of the cuſtoms, ſuch perſon ſhall, within 20 days, make double ſatisfaction, at the diſcretion of the two next juſtices of peace, or in default thereof, ſhall by ſuch juſtices be ſent to the next houſe of correction, where he ſhall be employed in hard labour 12 months; and it ſhall be lawful for any commander or ſuperior officer, of the ſhip in diſtreſs, or the officer of the cuſtoms, or conſtables on board the ſhip, to repel by force any ſuch perſons as ſhall, without conſent as aforeſaid, preſs on board the ſaid ſhip in diſtreſs, and thereby moleſt them in the preſervation of the ſhip. *ſ.* 3.

In caſe any goods ſhall be found upon any perſon, that were ſtolen or carried off from any ſuch ſhip in diſtreſs, he, on whom ſuch goods ſhall be found, ſhall upon demand, deliver the ſame to the owner, or to ſuch perſon by ſuch owner authoriſed to receive the ſame, or ſhall be liable to pay treble the value, to be recovered by ſuch owner in an action. *ſ.* 4.

If any perſon ſhall make or be aſſiſting in the making a hole in any ſhip ſo in diſtreſs, or ſteal any pump, or ſhall be aiding in the ſtealing ſuch pump, or ſhall wilfully do any thing tending to the immediate loſs of ſuch ſhip, ſuch perſon ſhall be guilty of felony without benefit of clergy. *ſ.* 5.

If any action be proſecuted for any thing done in purſuance of this act, all perſons ſo ſued may plead the general iſſue. And this act ſhall be a public act. *ſ.* 6.

If any officer of the cuſtoms ſhall, by fraud or wilful neglect, abuſe the truſt hereby repoſed in him, and ſhall be convicted thereof, ſuch officer ſhall forfeit treble damages to the party grieved, to be recovered in any court of record, and ſhall be incapable of any employment relating to the cuſtoms. *ſ.* 7.

This act ſhall be read four times in the year in all churches and chapels of every ſeaport town, and upon the ſea coaſt, upon the *Sundays* next before *Michaelmas-day*, *Chriſtmas-day*, *Lady-day*, and *Midſummer-day*, in the morning, after prayers, and before ſermon. *ſ.* 8.

This act ſhall not prejudice her majeſty, or any grantee of the crown, or any lord of a manor, or other perſon, in relation to any right to wreck, or goods that are *flotſam*, *jetſam*, or *lagan*. *ſ.* 9.

By 4 *Geo.* 1. *c.* 12. The act 12 *Ann. ſt.* 2. *c.* 18. ſhall

not affect the ancient jurisdiction of the admiralty court of the *cinque ports*; but the officers of the said court shall put the said act in execution within the jurisdiction of the *cinque ports*. *s.* 2.

By 26 *Geo.* 2. *c.* 19. If any person shall plunder, steal, take away, or destroy any goods or effects, from or belonging to any ship or vessel of his majesty's subjects, or others, being in distress, wrecked, lost, stranded, or cast on shore, in any of her majesty's dominions, (whether any living creature be on board such vessel or not) or any of the furniture, tackle, apparel, provision, or part of such vessel; or beat or wound with intent to kill, or otherwise wilfully obstruct the escape of any person endeavouring to save his life from such ship, or the wreck thereof; or put out any false light with intention to bring any ship into danger, such person so offending shall be deemed guilty of felony, and being convicted shall suffer death as in cases of felony without benefit of clergy. *s.* 1.

When goods or effects of small value be stranded, lost, or cast on shore, and be stolen without circumstances of cruelty or violence, it shall be lawful for any person to prosecute for such offence by way of indictment for petit larceny; and the offenders being convicted, shall suffer as in cases of petit larceny. *s.* 2.

It shall be lawful for any justice of peace, upon information upon oath of any part of the cargo or effects belonging to any ship lost or stranded upon or near the coasts aforesaid, being unlawfully carried away, or concealed in any house or place, or of some reasonable suspicion thereof, to issue his warrant for the searching of such house or place, as in other cases of stolen goods, and if the same be found in such house or place, or in the custody of any person not legally authorised or intitled to keep the same, and the owner or occupier of such house or place, or the person in whose custody the same be found, shall not upon demand deliver the same to the owner, or to such person as shall be authorised to demand the same, or shall not give a good account, to the satisfaction of the justice, how he became possessed thereof, such justice upon proof of such refusal, shall commit the offender to the common gaol for six months, or until he have paid to such owner, or to the person authorised to receive the same, treble the value of the goods unlawfully detained. *s.* 3.

If any person offer to sale any goods or effects belonging to any ship, lost, stranded, or cast on shore, and unlawfully taken away, or suspected so to have been; it shall be lawful for the person to whom the same be so offered for sale, or any officer of the customs or excise, or any constable, or other peace officer, to stop and seize the said goods and effects; and he shall carry the same, or give notice of such seizure to some justice of peace; and if the person who offered the said goods to sale, or some other person on his behalf, appear not before the said justice, within ten days next after such seizure, and make out the property of the said goods to be in him, or in the person by whom he was employed to sell the same, the said goods shall, by order of the justice, be delivered over to or for the use of the rightful owner, upon payment of a reasonable reward for such seizure (to be ascertained by the justice), to the person who seized the same; and such justice shall commit the person who so offered the said goods to sale, to the common gaol for six months, or until he have paid to such lawful owner, or to the person authorised to receive the same, treble the value of the goods so unlawfully offered to sale. *s.* 4.

In case any person not employed by the master, mariners, or owners, or other persons lawfully authorised, in the salvage of any ship, or the cargo or provision thereof, in the absence of persons so employed or authorised, shall save any such ship or effects, and cause the same to be carried, for the benefit of the owners, into port, or to any near adjoining custom-house or place of safe custody, giving notice to some justice of peace, magistrate, or custom house or excise officer, or shall discover to any such magistrate or officer where any such effects are wrongfully bought, sold, or concealed, such person shall be entitled to a reasonable reward to be paid by the masters or owners of such vessels or goods, and to be adjusted in case of disagreement, in like manner as the salvage is to be adjusted and paid, by 12 *Ann. st.* 2. *cap.* 18. or in the manner herein after prescribed *s.* 5.

For the better ascertaining the salvage to be paid in pursuance of this act and the act before mentioned, and for putting them in execution, the justice of the peace, mayor, bailiff, collector of the customs, or chief constable, nearest to the place where any ship or goods shall be stranded or cast away, shall forthwith give public notice for a meeting to be held as soon as possible of the sheriff or his deputy, the justices of the peace, mayors, or other chief magistrates of towns corporate, coroners, and commissioners of the land tax, or any five or more of them, who are to give aid in the execution of this and the said former act, and to employ proper persons for the saving of ships in distress, and such ships and effects as be stranded or cast away; and also to examine persons upon oath concerning the same, or the salvage thereof, and to adjust the *quantum* of such salvage, and distribute the same among the persons concerned in such salvage, in case of disagreement; and every such sheriff, justice of peace, mayor, chief magistrate, coroner, lord of a manor, under sheriff, or commissioner of the land tax, acting at such meeting, shall be paid 4 *s.* a day for his expences out of the effects saved. *s.* 6.

If the charges and rewards for salvage, directed to be paid by 12 *Ann. st.* 2. *c.* 18. and by this act, be not paid, or sufficient security given for the same within 40 days, it shall be lawful for the officer of the customs concerned in such salvage, to borrow money sufficient to pay such charges and rewards, or any part thereof then unpaid or not secured, upon one or more bills of sale, under his hand and seal, of the ship or cargo saved, or such part thereof as is sufficient, redeemable upon payment of the sum so borrowed, and interest after the rate of 4 *per cent. per annum*. *s.* 7.

If oath be made before any magistrate lawfully impowered to take the same, of any such plunder or theft, and the examination in writing thereupon taken be delivered to the clerk of the peace of the county or division wherein such fact is committed, or to his deputy, or if oath be made before any such magistrate of the breaking any ship, contrary to the 12 *Ann. st.* 2. *c.* 18. and the examination in writing, thereupon taken, be delivered to such clerk of the peace, or his deputy; such clerk of the peace shall cause the offender to be prosecuted for the same, either in the county where the fact is committed, or in any county next adjoining, in which adjoining county any indictment may be laid by any other prosecutor; and if the fact be committed in *Wales*, then the prosecution shall be carried on in the next adjoining *Engliſh* county, and the charges of such prosecutions by the clerk of the peace shall be paid by the treasurer of the county or division where the fact is committed, to such amount as the justices of the peace in their sessions

ſeſſions order; and if ſuch clerk of the peace neglect to carry on ſuch proſecution, he ſhall forfeit 100*l.* for every ſuch offence, to any perſon who ſhall ſue for the ſame by action of debt, &c. in any court of record at *Weſtminſter*, in which no eſſoign, &c. ſhall be allowed. *ſ.* 8.

The commiſſioners of the land tax, the deputy ſheriff, the coroners, and the officers of exciſe in each county, riding, and diviſion, ſhall be proper officers for putting in execution this act and the 12 *Ann. ſt.* 2. *c.* 18. with thoſe therein named for that purpoſe. *ſ.* 9.

The lord warden of the cinque ports, and the lieutenant of *Dover Caſtle*, and the deputy warden of the cinque ports, and the judge official, and commiſſary of the court of admiralty of the cinque ports, two ancient towns, and the members thereof, and every of them, and every other perſon appointed by the lord warden of the cinque ports, purſuant to 3 *Geo.* 1. *c.* 13. ſhall be the perſons to put in execution, within the juriſdiction of the cinque ports, two ancient towns and their members, all the powers given by this act, and the 12 *Ann. ſt.* 2. *c.* 18. and the 4 *Geo.* 1. *c.* 12. *ſ.* 10.

If any ſheriff or his deputy, juſtice of peace, mayor, or other magiſtrate, lord of a manor, commiſſioner of the land tax, chief conſtable or petty conſtable, or other peace officer, or any cuſtom-houſe or exciſe officer, or other perſon lawfully authoriſed, be aſſaulted, beaten, and wounded, for the exerciſe of his duty, in the ſalvage of any ſhip in diſtreſs, or of any ſhip or goods ſtranded, wrecked, or caſt on ſhore, or lying under water, in any of her majeſty's dominions, any perſon ſo aſſaulting, beating, and wounding, ſhall, upon conviction, by indictment at the aſſizes, or general gaol delivery, or at the general or quarter ſeſſions for the county or diviſion where ſuch offence is committed, be tranſported for ſeven years to ſome of her majeſty's colonies in *America*. and be ſubjeſt to ſuch puniſhment in caſe of return before that time, as other perſons under ſentence of tranſportation. *ſ.* 11.

It ſhall be lawful for any juſtice of peace, in caſe of need, and in the abſence of the high ſheriff, to take ſufficient power of the county, to repreſs all unjuſt violence, and to enforce the execution of this act. *ſ.* 12.

All perſons ſo aſſembled, to ſave any ſhip or goods, ſhall conform in the firſt place to the orders of the maſter, or other officers or owners, or other perſons employed by them; and for want of their preſence or directions, to the orders of the perſons authoriſed by this act, or the 12 *Ann. ſt.* 2. *c.* 18. in the following ſubordination, as any of them happen to be preſent, *viz.* in the firſt place, to the orders of any officer of the cuſtoms, then of any officer of the exciſe, then of the ſheriff or his deputy, then of any juſtice of peace, then of the the mayor or chief magiſtrate of any corporation, then of the coroner, then of any commiſſioners of the land tax, then of any chief conſtable, then of any petty conſtable, or other peace officers; and any perſon acting wilfully contrary to ſuch orders, ſhall forfeit any ſum not exceeding 5*l.* to be levied by warrant of one juſtice of peace; and in caſe of non-payment, the offender ſhall be committed to the houſe of correction for any time not exceeding three months, *ſ.* 13.

This act ſhall not prejudice his majeſty, or any grantee of the crown, or any lord of manor, or other perſon, in any right to any wreck, or goods which are *flotſam*, *jetſam*, or *lagan*. *ſ.* 14.

The officer of the cuſtoms who acts in the preſerving of any ſhip in diſtreſs, or the cargo, ſhall, as ſoon as may be, cauſe all perſons belonging to the ſaid ſhip, and others who can give any account thereof, or of the cargo, to be examined upon oath before ſome juſtice of peace, as to the name or deſcription of the ſhip, and the names of the maſter or chief officer and owners thereof, and of the cargo, and of the ports from or to which the ſaid ſhip was bound, and the occaſion of the ſaid ſhip's diſtreſs; which examination the ſaid juſtices are to take in writing, and they ſhall deliver a copy thereof, together with a copy of the account of the goods, to the ſaid officer of the cuſtoms; who ſhall forthwith tranſmit the ſame to the ſecretary of the admiralty; who ſhall publiſh in the next *London Gazette*, ſo much thereof as is neceſſary for the information of perſons intereſted. *ſ.* 15.

The 12 *Ann. ſt.* 2. *c.* 18. and the 4 *Geo.* 1. *c.* 12. ſhall remain in force, ſave only ſo far as the ſame are altered by this act. *ſ.* 16.

This act ſhall take place from the 29th of *Sept.* 1753. *ſ.* 17.

Nothing in this act ſhall extend to *Scotland*. *ſ.* 18.

Writs.

Stat. Marleber. 52 *Hen.* 3. *c.* 30. If thoſe alienations, of which *a writ of entry* was wont to be granted, be made by ſo many degrees that the writ cannot be had in the form before uſed, the plaintiff ſhall have a writ to recover his ſeiſin without mention of the degrees to be provided by the king's counſel.

Stat. Weſtm. 1. 3 *Edw.* 1. *c.* 41. The champion ſhall not be conſtrained to ſwear, that he or his father ſaw the ſeiſin of his lord, or of his anceſtor, and that his father commanded him to do the derraignment; but the oath ſhall be kept in all other points.

Stat. de conjunctim feoffatis, 34 *Edw.* 1. A writ of *indicavit* ſhall not be granted before the ſuit hanging in the ſpiritual court between the parties be recorded, and the chancellor be certified thereupon by ſight of the libel.

By 14 *Edw.* 3. *c.* 17. Parſons, vicars, and wardens of chapels, ſhall have their writs of *juris utrum* of tenements annexed or given perpetually in alms to vicarages or chapels, and recover by other writs in their caſe as parſons of churches or prebends. *See* Consimili Casu.

THE

THE

APPENDIX.

BEING AN

ABRIDGMENT

OF

ACTS OF PARLIAMENT

PASSED IN THE

Thirtieth Year of the Reign of King GEORGE III.

And not printed in the PRECEDING PART of this WORK.

African Trade.

THE 30 Geo. 3. c. 33. *after reciting that it is expedient to continue and amend* 29 Geo. 3. c. 66. (*see* PART I. *page* 8.) *re-enacts* in the *ſame words*, ſec. 1. of 29 Geo. 3. *with this proviſo*, that nothing therein ſhall extend to a ſhip taking on board any ſlaves that ſhall be found ſhipwrecked, or from on board any other veſſel, where, by reaſon of mutiny or inſurrection among the ſlaves, or the crew, or by failure of hands, or by any actual diſtreſs, the maſter ſhall be diſabled from governing the ſhip, or continuing the voyage, the proof of which ſhall lie upon the maſter of ſuch veſſel ſo taking on board ſuch ſlaves. *ſ.* 1.

Sec. 2 *of* 30 Geo. 3. *is in the ſame words* as *ſec.* 2. of 29 *Geo.* 3. *except that* the penalty on the officer of cuſtoms for not tranſmitting an account of the ſlaves to the commiſſioners of the cuſtoms is by 30 *Geo.* 3. *ſ.* 2. 500*l.* inſtead of 50*l.*

Section 3. of 30 *Geo.* 3. is in the ſame words as 29 *Geo.* 3. *ſ.* 3.

Sections 4, 5, and 6, of 29 Geo. 3. *are not re-enacted* in 30 Geo. 3. *ſuch ſections* (which ſee in PART I. pages 8 & 9,) *are of courſe expired.*

In caſe the maſter of any veſſel ſhall be convicted of any one of the offences before mentioned, and ſhall not, within 14 days, pay into the hands of the proper officer of the court wherein the offence ſhall be proſecuted, that the ſame may be applied in manner herein directed, the amount of the penalty on conviction; it ſhall be lawful for any admiral, or other commander at ſea, of any of the ſhips of war, or other ſhip having commiſſion from his majeſty, or for any governor of any iſland or plantation to his majeſty belonging in *America* or the *Weſt Indies*, or for any officer of cuſtoms, to ſeize the ſaid veſſel wherever found, and to convey the ſame to the neareſt cuſtom houſe; and the collector, or principal officer, ſhall cauſe ſuch veſſel to be ſold publicly by auction, and the produce ariſing by ſale thereof apply towards ſatisfying the penalty; and if there remain any overplus, pay the ſame over to ſuch perſon as ſhall prove his property therein. 30 *Geo.* 3. *c.* 33. *ſ.* 4.

The penalties and forfeitures inflicted by this act ſhall be ſued for and recovered in any court of vice admiralty in *America*, or the *Weſt Indies*, where ſuch offence ſhall have been committed, or where ſuch veſſel ſhall have diſpoſed of the whole or part of her cargo, or in any courts of record at *Weſtminſter*, or in the exchequer at *Edinburgh*. *ſ.* 5.

Section 6 of 30 Geo. 3. *is in the ſame words as* ſec. 7. 29 *Geo.* 3.

Section 7. of 30 Geo. 3. *is to the ſame effect as ſec.* 8. *of* 29 Geo. 3. *except that* the penalty by 30 *Geo.* 3. *ſ.* 7. is 500*l.* inſtead of 50*l.*

Section 8 of 30 Geo. 3. *is in the ſame words as* ſec. 9. of 29 *Geo.* 3.

Section 9 of 30 Geo. 3. *is in the ſame words as* 29 Geo. 3. ſ. 10.

Section 10 of 30 Geo. 3. *is in the ſame words as* 29 Geo. 3. ſ. 11.

The commiſſioners named in 29 *Geo.* 3. *c.* 66. are appointed commiſſioners for enquiring into any loſſes ſuſtained in conſequence of an act 28 *Geo.* 3. ſince expired: *(ſee a note in* PART I. *page* 9.) by any merchants or owners of any veſſels engaged in the *African* trade, who ſhall have made application to the commiſſioners before *Sept.* 1. 1788, and all perſons having made ſuch applications, ſhall, on or before *Aug.* 1, 1790, lay before the commiſſioners full ſtatements of the grounds of their claims, *&c.* as in 29 *Geo.* 3. *c.* 66. *ſ.* 12.; *ſee* PART I. *page* 9.—30 *Geo.* 3. *c.* 33. *ſ.* 11.

The treaſury may order 2000 *l.* to be iſſued for the payment of clerks, *&c.* 30 *Geo.* 3. *c.* 33. *ſ.* 12.

His majeſty to appoint to vacancies of commiſſioners during the receſs of parliament. *ſ.* 13.

Before any veſſel is cleared outwards, the maſter, officers, and mariners, to execute articles of agreement in the forms hereunto annexed; and no other form to be uſed on penalty of 50 *l.* *ſ.* 14.—*in the ſame words* as *ſ.* 15. of 29 *Geo.* 3.

Sections 15, 16, 17, 18, 19, 20, 21, 22, and 23, of 30 *Geo.* 3. *c.* 33. are in the ſame words as ſections 16, 17, 18, 19, 20, 21, 22, 23, and 24, of 29 *Geo.* 3. *c.* 66.

This act ſhall continue in force till *Aug.* 1, 1791, and no longer, except for the purpoſe of trying or ſuing any perſon in conſequence of any offence in breach of this act, or hearing and determining upon ſuch cauſes and claims as ſhall have been made before the commiſſioners appointed for compenſation for loſſes under the regulations of and within the time limited by this act, or any other act before mentioned. 30 *Geo.* 3. *c.* 33. *ſ.* 24.

The ſame ſchedules are annexed to this act as to 29 Geo. 3.

Annuities, Public.

By 30 *Geo.* 3. *c.* 45. Every perſon entitled to any life annuity, with benefit of ſurvivorſhip under 29 *Geo.* 3. *c.* 41. and poſſeſſed of any certificate made out by the caſhier of the bank, in purſuance of the ſaid act, may, before *Sept.* 20, 1790, carry the ſaid certificate to the auditor of the exchequer, to be exchanged for other certificates to be made out by the auditor, in manner herein-after mentioned; and may, by writing on the back of ſuch certificate, elect to have his intereſt in ſuch life annuity with benefit of ſurvivorſhip, converted into annuities for ſuch term of years as herein mentioned; and the ſaid auditor ſhall, on receipt of ſuch certificate, after computing the intereſt due thereon on the 10th *Oct.* 1790, give a receipt for the ſame, expreſſing the principal ſum contained in ſuch certificate, and the intereſt to become due thereon, and cauſe the ſaid certificate to be filed in the office of the auditor; and the ſaid auditor ſhall, in lieu thereof, cauſe to be made out a diſtinct certificate in reſpect of every 100 *l.* 5 *s.* to the bank, for the amount of the principal ſums contained in the certificates remaining filed in the ſaid office, for which certificates no fee ſhall be taken, nor ſtamp duty paid; and the perſon poſſeſſed of ſuch laſt certificate, ſhall, upon delivery thereof to the bank, be entitled to an annuity at the rate of 4 *l.* 5 *s.* *per ann.* for every 100 *l.* 5 *s.* expreſſed in ſuch laſt certificate, to commence from the 10th *Oct.* 1790, and to continue for 69 years and one quarter and then to ceaſe: which annuity ſhall be paid half-yearly, on *April* 5, and *Oct.* 10, in every year, the firſt payment to be due on *April* 5, 1791, and ſo ſhall continue until determined; and in ſuch caſe the right to any annuity, with benefit of ſurvivorſhip, ſhall ceaſe. *ſ.* 1.

In the office of the accountant general of the bank, books ſhall be kept, in which the names of perſons who have delivered certificates to be made out by the auditor in purſuance of this act, and the ſums contained therein, ſhall be entered, which books the ſaid perſons, and all perſons who ſhall continue to have an intereſt in ſuch life annuities, may inſpect without fee; and the ſaid accountant general ſhall, before 5th *April*, 1791, tranſmit an atteſted duplicate, fairly written on paper, of the ſaid books into the office of the auditor of the exchequer. *ſ.* 2.

As ſoon as any perſon ſhall have delivered to the bank any certificate made out by the auditor, the ſum expreſſed in the certificate delivered to the bank, ſhall be, in the books of the bank, placed to the credit of ſuch perſons who may aſſign the ſame in the books of the bank; and ſuch ſums ſhall carry an annuity after the rate of 4 *l.* 5 *s.* *per ann.* in reſpect of every 100 *l.* 5 *s.* for 69 years and one quarter of a year, from *Oct.* 10, 1790, and then to ceaſe, and ſhall be deemed to be ſtock transferable according to this act. *ſ.* 3.

Annuities to be payable at the bank, and free of all taxes. *ſ.* 4.

Annuities payable out of the conſolidated fund. *ſ.* 5.

The contributors who ſhall have had the intereſt to become due on 10th *Oct.* 1790, computed by the caſhier of the bank, purſuant to the act of laſt ſeſſion, ſhall be intitled to receive at the exchequer ſuch intereſt, at the rate in the ſaid act mentioned. *ſ.* 6.

Treaſury to order money for payment of annuities to be iſſued at the exchequer, *&c.* *ſ.* 7.

Accountant general to examine the caſhier's accounts, and the annuities to be deemed perſonal eſtate. *ſ.* 8.

Books to be kept at the bank for entering transfers of annuities, *&c.* *ſ.* 9.

Annuities may be bequeathed by will, *&c.* and transfers not chargeable with ſtamps. *ſ.* 10.

Annuities, from *Oct.* 10, 1790, to be added to the joint ſtock of annuities granted by two acts of 1 *Geo.* 3. *c.* 7. and 2 *Geo.* 3. *c.* 10.—*See* PART I. *page* 23.—*ſ.* 11.

The ſaid auditor of the exchequer ſhall, on or immediately after *Sept.* 20, 1790, certify to the commiſſioners of the treaſury, the number of certificates filed in the office of the auditor, indorſed in the manner herein directed; and alſo the number of ſuch ſhares of the life annuities, with benefit of ſurvivorſhip, which ſhall have been converted into annuities for terms of years; and the commiſſioners of the treaſury, or three, ſhall, for each 100 *l.* 5 *s.* contained in ſuch certificates, name, in manner herein directed, the life of ſome one perſon, at any time on or before *Oct.* 10, 1790, in manner herein directed; during which lives appointed as aforeſaid, there ſhall be reſerved at the exchequer, to the uſe of the public, at the days of payment, in the ſaid act mentioned, the like annuity, with like benefit of ſurvivorſhip in claſſes, as any contributor in the ſame claſſes would be intitled unto by the ſaid act, in reſpect of an equal number of ſhares thereof, and which annuity, ſo reſerved at the ſaid receipt, to the uſe of the public, ſhall, as they grow due, be carried to the conſolidated fund, toward ſatisfying the annuities of 4 *l.* 5 *s.* granted under this act, as aforeſaid. *ſ.* 12.

The

The treaſury ſhall, out of the ſeveral degrees, orders, or ſocieties of perſons herein-after mentioned, ſelect, in manner herein directed, ſo many nominees as ſhall be neceſſary to carry into execution this act; *viz.* ſuch perſons as are peers of *Great Britain*, or of *Ireland*, or the children or grand-children of ſuch peers; or are baronets of *England* or *Scotland*, or lords of manors in *England* or *Wales*, or perſons who are named in the commiſſion of the peace for any county in *England* or *Wales*, or their children; or are ſpiritual perſons, promoted to any biſhoprick, deanry, archdeaconry, prebend, or other dignity, or beneficed with any parſonage, vicarage, or donative in *England*, or a fellowſhip in any college or hall of either of the univerſities of *Oxford* or *Cambridge*; or are governors of the *Charter Houſe*, or governors and guardians of the *Foundling Hoſpital*, or the preſident, treaſurer, or governors of *Chriſt's Hoſpital*; or ſuch perſons reſpectively who are regiſtered in the books of *The Amicable Society for Inſurance on Lives* in *Serjeant's Inn*, *Fleet Street*, and whoſe names, places of abode, and ages, ſhall be fully ſet forth in ſuch regiſter; and all ſuch perſons who ſhall be appointed nominees by the treaſury, on or before 10 *Oct.* 1790, out of the perſons above mentioned, ſhall be deemed nominees, during whoſe lives there ſhall be reſerved, for the uſe of the public, at the exchequer, annuities with benefit of ſurvivorſhip after the rates, and at the times in the ſaid act mentioned, as fully as if ſuch nominees had been appointed under the former act. *ſ.* 13.

Before ſuch nominees ſhall be entered in the book of the auditor, the treaſury, or ſome perſon by them appointed under this act, ſhall deliver to the auditor a true copy of the regiſter of the birth of every ſuch nominee, and alſo a certificate of the ſame, under the hands of the miniſter of the pariſh where ſuch regiſter ſhall be kept, or of the churchwarden or overſeers, or other principal inhabitants of ſuch pariſh, or two of them, thereby certifying the ſame to be a true copy of ſuch regiſter; and alſo a certificate under the hands of the miniſter of the pariſh where ſuch nominee ſhall reſide, or of the churchwardens or overſeers, or inhabitants of ſuch pariſh, or three of them, thereby certifying the name, ſurname, and abode, of ſuch nominee; and in caſe ſuch nominee ſhall be regiſtered in the books of the Amicable Society, then the treaſury, or perſon aforeſaid, ſhall alſo deliver to the auditor a certificate, under the hands of two of the directors or governors of the ſaid ſociety, certifying the name, ſurname, abode, and age of ſuch nominee, together with ſuch other deſcriptions to aſcertain the perſon as may appear in the books of the ſaid ſociety; and which copies the miniſters, officers, directors, or governors, or perſons aforeſaid, are required, upon application in writing, to deliver to the treaſury, or perſon appointed by them, at ſuch times as the commiſſioners of the treaſury, or three, ſhall direct; and any appointment in writing, under the hands and ſeals of the commiſſioners of the treaſury, or three of them, of ſuch perſon, duly certified in manner herein mentioned, to be a nominee by virtue of this act, ſhall be a ſufficient warrant to the officers in the office of the auditor, and alſo in the office of the clerk of the pells, for admitting ſuch perſon to be a nominee in the proper claſs of nominees according to the ſaid act, and for entering the name, abode, and age of ſuch perſon as a nominee in the book to be kept for that purpoſe, according to the ſaid act; and the ſaid auditor is to enter the ſame accordingly, and alſo the particular claſs in which each ſuch nominee ought to be placed by the ſaid act, and the annuities to be reſerved for the uſe of the public in reſpect of ſuch nominees according to this act. *ſ.* 14.

The commiſſioners of the treaſury, or ſome perſon appointed by them under this act, ſhall, half-yearly, during the lives ſo nominated, tranſmit to the places in *Great Britain*, where ſuch nominees reſide, a liſt of all the nominees reſiding in ſuch place; and alſo to the directors or governors of the ſaid ſociety a liſt of all ſuch nominees regiſtered in the books of the ſaid ſociety; and the miniſters, officers, or perſons aforeſaid, of the places to which ſuch liſts ſhall be tranſmitted, and the directors or governors of the ſaid ſociety, ſhall, half-yearly, *viz.* before 5 *April*, and 10 *Oct.* in each year, on ſuch days as the treaſury ſhall direct, return to the treaſury, or perſon appointed by them, a certificate, under the hands of ſuch miniſters, officers, or perſons, or of two of them, or under the hands of ſuch directors, or two of them, certifying the lives of all the nominees which ſhall then ſubſiſt; and alſo the deaths of ſuch nominees come to their knowledge, or of the removal of ſuch nominees from ſuch place; and the certificates certifying the lives of the nominees, being filed at the office of the auditor, ſhall be a ſufficient warrant for reſerving at the ſaid receipt, to the uſe of the public, the half-yearly payments which ſhall ariſe in reſpect of the nominees certified according to this act, and which certificates ſhall not be chargeable with any ſtamp duty. *ſ.* 15.

If when any half-yearly payment ſhall become due, ſuch nominees appointed by the treaſury, ſhall be in the ſervice in his majeſty's land forces, or navy, it ſhall be lawful to produce to the auditor, a certificate of the lives or deaths of ſuch nominees, under the hands of the officers commanding the regiments, or under the hands of two commiſſioners of the admiralty or navy; and in caſe ſuch nominees ſhall be reſident at either of the univerſities, or at any ſchool, or other ſeminary, then it ſhall be lawful to produce the like certificate, under the hand of the principal rector, warden, or maſter of the college, hall, ſchool, or other ſeminary; which certificates, being filed with the auditor, ſhall be likewiſe a ſufficient warrant for ſetting apart at the exchequer the half-yearly payments, in reſpect of ſuch nominees. *ſ.* 16.

The auditor ſhall, on or immediately after 20 *Sept.* 1790, certify to the treaſury, the number of perſons then appointed to be nominees under the ſaid act, and the names of ſuch nominees, and the claſſes in which the ſaid nominees are to be placed, and the whole ſhares depending upon the lives of all the nominees appointed within each claſs; and the ſaid commiſſioners ſhall, in the appointment of nominees on the part of the public, diſtribute the number of nominees, and of ſhares depending on the lives of ſuch nominees, among the ſeveral claſſes of the tontine, in the ſame proportion in which the number of nominees appointed by the contributors, and the number of ſhares depending on the lives of ſuch nominees, ſhall appear, by the certificate of the auditor, to have been diſtributed among the claſſes. *ſ.* 17.

The names of all perſons of any of the deſcriptions before enumerated, whoſe ages and abode ſhall be aſcertained by the treaſury, on or before 20 *Sept.* 1790, ſhall be diſtributed according to the ages of ſuch perſons into ſix claſſes, correſponding to the claſſes directed by the ſaid act of laſt ſeſſion, and written or printed on diſtinct pieces of paper, of equal ſize, and rolled up in the ſame manner; and ſhall, on ſome day between 20 *Sept.* and 10 *Oct.* 1790, (whereof notice ſhall be given in the *London Gazette*,) be

put into ſix boxes, according to the ſix claſſes in which the ſame ſhall have been diſtributed, and being there ſhaken together, ſhall, in the preſence of the commiſſioners of the treaſury, or three, and alſo the deputy governor of the bank, be publicly drawn out of the ſix boxes in their order, beginning with the firſt claſs, and ſo ſhall continue until a ſufficient number of names in each claſs ſhall be drawn out of the ſaid boxes, to fill up the proportion of nominees to be appointed on the part of the public in each claſs, according to this act; and which names ſo drawn ſhall in ſuch claſſes be entered into books, and the perſons whoſe names ſhall be ſo drawn, and none other, ſhall be appointed and certified to the auditor as the nominees on the part of the public. *ſ.* 18.

None but a native, and reſiding in *Great Britain*, to be nominee for the public. *ſ.* 19.

In the account to be made up half-yearly in the office of the auditor, of the deaths of nominees, and alſo in the liſt to be publiſhed yearly in purſuance of the laſt act, the ſaid auditor ſhall ſet down, in different columns, the names and ages of nominees appointed by the treaſury, and the names and ages of ſuch other nominees as were appointed by the contributors in purſuance of the former act; and alſo ſhall ſet down therein the different annuities payable to the contributors, and the annuities to be reſerved at the receipt for ſuch nominees who ſhall be living, which were appointed by the treaſury, and alſo the amount of the annuities payable to the contributors, or to be reſerved as aforeſaid. *ſ.* 20.

Out of *The Conſolidated Fund*, the treaſury ſhall have power to diſcharge all charges as ſhall neceſſarily attend the execution of this act; and alſo to make allowances for the ſervice of the caſhier and accountant general; all which allowances in reſpect of the ſervice of any officer of the bank ſhall be for the uſe of the governor and company, and at their diſpoſal only. *ſ.* 21.

No fee to be taken for converting life annuities into annuities for a term of years, on penalty of 20*l.* *ſ.* 22.

Perſons forging or altering certificates, *&c.* guilty of felony. *ſ.* 23.

Perſons ſued for any thing done by virtue of this act, may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts. *ſ.* 24.

Exciſe.

Auctions.

By 30 *Geo.* 3. *c.* 26. Any goods imported into this kingdom by way of merchandize, from the ſettlement at *Yucatan*, in *South America*, ſhall be free of the duty on the firſt ſale of ſuch goods at auction, for the original importer to whom the ſame were conſigned, and by whom they were entered at the cuſtom-houſe at the port of importation, ſo as ſuch ſale be made within twelve months after ſuch goods ſhall be imported, and by ſome licenſed auctioneer. *ſ.* 1.

Brandy, Rum, Arrack, and other Spiritous Liquors.

Britiſh Spirits.

By 30 *Geo.* 3. *c.* 18. So much of 27 *Geo.* 3. *c.* 31, as directs that all ſpirits ſhall be deemed of the ſtrength denoted by *Clarke*'s hydrometer, is continued to the end of the next ſeſſion. *ſ.* 3.

By 30 *Geo.* 3. *c.* 37. The duties impoſed by 27 *Geo.* 3. *ſ.* 13. (*ſee* PART I. *page* 203.) on waſh made in *England* for extracting ſpirits for home conſumption; and which by 29 *Geo.* 3. *c.* 45. were continued to *July* 5, 1790, ſhall be further continued until *July* 5, 1791. *ſ.* 1.

Clauſes 1, 2, 3, and 4, of 29 *Geo.* 3. *c.* 45. (*ſee* PART I. *page* 248) are recited, and repealed; and for making unto the rectifiers and compounders of ſpirits a fair allowance for that increaſe by water, ſugar, ſyrup, or fruit, which is neceſſary to render their ſpirits fit for conſumption, there ſhall be allowed permits for ſending out, not exceeding 150 gallons of *Britiſh* brandy, rectified *Britiſh* ſpirits or compounds, for every 100 gallons of raw *Britiſh* ſpirits which they ſhall have received from any diſtiller of *Britiſh* ſpirits, (not a rectifier), of the ſtrength of one to ten over hydrometer proof, or which they ſhall reſpectively have made at the ſtrength laſt aforeſaid. *ſ.* 2.

Within thirty days after the commencement of this act, and afterwards once in every three months at leaſt, the officers ſhall take an account of the ſtock of *Britiſh* brandy, rectified *Britiſh* ſpirits, raw *Britiſh* ſpirits, compounds, and other *Britiſh* ſpirits, of every rectifier and compounder (whether a maker of ſpirits or not); and if on taking ſuch account, ſubſequent to the firſt, the ſtock ſo taken, added to the quantity of ſpirits for which permits ſhall have been granted to ſuch rectifier or compounder, ſince the time of taking the laſt preceding account, ſhall be found to exceed the quantity found at the taking the laſt preceding account of ſuch ſtock by the officer, added to the quantity ſince received by permit from any diſtiller (not being a rectifier) at the ſtrength of one or ten over hydrometer proof, or made by ſuch rectifier or compounder, at the ſtrength laſt aforeſaid, with the allowance of 50 gallons on every 100 gallons ſo made or received, caſting ſuch ſtock at the ſtrength of one in three and three-fourths under proof, a quantity of ſpirits equal to the quantity ſo found in exceſs ſhall be forfeited, and may be ſeized by any officer out of ſuch ſtock; and the perſon in whoſe ſtock ſuch quantity, ſo found in exceſs, ſhall be diſcovered, ſhall alſo forfeit 50*l.* *ſ.* 3.

If any officer, on taking the firſt account, under this act, of the ſtock of *Britiſh* brandy, rectified *Britiſh* ſpirits, raw *Britiſh* ſpirits, compounds, or other *Britiſh* ſpirits, of any rectifier, or compounder (whether a maker of ſpirits or not), ſhall find that the ſtock ſo taken, added to the quantity for which permits ſhall have been granted to ſuch rectifier, or compounder, ſince the taking the laſt account under 29 *Geo.* 3. ſhall be found to exceed the quantity found by the officer in ſuch ſtock, at the taking ſuch laſt preceding account, added to the quantity ſince received by permit from any diſtiller (not a rectifier) at the ſtrength of one to ten over proof, or made by ſuch rectifier, or compounder, at the ſtrength laſt aforeſaid, with the allowance of 42 gallons on every 100 gallons ſo made or received by permits ſince the taking ſuch laſt account, the limitation whereof ſhall have expired before *July* 5, 1790, and with the allowance of 50 gallons on every 100 gallons ſo made or received after *July* 5, 1791, and prior to the taking ſuch firſt account, computing ſuch former ſtock at the ſtrength of one in four and ſeven ſixteenths under hydrometer proof, and then reducing the ſame to the ſtrength of one in three and three fourths under hydrometer proof, and computing ſuch latter ſtock at the ſtrength of one in three and three fourths under hydrometer proof, a quantity of ſpirits equal to the quantity ſo found in exceſs ſhall be forfeited, and may be ſeized by any officer out of ſuch ſtock; and the perſon in whoſe ſtock ſuch quantity ſo found in exceſs ſhall be diſcovered, ſhall alſo forfeit 50*l.* *ſ.* 4.

If on taking ſuch account of the ſtock of ſuch rectifier,

or

or compounder, it ſhall appear that ſuch rectifier, or compounder, has not actually made uſe of the whole of the allowance by this act granted, ſo much thereof as ſhall not appear to have been made uſe of, deducting therefrom ſo much as will be ſufficient to reduce the ſtock then found on hand to the ſtrength of one in three and three fourths under hydrometer proof, ſhall be cut off from his credit. *ſ.* 5.

No rectifier, or compounder, ſhall ſell or ſend out any *Britiſh* brandy, *Britiſh* rectified ſpirits, *Britiſh* compounds, or other *Britiſh* ſpirits, of any greater ſtrength than one in five under proof; and if ſuch rectifier, or compounder, ſhall ſell or ſend out any *Britiſh* brandy, *&c.* of any greater degree of ſtrength than one in five under proof, ſuch *Britiſh* brandy, *&c.* together with the veſſels containing the ſame, ſhall be forfeited, and may be ſeized by any officer of exciſe; and ſuch rectifier, or compounder, who ſhall ſell or ſend out ſuch *Britiſh* brandy, *&c.* of any greater ſtrength than one in five under proof, ſhall alſo forfeit the value of ſuch *Britiſh* brandy, *&c.* or 50 *l.* in the whole, at the election of the attorney general, or perſon who ſhall ſue for the ſame, the ſingle value of ſuch *Britiſh* brandy, *&c.* to be taken at the rate at which the beſt *Britiſh* brandy, *&c.* ſhall ſell for in *London*. *ſ.* 6.

All penalties, and forfeitures, impoſed by this act, ſhall be recovered, or mitigated, by law of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*; and one moiety of ſuch penalty ſhall be to his majeſty, and the other to him who ſhall inform. *ſ.* 7.

The 30 ſect. of 21 *Geo.* 3. *c.* 55. (*ſee* PART I. p. 213.) is recited and repealed. *ſ.* 8.

The act 29 *Geo.* 3. *c.* 45, clauſe 7, ſhall continue until *July* 5, 1791. *ſ.* 9. (*ſee* PART I. *page* 229.)

Retailing of Spirituous Liquors.

By 30 *Geo.* 3. *c.* 38. Every perſon who ſhall retail *foreign wine, or* Britiſh-*made wines, or ſweets, or diſtilled ſpirituous liquors or ſtrong waters*, ſhall, before he ſhall retail any foreign wine, *&c.* take out ſuch licence hereinafter mentioned, as the caſe may require, which licences reſpectively ſhall be granted, *viz.* If taken out within the limits of the chief office of exciſe in *London*, under the hands and ſeals of two commiſſioners of exciſe in *England*, or of ſuch perſons as they ſhall appoint for that purpoſe; but if taken out in any part of *England* not within the ſaid limits, the ſame ſhall be granted under the hands and ſeals of the collectors and ſupervifors within their diſtricts; and in caſe ſuch licence ſhall be taken out within the limits of *Edinburgh*, the ſame ſhall be granted under the hands and ſeals of two commiſſioners of exciſe in *Scotland*; or if taken out in *Scotland* out of the limits of *Edinburgh*, then the ſame ſhall be granted under the hands and ſeals of the collectors and ſupervifors of exciſe in *Scotland* within their reſpective diſtricts: And the commiſſioners of exciſe in *England* and *Scotland*, or two of them, and the perſons appointed by the ſaid commiſſioners, and alſo ſuch collectors and ſupervifors, are to grant ſuch licences to the perſons who ſhall apply for the ſame, on the perſon applying for the ſame firſt paying for ſuch licences the ſums following; *viz.*

For *every licence* granted to authorize any perſon *to retail diſtilled ſpirituous liquors or ſtrong waters* in any part of *Great Britain*, *four pounds and fourteen ſhillings*;——If the dwelling-houſe in which ſuch perſon ſhall reſide, or retail ſuch diſtilled ſpirituous liquors or ſtrong waters, at the time of taking out ſuch licence, ſhall not, together with the offices, courts, yards, and gardens therewith occupied, be rated, under the act, *for impoſing duties on houſes*, at 15 *l. per annum* or upwards:

If rated at 15 *l. per annum* or upwards, and under 20 *l.* ſuch perſons ſhall take out a licence, and pay for the ſame *five pounds and two ſhillings*:

If rated at 20 *l. per ann.* or upwards, and under twenty-five pounds, *five pounds and ten ſhillings*:

If rated at 25 *l. per ann.* or upwards, and under thirty pounds, *five pounds and eighteen ſhillings*:

If rated at 30 *l. per ann.* or upwards, and under forty pounds, *ſix pounds and ſix ſhillings*:

If rated at 40 *l. per ann.* or upwards, and under fifty pounds, *ſix pounds and fourteen ſhillings*:

And if rated at 50 *l. per ann.* or upwards, *ſeven pounds and two ſhillings*:

The money by this act directed to be paid for ſuch licences, which ſhall be taken out within the limits of the chief office in *London*, ſhall be paid at the chief office in *London*; and ſuch as ſhall be paid for licences which ſhall be taken out within the limits of *Edinburgh*, ſhall be paid at the chief office in *Edinburgh*; and ſuch as ſhall be paid for licences which ſhall be taken out in any part of *Great Britain*, not within the ſaid limits, ſhall be paid to the collectors granting ſuch licences. *ſ.* 7.

All licences to be granted under this act, ſhall continue in force until 10 *Oct.* next enſuing the time of the granting thereof, and no longer: But where any licence ſhall be firſt granted between 5 *April* and 10 *Oct.* in any year, there ſhall be charged only a rateable proportion of the money before directed to be paid for ſuch licence, according to the time for which ſuch licence ſhall be granted. *ſ.* 8.

No perſon ſhall retail any *foreign wines*, or *any* Britiſh-*made wines or ſweets*, or any diſtilled *ſpirituous liquors*, or ſtrong waters, after the expiration of ſuch licence, unleſs ſuch perſon ſhall take out a freſh licence, ten days before the expiration of ſuch former licence, and ſo in like manner renew ſuch licence from year to year; and if any perſon ſhall retail any foreign wine, *&c.* without firſt taking out a licence authoriſing him ſo to do, and renewing the ſame as before directed, he ſhall forfeit 50 *l.* *ſ.* 9.

Upon the death of any perſon licenſed, or upon the removal of any perſon licenſed from the entered houſe in which ſuch licence ſhall authorize him to retail foreign wine, *&c.* it ſhall be lawful for the commiſſioners of exciſe in *England* and *Scotland*, or one of them, and for the collectors and ſupervifors within their diſtricts, to authorize the executors or adminiſtrators, or the wife or child of ſuch deceaſed perſon, or the aſſigns of ſuch perſon ſo removing, who ſhall be poſſeſſed of ſuch houſe, in like manner to retail foreign wine, *&c.* in the ſame entered houſe where ſuch perſon ſo licenſed, by virtue of ſuch licence, carried on ſuch trade, during the reſidue of the term for which ſuch licence was originally granted, without taking out a new licence during the reſidue of the ſaid term: Perſons trading in partnerſhip, and in one houſe or ſhop only, ſhall not be obliged to take out more than one licence in one year, either for retailing foreign wine, or for retailing *Britiſh*-made wines or ſweets, or for retailing diſtilled ſpirituous liquors or ſtrong waters; and no one licence ſhall authorize any perſon to retail foreign wine, *&c.* in any other place than ſuch places, in which he ſhall retail foreign wine, *&c.* at the time of granting ſuch licence, and whereof entry in writing ſhall be made at the office of exciſe in the name of ſuch perſon at the time of granting ſuch licence. *ſ.* 10.

Nothing

Nothing herein ſhall be prejudicial to the privileges of the two univerſities in *England*, nor to the chancellors or ſcholars of the ſame, or their ſucceſſors, but they may uſe ſuch privileges as they have heretofore enjoyed. *ſ.* 11.

Nothing herein ſhall extend to the maſter, wardens, freemen, and commonalty of the vintners of *London*, or to any other city or town corporate, but they may enjoy ſuch liberties as they have heretofore enjoyed: Provided, that no perſon who ſhall be admitted to the freedom of the company of vintners of the city of *London* by redemption only, ſhall be exempted from the obligation of taking out a licence for retailing foreign wine, but the freemen only of the ſaid company, who ſhall have been already admitted to their freedom, or who ſhall be admitted to their freedom in right of patrimony or apprenticeſhip, ſhall be intitled to ſuch exemption. *ſ.* 12.

Nothing herein ſhall debar the mayor or burgeſſes of *St. Alban's* in the county of *Hertford*, or their ſucceſſors, from enjoying ſuch liberties to them heretofore granted by letters patent, by queen *Elizabeth* and king *James* the firſt, for erecting, appointing, and licenſing, of three wine taverns within the borough aforeſaid, towards the maintenance of the free ſchool there; but the ſame liberties ſhall be confirmed, and remain in the ſaid mayor and burgeſſes, and their ſucceſſors, for the charitable uſe aforeſaid, and according to the tenor of the letters patent. *ſ.* 13.

No licence to retail foreign wine, or to retail *Britiſh*-made wines or ſweets, or to retail diſtilled ſpirituous liquors or ſtrong waters, ſhall be granted to any perſon, except to ſuch only to whom a licence to retail might lawfully be granted by the acts in force immediately before the paſſing of this act. *ſ.* 14.

All perſons who ſhall ſell, offer, or expoſe to ſale, any brandy, rum, arrack, uſquebaugh, geneva, aqua vitæ, or any other diſtilled ſpirituous liquors or ſtrong waters, unmixed or mixed with themſelves, or any other ingredients, in any leſs quantity than two gallons, ſhall be deemed to be retailers within this act; and if any brandy, *&c.* unmixed or mixed with themſelves, or any other ingredients, ſhall at any time be ſold, *&c.* by any perſon whatſoever in any quantity leſs than two gallons, ſuch ſelling, *&c.* ſhall be deemed to be a retailing within this act. *ſ.* 15.

All penalties, and forfeitures, ſhall be recovered, or mitigated, by law of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*; and one moiety of ſuch fine ſhall be to his majeſty, and the other moiety to him who ſhall inform. *ſ.* 16.

The duties by this act impoſed (ſee *Sweets* and *Wine*, poſt) (the charges of raiſing and accounting excepted) ſhall be paid into the exchequer; and carried to *The Conſolidated Fund*. *ſ.* 17.

The 16 *Geo.* 2. *c.* 8. and 24 *Geo.* 2. *c.* 40. and 27 *Geo.* 3. *c.* 30. (*ſee* PART I. *pages* 235. 237, 238, and 240.) ſo far as the ſame gave any power to the commiſſioners of exciſe in *England* and *Scotland*, or perſons appointed by them, or the collectors, to grant licences to retail diſtilled ſpirituous liquors, ſhall be repealed. *ſ.* 18.

All powers, *&c.* which, in any act relating to the retailing of foreign wine, or *Britiſh*-made wines or ſweets, or diſtilled ſpirituous liquors, or to licences to retail the ſame, in force immediately before the paſſing of this act, are contained, for raiſing or ſecuring the duties on ſuch licences, and for preventing frauds relating thereto, or for the regulating the retailing of the ſaid liquors, and not expreſsly altered, repealed, changed, or controled by this act, or not repugnant to this act, ſhall be in force, and put in execution, in managing the duties by this act impoſed, *&c.* *ſ.* 19.

All powers in 12 *Car.* 2. *c.* 24. or in any other law now in force relating to exciſe (other than in ſuch caſes for which other penalties are made in this act), ſhall be put in execution, for managing the duties by this act impoſed, *&c.* *ſ.* 20.

N. B. *The duties* impoſed by 16 Geo. 2. c. 8. 24 Geo. 2. c. 40. and 27 Geo. 3. c. 30. *on licences for retailing ſpirituous liquors, were repealed by* 30 Geo. 3. c. 38. ſ. 2.

Sweets.

By 26 *Geo.* 3. *c.* 74. It ſhall be lawful to grant any licence for ſelling of ſweets or *Britiſh*-made wines by any retail meaſure, to any perſon applying for the ſame (although ſuch perſon ſhall not have a ſpirituous liquor or ale licence). *ſ.* 5.

In every licence ſo granted, the words *(to ſell ſweets or Britiſh-made wines only)* ſhall be inſerted; and every perſon ſo licenſed to retail ſweets or *Britiſh*-made wines, ſhall cauſe the words *(Dealer in Britiſh Wines)* to be painted or written in legible characters, either on a ſign hung out, or on ſome conſpicuous place in the front of his houſe or ſhop, upon pain of forfeiting 10 *l.* to be recovered in the ſame manner as any penalty in the acts, under the management of the commiſſioners of ſtamps. *ſ.* 7.

But by 28 *Geo.* 3. *c.* 37. No perſon ſhall by virtue of any licence for the ſale of *Britiſh*-made wines or ſweets, be intitled to ſell ſuch wines for conſumption in his own houſe, unleſs ſuch perſon ſhall alſo have obtained a licence for ſelling beer and ale. *ſ.* 32.

By 30 *Geo.* 3. *c.* 38. *ſ.* 1. Every perſon who ſhall retail *Britiſh*-made wines or ſweets, ſhall take out an exciſe licence annually, paying, *for every licence which ſhall be granted to authorize any perſon to retail* Britiſh-*made wines or ſweets, either in* England *or* Scotland, two *pounds four ſhillings.*

All perſons who ſhall ſell, offer, or expoſe to ſale, any *Britiſh*-made wine or ſweets, in the quantity of 25 gallons, or under, ſhall be deemed to be a retailer within this act; and if any *Britiſh*-made wine or ſweets ſhall be ſold, *&c.* by any perſon, in any quantity leſs than 25 gallons, ſuch ſelling, *&c.* ſhall be deemed to be a retailing within this act. *ſ.* 15.

" For the manner of taking out ſuch licences, and the " remainder, *ſee* the 30 *Geo.* 3. *c.* 38. under *Brandy*, " &c. *ante.*"

Tobacco and Snuff.

By 30 *Geo.* 3. *c.* 40. the clauſe of 29 *Geo.* 3. *c.* 68. *viz. ſ.* 64. and the matters therein contained, which prohibit any perſon to manufacture, out of the limits of the chief office, any tobacco, *&c.* in any places other than the places in the ſaid clauſe ſpecified, and all penalties in the ſame clauſe, and every proviſo, *viz.* ſec. 65. relating to the matters of the ſaid clauſe, ſhall be repealed. *ſ.* 7. *See* PART I. *page* 308.

No perſon ſhall ſet up, or cauſe to be ſet up, any manufactory of tobacco, tobacco ſtalks, *Spaniſh*, ſnuff work, tobacco ſtalk flour, or ſnuff, in any place whatſoever, which ſhall be leſs than five miles diſtant from any part of the ſea coaſt of *Great Britain* (except in the places in the ſaid act enumerated, into which tobacco may be imported, and except in any place within three miles of ſuch places, and alſo except in cities and the ſuburbs thereof, and market towns); and no entry of any place, being leſs than

than five miles diſtant from the ſea coaſt, and not being in ſuch excepted places, which ſhall be ſet up for the manufacturing any tobacco, &c. ſhall be of any effect, but ſhall be void; and all perſons manufacturing, or cauſing to be manufactured, any tobacco, &c. in any place, ſituate in any place which ſhall be leſs than five miles diſtant from any part of the ſea coaſt of *Great Britain*, except in places before excepted, ſhall, notwithſtanding any entry of the ſame, be deemed a manufacturer without entry, and ſubject to the like penalties as manufacturers without entry are ſubject to by the ſaid act: Provided nothing in this act ſhall extend to annul any entry of, or to ſubject any perſon to any penalty, in reſpect of any tobacco or ſnuff being manufactured in any manufactory, which ſhall have been uſed as ſuch tobacco or ſnuff manufactory before 5 *July* 1789, and whereof due entry ſhall be made at the office of exciſe, or any room, vault, or place which ſhall be erected, and ſhall belong and appertain thereunto. *ſ.* 8.

It ſhall be lawful for any manufacturer of ſnuff, to manufacture his ſnuff work, either into rappee ſnuff, *Scotch* ſnuff, or brown *Scotch* ſnuff, although ſuch manufacturing ſhall be different from any declaration by him delivered to the officer in purſuance of 29 *Geo.* 3. or this act, ſuch manufacturer obſerving the rules in that behalf preſcribed by this act. *ſ.* 9.

Such manufacturer may give to the officer, from time to time, whilſt ſuch ſnuff work ſhall be in caſk or bin purſuant to the ſaid act, a previous notice in writing, according to this act, of his intention to manufacture ſuch ſnuff work different from his former declaration; and in ſuch notice ſhall ſpecify the caſk, or bin, and the number thereof, in which ſuch ſnuff work ſhall then be, and the time when ſuch ſnuff work was laid down or added to in purſuance of this act, and the purpoſe for which the ſame was before declared to be laid down; and alſo ſhall, within 48 hours after ſuch notice, deliver to ſuch officer a freſh declaration in writing, ſpecifying the weight of ſuch tobacco, tobacco ſtalks, and returns, and the weight of the tobacco ſtalk flour (if any) laid down in ſuch ſnuff work, and whether the ſame, and how much thereof, is intended to be made into rappee ſnuff, *Scotch* ſnuff, or brown *Scotch* ſnuff, and ſhall proceed without delay to manufacture the ſame, and finiſh the manufacturing thereof, according to the laſt declaration; and ſuch ſnuff work ſhall, after ſuch notice and declaration, be ſubject to the like notices and declarations, and to the like rules, as are by the ſaid act and this act required with reſpect to ſnuff work laid down and manufactured according to the ſaid act and this act. *ſ.* 10.

It ſhall be lawful for manufacturers of ſnuff, to add to any parcel of ſnuff work in operation (once whilſt the ſame ſhall be laid down in caſk or bin, in purſuance of the ſaid act, or once immediately before or in the grinding thereof, or once at each of the operations, but not oftener) any quantity of tobacco, tobacco ſtalks, tobacco ſtalk flour, and returns of tobacco, or either of them, upon his giving to the officer, previous to ſuch increaſe being made, a like notice in writing as herein directed, of ſuch his intention, ſpecifying in ſuch notice the particular caſk, or bin, and the number thereof, in which ſuch ſnuff work ſhall then be, or from out of which ſuch ſnuff work has been taken, and the time when ſuch ſnuff work was firſt laid down, and alſo the time when any increaſe, if any was made thereto, and the weights of the tobacco, tobacco ſtalks, tobacco ſtalk flour, and returns intended to be added to ſuch ſnuff work. *ſ.* 11.

Such manufacturer giving ſuch notice as laſt, ſhall immediately on ſuch officer's attendance purſuant to ſuch notice (and which ſuch officer is to give), or within one hour after the time ſpecified in ſuch notice, weigh all ſuch tobacco, tobacco ſtalks, tobacco ſtalk flour, and returns of tobacco, as ſhall be intended to be added to ſuch ſnuff work, and which ſhall be weighed ſeparate from each other, in the preſence of ſuch officer, who ſhall take an account of the ſame, and ſhall alſo immediately after weighed, and an account thereof taken, deliver to ſuch officer a declaration in writing, ſpecifying the weights of ſuch tobacco, &c. intended to be added to ſuch ſnuff work, and alſo the weights of the tobacco, &c. before laid down in or added to ſuch ſnuff work, and whether ſuch ſnuff work, and how much, is ſnuff work for rappee ſnuff, ſnuff work for *Scotch* ſnuff, or ſnuff work for brown *Scotch* ſnuff, and the time when ſuch ſnuff work was laid down, and alſo the time when any increaſe was made thereto; and all ſuch tobacco, &c. ſo added or intended to be added to ſuch ſnuff work, ſhall, after ſuch notice and declaration given as laſt, be ſubject to the like notices, and to the like rules, &c. as are by the ſaid act and this required with reſpect to tobacco, &c. laid down, or manufactured into ſnuff work. *ſ.* 12.

It ſhall be lawful for any manufacturer of ſnuff, who ſhall have laid down ſnuff work in cure in ſeveral parcels, or at different times, to mix together, whilſt the ſame ſhall ſo remain in cure, the whole of one parcel, with the whole of any other parcel, and from thenceforth to proceed in the manufacturing thereof as if the whole of ſuch ſnuff work, ſo mixed together, had been laid down in one parcel, and at one time: Provided ſuch parcels of ſnuff work ſhall be mixed together in the preſence of the officer, upon a like notice, in writing, to ſuch officer given, by ſuch manufacturer as by this act is directed, ſpecifying therein the particular caſk, or bin, and the number thereof, in which the ſame ſhall then be, and the time when ſuch parcels were laid down in ſnuff work, and ſuch officer ſhall take an account of the ſame, according to this and the ſaid act; and ſuch manufacturer ſhall, immediately after the ſame ſhall have been mixed together, deliver to ſuch officer a declaration in writing, ſpecifying the weights of the tobacco ſtalks and returns laid down in each parcel of ſuch ſnuff work, and the time when ſuch tobacco, tobacco ſtalks, and returns, were ſo laid down in cure. *ſ.* 13.

When any manufacturer of tobacco or ſnuff ſhall have occaſion to ſupply the demands of his cuſtomers with manufactured tobacco or ſnuff, from any parcel in operation, before the whole ſhall be completely manufactured, it ſhall be lawful for ſuch manufacturer, in the preſence of the proper officer, to take, for the purpoſe aforeſaid, any manufactured tabacco or ſnuff, not leſs than 200 *lb.* weight, from any particular parcel then in operation, although the whole may not then be completely manufactured; provided ſuch manufacturer ſhall give to ſuch officer, a like notice in writing, according to this act, of his intention, and in ſuch notice ſhall ſpecify the weight of ſuch manufactured tobacco or ſnuff intended to be taken for the purpoſe aforeſaid, and alſo the time when ſuch particular parcel of tobacco was weighed to be put in operation, and the weight thereof, or the time when ſuch ſnuff work was declared to be laid down, and the weights of the tobacco, tobacco ſtalks, tobacco ſtalk flour, and returns, laid down therein, and alſo in ſuch caſe ſuch manufacturer ſhall immediately on ſuch officer's attendance purſuant to ſuch notice (which attendance ſuch officer is to give) weigh all ſuch manufactured tobacco or ſnuff ſo taken, in the preſence of ſuch officer, who ſhall take an account thereof, and

and ſhall immediately after the ſame ſhall have been weighed, and an account thereof taken, deliver to ſuch officer a declaration in writing, ſpecifying the weight of ſuch manufactured tobacco or ſnuff ſo taken, and the weight of the particular parcel from whence the ſame is taken, at the time when the ſame was put in operation; And if any manufacturer ſhall take any tobacco or ſnuff from any particular parcel, put in operation before the whole ſhall be completely manufactured, without giving ſuch notice, or weighing the ſame in the preſence of ſuch officer, according to this act, or, having given ſuch notice, and weighed ſuch manufactured tobacco, or ſnuff work, according to this act, ſhall neglect to permit ſuch officer to take an account thereof, or ſhall neglect to give ſuch declaration in writing, ſuch manufacturer ſhall forfeit 50*l.* *ſ.* 14.

It ſhall be lawful for any manufacturer of *Britiſh* rappee ſnuff, *Scotch* ſnuff, or brown *Scotch* ſnuff, which ſhall have been completely made, and an account thereof taken by the officers, to liquor or damp the ſame, at any time before ſuch ſnuff ſhall be mixed with ſnuff of a different making, under the regulations herein preſcribed, ſo as the weight of ſuch ſnuff ſo liquored or damped ſhall not exceed the greateſt extent of credit given by the ſaid act or this act to ſuch manufacturer for ſuch ſnuff. *ſ.* 15.

Such manufacturer who ſhall intend to liquor or damp ſuch ſnuff, in reſpect whereof the greateſt extent of credit allowed by this or the ſaid act has not been received, ſhall give to the officer a like notice in writing, according to this act, of his intention to liquor or damp ſuch ſnuff, and in each notice ſpecify the kinds and weight of each kind of ſnuff intended to be liquored, and how much ſuch ſnuff, and each kind of ſuch ſnuff, at the time when an account was firſt taken of the ſame by the officer, fell ſhort of the greateſt extent of credit given to ſuch manufacturer for ſuch kind of ſnuff; and ſuch manufacturer immediately on ſuch officer's attendance purſuant to ſuch notice (and which attendance ſuch officer is to give) ſhall, in the preſence of ſuch officer, weigh all ſuch ſnuff intended to be liquored, and liquor the ſame; and immediately after the ſame ſhall have been liquored, ſuch manufacturer ſhall, in the preſence of ſuch officer, re-weigh the ſame, and if the ſame, upon being weighed, ſhall not, by means of ſuch liquoring, have increaſed in weight more than ſuch ſnuff, at the time of firſt taking account thereof by the officer, fell ſhort of the greateſt extent of credit given to ſuch manufacturer for ſuch kind of ſnuff, then ſuch ſnuff ſhall (upon all the regulations herein being fully complied with, but not otherwiſe) notwithſtanding ſuch increaſe of weight, be deemed to be a fair commodity, and no part thereof ſhall be forfeited for ſuch increaſe, but ſuch manufacturer ſhall have credit for the ſame in ſtock. *ſ.* 16.

Nothing herein ſhall authorize any manufacturer to liquor any ſnuff leſs in quantity than 200 *lb.* nor to liquor one making of ſuch ſnuff in more than four different parcels. *ſ.* 17.

Such manufacturer ſhall keep all ſnuff, on which ſuch allowance ſhall be made, ſeparate from all other ſnuff in his poſſeſſion, and ſhall ſhew the ſame to the officer under whoſe ſurvey he ſhall be, upon demand, and declare at what time ſuch allowance ſhall have been made to him, in reſpect of ſuch ſnuff, and the amount of ſuch allowance, on pain of forfeiting 20*l.* for every neglect. *ſ.* 18.

It ſhall be lawful for any manufacturer of ſnuff to manufacture *Scotch* ſnuff and tobacco ſtalk flour into brown *Scotch* ſnuff, and alſo to manufacture tobacco ſtalk flour into rappee ſnuff, under the like regulations, by this or by the ſaid act preſcribed for manufacturing of ſnuff, and as the caſe may require, according to the recited act and this act. *ſ.* 19.

In taking an account of the ſtock of manufacturers of ſnuff, who ſhall have manufactured any *Scotch* ſnuff with tobacco ſtalk flour into brown *Scotch* ſnuff, or any tobacco ſtalk flour into rappee ſnuff, or who ſhall have added tobacco ſtalk flour to his ſnuff work for rappee ſnuff, *Scotch* ſnuff, or brown *Scotch* ſnuff, according to this act, ſuch manufacturers ſhall have a credit according to the following proportions: *ſ.* 20.

For every 100 *lb.* weight of *Scotch* ſnuff which ſuch manufacturer ſhall manufacture with tobacco ſtalk flour for brown *Scotch* ſnuff, he ſhall have a proper credit, not exceeding 141 *lb.* weight of brown *Scotch* ſnuff; and ſo in proportion for any ſuch *Scotch* ſnuff ſo manufactured:

For every 100 *lb.* weight of tobacco ſtalk flour, which ſuch manufacturer ſhall manufacture with *Scotch* ſnuff, for brown *Scotch* ſnuff, he ſhall have a credit, not exceeding 133 *lb.* weight of brown *Scotch* ſnuff; and ſo in proportion for ſuch tobacco ſtalk flour ſo manufactured:

For every 100 *lb.* weight of tobacco ſtalk flour, which ſuch manufacturer ſhall manufacture for rappee ſnuff, or ſhall add to his ſnuff work for rappee ſnuff, he ſhall have a proper credit, not exceeding 128 *lb.* weight of ſuch rappee ſnuff; and ſo in proportion for ſuch tobacco ſtalk flour which ſuch manufacturer ſhall manufacture, or add to his ſnuff works for rappee ſnuff:

For every 100 *lb.* weight of tobacco ſtalk flour which ſuch manufacturer ſhall manufacture for brown *Scotch* ſnuff, or ſhall add to his ſnuff work for brown *Scotch* ſnuff, he ſhall have a credit not exceeding 133 *lb.* weight of ſuch brown *Scotch* ſnuff, and ſo in proportion for ſuch tobacco ſtalk flour which ſuch manufacturer ſhall ſo manufacture, or add to his ſnuff work for brown *Scotch* ſnuff.

In caſe any officer ſhall find, in the ſtock of any manufacturer of ſnuff, any quantity of rappee ſnuff, *Scotch* ſnuff, or brown *Scotch* ſnuff, greater than the credit before allowed, ſuch rappee ſnuff, *&c.* ſo found in exceſs, ſhall be deemed to be brought into the place made uſe of by ſuch manufacturer, without any authentic permit, and ſhall be forfeited, and may be ſeized by any officer of exciſe. *ſ.* 21.

All ſiftings ariſing from the ſecond dreſſings of ſhort cut tobacco or ſhag tobacco, and all returns of ſnuff, ſhall be deemed to be returns of tobacco. *ſ.* 22.

Nothing in the recited act ſhall prohibit any manufacturer of tobacco from dying or ſtaining with any liquid dye or ſtain, any tobacco manufacturing or manufactured into ſhort cut, ſhag, roll, or carrot tobacco, or any tobacco ſtalks manufacturing or manufactured into *Spaniſh*, or from having ſuch liquid dye in his poſſeſſion, for the purpoſe of ſtaining ſuch tobacco or tobacco ſtalks manufacturing or manufactured. *ſ.* 23.

So much of ſec. 115. of the recited act as provides (ſee PART I. p. 317.) *that the manufacturer of tobacco or ſnuff, who ſhall have ſtoved or finiſhed tobacco, or dried ſnuff work, or any cutting mill or ſnuff mill, ſhall not receive a permit for the removal of any greater quantity of manufactured tobacco or ſnuff than the weight of ſuch tobacco or ſnuff work after ſuch tobacco ſhall have been ſtoved or finiſhed, or ſuch ſnuff work dried, ſhall be repealed*; and it ſhall be lawful for the officer to grant a permit to ſuch manufacturer for the removal of the whole quantity of manufactured tobacco or ſnuff work from ſuch cutting mill or ſnuff mill, without regard being had to the weight of ſuch tobacco or ſnuff work, at the time of ſtoving or finiſhing, or drying, ſubject nevertheleſs to all other regulations in the ſaid act, or this preſcribed for

for the removal of ſuch tobacco or ſnuff from ſuch mill. *ſ.* 24.

It ſhall be lawful for all manufacturers of tobacco, to remove by permit, and for the officer of exciſe to grant a permit for the removal of any unmanufactured tobacco, in any quantity not leſs than 200 *lb.* and in any package whatſoever, from the entered premiſes of ſuch manufacturer, to any mill, for the purpoſe of being manufactured at ſuch mill. *ſ.* 25.

It ſhall be lawful for manufacturers of tobacco or ſnuff, who ſhall carry on any manufactory in any entered premiſes ſituate out of the limits of the weekly bills of mortality, or the chief office of exciſe in *London*, or any of the ports of importation of tobacco in the recited act enumerated, or within two miles of ſuch ports, to remove, by permit, any tobacco ſtalks ſtripped from the leaf at his entered premiſes, and whereof the officer of exciſe has taken an account in purſuance of the ſaid act, to any place within the limits aforeſaid, under the rules in the ſaid act or in this preſcribed for removal of tobacco ſtalks, in caſe ſuch manufacturer ſhall not have received into, and have in his entered premiſes or poſſeſſion, at the time of requeſting a permit for ſuch removal, any other tobacco ſtalks whatever, whereof the proper officer has not taken any account, or whereof ſuch officer has taken account, in purſuance of the ſaid act, as tobacco ſtalks received into ſuch entered premiſes, by permit, from the ſtock of any other manufacturer. *ſ.* 26.

It ſhall be lawful for manufacturers of tobacco or ſnuff, to manufacture tobacco, tobacco ſtalks, ſnuff work, and returns of tobacco, at any mill whereof an entry hath been duly made at the office of exciſe, in purſuance of the ſaid act, and to remove the ſame by permit, from the premiſes of ſuch manufacturer to ſuch mill, for the purpoſe of being manufactured, under the rules in the ſaid act and this act mentioned, by which tobacco, *&c.* may be removed from the premiſes of any manufacturer to any mill, for the purpoſes in the ſaid act mentioned: Provided, every requeſt note for ſuch permit, and ſuch permit for the removal of tobacco, *&c.* from the premiſes of ſuch manufacturer to the mill, ſhall ſet forth the purpoſe for which the ſame is to be removed, and the particular proceſs of manufacture to be performed thereon at ſuch mill. *ſ.* 27.

No permit ſhall be deemed illegal or inſufficient for the removal of any tobacco, tobacco ſtalks, *Spaniſh*, tobacco ſtalk flour, or ſnuff, in any way manufactured, from the mill where the ſame ſhall have been ſo manufactured, back to the premiſes of the ſame manufacturer, by reaſon of any proceſs or operation of manufacture whatever having been performed thereon at ſuch mill. *ſ.* 28.

No permit ſhall be granted, or valid, for the removal of any ſnuff work, except from the entered premiſes of the manufacturer, where the ſame was laid down, to the mill, for the purpoſe of being ground into ſnuff; and if any ſnuff work ſhall be removed, by land or by water, except from the entered premiſes of the manufacturer where the ſame was laid down, to the mill, for the purpoſe of being ground into ſnuff (whether a permit ſhall or ſhall not have been granted for ſuch removal), all ſuch ſnuff, together with the packages containing the ſame, and the horſes, cattle, boats, barges, and carriages, uſed in ſuch removal, ſhall be forfeited, and may be ſeized by any officer of cuſtoms or exciſe. *ſ.* 29.

It ſhall not be lawful for any manufacturer of tobacco or ſnuff to begin any operation by this act allowed, and in reſpect whereof any notice is required, unleſs ſuch manufacturer ſhall give to the officer under whoſe ſurvey he ſhall be, previous to his beginning ſuch operation, ſix hours notice in writing, if his premiſes ſhall be ſituate within the limits of the chief office in *London*, or within the limits of *Edinburgh*; twelve hours previous notice in writing, if ſuch premiſes ſhall be ſituate in any city, or the ſuburbs thereof, or in any market town; and twenty-four hours previous notice in writing, if ſuch premiſes ſhall be ſituate in any other part of *Great Britain*, of his intention ſo to do, and in ſuch notice ſhall ſpecify the particular hour when he ſhall intend to begin any operation, or to do the thing ſpecified in ſuch notice to be intended to be done; and if ſuch manufacturer ſhall not begin to perform the thing ſpecified in ſuch notice, at the time or within one hour after, the ſame ſhall be void, and ſuch manufacturer ſhall be liable to give a freſh notice in writing, as if no notice had been before given. *ſ.* 30.

All penalties and forfeitures by this act impoſed, ſhall be recovered, or mitigated, by laws of cuſtoms or exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*, and one moiety of ſuch forfeiture, ſhall be to his majeſty, and the other moiety to him who ſhall inform. *ſ.* 31.

Wine.

By 30 *Geo.* 3. *c.* 38. *ſ.* 1. Every perſon who ſhall retail *foreign wine*, ſhall take out an exciſe licence, annually paying,

For every licence which ſhall be granted to authoriſe any perſon to retail foreign wine in *England*, and who ſhall not have an exciſe licence for retailing diſtilled ſpirituous liquors, or a licence for retailing, beer, *&c.* 5*l.* 4*s.*

For every licence which ſhall be granted to authorize any perſon to retail foreign wine in *England*, and who ſhall take out a licence for retailing beer, ale, and other exciſeable liquors, but ſhall not have an exciſe licence for retailing of diſtilled ſpirituous liquors, 4*l.* 4*s.*

For every licence which ſhall be granted to authorize any perſon to retail foreign wine in *England*, and who ſhall alſo have an exciſe licence for retailing diſtilled ſpirituous liquors, 2*l.* 4*s.*

For every licence which ſhall be granted to authorize any perſon to retail foreign wine in *Scotland*, and who ſhall not have an exciſe licence for retailing diſtilled ſpirituous liquors, or a licence for retailing of beer, *&c.* 3*l.* 6*s.* 8*d.*

For every licence which ſhall be granted to authorize any perſon to retail foreign wine in *Scotland*, and who ſhall take out a licence for retailing beer, *&c.* but ſhall not have an exciſe licence for retailing diſtilled ſpirituous liquors, 2*l.* 13*s.* 4*d.*

For every licence which ſhall be granted to authorize any perſon to retail foreign wine in *Scotland*, and who ſhall alſo have an exciſe licence for retailing diſtilled ſpirituous liquors, 1*l.* 6*s.* 8*d.*

All perſons who ſhall ſell, offer, or expoſe to ſale, any foreign wine, in any leſs quantity than ſhall be equal to the meaſure or quantity in which the ſame ſhall have been, or may be imported by way of merchandize, ſhall be deemed to be a retailer of foreign wine within this act; and if any foreign wine ſhall at any time be ſold, offered, or expoſed to ſale, by any perſon, in any quantity leſs than the quantity in which the ſame ſhall have been or might have been fully imported, ſuch ſelling, *&c.* ſhall be deemed to be a retailing of foreign wine, within this act. *ſ.* 15.

For the mode of obtaining theſe licences, ſee page 725, *ante.*

N. B. By 32 Geo. 2. c. 19. *No perſon licenſed, or to be licenſed, to retail wine, ſhall, by virtue of one licence, keep more than one place for ſelling wine by retail; and every retailer of wine ſhall cauſe the word* WINE *to be written either*

on a ſign hung out, or in ſome viſible place in or near the door in the front of his houſe, ſhop, or other place, made uſe of for the retailing of wine, to denote that ſuch retailer is a dealer in wine, and ſubject to take out a licence for retailing; and if any perſon ſell wine by retail, without ſuch token, he ſhall forfeit 10 *l. to be recovered as the penalty on perſons ſelling wine by retail without licence, ſubject to the like power of mitigation by the commiſſioners of ſtamp duties, as is before preſcribed.* ſ. 3.

Nothing in this or any former act relating to wine licences, ſhall be prejudicial to the privileges of the two univerſities in England. ſ. 4.

Felons and Felony.

By 30 *Geo.* 3. *c.* 47. It ſhall be lawful for his majeſty, by commiſſion under the great ſeal of *Great Britain*, to authorize the governor, or the lieutenant governor of *New South Wales*, *&c.* by inſtrument in writing under the ſeal of the government in which the place ſhall be ſituated, to remit, either abſolutely or conditionally, the whole or part of the term for which any felons, or other offenders, ſhall be tranſported to ſuch place; and ſuch inſtrument ſhall have the like effect, as if his majeſty had in ſuch caſes ſignified his royal intention of mercy under his ſign manual. ſ. 1.

Such governor or lieutenant governor ſhall, by the firſt opportunity, tranſmit to one of the ſecretaries of ſtate, a duplicate, under the ſeal of the government, of each inſtrument by which the term of tranſportation of ſuch felons or offenders hath been remitted; and the names of ſuch felons and offenders, which ſhall be contained in ſuch duplicates, ſhall be inſerted in the next general pardon which ſhall paſs under the great ſeal of *Great Britain*, after the receipt of ſuch duplicate by one of the ſecretaries of ſtate. ſ. 2.

Longitude.

The 5000 *l. allowed to be paid by* 21 Geo. 3. *c.* 52. [*ſee* PART II. page 143.] *to perſons making uſeful diſcoveries, reſpecting the longitude, having been expended:*

By 30 *Geo.* 3. *c.* 14. ſ. 1. Thecommiſſioners of longitude are to certify the probability of ſucceſs of any propoſal for diſcovering the longitude, *&c.* to the commiſſioners of the navy; and the commiſſioners of the navy are to order rewards to ſuch perſons, as the commiſſioners of longitude ſhall certify to have made any uſeful diſcoveries, *&c.* as in 21 *Geo.* 3. *c.* 52. ſ. 1.

Sums paid by virtue of this act not to exceed 5000 *l. &c.* as in 21 *Geo.* 3. *c.* 52 —ſ. 2.

The ſecretaries of the admiralty for the time being ſhall be commiſſioners for putting the acts for granting rewards to perſons diſcovering the longitude into execution. ſ. 3.

Parliament.

By 30 *Geo.* 3. *c.* 10. The ſecretary of the ſpeaker of the houſe of commons for the time being, or ſuch other perſon as the ſpeaker ſhall appoint, ſhall, as ſoon as may be after the quarter ending on 5 *April* 1790, deliver to the commiſſioners of the treaſury an account, ſigned by the ſpeaker, of the fees received on account of the ſpeaker, between 25 *Dec.* 1789, and 25 *March* 1790; alſo an account of ſuch ſum as ſhall have been received, or be due at the exchequer, out of his majeſty's civil liſt, on the allowance of 5 *l. per* day uſually made to the ſpeaker, for the ſame period; and the ſecretary of the ſpeaker, or perſon the ſpeaker ſhall appoint, ſhall alſo, ſeven days before the expiration of the quarters ending 5 *July*, 10 *Oct.* 1790, and 5 *Jan.* 1791, deliver a like account of the fees received on account of the ſpeaker, and of the ſum received, or due, on the allowance of 5 *l. per* day, between 25 *March* and 24 *June*, between 24 *June* and the 29 *Sept.* and between 29 *Sept.* and 25 *Dec.* 1790, and ſo in like manner in every ſucceeding quarter. ſ. 1.

If at any time the amount of the ſums received under the head of fees, and of the ſum received, or due, at the exchequer, on the allowance of 5 *l. per* day, within any of the ſaid periods, for which the accounts hereby directed to be delivered in, are required to be computed, ſhall exceed clear 1500 *l.* ſuch exceſs ſhall be carried to the account to be delivered in, previous to the next enſuing quarter, as ſo much money received by the ſpeaker, to be added to the receipts under the head of fees, or ſums received or due at the exchequer, within the period of the next enſuing account; and if the amount of the ſums received under the head of fees, and which ſhall have been received, or due, at the exchequer, on the allowance of 5 *l. per* day, within any of the ſaid periods, for which the accounts are to be computed, together with ſuch exceſs as ſhall be brought forward, in manner herein directed, from any preceding account, ſhall exceed clear 1500 *l.* ſuch laſt exceſs ſhall alſo be carried forward to the account to be delivered in previous to the next enſuing quarter. ſ. 2.

If at the expiration of the quarter ending on 5 *April* 1790, the whole amount of the ſums received by the ſpeaker on account of fees, together with the ſum received or due on the allowance of 5 *l. per* day, between 25 *Dec.* 1789, and 25 *March* 1790, ſhall be leſs than clear 1500 *l.* it ſhall be lawful for the commiſſioners of the treaſury, or three of them, by warrant under their hands, to direct the auditor to make forth and paſs debentures for paying to the ſpeaker, or to his order, out of any ſupplies granted for 1790, ſuch ſum as ſhall, together with the ſums received by the ſpeaker, or which ſhall be due to him on account of the period for which the ſaid account is to be computed, make up clear 1500 *l.* ſ. 3.

If at any future time the whole amount of the ſums received by the ſpeaker, or which ſhall have been brought to his account, in manner before directed, within any of the periods for which the accounts hereby directed to be delivered in, are required to be computed, ſhall be leſs than clear 1500 *l.* it ſhall be lawful for the commiſſioners of the treaſury, or three of them, and they are, by warrant under their hands, to direct the auditor to make forth and paſs debentures for paying to the ſpeaker, or to his order, out of *The Conſolidated Fund*, ſuch money as ſhall, together with the ſums received by the ſpeaker, or which ſhall be due to him, or brought to his account within any of the ſaid periods, make up clear 1500 *l.* ſ. 4.

Such payments ſhall be made out of the ſaid conſolidated fund, after paying, or reſerving ſufficient to pay, all money directed by any former act to be paid out of the ſame, but with preference to all other payments hereafter charged upon ſuch fund; and ſuch warrant and debenture ſhall be authority to the officers of the exchequer for the payment of ſuch money to the ſpeaker; and the receipt of the ſpeaker ſhall be a diſcharge. ſ. 5.

Payments out of the conſolidated fund to be free from all taxes. ſ. 6.

The ſpeaker ſhall not hold in his own name, or in the name of any perſon in truſt for him or for his benefit, any

office or place of profit under the crown during pleaſure. *ſ.* 7.

By 30 *Geo.* 3. *c.* 35. Nothing in 20 *Geo.* 3. *c.* 17. (*ſee* PART II. *page* 279.) ſhall extend to prevent any perſon from voting at any election of a knight of a ſhire to ſerve in parliament within *England* or *Wales*, or at any election of a burgeſs to ſerve in parliament for *Cricklade* in *Wilts*, for any meſſuages, lands, or tenements, charged or aſſeſſed, for ſix months next before ſuch election, towards ſome aid granted by a land tax, in the name of the perſon claiming to vote, or for any meſſuages, lands or tenements, to which the perſon ſo claiming to vote ſhall have become entitled by deſcent, marriage, marriage ſettlement, deviſe, promotion to any benefice in a church, or promotion to any office, within 12 months next before ſuch election, and which meſſuages, &c. ſhall have been within two years next before ſuch election charged or aſſeſſed to the land tax, in the name of the perſon through whom ſuch perſon claiming to vote ſhall derive his title, or of ſome predeceſſor of ſuch perſon ſo claiming to vote, although the name of the tenant actually occupying ſuch meſſuages, &c. ſhall not be inſerted in ſuch aſſeſſment, according to the form of aſſeſſment to the ſaid firſt act annexed. *ſ.* 1.

Nothing in the ſaid acts ſhall prevent any perſon from voting at ſuch election of a knight of any ſhire, or of a burgeſs for the borough of *Cricklade*, for any meſſuages, &c. charged or aſſeſſed, for ſix months next before ſuch election, towards ſome aid granted by a land tax, in the name of a tenant actually occupying the ſame at the time of ſuch aſſeſſment being made, although the name of the perſon claiming to vote, or the perſon through whom ſuch perſon claiming to vote derives his title, or of the predeceſſor of the perſon ſo claiming to vote, ſhall not be inſerted in the aſſeſſment, according to the form to the ſaid act annexed. *ſ.* 2.

Plantations.

By 30 *Geo.* 3. *c.* 8. In caſe of public emergency, the governor of *Quebec*, or lieutenant governor or commander in chief, with conſent of the council, may authorize the importation into the province of *Quebec*, or into the countries within its government, or up the river St. *Lawrence*, of neat cattle, or live ſtock of any ſort, bread, grain, or flour of any ſort, for a limited time, from the *United States*; but the ſame ſhall not be exported but by *Britiſh* ſubjects in *Britiſh* built ſhips, navigated according to law, on penalty of forfeiture, with the veſſel importing the goods. *ſ.* 1.

The lumber, except white oak ſtaves, proviſions, horſes, or neat cattle, exported under 28 *Geo.* 3. *c.* 39. (*ſee* PART II. *page* 322.) ſhall be of the produce of *Quebec*. *ſ.* 2.

The goods and veſſels forfeited by this act, may be ſeized by any officer of cuſtoms, or commander of any veſſel of war, or officer authorized by him; and every forfeiture ſhall be proſecuted in ſuch courts, and applied to ſuch purpoſes, as any forfeiture incurred by any law reſpecting the cuſtoms. *ſ.* 3.

By 30 *Geo.* 3. *c.* 27. If any ſubjects of the territories or countries belonging to the United States of *America*, ſhall come from thence, together with their families, to any of the *Bahama*, or *Bermuda*, or *Somers* iſlands, or to any part of the province of *Quebec*, or of *Nova Scotia*, or any of the territories belonging to his majeſty in *North America*, for the purpoſe of reſiding and ſettling there, it ſhall be lawful for ſuch perſons, having firſt obtained a licence for that purpoſe from the governor, or, in his abſence, the lieutenant governor of the ſaid iſlands, colonies, or provinces, to import into the ſame, in *Britiſh* ſhips owned by his majeſty's ſubjects, and navigated according to law, any negroes, houſehold furniture, utenſils of huſbandry, or cloathing, free of duty: provided ſuch houſehold furniture, &c. ſhall not in the whole exceed the value of 50 *l.* for every white perſon that ſhall belong to ſuch family; and the value of 40 *s.* for every negro brought by ſuch white perſon; and if any diſpute ſhall ariſe as to the value of ſuch houſehold furniture, &c. the ſame ſhall be heard and determined by the arbitration of three *Britiſh* merchants at the port where the ſame ſhall be imported, one to be appointed by the governor or lieutenant governor, one by the collector of the cuſtoms, and one by the perſon ſo coming with his family. *ſ.* 1.

All ſales or bargains for the ſale of any negro, houſehold furniture, utenſils of huſbandry, or cloathing, ſo imported, which ſhall be made within 12 months after importation of the ſame, (except in caſes of the bankruptcy or death of the owner) ſhall be void. *ſ.* 2.

Every white perſon ſo coming to reſide, if above the age of 14 years, ſhall, immediately after his arrival, take and ſubſcribe the oath of allegiance to his majeſty, before the governor, lieutenant governor, or chief magiſtrate, and at the ſame time ſwear that it is his intention to reſide and ſettle in ſuch iſland or province; for which oaths ſuch governor, lieutenant governor, or chief magiſtrate, ſhall receive the ſame fee, as on adminiſtering the oath of allegiance. *ſ.* 3.

By 30 *Geo.* 3. *c.* 29. The ſloops, ſchooners, and veſſels, owned and navigated by the ſubjects of any foreign *European* ſtate, importing and exporting the articles enumerated in 27 *Geo.* 3. *c.* 27. (*ſee* PART II. *page* 320.) to and from the ports of *Kingſton*, *Savannah la Mar*, *Montego Bay*, *Santa Lucea* in *Jamaica*, the iſland of *Grenada*, the iſland of *Dominica*, and the iſland of *New Providence*, one of the *Bahama* iſlands, under the regulations therein preſcribed, may conſiſt of any number of tons, provided ſuch veſſel have not more than one deck. *ſ.* 1.

All goods and commodities whatſoever, the growth or production of any of the countries bordering on the province of *Quebec*, and brought by land or inland navigation into the ſaid province, conformably to law in the ſaid province, from any of the countries bordering thereon, may be imported into *Great Britain* from *Quebec*, and the ſame ſhall be admitted to entry and be charged with duty, or exempted from duty, in like manner as ſuch goods would be if the ſame were of the growth or production of *Quebec*, and were imported directly from thence into *Great Britain*; provided it appear, by certificate under the hands and ſeals of the collector and comptroller of cuſtoms, and the naval officer there, that the ſame were brought into *Quebec*, conformably to the law in the ſaid province, by land or by inland navigation, from the countries bordering thereon, and ſpecifying from what places the ſame were brought into the ſaid province; and the like rules are obſerved on their being imported into *Great Britain*, as are required for the like goods imported into *Great Britain* from *Quebec*, and ſubject to the like conditions and forfeitures, and to the like modes for recovery and application thereof. *ſ.* 2.

Poor.

By 30 *Geo.* 3. *c.* 49. It ſhall be lawful for any juſtices of peace, or any phyſician, ſurgeon, or apothecary, au-

thorized by warrant under the hand and ſeal of ſuch juſtice, or for the officiating clergyman of the pariſh, authorized as aforeſaid, at all times, in the day time, to viſit any pariſh workhouſe, or houſe kept for the maintenance of the poor of any pariſh within the county wherein ſuch juſtice ſhall be reſident and have juriſdiction, to examine into the ſtate of the poor people therein, and the food, cloathing, and bedding of ſuch poor people, and the ſtate of ſuch houſe; and if upon ſuch viſitation the ſaid juſtice or perſons authorized ſhall find any cauſe of complaint, then ſuch juſtice or perſons authorized ſhall, if they think fit, certify the ſtate of ſuch workhouſe or poorhouſe, and the ſtate of the poor therein, and of their food, cloathing, and bedding, to the next quarter ſeſſions to be held for ſuch county, under their hands and ſeals; and ſuch juſtice or perſons authorized as aforeſaid, ſhall cauſe the overſeers, or maſter of the workhouſe or poorhouſe, to be ſummoned to appear at the ſeſſions, to anſwer ſuch complaint; and ſuch quarter ſeſſions, on hearing the parties on ſuch complaint, ſhall make ſuch orders and regulations for the removing of any cauſe of complaint contained in ſuch certificate, as to them ſhall ſeem meet; and all the parties concerned ſhall abide by ſuch orders as ſhall be ſo made by the ſeſſions. *ſ.* 1.

In caſe any juſtice, or perſons authorized by warrant as aforeſaid, ſhall upon ſuch viſitation find any of the poor, in any pariſh workhouſe or poorhouſe, afflicted with any infectious diſeaſe, or in want of immediate medical or other aſſiſtance, or of ſufficient and proper food, or requiring ſeparation or removal from the other poor, then if ſuch viſitation ſhall be made by a juſtice, it ſhall be lawful for ſuch juſtice to apply to one juſtice, and certify to him the ſtate of the poor in ſuch pariſh work or poorhouſe; or if ſuch viſitation ſhall be made by the perſons authorized as aforeſaid, then it ſhall be lawful for ſuch perſons to apply to two juſtices; and thereupon the ſaid juſtices ſhall make ſuch order for the immediate procuring medical or other aſſiſtance, or of ſufficient and proper food, or for the ſeparation of ſuch poor as ſhall be afflicted with any diſeaſe, as they, the juſtices, under their hands and ſeals, ſhall direct, until the next quarter ſeſſions, at which the ſaid two juſtices are to certify the ſame, under their hands and ſeals, to the juſtices aſſembled at ſuch quarter ſeſſions, who are to make ſuch order for the further relief of the poor in ſuch pariſh work or poorhouſe, as to ſuch ſeſſions ſhall ſeem proper; and the expences of relieving ſuch poor ſhall be paid out of the poor's rate in ſuch manner as the quarter ſeſſions ſhall direct. *ſ.* 2.

Nothing herein ſhall extend to any poorhouſe or workhouſe in any diſtrict incorporated or regulated by any ſpecial act of parliament. *ſ.* 3.

Poſt Horſes.

By 30 *Geo.* 3. *c.* 23. *ſ.* 1. It ſhall be lawful from 1 *Aug.* 1790, for the commiſſioners of the treaſury, or three of them, from time to time, as neceſſary, either by themſelves or the commiſſioners for managing the duties on ſtamped vellum, *&c.* thereunto authorized under the hand and ſeal of the lord high treaſurer, or under the hands and ſeals of the commiſſioners of the treaſury, or three of them, to let to farm ſeparately in diſtricts, the duties *on horſes let to hire for travelling poſt*, ariſing within each diſtrict, to ſuch perſons as ſhall be willing to farm the ſame, ſo as the ſaid duties ſhall be put up at a rent not leſs than the groſs amount which the ſame produced within the year ending 1 *Auguſt* 1787, ſubject to the rules preſcribed in the act 27 *Geo.* 3, *c.* 26.

No ſuch contract for letting to farm the duties, ſhall be made to continue for a longer time than until the 1 *Feb.* 1794. *ſ.* 2.

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THE END.

ERRATA.

PART I.

Page 172, column 1, line 19, *Inſtead of* 3 Edw. 1. c. 20. *read* c. 42.
232, —— 2, —— 51, 52, *Dele the words*, all ſuch rum ſo to be exported ſhall be proof ſpirits, 8 *Geo.* 3. *c.* 25. having repealed that part of the act.
238, —— 1, —— 18, *Read*, by 24 *Geo.* 2. *c.* 40. there ſhall be paid, *&c.*
240, —— 2, —— 20, *Inſtead of* 27 Geo. 3. *c.* 31. *read* c. 30.
278, —— 2, —— 45, *Inſtead of* 6 Geo. 1. c. 2. *read* c. 21.
287, —— 1, —— , *Inſtead of* 10 Ann. c. 29. *read* c. 19.
297, —— 1, —— 51, *Inſtead of* 24 Geo. 3. c. 72. *read* 25 Geo. 3.
393, —— 1, —— 53, *Inſtead of* 15 Geo. 3. c. 27. *read* c. 43.
403, —— 2, —— 8, *Inſtead of* 28 Geo. 3. c. 36. *read* c. 35.
426, —— 2, —— 38, *Inſtead of* 27 Geo. 2. *read* 27 Geo. 3. c. 13.
429, —— 2, —— 52, *Inſtead of* 21 Geo. 1. *read* 12 Geo. 1.
442, —— 2, —— 29, *Inſtead of* ſix *read* three months, *the* 26 *Geo.* 3. *c.* 82. *ſ.* 7. (ſee Part II. page 602.) *having reduced the term of impriſonment to* three months.
443, —— 1, —— 22, *Dele* ſection 26.—26 Geo. 3. having repealed the ſame.
522, —— 1, —— 65, *Inſtead of* 15 Geo. 2. c. 1. *read* c. 31.
643, —— 1, —— 36, *Inſtead of* 26 Geo. 3. c. 8. *read* c. 85.
660, —— 2, —— 13, *Inſtead of* 17 Geo. 3. c. 44. *read* c. 43.

PART II.

Page 170, column 1, line 62, *Inſtead of* 31 Edw. 3. ſt. 1. c. 3. *read* c. 2.
206, —— 1, —— 6, *Read* by 2 & 3 Edw. 6. c. 23.
248, —— 2, —— 26, *Inſtead of* 12 Ric. 2. c. 3. *read* 6 Ric. 2.
304, —— 1, —— 15, So much of 22 & 23 Car. 2. c. 26. as requires *Ireland* to be left out of any bond, *&c.* was repealed by 20 *Geo.* 3. *c.* 10. *ſ.* 3. (*See* Part I. page 571.)
305, —— 2, —— 30, The 26 *Geo.* 3. *c.* 30. *ſ.* 9. repealed 7 & 8 *Will.* 3. *c.* 17. and appointed another oath to be taken: (*See* Part I. page 586.)
557, —— 2, —— 6, *Read* by 6 Ann. c. 37.
705, —— 1, —— 27, *Inſtead of* 25 Edw. 2. *read* 25 Edw. 3.

ALTERATIONS by Acts of 30 Geo. III. paſſed after Part of this Work was printed off.

PART I.

Page 213, The ſection 30 of 21 Geo. 3. c. 55. *is repealed by* 30 *Geo.* 3. *c.* 37. *ſ.* 8.—*ſee* Part II. page 725.
235, The powers given by 16 Geo. 2. c. 8. 24 Geo. 2. c. 40. & 27 Geo. 3. c. 30. to the
237, commiſſioners of exciſe to grant licenſes to retail foreign ſpirits, *are repealed by* 30 *Geo.* 3.
238, *c.* 38. *ſ.* 18. and *other powers given.*—*See* Part II. page 726.
and *The duties on licences by former acts are alſo repealed by* 30 Geo. 3. and others impoſed.—*See*
240, Part II. page 725.
248, The ſections 1, 2, 3, & 4, of 29 Geo. 3. c. 45. *are repealed by* 30 *Geo.* 3. *c.* 37. *ſ.* 1. *and other proviſions made.*—See Part II. page 724.
308, Sections 64 & 65 of 29 Geo. 3. c. 68. *are repealed* by 30 Geo. 3. c. 40. *ſ.* 7.—*See* Part II. page 726.
317, Part of ſection 115 of 29 Geo. 3. c. 68. *is repealed by* 30 *Geo.* 3. *c.* 40. *ſ.* 24.—*See* Part II. page 728.
552, The 6th ſection of 12 Geo. 2. c. 26. ſo far as the ſame relates to the not obliging *ſilver wares* to be ſtamped, *is repealed by* 30 *Geo.* 3. *c.* 31.—which act ſee in Part II. page 623.

MVSEVM BRITANNICVM